



***Police Department  
Town of Marlborough  
21 Milton Turnpike,  
Milton, New York, 12547***

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Gerald T. Coccozza Jr  
Chief of Police

The rules and regulations of the Town of Marlborough Police Department have been reviewed and updated in accordance with Governor Cuomo Executive Order 203. The Town of Marlborough created a Police Reform Committee as set forth in the executive orders. In the documents to follow, as attached, are the participating members contact information, a report completed by the Police Reform Committee concerning their findings and recommendations, a flyer we made public looking for community input, a copy of the resolution put forth to the Town of Marlborough Town Council for their adoptions and the document showing the vote and adoption of the resolution (resolution #36 of 2021).

The rules and regulations were changed and updated to comply with the executive order, best practices as suggested by the Department of Criminal Justice Services and the recommendations of the Police Reform Committee. A public hearing was held, whereby the public had an opportunity to review and make recommendations as well.

The Town of Marlborough Town Board also reviewed the Rules and Regulations and put forth a vote to accept them at a public town board meeting.

The final step conducted in the process was to type, print and distribute the updated Marlborough Police Rules and Regulations to each active member of the Town of Marlborough Police Department and to ensure that all future members receive a copy of the most up to date version of the rules and regulations that govern the Town of Marlborough police Department.

Respectfully,

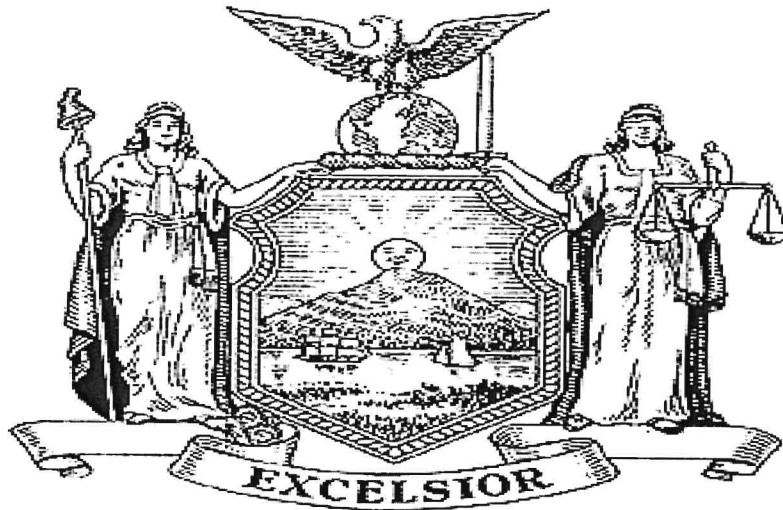
Chief Gerald T. Coccozza Jr.

# Town of Marlborough Police Reform Committee

## Report of Findings and Recommendations

March 11, 2021

### Final Report





AL LANZETTA  
Supervisor

HOWARD BAKER  
Deputy Supervisor



## TOWN OF MARLBOROUGH

SUPERVISOR'S OFFICE

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MILTON, NEW YORK 12547

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HEARING IMPAIRED

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On behalf of the people of the Town of Marlborough, it is my honor and responsibility to present The Town of Marlborough Police Reform Committee's Report on Findings and Recommendations to the Governor of New York, the Honorable Andrew Cuomo.

In response to the Governor's call, issued in 2020 through Executive Order 203, the Town of Marlborough undertook the effort to call together a diverse group of stakeholders to examine Police Department Policy and operating procedures. The Marlborough Police Reform Committee was able to determine the practices that served the community and identify ways to improve services that might lead to the better protection of the health, safety and welfare of a growingly diverse public.

Having been a member of that Committee, I can attest to the seriousness, earnestness, and transparency with which this group comported itself. The findings and recommendations will be incorporated into Town Policy and we will continue to reach out in our efforts to educate ourselves and others to the needs of our Community.

Sincerely,

Al Lanzetta  
Supervisor

# Police Reform Executive Order

This document was created by the Town of Marlborough Police Reform Committee in response to Governor Cuomo's Executive Order 203 which declared that every municipality with a police agency "must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color."

With this directive in mind, the town board worked with the Chief of Police to assemble a committee of community members, clergy, town elected officials, members of the town police department and county level representatives hailing from the offices of the District Attorney and Public Defender.

The New York State Police Reform and Intervention Collaborative Resources and Guide for Public Officials and Citizens document laid out a seven step process to guide communities. To the extent possible the committee followed or will follow these steps. They are:

- Review the needs of the community and evaluate the department's policies and practices.
- Establish policies that allow police to effectively and safely perform their duties.
- Involve the entire community in the discussion.
- Develop policy recommendations resulting from this review.
- Offer a plan for public comment.
- Present a plan to the local legislative body to ratify or adopt it.
- Certify the plan to the state.

## Committee Members

**Gerald Cocozza**

Town of Marlborough, Chief of Police

**Barbara Arrindell**

Community Member

**Howard Baker**

Town of Marlborough, Town Councilman, Police Liaison

**Stephanie Kaplan**

Ulster County Public Defender's Office

**Al Lanzetta**

Town of Marlborough, Supervisor

**Jeff Magliato**

Community Member

**Ed Molinelli**

Town of Marlborough, Town Councilman, Police Liaison

**Justin Pascale**

Town of Marlborough Police Sergeant

**Vincent Porcelli**

Community Member, Deacon, St Mary's Catholic Church, Marlboro

**William Weishaupt**

Ulster County District Attorney's Office





## **Town of Marlborough**

### **Police Department**

**21 Milton Turnpike**

**Milton, New York 12547**

**(845) 795-2181**



In June of 2020 Governor Cuomo issued executive order 203 that required most police agencies to form a committee to review, evaluate and make changes to department policies, general police practice and functionality in light of various events that unfolded across the nation and help department to change as the community vision changes. The Town of Marlborough created such a committee and took on the task of reviewing the Marlborough Police Department Policies and operating procedures with emphasis on transparency, use of force and training (with emphasis of de-escalation training and bias training) among other policies the reform committee thought should be addressed. The daunting task was undertaken, and some great recommendations were evaluated, and changes were made.

There were many discussions and many desires to initiate new projects that would better the department and it was quickly determined that most changes and recommendations created other issues. Funding to initiate and mandate certain recommendations became prohibitive. For example, the immediate institution of body worn cameras vs a future aspiration of developing a body worn camera capability. (Something we all agreed we wanted and needed). The committee looked at funding opportunities to help fund some of the changes. The reform committee will make recommendations that will cost money and will be challenging to accommodate budgetarily. Although money should not be a reason to omit or disregard some recommendations, the department is committed to finding any available or alternative funding and allocate this funding to accomplish our goals and institute the committee's recommendations. Some of the goals and recommendations can and will be instituted immediately while others will take time to complete and incorporate.

The Department has already begun instituting some of the recommendations on its own and even before the reform committee has made those recommendations as we saw the need for improvements. Specifically, we have participated in various training, including de-escalation training, bias training, and crisis intervention training. We will continue to pursue specific trainings until such time we have trained the entire department. Moving forward we will continue to provide training to reinforce and update all the training we go through yearly. Training is a very important part of this job and keeping officers up to date and well trained makes for a more proficient, compassionate, and transparent department.

The Marlborough Police currently have policies that help resolve service and personnel complaints and we will be adding additional guidelines and procedures that will aid the public in making a complaint or bring an issue to light so that it can be resolved and help the department grow and be more transparent.

The members of the Marlborough Police Department take their job very seriously, are committed to doing their job to the best of their ability and are held to an extremely high standard of professionalism. We have many officers that have been with the department for many years and each bring a specific skill set to the department. This makes for a well-groomed team of professionals that are eager to perform to the best of their abilities and are willing to be held accountable.

The Marlborough Police are dedicated to learning from what is happening around the nation and applying these changes, so we can better learn from the community we serve. We will continue to listen and learn from the continuous input from our community members and look forward to using this input to promote the healing of the relationship between the police and the community it serves.

I want to thank my fellow committee members for the efforts put forth, the honesty and open discussion as well as the many difficult decisions that were contemplated in this review process. I believe the collaborative efforts by all will help our policies align with the community vision as we move forward and foster an ever growing relation between the police community and the community we serve and live in.

Chief Gerald T. Cocozza Jr.

## Process

The committee was formed in August. Members received a copy of the existing Town of Marlborough Police Policies and Procedures document and a copy of the NYS Guidelines for Police Reform. The committee's first meeting was held on August 24, 2020, with video conferences occurring approximately twice monthly thereafter. Discussions focused on recent arrest data, operational practices, and current policies particularly those related to training, use of force, disciplinary procedures, and complaint handling. The committee determined that a survey of the community should be done to gain a better perspective of the overall community's view of the town's police force. A flyer requesting feedback was posted physically throughout the town and on the town's website and Facebook page inviting feedback (See Appendix A). A virtual public hearing was also held to gather public feedback. In all approximately a dozen community members provided written (e-mail) or verbal feedback. That feedback was discussed by the committee and helped inform its deliberations. The committee developed a set of recommendations including changes to the existing policy and procedures. The police chief wrote amendments to the policies and procedures. As required by the Police Reform Executive Order, the committee submits this report, its recommendations, and changes to the policies and procedures to the Town Board for its review and action.

## **Background Information**

### **Town of Marlborough Police Department**

The Marlborough Police Department functions to provide a number of services and fulfill the needs of the community. It promotes compliance with the law, assists people in need during emergencies, provides a first line of response in dangerous and unusual situations, and strives to promote a safe environment to the town's residents and visitors.

The current police force is comprised of a chief, 7 full time officers, and 19 part-time officers, and 3 full-time, and 7 part-time dispatchers. The police officers cover three shifts per day, seven days a week. Two officers cover the 11 PM to 7 AM slot, two officers are assigned to the 7 AM to 3 PM slot, and 3 are assigned to the 3 PM to 11 PM slot. In addition, during the school year, a School Resource Officer is assigned to each of the three school buildings. That equates to 64 shifts that need to be covered every week when school is in session. The full-time officers have an average of 12.5 years on the force. The part-time police officers have an average of 11.2 years of experience. The majority of the police force is male and white. One officer is Hispanic. Two Part-time officers are female. Two full-time dispatchers and 5 part-time dispatchers are female. All administrative and operational procedures of the department are described in the Town of Marlborough Police Department Rules and Regulations manual.

All officers, full-time and part-time, must successfully complete the six month Police Academy and a field training program to be considered for employment. The Police Academy (also referred to as Police Basic Training) is a certificate program organized to include learning objectives mandated by the New York State's Division of Criminal Justice Services (DCJS) state-approved police academy curriculum. Most of the Town of Marlborough police force have attended Police Academy programs offered at Ulster County or Dutchess County Community College. The Police Academy program is equivalent to 30 college credits followed by 178 hours of field training. Successful completion of the program qualifies graduates for Municipal Police Training Certification (MPTC). Once hired by the Town Board upon recommendation from the Police Chief and meeting the requirements of the civil service exam (in the case of full-time candidates) all newly hired officers go through 40 hours of on the job training prior to being assigned to active duty. No police officer works alone on any shift. Full time officers must be hired from the civil service list provided by the county. Preference is given to those candidates who live in the town or county if all other qualifications are met. Part-time officers are hired from an active pool of resumes that are received on an ongoing basis without the need to advertise. Police salaries are negotiated with the PBA and are competitive with neighboring towns.

In 2020 the police force responded to 262 motor vehicle accidents, issued 964 tickets, responded to 15,833 complaints, and performed 168 arrests. The dispatcher staff handled 19,982 calls. The breakdown of calls included 10,200 property checks, 948 school checks, 870 traffic stops, and 660 EMS assists. All of this information is reported monthly to the Town of Marlborough Town Board and recorded in the Town Board meeting minutes posted on the town's website.

To assist with mental health and emotionally disturbed persons calls the department participates in the county's Mobil Mental Health program. Mental health specialists are available from 10AM to 10PM through this program. When this service is not available or is not able to respond in a timely fashion individuals are transported to the mid-Hudson Regional Hospital in Poughkeepsie for follow-up care. To strengthen the police department's response to mental health calls one of the department's sergeants is an ambassador to the Ulster County Crisis Intervention team. This allows the department to work hand in hand with the Ulster County Mental Health unit and lobby to gain more resources for the southern part of Ulster County. The department is also participating in a new Ulster County program called ORACLE, which provides assistance on drug related mental health calls.

Use of force by the Town of Marlborough police is very limited. In the 20+ years of tenure of the current Chief of Police there has never been a fatal use of force incident. No one has ever been fired upon. The police force rarely use tasers and never use choke holds. The police force infrequently uses no-knock warrants and when they do it is coordinated with the NYS state police. Stop and frisk procedures are not used.

Disciplinary issues are handled by the sergeants or chief at the time of the incident. A written description of the incident is placed in the officer's personnel file. Written formal performance evaluations are not currently done. Complaints usually come in the form of phone calls, e-mails, or face-to-face discussions. Complaints about police behavior is rarely received.

In addition to responding to calls and complaints police department personnel are the first to appear on all EMS calls and frequently respond to car lock out calls. They provide residential security checks when requested. The SRO program and DARE programs are considered successful as they promote greater trust of the police force among our youth. The DARE program has been in existence for nearly 30 years. The police force sponsors an October Community Day, Halloween Party, and Toys for Tots drive. The PBA supports local baseball and football teams, charity drives, and contributions to DARE.



## Community Feedback

The committee received responses from approximately 12 community members – mostly in the form of e-mails. The feedback is listed here in summary form. The committee's response to this feedback can be seen in the recommendations section or is covered in the police background section above.

1. Make modifications to recent bail reform legislation.
2. Assign mental health professionals to calls.
3. Police should be paid more and at least have an associate's degree.
4. Address "use of Force" with police unions who may have defended unnecessary use of force practices in the past.
5. Police should live in town.
6. It seems that just in driving by that a disproportionate number of people pulled over on Rt. 9W in our town are Hispanic or Black.
7. Our police are doing a great job in our school and across the community at large and it is underappreciated.
8. The color of patrol vehicles does not foster trust or a sense of security but rather a sense of apprehension or dread. It makes the police appear as the "enforcer" rather than members of the community.
9. Keep doing the great job you are doing.
10. Systemic racism is "BS". Police do a lot more than keep the peace – they show up for all kinds of emergencies and are underappreciated. Thank you for your service.
11. Better training is required in the use of restraint.
12. We need to provide strong support for our police force and strengthen our Law and Order image.
13. We need to make sure our police force is more transparent, strives to eliminate bias, and improves community relations.
14. Overall the police force is doing a good job. Recommend unmanned cars be parked in various locations around town to deter crime.

## Arrest Data Summary

Out of concern for the ideas of unfair treatment and racial disparity, the committee reviewed arrest data in the Town of Marlborough. The Police Chief pulled arrest data from the town's police records and collected information from the other police departments that operate within Marlborough's boundaries. The data appears in the chart below.

**Table 1 - Number of Arrests Town of Marlborough – Most Recent Data**

	<b>Total # of Arrests</b>	<b>White Arrests</b>	<b>Black Arrests</b>	<b>Hispanic Arrests</b>
<b>Town of Marlborough 1/1/19 -8/25/2020</b>	294	181	78	35
<b>UC Sheriff's Dept. 2019 and 2020</b>	12	6	4	2
<b>NYS Police 1/3/2019 – 9/6/2020</b>	57	32	18	7
<b>Total</b>	363	219	100	44

The arrest data alone without other information and context, does not provided enough information for the committee to make a determination as to whether or not arrest numbers indicate that Black and Hispanic populations are unfairly targeted or impacted by Marlborough police department action. A major factor in the committee's inability to make a determination as to racial unfairness using the arrest numbers is the fact that the town includes the state's Rt. 9W thoroughfare. Information from the Ulster County Planning department indicates 16,000 to 30,000 people may traverse this corridor on a daily basis. This is a far higher number than people who reside in the town. Many arrests in Marlborough are traffic related and take place along this state road. The racial makeup of the pool of people from which arrests are a made in Marlborough is not known. Therefore a comparison of arrests by race to the racial breakdown of the town does not provide an accurate measure to determine if particular races are unfairly negatively impacted.

This committee however recognizes the reality of implicit bias within the human condition and the impact such bias has on all aspects of life including the act of policing. The recommendations suggested by this committee for improving the police function by the town's police incorporate this idea.

## Recommendations

1. Use of Force/Crisis Intervention – The main impetus for the police reform program was to review “use of force” practices by the local police force. Although we do not believe a problem exists in Marlborough regarding use of force we are recommending that the following sections of our Policies and Procedures manual be reviewed and updated and strengthened where necessary.
  - a. Update Policy and Procedures sections:
    - i. 3.22 Use of Physical Force – Significant updates were made to this section to reflect new policies regarding use of force put forth by the NYS Department of Criminal Justice Services (DCJS).
    - ii. 3.23 Non-Lethal Weapons – Reviewed and determined no updates were necessary.
    - iii. 3.24 Deadly Physical Force - Extensive updates were made to this section to reflect new policies put forth by the NYS DCJS on the use of deadly physical force.
    - iv. 3.25 Shotguns - Reviewed and determined no updates were necessary.
    - v. 3.26 Patrol Rifles - Reviewed and determined no updates were necessary.
    - vi. 3.27 Tasers – Minor update to reflect current Taser model number.
    - vii. 3.28 Discharge of Firearms – Updated to reflect a new (2020) state law regarding the handling of investigations when a firearm is discharged by an officer and a civilian is injured.
    - viii. 3.34 Mentally Ill/Emotionally Disturbed Persons – Updated to reflect the use of the Mobil Mental Health Unit, the ORACLE program, and Mid-Hudson Regional Hospital for calls of this type.
    - ix. 3.45 Domestic Violence – Updated to reflect new laws regarding appearance tickets and bail procedures.
  - b. The committee feels the use of body cameras could be a critical factor in improving policing overall. The committee has looked into the cost of the individual cameras and video storage and found that it is prohibitively expensive at this time making it impossible for local police departments to fund. We would welcome the use of such technology if sufficient funding becomes available from county, state, federal or corporate grants.
  - c. We recommend putting as many officers as possible through the 5-day face-to-face Crisis Intervention Training within operational and budgetary constraints. Five officers have received the training to date.
2. Hiring
  - a. Policies and Procedures Section - 3.58 - Personnel Rules for part-time police officers. This section was reviewed and no changes were deemed necessary.
  - b. Post openings for part-time police officers in regional newspapers to build up a more diverse pool of resumes.
  - c. Support the NYS Association of Chiefs of Police in their push for civil service reform. Their efforts would provide greater flexibility in hiring a more diverse workforce and

help create a more inclusive police department. (See letter to NYS Assembly from Chief Patrick D. Phelan, Exec. Director, NYS Association of Police Chiefs – Separate Attachment).

3. Training/Arrest Data – Data for the entire county in 2018 (based on 4098 arrests which includes Marlborough arrest data) showed that 34% of the arrests countywide were people of color. There are many factors that may contribute towards that seemingly large number. Although we don't have an answer for why this discrepancy is occurring we recommend the following:
  - a. Continue to pursue additional training in the areas of implicit bias, de-escalation techniques and mental health/EDP training as soon as possible within budgetary constraints. Pursue in-person training being offered by the UC Sheriff's office and online asynchronous courses in these same areas as recommended by Chief Cocozza. To the extent possible enroll in an upcoming course being offered by the UC Sheriff's office on citizen interaction. This 40 hour course is focused on de-escalation techniques and communication and enrollees will receive certification upon successful completion of this training. This training should be received by all officers.
  - b. Policies and Procedures Section 2.07 – Training – This section will be updated to reflect the addition of Crisis Intervention and Implicit Bias training for all officers.
4. Disciplinary Procedures
  - a. Policies and Procedures Section 3.53. – Disciplinary Procedures – Reviewed and determined no updates were necessary.
5. Performance Evaluations
  - a. Reinstitute yearly written performance evaluations using updated forms from the UC Sheriff's office. See separate attachment.
  - b. Policies and Procedures Section 2.26 – Replace this section to reflect the new performance evaluation forms and associated processes.
  - c. Include as a performance measurement the concept of treating all people without bias regarding any personal characteristic based on the circumstances the officer encounters.
6. Complaint Handling
  - a. Provide an easily accessible form for providing anonymous feedback and complaints regarding police operations and department personnel via town website and/or Police Facebook and that can be submitted via email, mail, fax, or in person. See separate attachment.
  - b. Policies and Procedures Section 2.15- Complaint Handling - Updates have been made to this section to clarify the complaint handling process and the new complaint form.
7. Community Relations/Transparency
  - a. Post the updated Town of Marlborough Police Policies and Procedures Manual on the town's website.
  - b. Add reporting of Use of Force statistics to monthly reports submitted to the town board by the police chief. (Already in place).
  - c. Consider painting the police emblem on the side of police cars white so that police cars are more recognizable and less foreboding.
  - d. Policies and Procedures Section 2.13 – Community Relations/Crime Prevention – This section will be updated to reflect community relations programs in effect. They include:
    - i. DARE Program

- ii. SRO Program including School Reading Program
  - iii. Bicycle/Pedestrian Safety Program
  - iv. Child ID Kits
  - v. Gun Safety for Children
  - vi. Marlborough police station tours
  - vii. Child Safety/Car Seat Installation
  - viii. DWI Prevention
  - ix. Residence Checks/Business Checks
  - x. Vehicle Lockouts
  - xi. Drug Dropoff Box
  - xii. Safe Internet Sales Location at Police Station
  - xiii. Addiction Referrals
8. Police Recognition and Support – We believe showing strong support for the police department is a priority. We must do it in a way that fosters trust and builds respect for our officers. It must **not** be done in a way that puts forth a feeling that the police department are enforcers antagonistic to our community. Our police force must always strive to improve its relationship with our community and the feedback we've received shows that the town of Marlborough Police Department is doing just that.

## Appendix A – Flyer Used to Gain Community Feedback

The Town of Marlborough Police Reform and Reinvention Committee  
is looking for your input and Recommendations.

This is a special committee that was formed based on Governor Andrew Cuomo's executive order to explore the rules, regulations and operating procedures of the Town of Marlborough Police Department in efforts to create more transparency, eliminate any potential racial bias and improve the overall community relationship with the citizens the department serves.

The committee is looking for any input from community members, good or bad, that the community would like to share. The information will be used to shape the future of the department. Information can be relayed anonymously if preferred and will be kept confidential.

All responses must be received by November 15, 2020.

By phone or email:

Public Defender Stephanie Kaplan 845-340-3934

[Skap@co.ulster.ny.us](mailto:Skap@co.ulster.ny.us)

Councilmen Howard Baker 845-236-7027

[Hbaker@Marlboroughny.us](mailto:Hbaker@Marlboroughny.us)

Committee Member Jeff Magliato 845-236-7360

[Magj62@hotmail.com](mailto:Magj62@hotmail.com)

Chief of Police Gerald Cocozza 845-795-2181

[Gcocozza@Marlboroughpoliceny.us](mailto:Gcocozza@Marlboroughpoliceny.us)

Anonymously By mail:

T/Marlborough Police Reform Committee

21 Milton Turnpike, P.O. Box 305

Milton, NY 12547



# **Town of Marlborough Police Reform and Reinvention Committee**

## **is looking for your input and Recommendations**

This is a special committee that was formed based on Governor Andrew Cuomo's executive order to explore the rules, regulations and operating procedures of the Town of Marlborough Police Department in efforts to create more transparency, eliminate any potential racial bias and improve the overall community relationship with the citizens the department serves.

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**Hbaker@Marlboroughny.us**

**Committee Member Jeff Magliato 845-236-7360**

**Magj62@hotmail.com**

**Chief of Police Gerald Coccozza 845-795-2181**

**Gcoccozza@Marlboroughpoliceny.us**

**Anonymously By mail:**

**T/Marlborough Police Reform Committee**

**21 Milton Turnpike, P.O. Box 305**

**Milton, NY 12547**



March 8, 2021

B) Resolution #36 To Ratify the recommendations of the Town of Marlborough Police Reform Committee as set forth in the Town of Marlborough Police Reform Committee Report dated February 10, 2021.

Councilman Baker proposes the following:

WHEREAS, by Executive Order 203, issued by Governor Cuomo on June 12, 2020, that requires all local governments in the state to adopt a policing reform plan by April 1, 2021, and

WHEREAS, that same executive order declared that every municipality with a police agency “must perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices for the purposes of addressing the particular needs of communities served by such police agency and promotes community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color”, and

WHEREAS, the Town of Marlborough Town Board has formed a committee of community members, clergy, town board members, and local and county law enforcement experts to develop a report and set of recommendations, and

WHEREAS, a report and recommendations dated February 10, 2021, have been presented to members of the Town Board of the Town of Marlborough and has been on their desks for at least seven (7) days, exclusive of Sunday; and

WHEREAS, notice of public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

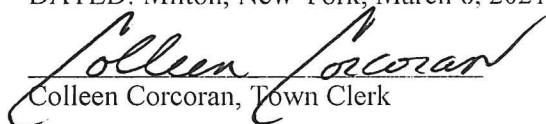
WHEREAS, a public hearing in relation to said Resolution # 36 was held on March 8, 2021 at 7:00 PM prevailing time:

NOW, THEREFORE BE IT RESOLVED that the Police Reform Committee Report be ratified by this board and a copy of the Police Reform Committee Report and all approved changes to the Town of Marlborough Police Departments Rules and Regulations and Policies and Procedures Manual be sent to the Director of the New York State Division of the Budget on or before April 1, 2021.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York, March 8, 2021

  
Colleen Corcoran, Town Clerk

February 22, 2021

E). Resolution #34 To Introduce the recommendations of the Town of Marlborough Police Reform Committee as set forth in the Town of Marlborough Police Reform Committee Report dated February 10, 2021.

Councilman Baker proposes the following:

WHEREAS, by Executive Order 203, issued by Governor Cuomo on June 12, 2020, that requires all local governments in the state to adopt a policing reform plan by April 1, 2021, and

WHEREAS, that same executive order declared that every municipality with a police agency “must perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices for the purposes of addressing the particular needs of communities served by such police agency and promotes community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color”, and

WHEREAS, the Town of Marlborough Town Board has formed a committee of community members, clergy, town board members, and local and county law enforcement experts to develop a report and set of recommendations, and

WHEREAS, a draft report and recommendations dated February 10, 2021, have been presented to the town board for their approval and,

WHEREAS, Councilman Baker advised the Town Board that pursuant to Executive Order 203 it will be necessary to hold a public hearing of this plan. He offered the following resolution which was seconded by Supervisor Lanzetta, who moved for its adoption.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor’s Executive Order No. 202.1, on March 8, 2021, at 7:00 o’clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

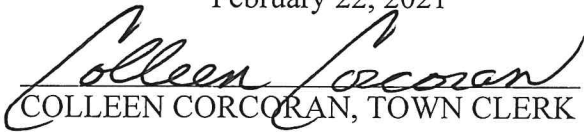
## NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1 on March 8, 2021 at 7:00 o'clock, p.m., prevailing time, on proposed Town of Marlborough Police Reform Committee Draft Report. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1. All interested parties can join the Public Zoom meeting by contacting the Town Clerk's office for an invitation.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed report and updated sections of the policy and procedure manual will be available for examination on the town's website, [www.townofmarlboroughny.org](http://www.townofmarlboroughny.org) and at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested, and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York  
February 22, 2021

  
COLLEEN CORCORAN, TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

# **RULES AND REGULATIONS**



## **POLICIES AND PROCEDURES**

## **PREFACE**

The Town of Marlborough Police Departments goal is to deliver the highest possible level of service to the community and others. Rules, regulations and policies have been established to guide our department members in pursuit of that goal.

The work of the Police Department consists of the preservation of the public peace and order; the apprehension of offenders; the protection of persons and property under the laws of the State of New York and the enforcement of the ordinances of the Town of Marlborough. For this purpose the Police Department is endowed with legal authority.

The functions of the police department are (a) the maintenance of law and order in the Town; (b) the enforcement in the Town of all laws of the United States, the State of New York and all ordinances of the Town of Marlborough, except when enforcement by law, ordinance or the Charter of the Town is made the responsibility of a state or federal agency or state or federal officers; (c) the administration and performance of such other functions as may be assigned by the Town Board or prescribed by ordinance or applicable state or federal law.

All previous rules, regulations, and orders in conflict with this patrol guide are hereby rescinded.

As new regulations or positions are created, memorandums will be published and disseminated to members of the police department.

This manual has been adopted by the Chief of Police to guide and govern department members in their conduct and discipline. This manual shall have the force and effect of a direct order of the Chief of Police.

## **SEVERABILITY CLAUSE**

If any provisions or provisions of this manual shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

## **MISSION STATEMENT**

### **MISSION**

It is the Mission of the Town of Marlborough Police Department.....

To promote partnerships with the business and residential communities to improve the quality of life within the Town of Marlborough

To treat all citizens with dignity, respect and honesty

To provide the highest quality of policing services by promoting a working relationship between the community, government and the Police Department

To be accountable to our community members and others and take pride in a professional level of service.

To fairly and professionally enforce the law without prejudice utilizing problem solving, community oriented policing.

## **VISION STATEMENT**

### **VISION**

The Vision Statement for the Town of Marlborough Police Department identifies long-term departmental goals. They are as follows:

The Marlborough Police Department will be pro-active Law Enforcement Agency setting high standards for professionalism and integrity.

Our commitment to excellence will be achieved through partnerships between our community and agency. We will proactively seek input from our community members to address concerns and achieve common goals.

We will maintain excellence by insisting upon adherence to established rules and regulations and by continuing to provide caring, courteous service.



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## CHAPTER 1 DEFINITIONS

Except where different meanings are expressly specified in subsequent provisions of this manual, the following terms are defined as follows:

1.1 SWORN MEMBER – Sworn Member shall mean all sworn law enforcement officers and police supervisors employed by the Town of Marlborough Police Department.

1.2 MEMBER- Member shall mean all employees of the Town of Marlborough Police Department.

1.3 CHIEF OF POLICE – Chief of Police shall mean the Chief of Town of Marlborough Police Department.

1.4 POLICE DEPARTMENT – Police Department shall mean the Town of Marlborough Police Department.

1.5 COUNTY - County shall mean the County of Ulster, New York.

1.6 DETECTIVE - Detective shall mean a member of the police department assigned by the Chief of Police to perform designated duties as an investigator.

1.7 SUPERIORS and SUPERIOR OFFICERS - Superior and Superior Officer shall mean the Chief of Police or members of the department senior in rank to the recipient of a command, order or directive.

1.8 GENERAL ORDER – A written order issued by the Chief of Police applicable to the police department as a whole, which establishes principle, policy or procedure concerning a given subject and which shall be effective until revoked by a subsequent order.

1.9 COMPETENT AUTHORITY - Competent authority shall mean a superior officer or that member of the Town of Marlborough Police Department so designated as being the member in charge of a shift.

1.10 RULES & REGULATIONS - Rules and regulations shall mean the "Rules & Regulations" as adopted by the Chief of Police and contained in this manual.

1.11 PROCEDURE - Procedure shall mean the procedures contained in this Manual adopted by the Chief of Police; all memoranda of procedure and orders issued by the Chief of Police or by a superior officer authorized to do so by the Chief of Police.

1.12 DIRECTIVE - Directives shall mean the written procedures contained in the Manual of the Town of Marlborough Police Department, or any oral instructions given by a superior officer to a member.

1.13 MANUAL - Manual shall mean the texts adopted by the Town of Marlborough Police Department that deal in rules, regulations and procedures.

1.14 ORDER – An instruction, written or verbal, issued by a superior officer.

1.15 MANUAL – A written series of administrative instructions authorized by a general order and detailing operational procedures concerning a specific subject.

1.16 SHALL AND MAY – Shall is mandatory and may is permissive.

1.17 SHOULD – Should is advisory and is not mandatory.

1.18 TENSE OF WORDS – Words used in the present tense shall include the future.

1.19 APR –All Previous Referenced.

## **CHAPTER 2 APPLICATION OF THE RULES & REGULATIONS**

2.1 This manual has been adopted by the Chief of Police to guide and govern members of the police department in their conduct and discipline, and to serve as a guide for the administration of this police department. This manual shall have the force and effect of a direct order from the Chief of Police.

2.2 This manual shall apply to all members of the Town of Marlborough Police Department in keeping with their job responsibilities. Nothing in this manual shall be construed to confer upon civilian employees any authority which is granted by operation of law to sworn personnel.

- 2.3 It shall be the duty and responsibility of every member of the Town of Marlborough Police Department to comply with the provisions of this manual.
- 2.4 Notwithstanding the assignment of specific duties and responsibilities to members of the police department by the provisions of this manual, all members shall perform all other such duties as may be required of them by competent authority.
- 2.5 Any provision of this manual may be suspended by the Chief of Police, in whole or in part, in an emergency, for the duration of that emergency and to the extent necessary by the nature of the emergency.
- 2.6 When any amendments are made to this manual, it shall be the responsibility of each member and employee to make the required changes in his/her copy.
- 2.7 Each member is responsible for maintaining this manual in some readily accessible format to be utilized as necessary.

### **CHAPTER 3 ORDERS, DISCIPLINE AND GRIEVANCES**

#### **3.1 Obedience To Laws, Ordinances, Rules And Regulations.**

Members shall obey the laws of the United States, the State of New York, laws and ordinances enforced in Ulster County and all rules and regulations, orders and authoritative instructions of the Town of Marlborough Police Department.

In order to sustain any allegation of any violation of law or ordinance, rule or regulation, as a basis for a charge against a member or employee under this section, it is not required or necessary that a formal criminal complaint be filed or sustained, but only that the facts exist which would constitute a violation of law or ordinance, rule or regulation in question.

#### **3.2 Familiarity With Laws, Ordinances, Rules And Regulations.**

Members shall study and become familiar with the rules and regulations, directives and policies of the police department; Federal and State laws; city, town and village ordinances affecting their duties.

##### **A. Returning From Absence**

Members returning to duty from any leave shall acquaint themselves with all amendments, additions, orders and other authoritative instructions of the police department which have been issued during their absence. Members will do so within the first hour of each new scheduled tour of duty barring call assignment. Once the call(s) are completed, the member concerned will review all revised materials as specified.

B. Unfamiliarity No Defense

In the event of a breach of discipline, unfamiliarity with or ignorance of rules and regulations shall not constitute a defense, as it will be presumed that a member or employee was familiar with the laws, rules, ordinances or policies. Members unsure of regulations or the nature of an assignment shall seek such information by going through the chain of command.

C. It shall be the personal responsibility of every member to promptly make all directed changes in any manual, text, reference book or copy issued by the police department.

3.3 Issuance Of Orders

Orders, written or oral, from any superior officer to any subordinate in the police department shall be clear and concise.

3.4 Obedience To Orders

Members shall promptly comply with a lawful order, whether it is written or oral, when issued by a superior officer, competent authority, or any duly authorized agent of that superior, regardless of rank. When officially detailed outside of the Town of Marlborough, members and employees of the Town of Marlborough Police Department shall carry out all lawful orders and directives as may be given by competent authority of another agency within that jurisdiction unless such order or directive contradicts the rules and regulations of the Town of Marlborough Police Department.

3.5 Insubordination

Members are prohibited from engaging in any disrespectful, mutinous, insolent or abusive language or action toward a superior officer or other competent authority.

3.6 Conflict Of Orders

Should any member receive any order, which conflicts with a previous order from a superior officer, or any provision of this manual or other written order, the member shall respectfully bring it to the attention of the superior officer issuing such order. If the

superior issuing the order does not elect to change the order so as to obviate any conflict, the order shall stand and the responsibility for it shall be the superior officer's. Members shall not obey any order, which they know would require the commission of an illegal act. Any further disagreement regarding an order or directive will be brought to the attention of the next higher ranking member. However, this will be done at a time that will not disrupt ongoing operations.

### 3.7 Disciplinary Procedure

- A. Supervisors are responsible to ensure that members perform their duties in accordance with policies, procedures, rules and regulations of the police department.
- B. When a member exceeds the expectations of the police department, then a supervisor may give recognition to that employee in writing, which, with the approval of the Chief of Police may go into that employee's personnel file. When a department member performs an act of extraordinary heroism or does exceptional police work in some manner, the appropriate supervisor will verify and document the event for submission to the Chief of Police for the formal departmental recognition.
- C. Supervisors are required to initiate corrective measures to fulfill their responsibility of ensuring compliance with police 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.)
- D. Supervisor's remedial instruction in all instances that are or may be construed to be violations of police department directives should be noted. Positive comments should be an important part of the supervisor's notes, as they provide some needed recognition to those members who have done a good job, which the supervisor wishes to acknowledge.
- E. First line supervisors can recommend to their superiors that police department disciplinary charges be initiated against a subordinate. These can be done utilizing a command discipline form or other written communication.
- F. It will be the superior officer's responsibility to officially recommend the initiation of disciplinary action against a member of the department to the Chief of Police.
- G. Acts of alleged misconduct or incompetence, resulting in official charges against a member shall be heard in accordance with the New York State Civil Service Law, (Section 75), Ulster County Personnel Policy &

Procedures Manual, and any applicable sections of the contract between the Township of Marlborough and its employees.

- H. In the absence of an available police supervisor, the senior officer in charge of a shift may impose an emergency suspension with pay from duty against a subordinate when it appears that such action is in the best interest of the department and the public. The member who takes such action must notify the Chief of Police without unnecessary delay.
- I. All personnel complaints will be investigated as per police department policy set forth in general order entitled, "Civilian Complaints against Department Personnel."
- J. 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 incontrovertible, establish the validity of the charge or charges.
- K. Upon suspension, the member concerned shall surrender to the suspending department authority officer any badge, identification card, handcuffs, batons, and all handguns that are possessed under the member's authority. He/she shall not enter any nonpublic area of any police department facility.
- L. Members under suspension shall not wear their uniform, or in any way represent themselves in any official capacity.
- M. A member of the police department found guilty of violating the rules, regulations, or general orders of the police department, is subject to one of the following:
  - Counseling
  - Reprimand
  - Fine and/or loss of accrued time
  - Suspension
  - Demotion in grade and title
  - Dismissal from the police department
  - *as specified by law*

### 3.8 Grievances

Grievances shall be addressed in accordance with New York State Civil Service Law, and the terms of the current contract in effect between the Township of

Marlborough and the legally authorized bargaining unit for members and employees of the police department.

## **CHAPTER 4 PERFORMANCE OF AND ATTENTION TO DUTY**

### **4.1 General Duties**

Members shall at all times, within the limits of their authority, protect life and property, preserve the peace, prevent crime and detect and arrest violators of the law. They shall enforce the laws of the United States, the State of New York, the County of Ulster, as well as the ordinances of the Town of Marlborough.

### **4.2 Lawful Authority**

- A. No regulation contained herein shall be construed so as to authorize any member to act beyond the scope of his/her lawful authority.
- B. At every level within this police department, personnel shall be given the authority to make decisions necessary for the effective execution of their responsibility.
- C. Each member will be held fully accountable for the use of, or failure to use, delegated authority. Any member who has any questions concerning his/her delegated authority shall bring such questions to the attention of his/her supervisor.
- D. Members who are directed by appropriate authority to act in capacities above their ordinary or usual rank shall for the necessary time possess the authority, command and responsibility of the acting rank. The orders of officers with an acting rank shall be obeyed as if the officers actually possessed the acting rank.
- E. Any improper use of authority, or failure to accept authority, will be reported through the appropriate command channel.
- F. Supervisory personnel are accountable for the performance of personnel under their immediate control.
- G. The officer in charge will be the ranking officer. In the absence of a ranking officer, the senior officer will take charge and all others will obey his/her commands.
- H. When a question of seniority may arise regarding who shall be in command, such seniority shall be determined:
  - A. First, by rank.
  - B. Second, if members are of equal rank, by one officer having



- been designated as in command by higher authority
- C. Third, by having full time status as an officer regardless of total service time.
  - D. Fourth, by continuous service in the department when two or more officers working together are of equal rank and civil service status. In such instances, seniority shall ordinarily be exercised only when an emergency necessitates it.

- I. The Head Dispatcher is the ranking member of the communications staff and all other dispatchers will obey their lawful directives.

#### 4.3 Absence From Duty

Members and employees shall not, under any circumstances, be absent from duty without first obtaining permission through their supervisory chain of command in accordance with established directives. They shall, unless otherwise directed, present themselves for duty at the time and place specified by their assignment. They shall work as scheduled and complete the number of hours on duty required by their assignments unless gaining the approval of the appropriate supervisor or shall be considered to be absent without leave. Days off are to be granted based upon the needs of the department.

#### 4.4 Fitness for Duty

Members shall report to work physically and mentally ready to perform their duties at the commencement of their tour dressed in the appropriate attire as designated by department regulations.

Members on duty shall be constantly alert, observing everything that takes place within their sight and hearing, and shall keep a vigilant watch for needed police services.

#### 4.5 Schedule Exchange

Requests by members to exchange tours of duty with other members shall be made in writing and must be approved by an authorized superior prior to the duty tour. The written request shall bear the signature of all parties involved in the exchange unless otherwise approved in advance by the authorizing superior. Tour exchanges are not permitted if they will result in overtime for any of the members involved.

#### 4.6 Meal Periods

Members shall secure meal periods in compliance with established directives or when scheduled by a supervisor. Members assigned to patrol are allowed up to one thirty (30) minute meal period during a tour of duty. Uniformed officers on patrol will not take personals/meals together in public places. Officer on special details and/or training etc. are exempt from this provision.

#### 4.7 Action Required Regardless Of Assignment

Because a member is assigned to a specific duty, this does not relieve them of the responsibility of taking appropriate action as may be necessary when the occasion arises, even though the action may be outside the specific area of their assignment. An exception to this rule may be in those cases in which a member is assigned in an undercover capacity and taking action would seriously impair the success of the undercover assignment. The use of good judgment in these instances is imperative.

#### 4.8 Cooperation And Coordination

Police department members shall work harmoniously, coordinating their efforts in order to ensure maximum achievement and continuity of purpose in attaining department objectives.

#### 4.9 Seeking Information Regarding Duties

Members who are in doubt as to the nature of or details of their assignments shall immediately seek clarification of assignment from their immediate supervisor.

#### 4.10 Work Area

- A. Members shall inspect their areas of assignment and note any conditions requiring attention. They shall report promptly to their supervisors the loss of damage to or unserviceable condition of equipment and work area. Members and employees are directly responsible for the appearance and condition of their work area.
- B. Members shall not mark or deface any surface in any department building. No material shall be affixed in any way to any wall in department buildings without specific authorization from the Chief of Police. Members shall not mark, alter, or deface any posted notice of the department. No notices of an inflammatory or derogatory nature shall be posted at any time.

#### 4.11 Leaving Area Of Assignment

A member shall not leave a specifically assigned post without express permission from competent authority. Members on patrol shall not leave the Town limits without notifying dispatch in advance and will notify dispatch upon their return. Members will

not leave Town unless engaged in official business with the exception of picking up meals in bordering jurisdictions. Such trips should be limited to 15 minutes or less and members concerned are to return to the Town limits to consume their meals. Only one on duty patrol member at a time will leave the confines of the command for other than verifiable police business.

#### 4.12 Attitude And Impartiality

- A. Members while being assertive, firm, and in the performance of their duties, must maintain an impartial attitude toward all persons they come in contact with in their official capacity.
- B. Members shall be courteous to the public. They shall be tactful in the performance of their duties. They shall control their tempers and exercise patience, discretion and shall not engage in personal arguments even in the face of provocation. In the performance of their duties, they shall not use coarse, violent, profane or insolent language or gestures, and shall not make derogatory comments about or express any prejudices concerning race, religion, politics, national origin, gender, lifestyle or similar personal characteristics.

#### 4.13 Assistance To Fellow Officers

No member shall fail to aid, assist and protect their fellow officers to the fullest extent of their capabilities in a time of need or peril. Any shrinking from such responsibility or danger shall be deemed gross neglect of duty and member may be subject to disciplinary action. However, barring unusual circumstances, officers will not respond outside the jurisdiction for emergency situations without the permission of a ranking member.

#### 4.14 Assistance To Citizens

Members are held to be always on duty, although periodically relieved from the routine performance of it, and are always subject to orders from proper authority. Members are always expected to lend reasonable aid to a citizen in need of police assistance. Such assistance may include simply telephoning for appropriate services up to and including taking emergency actions to address a crime. Officers are expected to use sound judgment, bearing in mind that they may be off duty and it is usually safer and desirable to defer the matter to an on duty member. In any case, the fact that an officer is technically off duty does not relieve them from the responsibility of rendering reasonable police assistance.

#### 4.15 Investigations

- A. Members shall investigate all complaints received by or assigned to them, taking the proper action required.
- B. All members shall ordinarily conduct interviews in person. Telephone interviews shall be conducted only when unusual circumstances exist.

#### 4.16 Loitering, Sleeping On Duty

Members shall while on duty, devote their full-time attention to the business of the police department and shall not loiter or sleep anywhere.

#### 4.17 Overtime

- A. All overtime activity must be authorized by a supervisor.
- B. Overtime/comp time payment requests shall be submitted no later than the member's next regular business day after the overtime was performed.  
**NOTE:** All overtime/comp time slips and vouchers from part-time members must be received by payroll no later than 72 hours after the end of the duty worked by the member.

#### 4.18 Emergency Duty Hours

Whenever a condition exists that is deemed to be of an emergency nature, regular tours may be extended and/or days off and leave of absences of department personnel may be cancelled.

#### 4.19 Military Leave

- A. Any officer's drafted into the United States Armed Forces shall be carried on military leave of absence. Officers returning will make a written request for reinstatement within 30 days of discharge. Such members will be reinstated at their former rank or position of still physically and mentally capable of performing all proscribed duties.
- B. Short leaves for specialized training shall be permitted upon the presentation of official orders for personnel in the military reserve of the National Guard. Such leaves shall not be deducted from the officers accumulated leave time. Non deducted leave shall not exceed 30 days annually without the permission of the Chief of Police and Town Board.

#### 4.20 Department Motor Vehicles

- A. Officers shall not use any departmental vehicle without permission of or unless directed by a supervisory officer.
- B. No member shall operate a departmental vehicle unless they possess a valid New York State driver's license at the time of operation.

- C. Every member of the department assigned to operate a departmental vehicle shall be held accountable for the proper use and care of the vehicle, and of all accessories, equipment, and tools assigned to such vehicle. Standard equipment of vehicles shall not be changed, interchanged, altered or removed from such vehicle unless directed by competent authority.
- D. At the beginning of each tour of duty, members assigned to departmental vehicles shall carefully inspect the vehicle and its equipment to insure it is in serviceable condition and is not damaged. If any defect or damage is discovered, the officer shall report it verbally to his immediate superior and in writing. Any defect, damage or loss reported after the vehicle had been inspected and placed into service shall be construed to have occurred during the tour of duty of the member reporting same and said officer shall be held responsible.
- E. It is the responsibility of all departmental personnel to inspect and check any vehicle assigned to them for shortages in engine oil, gasoline, radiator water, battery fluid, lights, tires, etc. and take necessary corrective action. Each officer is responsible for damage resulting from failure to make routine inspection of vehicles assigned to him. Any defects will be reported in writing to the designated vehicle supervisor.
- F. Drivers shall observe all traffic regulations in respect to parking. If an emergency requires occupation of a restricted or prohibited area, vehicles shall be parked in such a manner so as not to unnecessarily interfere with the movement of traffic. When the emergency has ceased to exist the area shall be vacated immediately.
- G. When any department member is not on an emergency call, all normal safe driving practices must be observed, including rigid obedience to all traffic laws and basic rules of courtesy and safety.
- H. Operators of a department vehicle shall ordinarily give the right-of-way to fire department apparatus, ambulances and other life-saving equipment on emergency runs. However, officers will not do so if responding to an emergency in which specific police services are needed to safeguard all involved including other emergency responders.
- I. Department members involved in accidents while on duty or in department vehicles may be subject to disciplinary action.
- J. Operators shall not normally permit the engine of the vehicle they are driving to be left running while the vehicle is unattended, occupied by a member of the department who is not a qualified driver, or occupied by a non-departmental person(s). When it is necessary to leave the vehicle unattended and unoccupied, the operator shall lock the ignition by removing the key and locking all the doors. Officers are permitted to allow locked vehicles to idle unoccupied due to seasonal icing conditions.

- K. Violation of driving regulations whether such violation results in an accident or not will be treated as infraction of department regulations.
- L. Courteous, intelligent driving practices are to be adopted by all department officers.
- M. Departmental vehicles shall not be used for personal business or for transporting individuals except in the performance of duty or with the direct permission of the Chief of Police.

4.21 Performance of Duty (Miscellaneous)

- A. Officers assigned to specialized duties or assignments are not relieved from taking proper action outside the scope of their specialized assignment when necessary.
- B. A civilian or officer, when assigned to duty with other officers or civilians of the department, shall be jointly responsible for compliance with rules and regulations and the proper performance of duty.
- C. Officer shall discharge their duties in a firm, impartial and efficient manner. Officers shall act together and assist and protect each other in the maintenance of law and order.
- D. Department members shall cooperate and lend assistance as appropriate to other governmental agencies. The member(s) concerned will contact a supervisor if unsure how to proceed in such situations.
- E. Any member of the department who shall in the performance of his official duties display reluctance to properly perform his assigned duties or who acts in a manner tending to bring discredit upon himself or the department, or who fails to assume responsibility or exercise diligence, intelligence and interest in the pursuit of his duties, or whose actions or performance in a position, rank, or assignment are below acceptable standards, may be deemed incompetent and shall be subject to disciplinary action.
- F. Although emergency calls take precedence, all calls shall be answered as soon as possible, consistent with normal safety precautions and vehicle laws. Failure to promptly answer a call for police assistance without justification shall constitute cause for disciplinary action. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no officer shall fail to answer any radio call directed to him.
- G. Officer's taking any property into custody in connection with their official duties shall as soon as practicable record such property in accord with the department record system and place such property in the designated

location consistent with department regulations. All evidence or property being held will be marked and tagged with a property report form.

- H. Arresting officers shall promptly have any person in their custody evaluated by competent medical personnel whenever there is any visible or reasonable evidence of the need for medical attention or where the prisoner claims to be in need of such attention.
- I. Department members shall not obtain or attempt to obtain any information from department files, sources or reports other than that to which they are entitled in accordance with their duties and assignments. Any such information improperly acquired shall not be passed on to other parties within or outside of the department.
- J. Department members shall not use for their own private purposes information received or acquired during the course of employment or duty.
- K. Information from department records, files, or sources shall not be passed on to other parties within or outside of the department except as required by law, duty, or assignment.
- L. It is essential that department members perform their work in a manner to gain the highest public approval and represent the department capably on all occasions where their actions will have a strong impact upon the reputation and general public acceptance of the department.
- M. Because of the broad scope of their duties and because some police personnel are on duty at all times of the day or night, police department employees bear a special responsibility and a special relation of trust to the Town and other Town departments.
- N. Members shall be especially mindful of the necessity of properly recording any incident which could possibly result in a civil suit against the Town.
- O. Members shall use care not to divulge information which would later embarrass the Town in a civil suit.
- P. No employee of the department shall make any statement in which the policies of the department are contradicted, ridiculed, or criticized.
- Q. No employee shall contact representatives of the legislative or judicial branches of the Town government to procure intervention in matters of administrative decisions.



- R. No employee shall publicly and as a department representative criticize the actions of legislators, the courts, the demerits of law or legal decisions, not the qualifications of persons running for public office. The section does not interfere with the right of officers to take such actions as the bona fide representative of recognized police professional organizations.
- S. No member shall conduct a criminal investigation as an agent of any person or interest outside the department, except when furnishing officially approved cooperation to other law enforcement agencies in the line of duty.

#### 4.22 Transmission of Information

- A. Prior criminal records of individuals may not be released to any person except an authorized employee of an official law enforcement agency, or those authorized by the Chief of Police.
- B. Accredited members of the press are entitled to releasable information concerning police incidents. Officers and civilians of the department shall cooperate with the press releasing information as approved by a supervisor.
- C. Insofar as is consistent with sound police practice, supervisors in control of a crime scene or accident investigation may supply information regarding the incident to the working news media. No news media shall be allowed into a crime scene unless approved to do so by a supervisor.
- D. Officers who furnish information to the press concerning police incidents are expected to furnish accurate information as to the details of the case and the identity of the officers participating in investigations or arrests.
- E. Officers and civilians shall treat as confidential the official business of the department and shall not reveal police information outside the department except as provided elsewhere by rules and regulations or as required by law or competent authority. Information contained in police records, other information ordinarily accessible only to officers or civilians of the department, and names of informants, complainants, witnesses, and other persons known to the police are considered confidential, and silence shall be maintained to safeguard such information.
- F. Allegations, gossip, hearsay, rumor and anonymous uncorroborated information shall be treated as confidential.
- G. Members shall not disclose or impact confidential information to anyone except those for whom it was intended, or as directed by their superior officers, or under due process of law.



- H. Members shall not make known to any person the contents of any directive or order which they may receive, unless so required by the nature of the order.
- I. Violation of the security of confidential information shall be cause for disciplinary action.
- J. No official record(s) of the department shall be removed, altered, added to or destroyed except as directed by the Chief of Police under due process of law.
- K. It shall be the duty of every department member to properly report any information given to him in good faith by any citizen regarding matters which indicate the need for action or recording by the department.
- L. Members shall promptly submit such reports as are required by the performance of their duties or by competent authority.
- M. All proper information, not prohibited by departmental orders or sound police practice, shall be given to persons requesting same, carefully, courteously, and accurately, avoiding all unnecessary conversation and controversy.
- N. All reports which would tend to bring extreme embarrassment or scorn to the innocent victim of a crime if publicized, are to be marked "Confidential." They are not to be published.

## **CHAPTER 5 IMPROPER USE OF OFFICIAL POSITION**

### **5.1 Use Of Badge For Personal Gain**

Members shall not, at any time, use their official position, official identification cards or badges for personal or financial gain, obtaining privileges not otherwise available to them, except in the line of duty, or for avoiding the consequences of illegal acts. Members shall not lend their identification cards or badges to another person, or permit their identification cards to be reproduced.

### **5.2 Using Photographs Or Police Department Affiliation For Commercial Purposes**

Members shall not, without the written permission of the Chief of Police, permit their photographs or names to be used endorsing any product or service.

### **5.3 Soliciting Gifts Or Gratuities**

Members shall not solicit or accept any unlawful gifts or gratuities.

### **5.4 Interference With Private Interests**

Members shall not interfere in the legitimate private interests and shall not interfere unnecessarily with the lawful business of any person, while conducting police department business. They shall maintain a neutral position with regard to the merits of a labor dispute, political protests, or other public demonstration, while acting in an official capacity.

#### 5.5 Recommending Attorneys Or Bondsman

Members will not solicit, or recommend the engagement or retention of any specific attorney or legal firm, or any bondsman for the purpose of obtaining legal counsel or aid, for any person, as a result of official business. This section shall not apply to members or employees in those situations involving a relative of a member or employee of the police department.

#### 5.6 Obstruction

- A. A member shall not disclose information relating to any case under investigation, or person held within the Ulster County Jail, or matter being handled by the police department when such disclosure of information would tend to defeat the ends of justice or interfere with the proper handling of an police department operation, official matter, or administrative function of the police department.
- B. No member shall interfere with, or obstruct in any way, an investigation being conducted by another member of the police department or any other police agency.

### **CHAPTER 6 BENEFIT TIME**

#### 6.1 Preface

This chapter shall apply to all department members. However, the provisions herein shall not be deemed to supersede any employee or managerial right or obligation expressly conferred by current provisions of the contract between members of the Town of Marlborough Police Department and the Township of Marlborough.

#### 6.2 Time Off Requests

- A. All members and employees shall make requests for benefit time through channels, on benefit time request forms, with the exception of sick and /or emergency leave, in writing at least five (5) days and not more than thirty (30) days prior to the first day of the period requested off. It is the responsibility of the submitting member to assure they were approved for the requested time off prior to their absence from the scheduled tour(s) concerned.

- B. Requests for time off on an "emergency" basis due to urgent and unforeseen circumstances shall be dealt with on an individual basis in an equitable manner.

### 6.3 Sick Leave Policy

- A. Members shall use sick leave only when suffering from an illness or injury which would prevent the proper performance of duty, or when seeking treatment from a physician or medical practitioner, or when needed for medical reasons affecting his/her family (in accordance with the terms of the current contract in effect between the Township of Marlborough and the legally authorized bargaining unit for the members of the police department). A member shall not feign sickness or disability. A member shall not attempt to deceive any medical practitioner, physician or superior officer regarding his/her, or family members, physical or medical condition.
- B. Members who are on regular sick leave shall ordinarily remain at their residences until they return to duty except where their illness or disability requires that they be cared for at another location or residence. In such instances the member or employee shall notify the police department of such location and the telephone number of said location.
- C. Members on regular sick leave may leave the designated residence for short durations to receive related medical treatment or pick up medications and/or other legitimate personal necessities. In such instances, they will notify dispatch prior to departing the residence of the locations of intended travel and their anticipated time of return. They shall again notify dispatch upon said return. The member concerned is responsible for securing Dispatch Log entry page numbers for verification purposes as necessary.
  - 1. Members taking sick time for an immediate family illness are entitled to leave the designated residence to carry out normal household related duties.
- D. Members on sick leave are subject to visits by superior officers or competent authority. Such visits shall only be made on the tour of duty which members are actually scheduled to work.
- E. Members on sick leave due to disability, as in injury or protracted illness, may request and receive written permission from the Chief of Police for exemption from the foregoing regulations.
- F. When a member reports to the police department that he/she is sick, he/she shall do so at least one (1) hour prior to the beginning of his/her duty tour barring unusual circumstances. The member shall inform the dispatcher taking the call of the following:

1. The nature of the sickness or disability regarding themselves or family member.
2. If ill, whether they are seeking medical attention and from whom.
3. The expected duration of the illness or disability, if known.

#### 6.4 Legal Rights

Nothing in this chapter shall be construed as, or is intended to encroach upon, a member's right to seek and receive medical treatment as his/her attending physician deems necessary.

### **CHAPTER 7 GENERAL CONDUCT**

#### 7.1 Image

Members shall exercise proper care and give proper attention to their person, clothing and equipment in order to insure that he/she presents a neat, clean and professional image at all times.

#### 7.2 Courtesy To Superior Officers

- A. Superior officers shall be addressed by their rank and name at all times.
- B. The salute is a military courtesy and is the manner used to greet superior officers and render honors to our Flag and National Anthem.
- C. Sworn members shall salute superior officers outdoors when they recognize the person to be a superior officer. As you salute, turn your head and eyes toward the superior officer and extend a greeting.  
\*For the purpose of this section, this courtesy applies to supervisor officers of this agency and those from other police departments.
- D. General rules for saluting officers:
  1. When a salute has been rendered, it is held until it has been returned.
  2. Salutes are rendered to superior officers in civilian clothes.
  3. Unless reporting to a superior officer, you do not salute indoors.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Court Mandated Sealing Orders      Order Number: 2.12**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10      REPLACES ORDER #(S): APR

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### **COURT – MANDATED SEALING ORDERS**

**PURPOSE:** Establish guidelines for processing seal orders governed by law.

#### **I. POLICY**

A.     The Town of Marlborough Police Department shall comply with all court-mandated sealing orders received. Orders issued pursuant to New York State Criminal Procedure Law Section 160.50 and 160.55 require that ALL records pertaining to the arrest be sealed AND that the fingerprint cards AND photographs be returned to the defendant OR his/her attorney.

B.     The Chief of Police shall be responsible to ensure that all court mandated sealing orders received are processed in accordance with applicable law, and according to the following procedure established for use by the records bureau.

#### **II. PROCEDURE**

A.     Upon receipt of a court order (sealing order) to return fingerprint cards and photographs, and to seal our records about an arrest, the Chief of Police shall:

1.     Ensure that the seal order is subscribed by the issuing judge.
2.     Ensure arrest date and charges indicated in the order match with that in the original arrest file.
3.     The fingerprint cards and photographs are removed from the arrest file, attached to the seal order and forwarded to the Chief.
4.     The Chief of Police shall prepare a cover letter and send the fingerprint cards, photographs and negatives to the defendant or his/her attorney as instructed in the seal order.
5.     Copies of the seal order and cover letter are placed in the original arrest file and “sealed”.
6.     In the event the postal service is unable to deliver the fingerprints, photographs, and negatives to the addressee; place the envelope in the arrest package referred to above. Subsequent delivery will require that the

defendant or his/her attorney to personally pick up and sign for the envelope at headquarters.

7. Sealed records shall be stored separately from those records which are not required to be sealed. Agency records which must be sealed include, but are not limited to: arrest reports; police reports (initial and supplemental reports); supporting depositions; statements of victims, witnesses and defendants; alcohol test results; computer data; tape recordings; transcripts or proceedings; investigatory notes; or other evidence on file with the agency.

#### B. Access to Sealed Agency Records

Access to sealing agency records shall be limited to designated agency personnel whose duties involve retrieving sealed records for persons or entities lawfully entitled to receive them under the sealing statutes or pursuant to court orders. Such access will be granted by the Chief of Police. A computer database containing limited data relating to individuals whose records have been sealed may be maintained by the police department and shall be treated as confidential with the application of the appropriate security clearance code implemented by Chief of Police or designee.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Community Relations**

**Order Number: 2.13**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **COMMUNITY RELATIONS/CRIME PREVENTION**

**PURPOSE:** To define the police department policy and procedure for community relations programs and related activities.

#### **I. POLICY**

A. Members of the police department shall develop mutual respect and understanding between the police and residents of the Town of Marlborough. This effort must also include the realization that public cooperation results in improved police effectiveness and must be built on an open exchange of information and views, which result in a greater understanding between the public and the police department.

B. The Town of Marlborough Police Department is committed to involving all police department personnel, both sworn and civilian, in community relations efforts. This includes the need for each member of the police department to be aware of the mutual interdependence of the police department and the public to maintain law and order and prevent crime.

C. In serving the public, each employee shall make his/her contact one which inspires respect and one which generates the cooperation of the public.

#### **II. PROCEDURE**

A. The Community Relations function is the responsibility of the Chief of Police. It will be the responsibility of the Chief of Police to maintain liaison with all police department members to ensure continuous and coordinated response to the furtherance of community relations efforts.

##### **B. Meetings**

1. Whenever any member is asked to attend any meetings, as a representative of the Town of Marlborough Police Department, or owing to his/her status as a member of this police department, he/she must notify his/her department head and/or the Chief of Police.
2. Any member requested or assigned to participate in any police department crime prevention/community relations programs will coordinate

attendance and report results to their respective first line supervisor and The Chief as necessary.

C. Community Relations/Crime Prevention Programs

1. Any member or employee who receives a request for any of the programs established by the police department shall refer the request to the Chief of Police.
2. The following programs are offered by the police department:
  - a) D.A.R.E. - Drug Abuse Resistance Education.
  - b) School safety/SRO/ School reading programs
  - c) Bicycle/Pedestrian safety programs.
  - d) Child Identification.
  - e) Children Gun Safety program.
  - f) Tour of the Town of Marlborough Police Station.
  - g) Child Seat Safety.
  - h) DWI prevention.
  - i) Residential/Business Security Checks
  - j) Vehicle lock Outs
  - k) DOT truck inspections.
  - l) Addiction referrals
  - m) Prescription Drug Drop Off Program
  - n) Safe Internet Sales Site



*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Court Appearances**

**Order Number: 2.14**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**COURT APPEARANCES**

**PURPOSE:** To establish policy for court appearances or hearings by members of the police department.

**I. POLICY**

A. All members shall appear before any court, hearing board or investigative body whenever required. A subpoena, notice of hearing or verbal notification by competent authority shall, for the purpose of this order, be deemed proper notification for appearance.

B. The appearance and demeanor of members of this police department are constantly observed by the court and jurors while in and out of the courtroom. Their appearance, conduct and attitude should be such that add to the dignity of the court, the credibility of the police department and the member.

**II. PROCEDURE**

A. All members shall be punctual when reporting to any court, hearing board or investigative body.

B. Members shall verbally report to the clerk of the court, judge, district attorney or hearing officer immediately upon arrival at such proceedings.

C. All members giving testimony shall be properly prepared and:

1. Possess only material pertaining to the prosecution of the case while in the courtroom.
2. Address replies to the jurors or the judge.
3. Answer all questions truthfully and completely.
4. Understand questions before answering. If in doubt, request the question be repeated or clarified.
5. If unable to provide an answer, so state.

6. Volunteer no information or opinions.

7. Be impartial, calm and speak in a clear tone of voice.

D. Members shall remain at the court until their case is disposed of or until advised by a competent authority that their presence is no longer needed.

E. If for some valid reason, a member is unable to appear as directed, it shall be his/her responsibility to notify the court stating the reason for nonappearance with enough advance notice so as not to inconvenience the court. If adjournment is not granted, it shall be the member's obligation to appear as directed.

F. Whenever court appearance is made while on "off duty" time, an off duty court attendance form shall be submitted. On this form, members shall enter the actual time they were in attendance at court. Payment will be computed as stipulated in the bargaining agreement with the Township of Marlborough.

G. The member will notify an on-duty supervisor via phone or radio if he/she will not arrive in time for a scheduled work shift due to a court proceeding.

H. Members will advise their supervisor in advance when attending a court proceeding during their scheduled tour of duty. Members will provide their supervisor with a copy of a trial notice when received.

I. Members shall wear proper attire as follows:

1. Members assigned to uniform service shall wear their prescribed uniform when appearing in court.
2. Members assigned to non-uniform service will wear appropriate civilian business attire when appearing in court.

a) Male Members

- (1) Conservative type sports jacket or suit.
- (2) Shirt and tie.
- (3) Trousers, clean and pressed.
- (4) Cleanly shaven, hair groomed (exceptions shall be made for members assigned to undercover assignments).
- (5) Polished shoes.

b) Female Members

- (1) Conservative dress or slacks.
- (2) Hair groomed.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Civilian Complaints**

**Order Number: 2.15**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**CIVILIAN COMPLAINTS AGAINST DEPARTMENT PERSONNEL**

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**PURPOSE:** To define policy and procedures for receiving, reporting, and investigating allegations of misconduct by Department members.

**I. POLICY**

A. The image of the police department depends on the personal integrity and discipline of all its employees. The public image of this police department is determined, in part, by the professional response of the police department to allegations of misconduct by the police department or its employees. The Town of Marlborough Police Department shall:

1. Promptly, competently, professionally and impartially investigate all complaints.
2. Take appropriate disciplinary action in all cases where an investigation substantiates a violation of law, orders, rules, regulations, policies, or procedures of the Town of Marlborough Police Department has occurred.
3. Seek appropriate remedy for false allegations.
4. 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.

B. The police department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Police department members shall handle them efficiently, via the department's complaint process. All employees are obligated to explain to inquiring citizens the complaint procedures.

1) The department's goal is to make complaint submission as easy as possible. Complaints can be made and will be accepted in person or in writing.

2) The department will create and post a civilian complaint form on the department's website (if created and capable of housing such documents), the Town of Marlborough Website (if created and capable of housing such documents) and post such documents in common areas at the police station that is readily available to the public to help make it as easy as possible for any person or party to make a complaint. Complaint forms will also be available at the Town Clerk's office.

3) The complaint form can be filed anonymously. Complaint forms can be submitted in any manner including via email, United States Postal Service, in person and or fax. The form can be filed in any fashion and each complaint will be handled according to policy as stated herein. WRITTEN COMPLAINTS CAN BE SUBMITTED VIA ANY MEANS. THEY DO NOT NEED TO BE ON DEPARTMENT COMPLAINT FORM

4) The created form shall be annexed to this manual for future reference.

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

## **II. DEFINITIONS**

Civilian complaints are defined as any complaint received from a member of the public, whether it is initiated orally or in writing. Such a complaint can be categorized as being either a "service complaint" or a "personnel complaint."

### **A. Service Complaint**

Shall be any complaint where a member of the police department acted properly within the scope of his/her authority and duties and the complainant merely disagrees with the actions of the member. For a complaint to be classified as a service complaint there must be no allegation of abusiveness or misconduct on the part of the member in connection with the incident and the member must have acted properly according to the department policy and procedures..

### **B. Personnel Complaint**

Shall be any complaint where the complainant alleges misconduct, abusive conduct or abuse of authority by the member (s) and encompasses just about every situation which cannot be categorized as a service complaint.

## **III. PROCEDURE**

### **A. Service Complaints**

1. Whenever practical, service complaints should be resolved during the initial interview with the complainant by an on-duty supervisor. It is permissible to conduct this initial interview by telephone. At that time,

after the complainant is permitted to state the complaint, the superior officer conducting the interview and will explain the policy or procedure behind the member's actions and how the member acted in accordance with the policy and procedure. The complainant will be told that a record will be made of his/her complaint.

2. The superior officer will prepare a memorandum to document the complaint and the action taken. The memorandum should include the date and time that contact was made with the complainant.
3. The memorandum will be prepared and signed and forwarded to the Chief of Police.

#### B. Personnel Complaints

1. All personnel complaints will be directed to the on duty immediate supervisor of the officer concerned. If that supervisor is not present, another on duty supervisor will take initial steps to determine the seriousness of the allegation. If it is a minor complaint, that supervisor will attempt to rectify the situation at that time. The matter will be documented as described above and forwarded to the Chief for review. Other allegations not suitable for immediate resolution will be recorded by the supervisor concerned and forwarded to the Chief who will assign the complaint to the appropriate supervisor.

The complainant will be advised accordingly and directed to call the Chief if they are not contacted within three days by the supervisor. The Chief of Police will then resume the investigation into the complaint forwarded and contact the complainant with the results of the investigation and a resolution if applicable. **An on-call supervisor will be contacted if a member receives a personnel or service complaint at a time when no on duty supervisors are present.** Members receiving the complaint will have the complainant's contact information recorded in the Dispatch log. A notification to the on call will be made without delay if the allegation is serious in nature.

2. The initial interview may be conducted over the telephone, if appropriate. A memorandum will be prepared summarizing the initial interview and the intended course of action.

**NOTE:** At this stage, the Chief shall be notified concerning allegations that if founded, would constitute a criminal act, or involves an allegation of serious misconduct. The line-supervisor's proper discretion is imperative. The Chief of Police will be notified if any doubt exists concerning the level of allegation.

3. The initial interview must be followed up by a formal interview with the complainant at headquarters. At that time a sworn statement may be obtained as needed from the complainant. In the case of a complaint from

a third party, the actual complainant is the person from whom the statement must be obtained. The refusal of a complainant to be interviewed or the refusal of the third party to identify or make available for statement the actual complainant must be documented; however, this refusal does not necessarily mean that no further investigation will be conducted. The Chief of Police will be contacted in such situations to provide further direction on how to proceed. If this is encountered in cases of serious allegations, an investigation must be conducted to determine if independent witnesses or physical evidence can be developed or discovered. The Chief of Police may opt to pass these duties to another police investigative agency depending on the circumstance. At the conclusion of the formal statement, the complainant will be told that the police department will conduct a thorough investigation into his/her complaint and that appropriate action will be taken. The complainant will be told that he/she may be contacted again to obtain additional information.

4. Following the formal statement by the complainant, the member involved will be interviewed. He/she will be told that a complaint has been received and will be told the nature of the allegation. The superior officer investigating the complaint will inform the member that he will take a formal statement from the member within twenty-four hours of the initial interview. The member will be told that he/she has an obligation to give the statement, but he/she has the right to have a union representative and/or attorney present. If the superior officer is prepared at that time and the member wishes to waive the right to the presence of an authorized representative, the formal statement can immediately follow the initial interview of the member. In either case, a memorandum must be prepared summarizing the initial interview with the member. Statements should also be taken from any witnesses as necessary depending on the circumstances.
5. Upon completion of the investigation, the superior officer in charge of the investigation shall prepare a final memorandum which summarizes the complaint, sets forth the findings and conclusions of the investigation, and makes a recommendation for final action to be taken by the police department. The entire package will be signed and forwarded to the Chief of Police.

a.) The investigating supervisor's conclusion will be noted in the last paragraph of the memorandum. That conclusion will include one of the following four dispositions:

- Substantiated
  - Completely or partially confirmed.
- Unsubstantiated
  - Cannot prove or disprove.
- Exonerated

--Allegation is true, but the conduct was legal and proper.

-Unfounded

--Allegations are false.

6. The member will be informed in writing by the Chief of Police of the results of the investigation.

#### C. The Chief of Police

1. Maintain confidential records of internal investigations. All files are to be kept in a locked file cabinet. No member of the police department, regardless of rank or assignment, is permitted to review such records without approval of the Chief of Police. Such records will be kept in accordance with legal requirements.
2. All complaints will be recorded and numbered annually in a log maintained by the Chief of Police. This log will include a intake date and type (p/s), member identification (if known), disposition date and type, and assigned supervisor.
3. Ensure that the investigation is conducted according to established policies and procedures.
4. Maintain close liaison with the District Attorney in investigating alleged criminal conduct. Where liability is an issue, the Town Supervisor will be contacted.
5. The complainant will be told that the investigation and any subsequent action is an administrative proceeding, and that the complainant will not be informed of any actual disciplinary action taken. This information shall be provided by the Chief of Police or his designee.
6. Complaint data will be reported monthly to the Town Board. The data shall include a numerical breakdown of complaints by type (service or personnel), status of the complaint, shift of the complaint (day/night) and the complainant sex and racial status if provided.



***Police Department  
Town of Marlborough  
21 Milton Turnpike  
P.O. Box 305  
Milton, New York, 12547***  
Phone: (845) 795-2181  
Fax: (845) 795-2199

Jr.

Gerald T. Coccozza

Chief of Police

## Civilian Complaint Form

(Use this form to file a complaint against a Town of Marlborough Police Department employee)

Today's Date: \_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_

**Optional: Complainant information:**

**Name:** \_\_\_\_\_

**Sex:** \_\_\_\_\_

**Race:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Officer(s) Involved:** \_\_\_\_\_

**Details of incident and complaint:**

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Resolution sought by you:

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Do you wish to be contacted? \_\_\_\_\_ Yes

\_\_\_\_\_ No

Are you willing to be interviewed if necessary? \_\_\_\_\_ Yes

\_\_\_\_\_ No

Note:

This form can be completed and filed anonymously if desired. The complaint will be investigated and brought to resolution even if it is filed anonymously. This report will become a permanent record maintained by the Town of Marlborough Police Department.

Please choose one of the following:

Mail or drop off in person to: Chief of Police  
P.O. Box 305  
21 Milton Turnpike,  
Milton, New York 12547

Email: [Gcocozza@marlboroughpoliceny.us](mailto:Gcocozza@marlboroughpoliceny.us)

Fax: 845-795-2199



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Fiscal Management**

**Order Number: 2.16**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF:  
COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **FISCAL MANAGEMENT**

**PURPOSE:** To establish the fiscal management policy of the Town of Marlborough Police Department.

#### **I. POLICY**

The Chief of Police is the Chief Executive Officer of the police department and has the authority and responsibility for the fiscal management of the agency. He is assisted and supported by department supervisors. The Chief of Police will be responsible for the physical preparation of budgets. All budget requests will be based on information specifically approved by the Chief of Police. The day-to-day management of the budget will be the responsibility of the Chief of Police. The Chief of Police will be assisted by department members designated by the Chief of Police.

#### **II. PROCEDURE**

##### **A. Accounting System**

The agency accounting system will be provided by an appointed department member. They will provide monthly status reports showing initial appropriations for account or program balances at the commencement of each month. This report will also show expenditures and encumbrances made during the period and unencumbered balances at the time of the report.

These fiscal reports will be sent to the Chief of Police in order that he/she may stay within the allocated budgets.

##### **B. Internal Monitoring of Fiscal Activities**

Fiscal activities of the police department will be monitored by the Chief of Police of the Town of Marlborough. The Chief of Police will approve all vouchers and all documents requiring payment from any budget of the police department.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Police Department Property**

**Order Number: 2.17**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF:  
COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**POLICE DEPARTMENT PROPERTY**

**PURPOSE:** To establish policy for agency-owned property.

**I. POLICY**

The Chief of Police has responsibility for the proper order, use, care and condition of police department property. Title to all uniforms and equipment issued by the police department shall vest in the Town of Marlborough, and members and employees shall be held accountable for its care and maintenance. Members and employees shall report in writing to their superiors the loss of, damage to or unserviceable condition of equipment and specify the circumstances surrounding any loss or damage.

**II. PROCEDURE**

- A. The Chief of Police or designee shall be the persons responsible for the management and accountability of all Town of Marlborough Police Department owned property and equipment.
- B. The Chief of Police or designee shall ensure that assets valued in excess of \$250.00 are properly logged and accounted for.
- C. Furniture and other fixed assets are owned by the Town of Marlborough. No asset may be removed without the approval of the Chief of Police. This shall include all equipment, such as: desks, typewriters, computers, etc.
- D. The Chief of Police will approve any replacement of equipment as needed according to the financial limitations of the Operating Budget. All requisitions for new or replacement equipment must be approved by the Chief of Police.
- E. The Sergeant, who is a designee of the Chief of Police, is responsible for the issuance of uniforms and equipment to all personnel. All requests for additional or replacement uniforms and equipment must be made through the Chief of Police.
- F. Operating supplies, such as: paper, pencils, pens, etc., will be ordered and disbursed by the Chief of Police. Equipment for police vehicles, such as: flares, first-aid kits, etc., shall be obtained through a designated supervisor.

G. All requisitions for equipment and supplies shall be made on forms designated by the Town. All items purchased on an emergency basis (limit \$250.00) with an established vendor may be approved by a supervisor as needed.

H. Designated weapons will be issued to officers by a designated supervisor who will keep a record of each weapon. Police department ammunition will be ordered through the Chief of Police.

I. Upon separation from the department all members will surrender all department property that was provided to them. Members are liable to pay for the replacement of any missing items based upon fair market value. Department property and facilities will not be marked or defaced in any manner nor will items be affixed or posted unless approved by the Chief of Police.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Written Orders and Memoranda    Order Number: 2.18**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF:  
COCOZZA

DATE EFFECTIVE: 09/10/10    REPLACES ORDER #(S): APR

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**WRITTEN ORDERS AND MEMORANDA**

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

**I. POLICY/DEFINITIONS**

**A. General Orders**

Are issued to announce adoption or revision of policy and to direct new procedures. The following are proper subjects of general orders:

1. Institution of permanent procedures, rules, policies and manuals related thereto. EXAMPLES: Police Department Arrest policy, Police Department Vehicle Pursuit policy.
2. Permanent changes in organization.
3. 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.
4. Relationships with other agencies and citizens.

**B. 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 segments of activities. The following are examples of proper subject matter for special orders:

1. Specific instructions to accomplish a particular objective. Once accomplished, there will be no need for continuing instructions.
2. Temporary procedures designed to cover a special occurrence or event which is of a temporary or short-termed nature.

a) Authorization to change from winter to summer uniforms and vice-versa. (NOTE: Permanent uniform specifications will be detailed in a general order).

b) Directives to a specific division or unit which does not influence the operation of others and for which no organizational change is needed.

### C. Memoranda

May be issued for the following purposes:

1. Used for the routing of information by all commanders to subordinate members and between members.
2. To disseminate information or instructions which do not warrant a formal order or to serve in the capacity of a general order until a formal order is released.
3. 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.
4. To explain or emphasize portions of previously issued orders.
5. To inform members of actions or policies of other agencies.

## II. PROCEDURE

### A. Issuing Authorities

#### 1. **General Orders**

Issued only by the following levels of command:

- a) General orders are issued by the Chief of Police to announce organization-wide policies and procedures.
- b) General orders may be issued during the absence of the Chief of Police by a designated supervisor with the approval of the Chief of Police.

#### 2. **Special Orders**

May be issued by the Chief of Police or any supervisor.

#### 3. **Memoranda**

Issued as directed by the Chief of Police, Lieutenant or Sergeant, or other members if authorized or directed by one of the above.

## B. Preparation of Written Orders and Memoranda

1. All orders and memoranda will be written in concise and accurate grammar.
2. Whenever applicable, all orders and memoranda shall carry notations directing attention to other published documents which are related. An order or memoranda which rescinds or supersedes other orders or memoranda or rules, etc., will carry the identifying notations (Order number, etc.) necessary to connect them.
3. All orders must have an effective date within a reasonable time of the issue of such order.
4. All orders shall be reviewed by the Chief of Police.
5. All orders must have an effective date within a reasonable time of the issue of such order.

## C. Distribution and Retention of Written Orders and Memoranda

1. All personnel will be issued general orders and memorandum. These documents will be provided to members electronically and in other formats as directed by the Chief of Police. Members shall acknowledge receipt of all general orders by signing for same.

## D. Cancellations

1. All general orders, special orders and memoranda which are not self-canceling shall be reviewed one (1) year after original date of issuance to determine if:
  - a) They should be canceled.
  - 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 done by memoranda, if applicable.



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Department E-Mail and Computers Order Number: 2.18.1**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF:  
**COCOZZA**

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **DEPARTMENT E-MAIL AND COMPUTERS**

**PURPOSE:** The purpose of this policy is to provide guidance for the use of Town-owned E-Mail, internet and computer systems. Nothing stated herein will be applicable to or affect the confidentiality of those computer files, within the control of the Police Department that are deemed to be confidential.

Beginning immediately the Marlborough Police Department has initiated an E-Mail system for inter-departmental communications. Directives, monthly availabilities, schedules, and special details will now be posted via the E-Mail system. Written copies of these same documents will be posted in our station house as usual. All department members will now be responsible for reviewing their individual emails within the first hour of each tour barring exigent circumstances. To ensure all electronic communications were received, all members will review the posted department procedures, intelligence updates and other postings outside the Chief's office as usual. Members will still routinely check their mailboxes. The dry erase schedule and information boards opposite dispatch will also still be utilized. As a courtesy, all department members may have their department emails forwarded to another email address which can be accessed outside our facility. All usage policies as specified in this directive still apply.

#### **Account Access:**

To access your new email account users will open up the email system on a department computer. All user names are set and will remain as follows: **user first initial then last name; @; marlboroughpoliceny.us**, the password for all members is initially defaulted to "MPD" all members will change the issued password to a private password. That new password will be provided to the chief in writing. Any subsequent password changes will be immediately reported to the Chief in the same manner.

#### **Forwarding of emails to personal account:**

1. Log into your department E-Mail account;
2. Click on the settings tab;



3. Click on options;
4. Type in your personal E-Mail address un the section "Mail Forwarding"

## **I. COMPUTER SYSTEMS**

### **A. Property**

All computer systems, hardware, software, and files are the property of the Town of Marlborough.

1. Authority — Department Supervisors have the authority to inspect the contents of any computer equipment, data/files, or electronic mail ("E-mail-) of their subordinates in the normal course of their supervisory responsibilities. Email shall be considered the same as written correspondence and is subject to the same standards, reviews, approvals, records retention and other normal practices.

2. Privacy and Use considerations ---Pursuant to the ELECTRONIC COMMUNICATIONS PRIVACY ACT OF 1986 "18 USC 2510, ET SEQ.", notice is herby given that there is no provision for sending or receiving private or confidential electronic communications. Messages relating to or in support of illegal or inappropriate activities must be reported to your immediate supervisor.

### **3. E-Mail Messages Sent or Received;**

- a. May be released to the public under the Freedom of Information Law; and
- b. May require special measures to comply with personal privacy protection laws.
- c. May be subject to discovery proceedings in legal actions; including personal communications.
- d. have a reduced expectation of privacy when compared to documents sent via US Mail or comparable service providers. Similarly, E-Mail users have a reduced expectation of privacy compared to verbal communications conducted via telephone. This reduced expectation of privacy has been upheld in various court decisions.

### **B. Usage**

All computer systems, hardware, and software provided to an employee are provided for the purpose of aiding that employee in the performance of the

employee's job functions. All hardware and software used is to be supplied by the Town of Marlborough. No unauthorized or unlicensed hardware or software may be used or installed on any Town owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's immediate Supervisor. The immediate Supervisor will confer with the Chief prior to the installation of such programs.

### C. Prohibited Uses

In addition to the guidelines set forth above, the following uses of Town *owned computers and equipment are prohibited*. This list *is meant to be illustrative, and not exhaustive*.

1. Any illegal activity;
2. Threats or harassment;
3. Slander or defamation;
4. Viewing/Transferring of obscene or suggestive messages or graphical images unless part of an official investigation;
5. Any unauthorized commercial activity;
6. Accessing or attempting to access the data/files of another person, without their specific permission;
7. Using or aiding in the unauthorized use of another person's password;
8. Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
9. Use of non-business software;
10. Use of entertainment software, such as games and puzzles;
11. Installation or use of any hardware or software, "not owned by the Town";
12. Installation or use of Town-owned hardware or software for any use that is not Town related business;
13. Installation or use of any unauthorized or unlicensed hardware or software;
14. Installation of any software containing viruses.
15. Opening attached files to E-Mail if the sender is unknown or suspect.
16. Department members shall not utilize computer resources for playing games, visiting chat rooms or similar activities.

### D. Confidential Information

Employees and officials shall not send, transmit or otherwise disseminate nonpublic personal data, police materials or other confidential information of the Town to an unauthorized person or in an unauthorized manner. Unauthorized dissemination of this information may result in the substantial civil liability as well as severe criminal penalties under the Economic Espionage

Act of 1996, as well as Departmental discipline, including dismissal, pursuant to law.

## **II. INTERNET /ELECTRONIC MAIL REQUIREMENTS**

### A. Proper Usage

In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to internet E-mail service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town of Marlborough. Additionally, it is the responsibility of the employee to adhere to the following guidelines:

1. E-mail must be used in a professional manner for departmental use only.
2. Messages must not be threatening, insulting, obscene, abusive or derogatory. If you are unsure if the message is appropriate or not, do not send it!
3. Messages must not include remarks that constitute sexual harassment.
4. Chain letters are illegal and must not be transmitted through E-Mail.
5. Employees are responsible for saving any E-mail or computer records that they want to keep permanently.
6. Messages must not involve personal sales or be associated with any for profit outside business activity, personal gain or political campaigns.
7. Messages must not involve personal solicitations.
8. Messages must not potentially embarrass the Town of Marlborough.
9. Files must be housecleaned at least once a month, deleting any old E-mail and/or downloaded information that has been saved.
10. Passwords will only be given to the Chief of Police or to others with his permission.
11. Internet must not be used for the propagation of computer viruses.
12. Internet must not be used for personal recreational activities (e.g. online games).
13. Participation in non-business internet chat groups is prohibited.
14. As a security precaution, a workstation must not be left signed onto the

internet or E-mail. Each employee must log off the network when not in use.

15. Employee Internet / E-mail usage may be subject to filtering and will be monitored.
16. Employees should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.
17. Protect others privacy and maintain confidentiality.

#### B. Reliability

Users should be aware that because the Internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Town is not responsible for loss or **damage** to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

#### C. Passwords

All passwords and modifications will be provided without delay to the Chief of Police in writing. That document will be signed and dated by the employee concerned.

#### D. Freedom of Information Requests

Employees and officials shall comply with the procedures under the Freedom of Information Law of the State of New York in a manner which does not compromise the integrity of the Town's computer equipment or systems. Any foil request which may compromise the Town's equipment or systems shall be reviewed and approved by the Town Board before transmittal of the information to the person who has made such a request. All foil requests requiring information stored on Town computers shall be retrieved by a supervisor and delivered by diskette or hard paper copy only to the requesting party for a reasonable fee under the Freedom of Information Law, state and local regulations.

#### E. Reporting of Violations

Anyone with information as to a violation of this policy is to report said information to the employee's immediate Supervisor. An investigation will be conducted and violations may result in disciplinary action and/or criminal prosecution if applicable.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: On Duty Injuries**

**Order Number: 2.19**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **ON-DUTY INJURIES TO OFFICE PERSONNEL**

**PURPOSE:** To establish procedure for investigation and documentation on-duty injuries sustained by police department personnel.

#### **I. POLICY**

It shall be the policy of the Town of Marlborough Police Department to thoroughly investigate and document any incident where a member of the police department becomes injured while on duty, or suffers an illness because of on-duty activity. There are a variety of adverse consequences, which can arise if the incident is not properly investigated and documented. In order to achieve proper handling and thus protect the interests of its members, the police department adopts the following procedures.

#### **II. PROCEDURE**

A. The member sustaining the injury shall immediately inform the dispatcher, and shall write a detailed report of the incident. The report shall be completed and submitted prior to the termination of the tour of duty during which the injury was sustained. If the member is unable to prepare the report, a superior officer will direct another on duty member to prepare a report. A supervisor will investigate the incident as necessary and prepare related documentation.

The report shall include, but not be limited to, the following information:

1. The date, time, and location of the incident.
2. A description of the incident, including what events occurred immediately before the injury was received.
3. The location and nature of the injury, as far as can be determined at the time of the report.
4. Whether medical attention/treatment is being sought in connection with the injury, and if so, the name and address of the doctor/hospital.
5. The names and addresses of any witness.

6. Whether or not it is anticipated that any time will be lost from work due to the injury.

B. The Dispatcher shall notify the supervisor on duty, and the supervisor shall cause an investigation of the incident, including the interview of any witnesses.

C. A 207-C report shall be completed for any line of duty injury by the investigating supervisor. The supervisor investigating the incident shall review and sign this report, and forward to the Chief of Police. The Chief of Police will forward all appropriate documentation to the office of the Town Supervisor.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Notary Public**

**Order Number: 2.20**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF:  
COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**NOTARY PUBLIC**

**PURPOSE:** This order is issued to standardize the procedure for notarization of documents. .

**I. POLICY/PROCEDURE**

A. No member shall act as a notary public on behalf of the town unless they are duly licensed to so act. They shall conform to all applicable state or local laws or regulations and office rules when performing these duties.

B. Licenses fees for any member, sworn or civilian, whose duties require him or her to act as a Notary Public will have those fees reimbursed by the town.



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Warrants**

**Order Number: 2.21**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **WARRANTS**

**PURPOSE:** To establish a policy and procedure for a record system for warrants.

**I. POLICY:** A record of warrants shall be maintained in a Microsoft Word document. This record shall be kept up-to-date as changes occur. Original warrants shall be maintained in a designated warrant file. Access shall be available to all police department personnel 24 hours a day.

### **II. PROCEDURE**

A. When a warrant is received by this police department, either in person or by mail, it shall be forwarded immediately to the Warrant Control Officer, who will:

1. Ensure an accusatory instrument is attached to all Arrest Warrants.
2. Make appropriate entry in warrant control log.
3. The warrant control number will be the incident number of the related case. If no case number exists, assign the next consecutive incident number using the police department Spectrum Justice System (rm). A report in the RMS will be filed for every warrant received.
4. Complete and enclose a Warrant Control Sheet.
5. Prepare a warrant control file jacket and enclose:
  - a) Original and two copies of the warrant.
  - b) The Warrant Control Sheet.
  - c) Three copies of the accusatory instrument.  
(Arrest Warrants)
6. Forward warrant control file jacket to the Communications for appropriate NYSPIN teletypes. Communications Bureau member shall enclose copy of the teletype (File 5-WENT) in warrant control file jacket. Communications member shall ensure that the original warrant, warrant control sheet (white copy), copy of the accusatory instrument, and copy of the teletype are filed in Communications and shall be accessible to all



members of the police department 24 hours a day. The communications member will forward the warrant jacket back to the Warrant Control Officer.

7. The Warrant Control Officer will forward the warrant file jacket to the Uniform Division for assignment by a supervisor when appropriate. At this point, the Warrant Control Officer keeps copies of the warrant, control sheet (yellow copy), accusatory instrument, and service request form on file in the Criminal Bureau.

**NOTE:        Felony arrest warrants must be entered into the NYSPIN System within 48 hours from the time it is received by the Officer or agency whom it is addressed.**

#### B. Execution of Warrants

1. Members attempting execution of arrest warrants will log their investigative results on the appropriate portion of the warrant control file jacket.
2. Should an investigative attempt at execution reveal the warrant to be UNWORKABLE and the ARREST of the suspect NOT PRACTICAL, the investigating officer will note such results on the jacket and return the jacket to his/her supervisor, who will return the jacket to the Warrant Control Officer, who will return the arrest warrant to the proper court.
3. When an arrest warrant has been executed and the suspect(s) apprehended, the OFFICER WHO ARRAIGNS the suspect(s) will surrender the original warrant to the court of arraignment.
4. Upon the arrest of any individual for which this agency holds the warrant and has entered a NYSPIN WENT entry, A FILE 5 NYSPIN WCAN WILL be entered immediately after the arrest has been affected. IT WILL BE THE ARRESTING OFFICER'S RESPONSIBILITY TO SEE THAT THE WCAN ENTRY IS MADE and the warrant jacket turned over to Communications. THE HOT SHEET IN COMMUNICATIONS NEEDS TO BE UPDATED BY CROSSING OFF THE SUSPECT AND DATING IT.
5. A copy of the NYSPIN WCAN will be placed in the arrest warrant file jacket by the officer who sends the cancellation, who will then forward the completed file to the supervisor for arrest approval.
6. The arresting officer shall file appropriate arrest information in RMS.

C. In cases where the warrant is recalled by the court, the Warrant Control Officer will update the case in RMS, and paper files. Ensure Communications sends File-5WCAN. Send the original copy of the warrant to the court, and follow, "C" above.

D. All cancelled warrants shall be maintained in a file.

E. Family Court Warrant

1. All Family Court warrants received by this agency will be forwarded to the Juvenile Aid Bureau (JAB).
2. The clerical staff shall generate a report in RMS and update entries in the warrant log maintained in JAB.
3. The original warrant, the RMS printout and a follow-up activity sheet will be placed in a file and lodged in JAB. A copy of the warrant is lodged in Communications.
4. A warrant "Hotsheet" will be filed in Communications.
5. The JAB clerical staff mail a surrender letter to the respondent in an attempt to bring the case to a conclusion.
6. Every 90 days, at the discretion of the Family Court, a member of JAB will participate in a warrant review session held at the D.C. Family Court.
7. When the warrant is cancelled or executed, the original is returned to the court and the RMS is updated accordingly. Copies of the RMS and the warrant are placed in a "cancelled" file and placed in designated file cabinet in JAB.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Crime Victim's Assistance**

**Order Number: 2.22**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **CRIME VICTIMS ASSISTANCE**

**PURPOSE:** To provide members of the police department with the basic provisions of the New York State Victims Assistance Program.

#### **I. POLICY**

A. 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. Members must be aware of the basic provisions of the New York State Victims Assistance Program.

B. The following are eligible for awards:

1. Victims of a criminal act resulting in physical injury.
2. Surviving spouses, parents or children of a victim of a crime who died as a result of such crime.
3. Any other person dependent for his principal support upon a victim of a crime who died as the result of such crime.

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

#### **II. PROCEDURE**

A. Filing of a Claim

1. A claim may be filed by a person eligible to receive an award or if such person is a minor, by his/her parent or guardian.
2. 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, or, later than ninety days after the death of the victim.
3. 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.

B. Responsibility of Police Officers

1. A brochure titled, "Crime Victims Can Get Help", and crime victims claims forms will be available at headquarters and at the Crime Victims Compensation Board listed below.
2. Members will be required to explain the contents of the brochure and claim forms and supply a Crime Victims Board card.
3. Members will be required to advise qualified victims of their option to contact the local Crime Victims office for assistance in submitting or completing the crime victims claim forms.

The Crime Victims Compensation Board can be reached at 1-800-247-8035

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Incident Scene Equipment**

**Order Number: 2.23**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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

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

#### **I. POLICY**

It is the policy of the police 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.

#### **II. EQUIPMENT MAINTAINED BY THE DETECTIVE DIVISION**

##### **A. Recovery of Latent Fingerprints**

1. Complete fingerprint dusting kit, includes:
  - Lifting tape with a minimum of one inch width.
  - Lifting tape backers, white/black/clear.
  - Dusting powder and magnifying glass
  - Application brushes fiberglass/camel hair/white and black.

##### **B. Crime Scene/Evidence Recovery Equipment**

1. Crime scene barrier tape.
2. 300' measuring tape.
3. Assorted tools.
4. Evidence tape.
5. Paper bag, small/medium/large.
6. Plastic bag, small/medium/large.
7. Assorted plastic bottles.
8. Property forms.
9. Evidence collection forms.
10. Evidence tags.
11. DNA recovery kit.

##### **C. Camera Equipment**

1. (1) SLR Body Digital Cameras with specific memory cards.
2. (1) video camera.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Standard Equipment PD Vehicles    Order Number: 2.24**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10    REPLACES ORDER #(S): APR

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### **STANDARD EQUIPMENT – POLICE DEPARTMENT VEHICLES**

**PURPOSE:** To establish required items to be carried in police department vehicles.

#### **I. POLICY**

A. All police department vehicles are to be equipped with, but not limited to, the following items:

1. Flares.
2. Fire Extinguisher.
3. First Aid Kit.
4. Personal Protection Kit (infection control).
5. Ballistic vest and ANSI traffic vest
6. Light system with alley, take down and rotating lights
7. Spot light-drivers side
8. Siren system with PA
9. Halogen tool
10. Two way police radio
11. Tape measurer
12. Blanket
13. Shovel
14. Full plexiglass cage with metal to floor (not required in unmarked units)
15. Barrier tape
16. Alternating headlights
17. Shotgun rack
18. Snow brush and ice scraper
19. Ballistic shield (One patrol vehicle per shift)
20. Kevlar helmet
21. Lock out kit
22. Ballistic vest
23. Medical box
24. AED/Oxygen

B. Tactical Go Bag

Every assigned patrol vehicle will be equipped with a tactical go bag by the officer concerned. The bag will be inspected by that officer coming on duty to confirm it is properly sealed. The bag number to be used will be reported to dispatch. If a seal is broken, the officer concerned will remove the contents of the

bad and verify that each specific item is accounted for. The results of that inspection will also be reported to dispatch as well as the fact that the seal was broken; the on call supervisor will also be notified. The tactical go bags contain the following items;

1. Three loaded Glock Magazine
2. One 25 foot Taser cartridge
3. Five plastic flex cuffs.
4. One "Leatherman" multi use tool.
5. One LED flashlight.
6. One pair of binoculars.
7. 100 foot length 550 survival cord.
8. One roll 90 MPH duct tape.
9. One set of Marlborough School Blueprints.
10. One medical bag containing multiple items including one quick-clot trauma sponge, one Asherman chest seal and a variety of other medical equipment.

C. Police department vehicles must display valid number plates and valid registration and inspection certificates (except in the case of marked units which are exempt from registration requirements)

No accessory shall be added to an office vehicle that would cause the vehicle to be out of compliance with the vehicle and traffic law. Bumper stickers and other ornamentations are prohibited unless specifically authorized by the Chief of Police.

## **II. PROCEDURE**

It shall be the duty of the vehicle driver to ensure the above equipment is maintained in each vehicle.

*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Special Purpose Vehicles**

**Order Number: 2.25**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**SPECIAL PURPOSE VEHICLES**

**PURPOSE:** To designate the special purpose vehicles of the police department and personnel required to maintain them.

**I. SPECIAL PURPOSE VEHICLES**

A. Any vehicles other than patrol or unmarked vehicles utilized for police operations shall be considered a special purpose vehicle. These vehicles are not required to carry the equipment as designated the Standard Equipment Order (2.24).

**II. RESPONSIBILITY/OPERATION**

A. Any department member utilizing such vehicles will only do so with the permission of the Chief of Police or designee. Operators are responsible to follow all department guidelines regarding department vehicle operation and maintenance.

B. Contains the following but not limited to:

1. Flares.
2. Fire Extinguisher.
3. First Aid Kit.
4. Personal Protection Kit (infection control).
5. Spare tire; jack with lug wrench.
6. Ballistic vest and ANSI traffic vest

C. Housed and deployed from as designated by the Chief of Police.

D. Dispatched to incident scene as deemed appropriate by a supervisor.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Performance Evaluation**

**Order Number: 2.26**

DATE ISSUED: 02/03/21  
COCOZZA

BY ORDER OF POLICE CHIEF:

DATE EFFECTIVE: 03/01/21      REPLACES ORDER #(S): N/A

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### **PERFORMANCE EVALUATION AND COUNSELING MANUAL**

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## **I. PURPOSE OF EVALUATION**

The primary purpose of police officer performance evaluations is to inform police officers as to how well they are performing their duties and responsibilities and to offer suggestions, assistance and support in aiding employees in improving job performance when necessary. Employee performance evaluations may also be used as a tool to assist supervisors in making key decisions concerning promotions and disciplinary action.

\*Note: During the course of this evaluation, the evaluator will consider the fact that a supervisor is not present on every shift thus making it unfeasible to grade every police officer in a uniform manner. Every effort will be made to take the aforementioned into consideration when evaluating a police officer.

## **II. DEFINITIONS**

### **A. Mandatory Performance Factors**

1. *Attendance*: The degree to which the police officer reports for and remains at work as required. The following will be considered:

- a. Rate of absenteeism both excused and unexcused;
- b. How the employee's attendance affects the performance of the employee
- c. Getting to work on time – punctuality;
- d. Staying on the job after reporting to work.

2. *Quality of Work*: The degree of correctness of work performed. The following will be considered:

- a. Accuracy and skill in performing tasks;
- b. Neatness and thoroughness in completing work requirements;
- c. Professional and/or technical competence.

3. *Work Habits*: The degree to which the police officer follows instructions and

observes work rules. Consider: The following will be considered:

- a. Work instructions are obeyed and carried out accordingly;
- b. Care and use of equipment;
- c. Police department equipment is used and taken care of accordingly and said equipment is not used carelessly or in a manner that is likely to damage said equipment.

4. *Initiative*: The degree to which the police officer is self-motivated in completing work assignments. The following will be considered:

- a. Completing tasks and or assignments on the police officer's own volition.
- b. The employee's effect on the morale of other employees.
- c. The ability to get along with coworkers.
- d. The amount of work completed.

5. *Judgment and Common Sense*: The degree to which a police officer uses good sense and makes sound decisions. Consider the following:

- a. Application of basic intelligence and good sense in work performance.
- b. How the police officer thinks before he/she acts.

6. *Safety*: The degree to which the police officer ensures that all of his/her equipment is maintained in good working condition and that actions are performed in a safe, efficient and effective manner.

7. *Communications*: The degree to which the police officer effectively Expresses him/herself both orally and in writing. Consider:

- a. Ability to utilize the English language effectively;
- b. Ability to write clearly and concisely;

### **III. Performance Levels**

#### **1. UNSATISFACTORY**

The police officer's performance clearly and consistently fails to meet work requirements. This rating indicates inadequate, unacceptable performance. The police officer shows with an unwillingness or an *inability* to improve. It characterizes an employee whose performance is well below average.

#### **2. IMPROVEMENT NEEDED**

The police officer's performance often fails to meet work requirements. The employee has demonstrated some willingness or ability to improve performance, but only on occasion. This rating indicates performance that is less than satisfactory and requires that steps must be taken to improve performance. It characterizes a police officer whose performance is below

average.

### 3. *SATISFACTORY*

The police officer's performance is reasonably adequate, and he/she meets work requirements. The rating is higher than the level of "improvement needed" since the employee usually demonstrates his/her willingness and ability to meet an acceptable level of performance. It characterizes an average police officer who does only what is expected of him/her.

### 4. *VERY GOOD*

The police officer's performance regularly meets and exceeds the work requirements. This rating is higher than the level of "satisfactory" since the police officer demonstrates a desire and ability to exceed just an acceptable level of performance. It characterizes a better-than average employee who does more than what is expected of him/her.

### 5. *OUTSTANDING*

The police officer's performance is clearly superior in meeting work requirements. This rating is higher than the rating of "very good" since the employee consistently demonstrates exceptional desire and ability to exceed just an acceptable level of performance. The police officer not only exceeds an acceptable level of performance, but his/her high standards have either increased the effectiveness of his/her unit or has set an example for others to follow. This rating characterizes an excellent employee who consistently does far more than what is expected of him/her.

## **IV. PROCEDURES**

### A. Personal Information

This section is self-explanatory. (Name of employee, rank, date of evaluation, DOB and years in present position.

### B. Annual Reports

An annual performance evaluation report shall be completed for each Employee one month prior to his/her anniversary date. The annual report will reflect the level of the employee's performance since his/her last annual report.

### C. Special Report

A *Special Evaluation Report* shall be completed whenever:

1. There is a significant change upward or downward in the employee's performance. Such evaluation may be given at any time.

2. If an employee receives an overall evaluation of "needs improvement" on his/her annual evaluation, a special report will be done three months after the annual evaluation to determine if there has been improvement.

Employee Name: \_\_\_\_\_

Job Title and years in present position \_\_\_\_\_

Appraiser's Name and Title:

\_\_\_\_\_

Appraisal Date:

\_\_\_\_\_

### **SECTION I:**

**(Use the above scale and corresponding numbers to rate each section.)**

**Task:** *Patrol function*

**Standard:** Has a good working knowledge of the geography of Marlborough. Patrols in a manner, which promotes the prevention of crime, the protection of life and property, and the detection and apprehension of violators.

**Achievement:**

**Task:** *Attendance*

**Standard:** The degree to which the police officer reports for and remains at work as required.

**Achievement:**

**Task:** *Quality of Work*

**Standard:** The degree of correctness and completeness of work performed.

**Achievement:**

**Task:** *Positive public interaction.*

**Standard:** Is courteous, professional, and helpful in interactions with the public and while on duty performing work for the Marlboro Police Department, does the employee provide equal treatment, as appropriate for the actual real time circumstances of encounters, to all individuals regardless of the individual and personal characteristics (including but not limited to race, color, ethnicity, religion, sex, age, national origin, and disability) of everyone interacted with by the employee?

**Achievement:**

**Task:** *Community orientated policing.*

**Standard:** Works to foster a strong relationship with the community to address concerns and prevent/address crime.

**Achievement:**

**Task:** *Operates department vehicles.*

**Standard:** Safely operates assigned vehicles as per department guidelines.

**Achievement:**

**Task:** *Addresses incidents and service calls appropriately.*

**Standard:** Upon arrival at a call site: Investigates, evaluates, and takes appropriate action.

**Achievement:**

**Task:** *Prepares and submits written documentation.*

**Standard:** Accurately prepares appropriate documents as per department guidelines and submits them in a timely manner.

**Achievement:**

**Task:** *Performs follow-up activity and investigations.*

**Standard:** Takes appropriate investigative steps to successfully close cases including follow up interviews as necessary. Attends court and administrative hearings as required.

**Achievement:**

**Task:** *Positive employee interaction.*

**Standard:** Works well with fellow employees and willingly assists members in the performance of their duties.

**Achievement:**

**Task:** *Professional appearance.*

**Standard:** Officer is properly attired and presents a positive public image.

**Achievement:**

**Task:** *Safety*

**Standard:** The degree to which an employee ensures that all of his/her equipment is maintained in good working conditions and that actions are performed in a safe, efficient and effective manner.

**Achievement:**

\*\*\*\*\*  
\*\*\*\*\*

If the achievement level for any standard is **2** or less, has the employee's performance been discussed with him prior to the appraisal interview?  
YES \_\_\_\_\_ NO \_\_\_\_\_ *\*If NO, please describe why this was not done:*

## **SECTION II:**

Please indicate below written comments regarding the employee's overall performance including any particular strength(s). Additionally, indicate areas or tasks which the employee should concentrate on to improve prior to the next appraisal:

## **SECTION III:**

What specific goals, training or assignments can be given to this employee to improve his/her performance? (Use back of page if additional space is needed).

**Goals desired:**

**Training/Assignments**

## **SECTION IV:**

If the member is probationary, do you recommend their continuation in the position and the awarding of permanent status?

YES \_\_\_\_\_ NO \_\_\_\_\_

**TO BE COMPLETED BY THE EMPLOYEE:**

A copy of this appraisal has been reviewed by me and I have been provided the opportunity to discuss it with the reviewer.

\* Please indicate your thoughts below by initialing one of the following:

\_\_\_\_\_ I generally agree with this evaluation.

\_\_\_\_\_ I disagree with this evaluation and understand my right to make appropriate comments below and request an appeal as per General Order 2.26 if desired.

**Employee's Comments if any: (Use back of page if additional space is needed)**

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**NOTE: Employee's signature does not necessarily indicate agreement with the appraisal.**

**TO BE COMPLETED BY THE APPRAISER:**

I have evaluated the employee and provided them an opportunity to personally discuss the evaluation.

\_\_\_\_\_  
Appraiser's Signature

\_\_\_\_\_  
Date

**TO BE COMPLETED BY THE CHIEF OR THEIR DESIGNEE:**

I have reviewed this appraisal and the employee's comments. I believe that the evaluation of the employee was objective and reasonable.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Public Officers Law**

**Order Number: 2.28**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**LEGISLATIVE RESTRICTIONS: PUBLIC OFFICERS LAW**

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

**POLICY** Officers are subject to the provisions of the General Municipal Law, Article 18. This statute deals mainly with conflicts of interest. It imposes certain prohibitions on activities by public officers and employees of municipal governments. Sworn members of this Department are required to know and obey these statutes. The proscribed prohibited activities include:

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

THE SAME LAW ALSO IMPOSES SEVERAL AFFIRMATIVE DUTIES,  
INCLUDING:

- D. Disclosure of any interest in any contact or dealings with the employing government.
- E. 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.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Legislative Restrictions**

**Order Number: 2.29**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**LEGISLATIVE RESTRICTIONS: RACING, WAGERING AND BREEDING  
LAW, ALCOHOLIC BEVERAGE CONTROL LAW**

**PURPOSE:** To inform officers of legislative restrictions placed on them by the New York State Alcoholic Beverage Control Law, and the Racing, Wagering and Breeding Law.

### **POLICY**

A. Racing, Wagering and Breeding Law

Members of the police department shall not own or hold, directly or indirectly, any proprietary interest, stock or obligation of any firm, association or corporation which:

1. Is licensed by the board to conduct pari-mutuel racing.
2. Conducts its occupation, trade, or business at racetracks at which pari-mutual race meets are conducted whether or not a license is required.
3. Owns or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutuel racing is conducted.
4. Participates in the management of any franchise holder or licensee conducting pari-mutuel racing.

B. Alcoholic Beverage Control Law

1. Members shall not have any 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 beverages.
2. No member shall be employed in any retail licensed establishment where the consumption of alcoholic beverages is permitted on premise except when authorized by the A.B.C. Board and the Chief.
3. Employment in a licensed establishment for off premise consumption (deli, etc.) is not prohibited under this section.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Patrol**

**Order Number: 3.00**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **PATROL**

**PURPOSE:** To establish guidelines for the patrol officer when preparing for and performing patrol activity.

#### **I. BACKGROUND**

A. Patrol is the primary activity of a police agency's uniform force. Its objectives are tantamount to the total police responsibility and include:

1. Prevention and detection of crime.
2. Protection of life and property.
3. Apprehension of offenders.
4. Control of traffic.

B. Any matter you investigate can have serious consequences. Because of this, any call for help should be handled promptly and in a way that will minimize harm to the investigating officer(s), victim(s) and any bystanders.

C. The success of your patrol operation relies heavily upon your powers of observation. Effective observation involves being alert to the unusual. Your effectiveness increases with continued practice such as looking at commonplace occurrences, persons and objects and being able to note something unusual about them.

You should be suspicious about what you observe. The MORE you question what you are observing, the MORE effective you will be while on patrol.

D. You should avoid rationalizing about the reasons why something is happening and recognize that a situation or occurrence is not always what it appears to be.

E. Carry and utilize a notebook. Use it to record wanted persons or vehicles, and other matters from the blotter, TM messages, and other sources reviewed before each shift. It should also be used for recording license numbers of vehicles, facts of investigations or inquiries and notes on other matters to report or remember, such as traffic signs requiring repair.

## **II. POLICY**

A. Sergeant's shall review complaints and criminal activity and direct the officer's efforts to the areas of greatest need.

B. Every patrol officer will have the following items with him/her during a tour of duty:

1. Flashlight.
2. Police baton
3. Raincoat.
4. UTT and parking ticket book/appropriate police forms.
5. V&T law manual.
6. Town road map.
7. Notebook.
8. A pen with black ink.
9. Valid driver's license.
10. Police department I.D. card.
11. Police department approved firearm.
12. Handcuffs with key.
13. Flares.
14. First-Aid kit.
15. Body armor
16. Reflective vest.
17. Fire extinguisher.
18. Personal Protection Equipment (PPE)
19. Pepper Spray

### **III. BASIC PATROL PROCEDURE**

- A. Check the blotter, recent messages, bulletin boards, emails and any other sources for information pertinent to your patrol area.
- B. Check with officers who worked the previous shift concerning pending matters.
- C. Avoid developing a routine or following a fixed route of travel while performing patrol duties. Cover as much of your patrol area as possible during your shift.
- D. Thorough acquaintance with the patrol area is essential and should include:
  - 1. Knowing the most direct routes of travel to and from specific locations within your patrol area.
  - 2. Developing a good working relationship with residents and businessmen.
  - 3. Acquiring detailed knowledge of all legitimate businesses and activity so that the unusual, or out of the ordinary will be immediately apparent.
- E. Night patrol offers particular hazards which the officer must recognize and take steps to minimize.
  - 1. If you are covering an area on foot, take advantage of concealment as required to properly observe your field of view.
  - 2. In trying doors, windows and gratings of business establishments, vacant property, etc., do so without noise to maintain the advantage of surprise.
  - 3. When rounding corners or entering darkened areas, pause momentarily to listen for sounds of suspicious or potentially dangerous activity.
  - 4. Take note of lighting conditions and avoid illuminating yourself.
- F. Observe parked and moving vehicles, and check suspicious vehicles in commercial and residential areas.
- G. Check damaged vehicles.
  - 1. They may be stolen or recently involved in a hit-and-run accident.

2. The driver may be drunk, sick, injured, or trying to flee from the scene of a crime.

H. Check parked and disabled vehicles and their occupants.

I. Check vehicles whose occupants appear to be sleeping.

1. The occupants may be wanted, missing or suicidal.
2. They may be acting as lookouts or engaged in other criminal activities.
3. They may be ill, intoxicated, or overcome by carbon monoxide poisoning.

J. With patrols operating around the clock and often during times of adverse weather conditions, the operation of patrol vehicles shall be in accordance with conditions that prevail:

1. Operate at casual speeds, being observant and inquisitive.
2. Periodic stops should be made to observe conditions and traffic flow.
3. Patrols shall cruise residential areas at a slow rate of speed whenever possible. Presence of patrol units in these areas:
  - a) Create good community relations.
  - b) Create a sense of security to residents.
  - c) Prevent crimes and acts of vandalism.
  - d) Develop sources of valuable information.

K. Surveillance of industrial, commercial and residential properties are a part of the patrol's duties. Effort should be made to check all of these areas during the patrol's tour of duty. Whenever property checks are performed, and the building is found to be unsecured or open, the patrol will **not** enter the building alone unless absolutely necessary. The following shall be followed:

1. Notify dispatcher.
2. Give estimate of the situation.
3. Check building for security.

4. Request necessary assistance.
  5. Attempt to notify the owner or manager.
  6. An incident report shall be submitted by the patrol Officer.
- L. The patrol shall be responsible to report to the dispatcher immediately all:
1. Traffic control devices not operating properly.
  2. Traffic control signs down, missing, or damaged.
  3. Railroad gates or signals damaged or not operating.
  4. Dangerous holes or ruts in roadways.
  5. Electrical or communications wires down.
  6. Any water leaks or breaks in mains.
  7. Construction sites that are not properly barricaded or lit, etc.
  8. Any other unforeseen dangerous or hazardous conditions.
- M. There may be cases where the officer must stand by until some attempts have been made to correct the dangerous or hazardous condition.
- N. Patrol units shall not respond to calls unless notifying the dispatcher. Should a member require additional assistance, he/she shall request same through the dispatcher by radio, telephone, or through a citizen in extreme cases.
- O. Whenever a patrol is assigned to assist or back up another unit at the scene of an accident or other call, and the additional assistance is no longer required, the assisting unit shall promptly notify the dispatcher and resume patrol.
- P. Patrols shall notify a superior officer in all investigations as outlined in established directive.  
(See directive, "Notifications – Police Department Personnel.")
- Q. Upon completion of assignments, patrol will immediately call back in service through the dispatcher.
- R. Use of the siren and/or emergency lighting equipment, when not warranted, is forbidden. Good judgment and common sense shall be employed in the use of emergency equipment (See applicable directives).
- S. Patrol personnel shall operate vehicles in accordance with the Vehicle and Traffic Laws and current police department order and/or directives.
- T. The operator of an emergency vehicle is not relieved of the responsibility to drive with due regard for the safety of all persons, nor shall he/she be relieved of the consequences of reckless disregard for the safety of others.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Communications/Dispatch**

**Order Number: 3.01**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **COMMUNICATIONS SECTION**

**PURPOSE:** To establish the components of the Communications/Dispatch and set guidelines for their use.

#### **I. POLICY**

A. The Head Dispatcher shall be responsible for the communications function within the Town of Marlborough Police Department. Communications shall include, but not be limited to, radio communications, telephone communications, teletype and automated data communications (FAX), telephone pagers, computer systems.

B. The dispatcher on duty has a number of responsibilities and accordingly has certain authority vested in him/her by the Chief of Police.

C. The police department shall provide 24 hour a day telephone access to the general public for emergency calls for service.

D. The Town of Marlborough Police department shall adhere to all rules, regulations, policies and procedures as from time to time may be established by the New York State Police Information Network teletype system. The NYSPIN Manual, Part 1, Section 1, contains the rules and regulations for the system.

E. All information received through the teletype system or E-Justice is considered confidential information and is for official police use only. Distribution of this information outside of the police community or the obtaining of it for nonofficial purposes may constitute a crime in some cases.

F. On duty members assigned to patrol or other duties shall not go on assignment without access to the Town of Marlborough Police Department two-way radio communication system. Members performing "undercover operations," shall be exempt from this requirement with specific approval of the Chief of Police. All Town of Marlborough Police Department vehicles are equipped with two-way mobile radios. Each member, in the field, will be assigned portable radios. While on duty and in the field, all personnel shall remain in radio contact with headquarters, unless specifically approved otherwise by a supervisor.



## II. PROCEDURE

### A. Radio Communications

1. All personnel shall operate their assigned radio equipment in a professional manner.
2. All personnel using radio equipment shall always enunciate in a clear resonant voice and speak at a constant rate to ensure each word spoken is separate from all others.
3. Non Police/Fire/EMS messages are prohibited from broadcast on the police department two-way radio equipment.
4. All radio messages shall be acknowledged immediately.
5. Radio messages and acknowledgments shall take precedence over ALL ROUTINE telephone conversations.
6. Information that would jeopardize the delivery of police services, if known by other persons, shall NOT be transmitted via police two-way radio.
7. All field personnel shall acknowledge receipt of radio calls and messages by giving their assigned car number or shield number (no vehicle assignment).
8. The term "Prepare to Copy" shall be used by communications personnel when preparing to transmit information. The term "Prepare to Copy" shall NOT be used for in progress calls.
9. When attempting to contact patrol units for an assignment to a call for service, the desk officer/dispatcher shall call at 20 second intervals for a period of one minute. After one minute with no response, a supervisor shall be notified. However, an emergency call shall be dispatched to another unit immediately following the first non response by the original unit contacted. Attempts to continue hailing the non responsive unit(s) will continue until otherwise directed by the supervisor.
10. The dispatcher shall conduct status checks every two minutes on field personnel when out on a call until such time that they declare they are secure. Dispatchers will do the same on vehicle stops, checking status every two minutes without radio communication from the officer.
11. Status Checks that get no response shall mandate that a backup unit be immediately dispatched and a supervisor immediately notified.

12. When transmitting on two-way radio, all police department personnel shall be referred to by rank and last name or shield number. First names shall NOT be used.
13. Radio transmissions should be clear and concise.
14. All patrol personnel who leave their assigned vehicles shall notify the desk officer/dispatcher, specify their location, and maintain radio contact using assigned portable radios.
15. During an emergency or unusual situation, the desk officer/dispatcher shall invoke "Radio Silence." In such case, all units shall comply.
16. As per NIMS guidelines, members shall utilize clear, common sense terminology when transmitting on the two-way radio, avoiding typical police jargon. The use of radio code signals should be predominantly avoided.
17. All assignments by the dispatcher shall be considered an authoritative order, as if delivered directly by a superior officer. Officers will err on the side of caution and respond to an assigned call in almost all cases. Any discrepancy regarding an assignment (other than a clarification needed to interpret a message) should be reported by the member concerned to a supervisor. That supervisor, or in their absence, the senior member on duty, shall make an immediate determination on the assignment of the call in question. Further questions will be referred to the Chief.
18. Patrol supervisors shall monitor all radio communication during their tour of duty and correct any deficiencies.
19. Dispatchers will constantly monitor all 911, fire and medical calls and advise patrol of the same if patrol has not already acknowledged the call.

#### B. Telephone Communications

1. All telephone conversations shall be conducted in a businesslike manner.
2. Proper English shall be used at all times, and the use of profanity and slang terminology is strictly prohibited.
3. A dispatcher shall have writing materials in close proximity to a telephone at all times. All information taken on phone calls shall be documented in the daily blotter.

4. The dispatcher shall refrain from the use of tobacco products and food substances while conducting a telephone conversation. All personnel shall enunciate clearly and in an unhurried voice.
5. All callers or persons being called shall be referred to by their proper name, title, and/or rank, i.e., Chief Johnson, Mr. Smith, Miss Jones, or if unknown, shall be referred to as "sir" or "ma'am."
6. All incoming calls to the police department shall be answered in a prompt manner. Members shall cease any personal conversation to answer a ringing outside line telephone call.
7. Personnel engaged in telephone conversations shall not become argumentative, curt or sarcastic.
8. All police department outside lines in Communications shall be answered in the following manner:  
"Town of Marlborough Police Department, (rank) then your last name."
9. When more than one telephone line is ringing, the caller should be asked if it is an emergency; if not, go on to the next call, and so on. Emergency calls are given priority. After all emergency calls have been handled, return to the other calls in the order in which they were received.
10. All routine complaints or inquiries of a nature not served by this police department are to be referred to the proper agency that does handle the complaint or inquiry. The caller shall be provided, by the desk officer/dispatcher, with the name and (where available) the phone number of the proper agency. Emergency complaints outside the jurisdiction of this police department shall be transferred to the appropriate agency.

#### C. Officer Status

1. The dispatcher shall be responsible for monitoring and recording the status of officers on assignment or out-of-service.
2. Dispatchers will record all telephone calls, complaints, officer assignments, and all department related information in the Dispatch Log. Entries must be complete, thorough and legible.

#### D. Documentation

1. A written daily blotter (Dispatch log) is to be maintained by dispatcher.
2. Each shift will sign into the dispatch log with their name, date, and the officers that are on duty.
3. Reports will be generated by dispatchers for all incidents in which action is taken by the police department.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Emergency Equipment**

**Order Number: 3.02**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**GUIDELINES FOR THE USE OF AUTHORIZED EMERGENCY  
EQUIPMENT- 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.

**I. POLICY**

- A. The operation of police department vehicles creates a risk of potential injury to the public, and officers operating them shall be aware of the emergency equipment available and the necessity of their use under varying circumstances.
- B. All personnel using police department vehicles and equipment shall use due care and common sense. The equipment is there so an officer may be able to expedite his/her assignment with the utmost care and safety.
- C. No police department member shall:
  - 1. Equip a privately owned vehicle with emergency lights.
  - 2. Equip a privately owned vehicle with a siren.
  - 3. Conduct traffic stops in a privately owned vehicle.
  - 4. Engage in emergency operations or pursuits in a privately owned vehicle barring exigent circumstances. A supervisor will be notified as soon as possible by dispatch and/or the member concerned in such instances.

**II. PROCEDURE**

- A. Emergency equipment addressed in this order are:
  - 1. Emergency (red/white/blue) lights.
  - 2. Siren.
  - 3. Hazardous warning lights.
  - 4. Spotlight.
  - 5. Public address system.
  - 6. Alley lights.
  - 7. Flares.

- B. Emergency lights and siren should be used as prescribed in the directive entitled, "Emergency Operations/Pursuits – Police Department Vehicles", when responding to urgent and emergency situations.
- C. At scenes of accidents or other situations where it is important that other motorists are aware there is an emergency vehicle parked, all emergency lights should be on. It is important that officers attempt to park their patrol cars not facing oncoming traffic. They should assure their trunk hood is not in the up position, except when retrieving equipment from the trunk, which would diminish the amount of visibility of the roof lights.
- D. Flares should be placed in a manner which will alert motorists approaching from both directions to a hazard ahead of them. The flares should be so placed as to guide traffic in a direction away from the hazardous area.
- E. Spotlights and take-down lights should be used by officers when stopping vehicles at night. These lights should be aimed into the stopped vehicle 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 she/he exits the patrol vehicle and approaches the driver.
- F. Public address systems can be used to order the vehicles operator and/or passengers who are stopped to follow directions from the officer.
- G. All officers in a public roadway will utilize ANSI traffic vests unless engaged in operations whereby the vest would potentially jeopardize officer safety due to the nature of an individual situation (ie. traffic stops, undercover or potential confrontation situations).

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Operation of Department Vehicles Order Number: 3.03**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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

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

#### **I. POLICY**

A. All police department personnel shall at all times operate police department vehicles in a safe manner, having as a primary concern the safety of other motorists, pedestrians and fellow officers. Seatbelts will be utilized as per General Order 3.03.1. All police department vehicles shall be operated in accordance with the Vehicle and Traffic Laws of New York State and any other applicable laws, rules, codes or ordinances.

B. 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 an emergency operation, subject to the conditions stated in Article 23, section 1104, "Authorized Emergency Vehicles."

#### **II. DEFINITIONS**

A. Routine Response - shall mean operation of a police 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.

B. Urgent Response - shall mean operation of a police 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.

C. Emergency Response - shall mean operation of an police department vehicle during a response to a situation in which physical safety and well-being of an individual is directly jeopardized, i.e., a "life and death" situation.

#### **III. PROCEDURE**

##### **A. Routine Response**

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

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 responses 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 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

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 red warning lights and siren. Examples include: response to personal injury accidents, officer in trouble, assault in progress, violent felony in progress and any incident where human life may be in jeopardy.

Members may disengage lights and sirens in close proximity to the incident location if the vehicle emergency warning systems may endanger possible victims or unnecessarily alert perpetrators (i.e. burglaries). If the emergency systems are disengaged, the vehicle will be slowed and driven in accordance with applicable urgent response provisions.

## D. Responsibility

1. It shall be the responsibility of the dispatcher receiving the call for service to evaluate the information provided, along with any other pertinent information and advise the appropriate unit. The appropriate response category shall be determined by the officer assigned to respond. Communications shall record pertinent information in the blotter. During a response to a call for service the responding officer shall operate police department vehicles in the safest possible manner, taking into consideration the nature of the call, time of day, weather conditions and prior activity at the location of the call. Officers must always be conscious of the need to operate police department vehicles in a manner that minimizes the hazard to other vehicles, pedestrians and other responding emergency service personnel.
2. In those instances where an officer initiates a response to an incident that he/she observes, or, is reported directly to him/her, the officer shall evaluate the circumstances of the incident and determine the appropriate

response category. The officer shall inform the dispatcher of the circumstances.

3. Supervisors will be expected to monitor and evaluate the response activity of units assigned to calls for service. Supervisors will ensure that the response is appropriate based upon the nature of the call and is in compliance with department directives. Patrol supervisors will assume this responsibility unless control is taken by a senior or higher ranking superior. If no supervisor is available, the senior on duty officer will be in charge until a supervisor has been contacted.
4. Texting on a cell phone or typing on any computer keyboard while driving a vehicle on duty is strictly forbidden.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Seatbelt Policy**

**Order Number: 3.03.1**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **SEATBELT POLICY**

**PURPOSE:** To establish a policy to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all personnel operating or riding in department vehicles.

**I. DISCUSSION:** Research clearly indicates that the use of safety belts has a significant effect in reducing the number of death and severity of injuries resulting from traffic crashes. A law enforcement officer's chance of being involved in a motor vehicle accident is approximately two to ten times greater than that of the general public. The use of safety restraints reduces this risk to death and serious injury and assists officers in maintaining proper control of their vehicles in pursuit and/or emergency high speed operations.

**II. POLICY:** To assure the safety of all personnel, safety belts shall be worn by drivers and passengers in all vehicles owned, leased or rented by the department at all times. This also applies to the operation of privately owned or other vehicles if used on duty.

**III. RECOMMENDATION:** It is strongly recommended that safety belts be utilized by department personnel and their families at all times in vehicles while in an off duty capacity to further reduce the risk of death or injury.

### **IV. PROCEDURE:**

- A) Department personnel shall use the safety belts installed by the vehicle manufacturer properly adjusted and securely fastened when operating or riding in any vehicle so equipped if used while on duty.
- B) Lap belts shall be properly secured in those vehicles equipped with automatic safety belt systems that require the lap portion of the belt be manually secured.
- C) The driver of the vehicle is responsible for insuring compliance by all occupants of the vehicle they are operating. Approved child safety restraints shall be used for all children of age, size or weight for which such restraints are prescribed by law.
- D) No person shall operate a department vehicle in which any safety belt in the driver's seating position is inoperable. No person shall be transported in a seating position in which the safety restraint is inoperable.

E) No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and not without the express authorization of the Chief of Police.

F) Personnel who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

G) Whenever possible, all prisoners are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer. Caution: Prisoners that are handcuffed in front have the ability to release the handcuffs using the safety restraint latch plate.

H) Officers operating in an undercover capacity may be exempt only if the officer believes that the use of the safety belt will compromise their identity.

I) When arriving at an emergency call or making a vehicle traffic stop, the operator may remove the safety restraint just prior to stopping for quick exit. Caution should be exercised to insure that during the traffic stop the violator is in fact going to stop. This prevents becoming involved in a pursuit without the use of a safety belt.

#### **DRIVER/OR PASSENGER NEGLIGENCE**

If negligence or noncompliance with the requirements of this order is displayed, appropriate corrective or disciplinary action shall be initiated as prescribed by department policies.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Vehicle Pursuits**

**Order Number: 3.04**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **POLICE DEPARTMENT VEHICLE PURSUITS**

**PURPOSE:** To establish guidelines and procedures for the operation of police department vehicles in pursuits.

#### **I. POLICY**

A. N.Y.S. Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operations from some restrictions of the Vehicle and Traffic Law. This exemption, however, "shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others." (NYS V&T Law 1104-4e)

**NOTE:** It should be carefully noted that "the safety of others" also includes the safety of person(s) being pursued and shall be considered among the other factors in deciding to engage in, continue or discontinue a vehicle pursuit. Due to our traffic volume and residential areas we patrol, a high speed vehicle pursuit is *rarely* justifiable.

B. During an emergency operation, members shall drive with due regard to all persons. Officers must not operate a vehicle at a speed or manner that interferes with their complete control of their vehicle at all times. **Members shall avoid engaging in, or shall terminate, any emergency operation when conditions indicate that the safety of the officer and/or the community is in jeopardy or as instructed by his/her supervisor.**

The officer must constantly evaluate the risks involved in initiating or continuing a pursuit or engaging in an emergency response. Factors to be considered are:

1. Reason for the pursuit/seriousness of the incident or charges. If you are unsure about the need to pursue, then terminate. Pursuits for vehicle and traffic violations alone are rarely justifiable, especially at high speeds.
2. Traffic density/pedestrian volume.
3. Weather/road conditions.
4. Speed involved.
5. Time of day.

6. Type of area (business vs. residential).
7. Availability of additional police vehicles to assist at the scene or to intercept pursued vehicle.
8. Knowledge of the offender's identity/danger to the community if the suspect is not immediately apprehended.

C. Vehicles engaged in emergency operation shall utilize roof lights and siren.  
**NOTE:** No pursuit operation shall be made unless **BOTH** lights and siren are in operation.

D. **DO NOT** make U-Turns unless absolutely necessary. If so, the officer executing the u-turn must do so safely **after activating emergency lights and siren** posing no danger to themselves or others.

Activation of both lights and siren in the performance of a u-turn may be disregarded if it may unnecessarily alert a felony suspect. However, officers doing so will execute the turn safely posing no danger to themselves or the public.

E. Members shall not engage in an emergency operation while transporting non-departmental persons (prisoners, witnesses, etc.).

F. The member's supervisor shall be responsible for the management of the response.

G. Non-sworn employees shall not engage in emergency response or pursuit driving.

## **II. PROCEDURE**

### **A. Initiation**

When a motor vehicle pursuit is initiated, the pursuing officer shall immediately report same to dispatch. Information reported shall include:

1. Reason for pursuit.
2. Route and direction of travel.
3. Description of pursued vehicle.
4. Occupant(s) description.
5. Weapons involved, if any.
6. Direction and areas being approached (to be reported as frequently as safety permits).

## B. Communications Member

Upon receipt of a radio message that a member is in pursuit, members assigned to Communications:

1. Will acknowledge receipt of the message by repeating the police department vehicle number, the type and direction of the pursuit, and description of vehicle being pursued.
2. Broadcast that a member is in pursuit and to suspend routine radio traffic.
3. Assign another patrol vehicle to assist if practical and can be done with reasonable safety.
4. Immediately notify the senior supervising member on duty or on call supervisor of the occurrence and known facts, and relay any orders without delay.
5. Record the occurrence and any changes in the pursuit in the radio log/RMS narrative.
6. Perform a registration number plate check as soon as that information is available, relaying that information to the pursuing and assisting members as well as the supervisor in charge.
7. If the pursuit proceeds or is about to proceed into an area patrolled by other police agencies, those agencies will be advised of the pursuit, reason for pursuit, description of vehicle and occupants, and last known direction of travel.
8. Other police agencies should clearly understand if their assistance in the pursuit is requested or the notification is for their information.

## C. Termination

A pursuit shall be terminated under any of the following conditions:

1. When circumstances develop which put the officer(s) or other persons at risk of serious injury.
2. Supervisors will be expected to call off pursuits without delay unless absolutely justifiable, considering all safety and personal injury concerns specified in this directive. The patrol supervisor will be responsible for all

active pursuit decisions unless control is assumed by a senior or higher ranking supervisor. If no supervisors are on duty the on call supervisor or other department supervisor notified, will assume that responsibility until a more senior or higher ranking supervisor is notified. If dispatch is unable to reach a supervisor immediately, the senior on duty officer will be in charge until a supervisor is contacted.

3. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.
4. The pursued vehicle's location is no longer known by pursuing officers.
5. Radio contact is lost.
6. If terminated, the unit(s) concerned may continue to travel in the direction in an attempt to locate the subject's vehicle. The units will do so at the posted speed limits and obey all traffic signs and devices

#### D. Pursuit Tactics

##### **1. Unmarked Vehicles**

Unmarked vehicles may engage in pursuit only under the most critical and unusual circumstances where immediate apprehension is necessary to alleviate a danger to public safety. As soon as a marked vehicle is available to assume the pursuit, the unmarked vehicle shall withdraw from active pursuit.

##### **2. Number of Police Units**

The primary pursuing unit and one backup unit shall be responsible for the actual "tailing" pursuit. Other assisting units shall remain in their zone and take positions where they may be of assistance if necessary.

##### **3. Roadblocks/Ramming Suspects**

Ramming a vehicle or roadblocks meant to stop a fleeing vehicle *may* be considered a use of deadly physical force. As such, all policies governing such use of force must be applied in these situations. They shall be allowed only in extraordinary situations and as directed by a Supervisor in accordance with police department procedure.

##### **4. Pursuit by Other Agencies**

Members of the police department may participate in pursuits begun by other agencies in so far as they conform to this policy and procedure and is authorized by a pursuing agency. The outside pursuing agency is to be the control agency for the pursuit with this police department's assistance and support. Should factors become apparent that continued participation by members would violate this police department's policy and procedure, the member will discontinue his/her participation in the pursuit and cause the pursuing agency to be so notified.

## **5. Out-of-Town**

If it appears that the pursuit will extend out of our township, the supervisor concerned shall reevaluate the pursuit to determine if continuance of the pursuit is justified. If so, the supervisor will request assistance from other police agencies as necessary.

## **6. Traffic Control Devices**

Extreme care shall be used when passing other vehicle, traffic signs or signals. Units shall slow or stop, if necessary, to ensure that all vehicular and pedestrian traffic is aware of, and yielding to, the emergency vehicle. It is the responsibility of the police vehicle operator to safely maneuver all potential hazards and obstacles. Civilians can not be counted on to avoid police vehicles. We have the responsibility of avoiding them.

## **7. Apprehension**

The two primary units and supervisor are responsible for the activities at the apprehension site. No other units shall respond unless requested by the primary unit or supervisor as dictated by the situation.

### **E. Post Pursuit Report**

#### **1. Supervisor**

- A) After each pursuit situation, it shall be the responsibility of the supervisor concerned to ensure a written report is prepared for the Chief of Police.
- B) If the pursuit was not terminated without delay by the supervisor concerned, they will *personally* prepare a separate report for the Chief of Police explaining the decision not to terminate the pursuit as per this procedure.

#### **2. Patrol Officer**

Initiating member will generate a report and forward it to the supervisor.

- a) Reason for pursuit/offense.
- b) Suspect(s) name, address, age.
- c) Charges filed and any additional charges after apprehension.
- d) Speed/duration of the chase.
- e) Injuries or accidents.
- f) Number of police department vehicles involved and/or outside agencies assisting.
- g) Any deviation from the established procedures and justification for such deviation.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Hazardous Highway Conditions      Order Number: 3.05**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10      REPLACES ORDER #(S): APR

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### **REPORTING AND HANDLING HAZARDOUS HIGHWAY CONDITIONS**

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**PURPOSE:** To give patrol officers a means to correct hazards on highways.

#### **I. POLICY**

Road hazards are conditions that may jeopardize the safe movement of traffic and cause confusion or inconvenience to motorists and pedestrians. All members of the police department will be responsible to report such hazards to the proper authority and will take necessary action to ensure the hazard is corrected.

#### **II. PROCEDURE**

A. Hazards may be grouped into two categories:

1. Hazards requiring immediate notification of the proper agency include:

- a) Essential traffic light in need of repair.
- b) Large holes in road.
- c) Electrical power lines down.
- d) Large debris, etc.
- e) Breaks in water, gas or other utility mains.
- f) Snow/ice on road.
- g) Fire hazards needing immediate attention.

2. Hazards requiring notification at beginning of next business day, may include:

- a) Nonessential traffic light in need of repair.
- b) Small (nonhazardous) holes in road.
- c) Street light in need of repair.
- d) Telephone/video cables down but not creating hazard.
- e) Excessive growth of weeds, grass, etc.

B. At any time any of the above hazards exist, the patrol officer shall request the dispatcher 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.

C. Some hazardous situations may demand immediate notification of local radio stations in order to request immediate public service announcements. This shall be determined by a supervisor.

D. 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.

E. All notifications by patrol personnel to the dispatcher shall be recorded in the blotter and the Highway Conditions Log.



*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Traffic Stops**

**Order Number: 3.06**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**TRAFFIC STOPS**

**PURPOSE:** To establish a set of guidelines for traffic stops.

**I. POLICY**

A. The Town of Marlborough Police Department recognizes the fact that traffic stops are one of the most frequent types of contacts made between law enforcement officers and the Public.

Police Officers shall portray a courteous and positive image, which will make contact less confrontational and also enhance the image of the officer and the police department.

B. The primary concern of the officer should be his/her safety and that of others.

C. Ordinarily unmarked vehicles of the Town of Marlborough Police Department will not be used for routine traffic stops unless previously approved by a supervisor authorizing use of that vehicle for said purpose.

D. Traffic Vests

1. Officers assigned to regularly scheduled traffic control posts are required to wear an ANSI traffic vest both during daylight and after dark hours.
2. Officers will wear an ANSI vest as specified by general order 3.02- Guide Lines for The Use of Emergency Equipment - Patrol Cars.

**II. PROCEDURE**

A. Patrol Unit

1. Locate a safe spot, preferably on the right hand side of the roadway, to stop the vehicle.
2. Activate red lights as a warning device to other vehicles.
3. Notify headquarters of the stop, giving location, and license number.

4. Attempt to stop the patrol vehicle approximately one car length behind and approximately three (3) feet to the left of the violator's vehicle in an effort to ensure a safe path to and from the violator's vehicle.
5. When applicable, train the spotlight and take down lights on the occupant(s) of the vehicle. Aim spotlight into the interior rear-view mirror of the vehicle.
6. Keep the violator in his/her vehicle (Unless you find it necessary to do otherwise). Use the PA system if necessary.
7. Upon leaving the patrol vehicle, be alert to other traffic.
8. Approach the vehicle from the left or right rear looking into the rear seat. Stop slightly behind the front door, keeping all occupants in view.
9. Assist the motorist to safely re-enter the traffic flow.

**B. Communications Member**

1. Shall run vehicle registration in NYSPIN on all V&T stops.
2. Shall relay data to patrol units by request only.
3. Whenever information is received that the vehicle may be stolen, and/or the registered owner or operator may be wanted, Communications shall alert the officer after confirming the officer is secure. The receiving officer shall advise Communications when he/she is ready to receive detailed information.

**NOTE:** All radio communications will be conducted using plain English.

**C. Interpersonal Communication**

1. The officer shall instruct the operator and occupants to remain in the vehicle, unless circumstances dictate otherwise. Instructions given to persons who are to remain in the vehicle shall include that it is necessary to do so for their own safety.
2. The officer shall politely request the operator to produce his/her license, the registration of the vehicle, and the required proof of insurance. The operator should then be informed of the reason for being stopped.
3. The officer shall answer any reasonable, pertinent questions that may arise.
4. The officer shall attempt to promote understanding of the process with the operator.
5. The officer shall avoid lecturing the operator.

6. The officer shall avoid being drawn into debate or argument.
7. The officer shall offer no excuse or apology for issuing the ticket.
8. The officer shall be attentive to the possibility of criminal activity and information which may assist ongoing criminal investigations.

#### D. Juveniles

If a juvenile is found to be operating a motor vehicle, the officer shall:

1. Ensure the vehicle is safely secured.
2. Make arrangements to meet his/her parents or guardian.
3. Follow juvenile arrest procedures in those cases where a qualifying offense is committed.

#### E. Felony Stops

1. Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer, he will notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop.
2. The officer will keep support units informed of the location and direction of travel to aid their approach. The suspect vehicle should not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.
3. Usually the officer making the stop is in command and will direct each occupant, using the public address system. In all cases, only one officer will give commands so as to avoid confusion to officers and suspects. Depending on the circumstances, tactical actions to be considered include:
  - a) Ordering passengers to face straight ahead and to place their palms on the windshield, rear window or other safe tactical location.
  - b) Ordering the driver to keep right arm up, use his left hand to turn off the ignition, remove keys and drop them out the left-side window.
  - c) When removing suspects, give directions to one suspect at a time.

- d) Suspects will be ordered to open car door by extending both arms through open window and open door with outside knob.
  - e) Order suspect to keep hands in plain view; put both feet on the ground, then stand up, slowly raise hands over head and face toward front of his/her vehicle. Whenever possible, all suspects should be directed to exit the vehicle from the same side.
  - f) Order suspects to lie face down on the ground, assume spread eagle position with palms up.
  - g) Instructing support officers as appropriate.
- 4. The support officers will remain in cover until all occupants are in the search position.
  - 5. Officers will exercise extreme caution not to get within each other's line of fire.
  - 6. An officer will be designated to conduct a search of suspects.
  - 7. Suspects will be handcuffed and searched before transportation.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Traffic Enforcement**

**Order Number: 3.07**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**TRAFFIC ENFORCEMENT - SPEED MEASURING DEVICES**

**PURPOSE:** To provide uniform and proper use of RADAR (Radio Detection and Ranging) speed measuring instruments by police members.

**I. POLICY**

A. This police 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.

B. All radar instruments shall be calibrated as governed by NYS case law, before, during and after use.

**II. PROCEDURE**

A. All officers utilizing radar devices must successfully complete the basic operating training program and must have proper certification prior to utilizing police department speed measuring devices.

B. The Chief of Police will assign a department member the responsibility of keeping all records associated with the police department radar devices. That officer will see to it that all radar device records are properly maintained. These are to include maintenance, testing and calibration of speed measuring devices, and records for court testimony. A designated supervisor will make the necessary arrangements to have the devices brought twice a year to the Division of Criminal Justice Services, Department of Municipal Police, for testing and calibration.

C. All of the radar records are to be kept in a secure file. If these documents are necessary for court, a request should be made to the Chief of Police or designee one week in advance when possible.

D. It will be the responsibility of radar operators to ensure that the radar devices receive proper care and upkeep while assigned to them.

E. 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.

F. 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.

G. A complete calibration and testing of the unit shall be done at the beginning of radar operation and at the conclusion of operation. The officer is not precluded from testing the unit at other times during its operation.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Traffic Enforcement**

**Order Number: 3.08**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **TRAFFIC ENFORCEMENT - NONRESIDENT**

**PURPOSE:** To establish procedures for the handling of traffic law violations by nonresidents.

#### **I. POLICY**

A. According to Section 250, Subdivision 2, of the 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 or 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 operating 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 terminated or privilege of operating a motor vehicle restored."

B. According to Section 250, Subdivision 5, of the New York State Vehicle and Traffic Law:

The law defines a resident who lives in NYS as someone who "lives in a house, a home, an apartment, a room, or similar place in NYS for ninety days. This is considered presumptive evidence that you are a resident of NYS. A police officer can use this evidence as reason to issue a traffic ticket if you drive in NYS without a drivers license or vehicle registration issued by NYS."

C. Since the Department of Motor Vehicles (D.M.V.) 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.

## II. PROCEDURE

### A. Out of State Driver's License

1. If the operator produces, or is unable to produce, an out of state driver's license or a license from one of the provinces of Canada, these licenses can be checked through the New York State D.M.V..
2. You should inquire of the operator why he/she is in this area, i.e., work, family or just moved, to obtain a local address in case he/she does not appear in court.
3. 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 D.M.V.
4. Not all states have reciprocal agreements with New York; therefore, if the traffic offense is serious enough, you might want to consider arraignment.

### B. Foreign Country Driver's Licenses

1. If the operator produces, or is unable to produce, a driver's license from a foreign country, it cannot be checked through the New York State D.M.V., F.B.I., or Interpol.
2. You should inquire of the operator why he/she is in this area, i.e., 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.
3. If the license is in a foreign language a check can be made through the State Department to determine if the document presented is in fact a driver's license.
4. There are no reciprocal agreements with New York and foreign countries. If the traffic offense is serious enough, you might want to consider arraignment.



*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Parking Tickets**

**Order Number: 3.09**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**PARKING TICKETS**

**PURPOSE:** To establish procedures concerning the issuance of parking tickets

**I. POLICY**

Members of the police department shall keep themselves knowledgeable of the NYS Vehicle and Traffic Law, and local laws and ordinances as they pertain to parking violations.

**II. PROCEDURE**

**A. Issuing Member**

1. Will complete all sections of parking ticket for violations noted and issue the third copy (light card stock with "Application to Handle Parking Infraction by Mail" printed on reverse side) to the violator/vehicle.
2. Will give preference to citing offenses as being violations of specific local laws and ordinances rather than using NYS V&T Law violations.
3. Shall make the ticket returnable to the appropriate court date as designated by dispatch.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Uniform Traffic Tickets**

**Order Number: 3.10**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **UNIFORM TRAFFIC TICKETS**

**PURPOSE:** This order establishes procedures for Uniform Traffic Tickets.

#### **I. POLICY**

- A. Shall conform to the instructions contained within the "Officer's Handbook" issued by NYS DMV.
- B. Members of the police department shall keep themselves knowledgeable of the NYS Vehicle & Traffic Law, and local laws and ordinances.

#### **II. PROCEDURE**

##### **A. Issuing Member**

1. The following procedure shall be made for specific entries:
  - a) NCIC/ORI: enter "5558".
  - b) DIV/Troop: Leave blank
  - c) PCT/Zone: Leave blank.
  - d) Sector/Station: Leave blank.
2. In the event a ticket is lost or must be voided, the member will ensure that a UT-8 form ("Report of Lost or Voided Tickets") is attached the spoiled ticket to the form and submit same to headquarters. If the UTT was prepared electronically the member will request a supervisor to void the ticket.
3. All tickets issued shall be returned to headquarters by the end of the tour of duty on which it was issued. Members should complete the record portion on the back cover of the ticket book and retain same. If the UTT was prepared electronically, the member should maintain notes for their own records.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Roadblocks**

**Order Number: 3.11**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **ROADBLOCKS**

**Purpose:** This order will establish a set of procedures for the circumstances warranting the use of a roadblock.

#### **I. POLICY**

- A. It is the policy of the Town of Marlborough Police Department to discourage the use of roadblocks except under the most extreme circumstances.
- B. The Town of Marlborough Police Department recognizes the danger and liability inherent in the use of roadblocks. The circumstances warranting their use must be such that the threat to human life is imminent.
- C. Roadblocks may only be used under circumstances presenting the extreme likelihood that the failure to institute a roadblock would result in the imminent danger of the loss of human life or serious physical injury.
- D. All other possibilities must first be considered to reduce this risk before the implementation of a roadblock.

#### **II. PROCEDURE**

- A. A supervisor must be advised and give his approval before the use of a roadblock. That approval will be based upon the following: reason, location, traffic control, weather, and other pertinent facts.
- B. The commandeering of vehicles from private citizens to be used as a roadblock vehicle is prohibited.
- C. All persons, officers and civilians, will be removed from the area of the barricade as the vehicle approaches and assume a position which affords adequate cover.
- D. Roadblock Types

##### **1. Fixed Roadblocks**

- a) Generally, at least two police units are necessary to effect this technique with one blocking the oncoming lane and the other in

position to promptly resume the pursuit should the fleeing driver not stop and surrender.

- b) To set up this technique, it must be established in a location where the fleeing driver has ample sight and stopping distance to avoid a collision if he/she elects to stop.
- c) If possible, all noninvolved civilian traffic should be diverted from the block location.
- d) The ideal location for such a block would satisfy the following conditions: Isolated location, i.e., no buildings, cross-streets, vision obstructions, fixed objects or pedestrian traffic; clear, dry road surface with relatively high drag factor; two lane roadways with a paved shoulder sufficient to accommodate a motor vehicle; straight level stretch of roadway.
- e) Consideration in the placement of police units:
  - (1) The blocking unit (s) should be positioned so as to completely block the lane of traffic being used by the fleeing driver and angled so that the front of the unit (s) is facing traffic in the approaching lane of traffic. Never completely block both lanes.
  - (2) The pursuit unit should be placed to the rear of the blocking unit (s) in the lane being blocked facing in the direction of the traffic moving in that lane.
  - (3) The emergency warning equipment on all units shall be activated.
  - (4) Occupant of the blocking unit(s) should exit the vehicles prior to the approach of the fleeing suspect and take up a safe position away from the vehicle.
  - (5) The occupant of the pursuit unit should remain in his/her unit and be prepared to resume the pursuit if necessary.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Motor Vehicle Accidents**

**Order Number: 3.12**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

### **ACCIDENT REPORTING AND INVESTIGATIONS**

**PURPOSE:** To ensure that motor vehicle accidents which occur in the Town of Marlborough are thoroughly investigated and consistently documented.

#### **I. POLICY**

- A. Members of the Town of Marlborough Police Department will complete an accident investigation and report whenever summoned to the scene of a motor vehicle accident in this Town. The report will be completed on RMS and a MV-104A will be completed on TRACS when applicable. The MV104S form will be filed when applicable.
- B. Investigating officers will attempt to determine the cause of the accident and may issue a summons. The issuance of a summons must be based on a thorough investigation.

#### **II. PROCEDURE**

##### **A. Desk Officers/Dispatchers**

1. Upon receipt of an accident complaint that requires a response from a patrol officer, the officer will ascertain:
  - a) The location of the accident.
  - b) Severity.
  - c) Number of vehicles involved.
  - d) Traffic conditions.
  - e) Need for other emergency equipment.
2. Dispatch the appropriate car(s) and advise as to whether it is a reported PIAA or PDAA, include other particulars as necessary.

##### **B. Patrol Officers**

1. The responding unit(s) should position patrol vehicle(s) to prevent further injuries or collisions.

2. The responding officer 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.
3. Officers on the scene should control traffic and secure the area by use of properly set flares when appropriate, keep bystanders at a distance, protect personal property, and in serious accidents, protect evidence.
4. The investigating officers should interview driver(s) and witness(es) as soon as possible List all names, addresses and telephone numbers.

C. Accidents Involving Police Department Vehicles

1. A patrol supervisor will respond to the scene.
2. Investigating supervisor will file a DMV104-A Form and police department report.
3. The officer involved will submit a report describing the accident.

D. How to determine if form MV-104S is Required

There are two conditions that the officer must consider when determining if Form MV-104S is required. BOTH OF THESE CONDITIONS MUST BE MET.

**1. Qualifying Vehicles**

The accident must involve at least one of the following types of vehicles:

- a) A truck, tractor, truck-trailer or tractor-trailer having at least six (6) tires in contact with the road surface.
- b) Any vehicle displaying a hazardous material placard, regardless of the number of tires in contact with the road surface.
- c) A bus with seating for more than fifteen (15) persons including the driver.

**2. Severity of Accident**

The accident must result in at least one of the following conditions for any vehicle or person involved:

- a) At least one person killed.

- b) At least one person injured severely enough to require transportation from the scene for immediate attention.
- c) At least one vehicle required to be towed away from the scene due to disabling damage (other than for a flat tire).
- d) At least one vehicle has to be moved, uprighted, or otherwise assisted by emergency equipment (other than for a flat tire).

**NOTE:** If an accident involved both conditions (at least one qualifying vehicle AND at least one of the qualifying severity criteria, a Form MV-104S must be completed and submitted for each qualifying vehicle.

#### E. Accidents Involving Hazardous Materials

1. 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 from the suspected hazardous material and utilize the D.O.T. EMERGENCY RESPONSE GUIDE in making a preliminary assessment of the situation.
2. The driver of the vehicle should be interviewed to determine the nature of the material and to determine if the appropriate placards are displayed on the vehicle.
3. The fire department will be summoned to provide assistance.
4. The patrol supervisor will respond to the scene to take command and ensure all procedures are performed.
5. The County's Hazardous Material Team will be summoned when necessary. Such notification should be made through the Fire Chief on the scene.

#### F. Driving While Intoxicated or Impaired Due to Drugs

Whenever there may be the involvement of alcohol or drugs related to a traffic accident, the investigating officer will follow the guidelines as outlined in established procedures.

#### G. DMV - Not Reportable

1. In any accident when damage is less than \$1,000.00 and there is no injury the investigating officer will submit a completed MV104-A as applicable.

#### H. Fatal Accidents

1. Communications will be notified whenever there is a fatal accident or serious PIAA where an occupant is likely to die.
2. The first officer on the scene should identify and interview 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 or observations.
3. A patrol supervisor shall respond to the scene and take command. Supervisors will cause notifications of police department personnel as established by police department directive.
4. Photographer shall be called to photograph the scene.
5. The Chief shall be contacted when the accident involves a fatality, life threatening injury or other unusual or noteworthy circumstances.
6. A crash management specialist shall, when available, respond to the scene of the accident and will do a full scale investigation to include measurements using triangulation and accident scene diagrams.
7. Personal notification of the deceased's next-of-kin will be arranged through the patrol supervisor in keeping with all existing department policies in regards.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Snowmobile Accidents**

**Order Number: 3.13**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **SNOWMOBILE ACCIDENT INVESTIGATION**

**PURPOSE:** To establish procedure when investigating snowmobile accidents.

#### **I. POLICY**

It is the policy of the Town of Marlborough Police Department to investigate all reported snowmobile accidents in accordance with requirements set forth by the New York State Parks Recreation & Historic Preservation Law Section 25.25. "Police Report of Snowmobile Accident". Form OPR-280 shall be provided for this purpose.

#### **II. PROCEDURE**

##### **A. Civilian Reporting Requirements**

1. If an operator of a snowmobile is involved in an accident that results in death, personal injury or property damage, he/she must stop and give the following information to the injured person or the person sustaining the damage or to a police officer or peace officer.

Use the Uniform Ticket for snowmobile offenses covered in the Vehicle & Traffic Law and the Parks & Recreation Law.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Abandoned Vehicles**

**Order Number: 3.14**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **ABANDONED VEHICLES**

**PURPOSE:** To provide guidelines for officers when investigating an abandoned vehicle complaint.

#### **I. POLICY**

A. It shall be the policy of the Town of Marlborough Police department to follow the laws as enumerated in the Vehicle and Traffic Law, Section 1224.

B. Members of the Town of Marlborough Police Department will assist highway departments and land owners by attempting to contact the registered owner of an abandoned vehicle in an attempt to have it removed. However, DMV information will not be disseminated to any person or non-law enforcement agency.

C. Officers may issue a summons, as appropriate, to the owner of an abandoned vehicle pursuant to V&T Law, Section 1224, Sub. 7(a), if such owner can be identified.

D. The Town of Marlborough Police Department recognizes that the removal, storage and legal disposal of an abandoned vehicle becomes the responsibility of the municipality if no true owner can be determined. If the vehicle is located on private property, then the responsibility will be that of the land owner in which the vehicle has been abandoned.

E. Police Officer's may determine that a vehicle left on a public highway poses a safety hazard. In such instances officers are permitted to have the vehicle towed from that location immediately as per Town of Marlborough Town Code Section 140-13.

#### **II. PROCEDURE**

A. When an officer investigates a report of a vehicle being abandoned, the officer(s) will prepare an incident report. The report will include, but not be limited to, the following:

1. How the vehicle came to the attention of the officer.
2. The year, make, model, color, VIN and registration number of the vehicle.
3. Name, address and telephone number of the last registered owner or other person believed to be the vehicle's owner.

4. A note of the physical description of the vehicle, (e.g., any damage to it, both inside and out).
5. All information relative to the investigating officer's attempt to have the owner remove the vehicle, and summonses issued if appropriate.

B. The investigating officer shall make every effort, as far as practicable, to identify and contact the owner for removal.

C. If ownership cannot be identified, or the owner located, then the case becomes the sole responsibility of the appropriate municipality or land owner who should be directed to seek assistance from the Department of Motor Vehicles.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Tow Policy**

**Order Number: 3.15**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **REMOVAL/TOWING/SEIZURE OF VEHICLES**

**PURPOSE:** The purpose of this directive is to establish a procedure for the removal, towing, impoundment, and seizure of vehicles, removed or towed at the direction of a member of the Town of Marlborough Police Department, or otherwise seized by any agency, public, or private, without the knowledge or consent of the registered owner. The following rules and procedures are to be enforced in conjunction with, and not supersede, any New York State Vehicle and Traffic Law or the Code of the Town of Marlborough.

#### **I. POLICY**

It is the policy of the Town of Marlborough Police Department to fairly distribute service calls among various tow service operators at those times when it becomes police department responsibility to request the service. Members shall make the appropriate NYSPIN entries and notifications when necessary, as directed herein.

#### **II. DEFINITIONS**

For purposes of this order, vehicles are classified as follows:

##### **A. Abandoned Vehicles**

As defined by the New York State Vehicle and Traffic Law.

##### **B. Evidence**

Vehicles towed as evidence or having evidentiary value.

##### **C. Accidents**

Those vehicles towed because of accident damage.

##### **D. Illegal Vehicles**

Those vehicles which are unregistered, uninsured, or lacking required equipment for legal operation or operated by someone illegally.

E. Impounded vehicle

Those vehicles which are unregistered, uninsured, or lacking required equipment for legal operation.

B. Arrested Operator

A vehicle whose operator has been arrested.

C. Repossessed Vehicles

Those vehicles which are seized by private agencies as a result of financial obligations.

**III. PROCEDURE**

I.

- A. When a vehicle is removed by the use of a towing agency and the request to said agency is made through this department the following procedure shall apply.
- B. Should a towing service have a complaint/question regarding the procedures followed by the dispatcher or the officer in the field then they should file said complaint/question in writing directed to the Chief of Police. Telephone calls or appearing in person to make a complaint or ask a question regarding the procedure will not be accepted. Telephone calls to the dispatcher chastising or criticizing the procedures may be considered to be of a harassing nature.
- C. If an officer and/or, dispatcher feels a person associated with a towing service violated the NYS Vehicle and Traffic Law, the Town of Marlborough Code, or the Town of Marlborough Police Policy and Procedures regarding the towing of vehicles, that officer or dispatcher shall cause a report to be written to the Chief of Police describing said violation whether or not the officer charges said person with that violation.
- D. Should a towing service have a complaint with the procedures followed by the officer in charge of an accident scene, the complaint should be filed as in Section I, paragraph "C" above. Arguments at the scene will not be tolerated.
- E. Police department vehicles requiring towing will be removed via the established tow rotation list.

II. A record of the removal shall be recorded on one of two lists as follows:

A. Tow Truck Rotation List –a list of all tow truck services licensed by the Town of Marlborough as set forth by the Town Code, Town of Marlborough.

1. The rotation list as mandated by the Town law shall contain the listing of all towing services within the Town of Marlborough having a valid “Town License” to operate said towing service within the Town.
2. The rotation list sheet shall specify the starting date and ending date for the period covered by that sheet and a new sheet started only after the prior sheet is completed. The new sheet shall be assigned the next page number after the proceeding page. Page#1 shall begin at 0001 hours on January 1<sup>st</sup> of each year.
3. The list shall contain the name of the towing service, a pager number and/or business number, and hours said numbers are to be used.
4. Except for special requirements or owners requests, this rotation list shall be the determining factor as to which agency is to be called and in what order.
5. When calling a towing service from the rotation list the dispatcher shall note on the list the date, time notified, complaint number, time arrived at the scene, location where the vehicle is taken (and notation if the vehicle is seized for forfeiture) and the dispatchers initials.
6. If when calling the next towing service in line the dispatcher is unable to contact said service, or the service declines the call the dispatcher will make an entry in the log noting said situation and go to the next towing service in rotation.
7. If when calling the next towing service in line, should the telephone numbers be busy or not answered within twelve (12) rings the dispatcher shall move on the next company.
8. If an officer requests a towing service requiring specialization (example: dolly, flat-bed) dispatcher shall skip down the rotation list to the next towing service having such specialization. Should no towing service on the rotation list have the special requirements necessary then the dispatcher may call a towing service not on the rotation list and if necessary outside of the Town. When the next towing service is requested requiring no special needs the dispatcher shall return to the first skipped towing service and continue in rotation. When the list gets down to the towing service called for a special requirement that towing service will have already been given credit for that rotation and the dispatcher should go on to the next one in rotation.

B. Operators Request List

1. The operators request list shall contain the name of the towing service called, the complaint number, date and time requested, time arrived and the dispatcher's initials.
2. The operators request list shall be kept in numerical order by page number. The first page starting January 1<sup>st</sup> at 0001 hours and the last page ending December 31<sup>st</sup> at 2400 hours.
3. The owner/operator present at the scene may request a towing service of their own even if said service is not on the rotation list, provided that the towing service being requested can arrive on the scene within (20) twenty minutes. A record of these calls shall be recorded on the Owners Request List.

III. Motor Vehicle Accident resulting in towing:

- A. Whenever possible, the officer should ask the owner or operator present at the scene if they have any preference as to who tows their vehicle. All reasonable attempts should be made to accommodate said request. However, the towing service requested must be able to respond to the scene within (20) twenty minutes. The dispatcher should attempt to ascertain from the towing service if the (20) twenty minute response time can be met and advise them that should the elapse before they arrive another towing service will be called.
- B. In the event an officer determines that for safety reasons he or she deems it necessary to have a local towing service respond the officer shall have that discretion.
- C. Should the owner /operator at the scene request that the vehicle be left until they can make their own arrangements, it shall be at the officers discretion (based upon safety factors, leaving same on private property without permission, blocking driveway, mailbox, or flow of traffic or safeguarding of vehicle).
- D. When the owner/operator at the scene does not have a preference or is incapable of making a decision, the officer shall request the next towing service in order of the rotation list. One towing service for each vehicle.
- E. It shall be at the officer's discretion to determine if special requirements for towing a vehicle are required. If so, the officer will advise the dispatcher of those requirements and the dispatcher will go to the next towing service on the rotation list who can meet those requirements.
- F. In the event (20) twenty minutes have elapsed and a towing service which was responding had not arrived at the scene it shall be the officer's discretion when to call another towing service. The original towing service then forfeits the call.

- G. Should a towing service arrive at the scene and was not called by the dispatcher, it will not be utilized unless it is the next towing service in rotation. Soliciting towing is prohibited (see Town Code section 140-8)
- H. At no time should an officer recommend a specific towing service to an owner/operator.

#### IV. Impounded or Abandoned Motor Vehicles.

- A. The rotation list shall be used when a vehicle is being impounded or towed because it is abandoned.
- B. The "Rules and Procedures" for impounding a motor vehicle or removing an abandoned vehicle shall apply when applicable.
- C. It is not necessary to follow the rotation list when vehicles impounded for criminal evidence if special requirements are necessary in order to properly safeguard the vehicle. In these cases it shall be the discretion of a supervisor to apply this exception and the towing agency used shall not be credited with a tow from the rotation list.
- D. Vehicles held for evidence may only be released with the permission of the evidence control Sergeant or higher ranking supervisor. The Ulster County District Attorneys Office will be contacted if any question exists regarding that release.
- E. Whenever a vehicle has been reported as legally repossessed by a tow company, a NYSPIN entry will be made unless it can be verified that the owner already is aware of such action.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Vehicle Impounds and Inventory    Order Number: 3.15.1**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10    REPLACES ORDER #(S): APR

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### **VEHICLE IMPOUNDS AND INVENTORY**

**PURPOSE:** The purpose of this directive is to establish a procedure for the impounding and inventory searching of a vehicle by a member of the Town of Marlborough Police Department. The following rules and procedures are to be enforced in conjunction with, and not supersede, any New York State Vehicle and Traffic Law or the Code of the Town of Marlborough.

#### **I. POLICY**

**A.**     A vehicle will be impounded:

1.     When it is stopped while in motion and the driver is arrested.
2.     When there is a reasonable basis to conclude that the vehicle was used in the commission of a crime.
3.     When the vehicle is unregistered.
4.     When the vehicle is uninsured.
5.     When the vehicle is uninspected and the officer feels that the vehicle is in such a condition as to be a hazard if driven.
6.     When the driver is unlicensed and when there is no one present who is legally competent to drive the vehicle.
7.     When it is illegally parked and it is impeding the flow of traffic.
8.     When it is unoccupied and left along the highway presenting a danger to traffic.
9.     When it is abandoned as defined in section 1224 of the Vehicle and Traffic Law of the State of New York.

**B.**     No vehicle will be left along side the road or moved into a parking lot if the vehicle can be lawfully impounded as described above.

C. Vehicle Impound Notification Form

1. Officers impounding a vehicle will complete a vehicle impound notification form. They will obtain the operators and/or owners signature and provide them a copy of the form.
2. The original will be attached to the vehicle impound form and forwarded for review.
3. The reviewing supervisor will determine if the impounded vehicle was released.
4. If not, the reviewing supervisor will determine if the owner signed the impound notification form. If they did not sign the form the supervisor will send a copy of the form to the registered owner VIA US Postal Service Registered Mail.
5. When a vehicle is impounded, its contents will be inventoried. The inventory will be recorded on the vehicle impound form. All aspects of the form will be completed.
  - a. This inventory is necessary to protect the owner's property, to protect the department and its officers against claims of lost or stolen property, or claims of damage to the vehicle.

D. Vehicles that are impounded will be towed by a tow company in accordance with Town Law.

E. All vehicles that are impounded without the knowledge of the registered owner will be entered into the NYSPIN system using the IENT format, and a copy of the NYSPIN file will be attached to the form before it is forwarded for review. Once the vehicle is released the dispatcher will check to see if the vehicle is still in the NYSPIN system and if it is will remove it. All of the NYSPIN entries will be placed into the original case folder after the vehicle is released.

F. Impound inventory forms will be forwarded for review consistent with the paperwork review policy. Once the form has been approved it will be filed in the Vehicle Impound File.

G. No member will release any vehicle that has a hold on it without first obtaining permission from the officer that placed the hold, or from a supervisor. Questions regarding the release of any such vehicle will be directed to a supervisor.

1. When a vehicle is to be released, the owner of the vehicle, or a person with a notarized authorization from the owner stating that

he has the permission of the owner to take custody of the vehicle, will sign the bottom of the impound inventory form. The person signing for the vehicle will be given the pink copy of the form and will be instructed as to where the vehicle located.

2. Once a vehicle is released the white copy of the form along with the notarized authorization of the owner (when applicable) will be filed in the released impounds file.

- H. Vehicles impounded for more than thirty (30) days will be disposed of pursuant to section 1224 of the Vehicle and Traffic Law of the State of New York.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Stop DWI**

**Order Number: 3.16**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **STOP-DWI PATROL**

**PURPOSE:** To establish procedures for the STOP-DWI patrol.

#### **I. POLICY**

The Town of Marlborough Police Department fully participates in the Ulster County STOP-DWI program.

#### **II. PROCEDURE**

##### **A. Members on Stop-DWI Patrol**

1. Members who wish to participate in the STOP-DWI program shall make a request to a supervisor.
2. The area of assignment may be pre-selected by the approving supervisor or Chief of Police.
3. Members shall ordinarily not respond on any complaint calls. The member's main function is to identify and arrest DWI offenders.
4. If assigned by the Communications, may respond to emergency calls such as a police officer in trouble, felonies in progress, and other life threatening situations.
5. Shall submit all required reports prior to the end of tour to the Chief of Police.
6. Shall not work in conjunction with any other member while in this assignment unless specifically assigned to do so by the approving supervisor.

B. Dispatchers

1. Be aware of the members assigned to STOP-DWI patrol and notify relieving dispatchers of the same.
2. Shall not send STOP-DWI patrols on routine complaint calls and routine backups.
3. May assign STOP-DWI patrols to emergency calls such as, "Police Officer in Trouble", felonies in progress or calls which involve life threatening situations.
4. Shall record all activity of these members in the blotter.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: DWI Enforcement**

**Order Number: 3.17**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **D.W.I. ENFORCEMENT PROCEDURES**

**PURPOSE:** To establish procedures for the proper enforcement of DWI/DWAI/Drugs arrests.

#### **I. POLICY**

To decrease the motor vehicle accidents, injuries and deaths attributed to alcohol or drug consumption, officers on patrol shall enforce the laws relating to these offenses. Field coordination tests will be used as the primary test to establish reasonable grounds to arrest for DWI or DWAI/Drugs. The Alco-Sensor field breath screening device is intended to be used as a backup test.

#### **II. PROCEDURE**

##### **A. Establishing Reasonable Grounds**

1. The defendant's Blood Alcohol Concentration (BAC) level is not the sole criterion required to secure a court conviction for DWI. The grounds upon which you base your arrest and how you determine that the person is intoxicated are additional criteria that you must establish.
2. One important element common to DWI and DWAI/Drugs is that a person must "operate a vehicle." The term "operate a vehicle" is markedly 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 vehicle is not moved.
3. To prepare a well documented case against a person arrested for DWI or related offense, adequate notes are essential.
4. Note the following:
  - a) The location where you first observed his/her vehicle.
  - b) Direction of travel.
  - c) The distance you followed the vehicle.

- d) The overall operation of the vehicle, for example: fluctuation in speed, weaving, fast stops or starts.
- e) The number of times and locations of each observed incident.
- f) The time you first observed the driver.

#### B. Stopping the Vehicle

1. If possible, prior to stopping the vehicle, radio the desk officer/dispatcher 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 lit and populated area.
4. Since the operator might be asked to perform some psychomotor/coordination tests, 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 "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 support 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.

#### C. Interviewing the Operator

1. Ask the operator for his/her license and registration; note how long it takes the operator to find the papers.
2. Advise the operator of the traffic violation committed or any other reason you stopped the vehicle. Listen to his/her explanation, if any.
3. Engage the operator in a conversation, all the while observing his/her behavior and listening to his/her statements.
4. Be alert for any illness or injury that could have caused the operator to drive erratically. Certain hidden medical problems, such as: diabetes,

severe allergies and muscular disorders, have symptoms that appear to be similar to those of intoxication.

5. Determine if the driver is taking prescription medication or has failed to do so.
6. To establish the driver's mental condition, ask him/her 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?
7. By this time the officer should have made the following observations:
  - a) An odor of an alcoholic beverage on the operator's breath.
  - b) If the operator's eyes are bloodshot/glassy.
  - c) If the operator's clothing is disheveled.
  - d) If the operator's speech is slurred.
  - e) If the operator appears to have poor motor coordination.

#### D. Balance and Coordination

To judge the operator's balance and coordination, request that he/she step from the vehicle. This will give you an opportunity to judge balance and body coordination. As he/she walks from the vehicle to a safely illuminated area, you should be alert to the following:

1. Is the operator able to stand unassisted?
2. Does the operator sway while standing?
3. Does the operator walk with a limp?
4. Does the operator stagger when walking?

#### E. Coordination and Breath Screening Tests

1. It has been estimated that there are three times as many drivers on the road with BAC's in the .10% to .14% range as in the .15% to .19% range.



However, at least twice as many drivers are arrested who have a BAC in the .15% to .19% range as there are drivers arrested with BAC's in the .10% to .14% range. One factor that may contribute to the low probability of a drinking driver being arrested is the difficulty police officers experience in discerning those drivers with BAC's above .10% who are not obviously impaired. Coordination tests are easily performed by a sober person, but when attempted by an intoxicated person, they quickly reveal a demonstrated lack of coordination, comprehension, judgment and concentration.

2. Based on the case of *Schmerber vs California*, 384 U.S. 757, 16L ED zd 908 at 914 and *People vs Cielarowski*, 58 Miscellaneous 2 ND 832, a person has no constitutional right not to perform psychomotor/coordination test, such as, walking a line or putting a finger to the nose, etc.
3. An officer should never ask a person to perform if test that the officer cannot correctly perform himself/ herself. This is because the officer may find it necessary to demonstrate the test in court.
4. Coordination tests are designed to test an individual's motor responses and muscle control. These tests may include; but are not limited to:
  - a) Horizontal gaze Nystagmus.
  - b) Walk and Turn.
  - c) One Leg Stand.
  - d) Romberg balance.
  - e) Finger to nose.
5. An important part of these tests is to determine the individual's ability to follow instructions. Therefore, directions should be specific, clear, easy to follow and reasonable.
6. Be mindful of limitations such as:
  - a) Language barriers.
  - b) Physical handicaps.
  - c) Age.
  - d) Areas suitable for standing and walking which are free of ruts, stones, are relatively flat, etc.
7. Use an Alco-Sensor breath screening test to help you determine the extent of the driver's intoxication.

**NOTE:** Do not use Alco-Sensor test as the sole basis for your arrest. It is only to further substantiate your reasonable grounds for the arrest. Any suspects who registers .30+% shall be transported to the hospital.

8. Do not use the Breathalyzer or any other breath testing device to give a breath SCREENING test. Use the Breathalyzer/Intoxilyzer only as a means to measure BAC after arrest.
9. If a person refuses to submit to a breath screening test, you may arrest him/her for Refusing To Submit to a Breath Test in addition to the original charge of DWI or DWAI/Drugs.

F. Making a DWI, DWAI/Drugs Arrest

1. Advise the suspect that he/she is under arrest for Driving While Intoxicated.
2. Handcuff the suspect's hands behind his/her back.
3. Pat down the suspect for weapons.
4. Place the suspect into the rear passenger side of the patrol car and secure the seat belt.
5. Once the suspect is secured, the arresting officer shall advise the arrested at the scene or at Police Headquarters of his/her "DWI Warnings" and "Miranda Warnings."
6. Once the arresting officer ascertains that the suspect will or will not submit to a chemical test, he/she will advise the dispatcher of the arrest. In any event, the chemical test must be administered within two hours from the time the suspect was placed under arrest, or within two hours after a breath test (field testing).
7. The suspect's vehicle shall be impounded from the scene for safe keeping.
8. Transport the suspect to appropriate station.
9. If the arrested has refused to take a chemical test, he/she will then be advised of his/her DWI Warnings a second time at the station. Fill out the police department DWI Warning form.
10. The final warning should be given no later than one hour and forty minutes after the time of the arrest, to allow ample time for a chemical test to be administered within the two-hour limit.

11. A DWI Warning form must be filled out even if the arrested consents to a chemical test.
12. A Miranda Warning form must be completed.

G. Responsibility of the Breath Test Operator

1. Be certain that a DWI and Miranda Warning form has been completed by the arresting officer. If not, complete one prior to giving the breathalyzer or intoxilyzer test.
2. Follow the police department procedure for administering breathalyzer and intoxilyzer test.

H. In all cases of DWI, DWAI/Drug arrests the following paperwork will be completed and submitted:

1. UTTs for ALL violations; separate tickets for 1192.2 & 1192.3.
2. An incident report and arrest report.
3. Required fingerprint cards.
4. Required photographs of defendant.
5. Huntley Notice and supporting deposition.
6. DWI Investigative Report.
7. A police department Statement of Driving While Intoxicated Warning.
8. Breathalyzer Check List if applicable.
9. Miranda Warning form.
10. Report of Refusal to Submit to a Chemical Test.

I. Felony DWI

1. ALL FELONY DWI ARREST DEFENDANTS WILL BE ARRAIGNED, unless extenuating circumstances exist.
2. All felony DWI arrests in addition to the prescribed paperwork mentioned in "H" above will require a long form information for arraignment.
  - a) Write UTT and submit disposition and court copy to the court upon arraignment.
  - b) Yellow (defendant's copy) of the UTT and the computer copies will be submitted with the arrest information.

#### J. Other Felonies

Where certain felony offenses are charged, a blood test will be administered pursuant to NYS V&T Law, 1194, sub. 3. Those felony offenses are:

1. PL 125.12 and 125.13 (Vehicular assault)
2. PL 120.03 and 120.04 (Vehicular Manslaughter)

#### K. Determine the Chemical Test to be Used

1. Determine the kind of chemical test to be used: breath, blood, urine or saliva. The officer selects the kind of test to be used.
2. When you arrest a person for DWAI/Drugs, do not use a breath testing device. The breathalyzer and other breath testing devices are designed solely to measure the concentration of alcohol in the blood (BAC).
3. When you know the kind of drug that has been taken, use the blood test. Otherwise, use the urine test.

#### L. Record of Convictions

1. In any arrest for DWI:
  - a) Obtain the defendant's DMV record of convictions by NYSPIN terminal.
  - b) If the record of convictions indicates a previous conviction for DWI, driving with a .08% or more BAC or DWAI/Drugs, send a file 2 terminal message to DMV. Specify in this message:
    - (1) The defendant's full name, date of birth and current address.
    - (2) A request for a certified copy of a record of convictions for DWI or DWAI/Drugs.
    - (3) Office mailing address.

2. A charge for DWI or driving with .08% or more BAC and/or for DWAI/Drugs within 10 years of a CONVICTION IN NEW YORK STATE is a felony.

#### M. Chemical Tests

##### **1. Blood Tests**

- a) At the request of a police officer, blood may be withdrawn from the suspect by the following persons:
  - (1) A physician.
  - (2) A registered professional nurse.
  - (3) A laboratory technician (as classified by civil service or as registered by the American Association of Medical Technologists) under the personal supervision and direction of a physician.
  - (4) A registered physician's assistant.
- b) Some hospitals may require a defendant to sign a consent form authorizing an employee to withdraw.

##### **2. Urine Tests**

- a) MALE OFFICER: Do not use the urine test for a female suspect unless samples are taken by a doctor, nurse, police matron, or female police officer.
- b) FEMALE OFFICER: Do not use the urine test for a male suspect unless samples are taken by a doctor, nurse, or male police officer.

##### **3. Breath Tests**

- a) Chemical analysis of a person's breath by an individual possessing a permit issued by the NYS Department of Health shall be presumptive evidence that the examination was properly administered.

#### N. Certified DWI Documents

1. Certain certified documents are needed to prosecute DWI cases. Use of the Breathalyzer requires the following documents:

- a) A record of calibration of the Breathalyzer.
  - b) A record of analysis of Breathalyzer ampoules.
  - c) A record of analysis of the simulator solution.
2. These documents will be filed in a designated secured area where they can be obtained for trial. After the trial, return all certified documents not retained by the court.

O. Chemical Test Refusal Procedure

When a defendant refuses to submit to a chemical test:

1. Prepare an original and 3 copies of the Department of Motor Vehicles Form AA-134--Report of Refusal to Submit to a Chemical Test.
2. Deliver two (2) copies of form AA-134 and the UTT to the court prior to the arraignment of the defendant.  
When the Uniform Traffic Ticket and the form AA-134 are delivered to the court of arraignment, one (1) copy of the of form AA-137--Notice of Temporary Suspension And/Or Notice of Hearing will be issued directing you to appear for a hearing on a certain date, time and location.
3. When you attend the hearing on the court appointed date, surrender to the hearing officer the original form 134 and a copy of form AA-137.
4. File a copy of the form AA-134 at headquarters.

P. Release of Defendant

The defendant, when not remanded, shall be released to a competent third party.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Zero Tolerance**

**Order Number: 3.17.1**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**ZERO TOLERANCE**

**PURPOSE:** To provide officers with guidelines in the enforcement of Section 1192-a of the Vehicle and Traffic Law.

**I. BACKGROUND**

This is an administrative violation and shall not constitute a finding of a judgment of conviction for crime or any other offense. In essence, the law provides administrative review/suspension and fines for operators less than twenty-one (21) that have consumed alcohol and have a .02% but not more than .07% BAC.

The following elements are required in order to establish a finding of conviction against a defendant at an administrative DMV hearing:

1. There was a valid vehicle and traffic law stop or inquiry made.
2. There must be "clear and convincing proof" of motor vehicle operation.
3. The operator must be less than 21 years of age.
4. There must be a valid request to submit to a chemical test.
5. The instrument was properly calibrated and tested.
6. The test was administered properly.
7. The test found the operator consumed alcohol.

**II. POLICY**

When an officer comes in contact with a motorist under 21 years of age and the officer has reasonable grounds to believe the motorist has consumed an alcoholic beverage, the officer shall:

A. As investigation and probable cause dictates, proceed as per the mandates of police department policy and procedures relative to driving while intoxicated incidents.

B. If investigation and/or standardized field sobriety testing lead the officer to believe the less than 21 year old motorist to have consumed an alcoholic beverage, however, indications are the under 21 year old motorist exhibits less than intoxicated appearance, the officer shall proceed with the enforcement of 1192-a of the New York State Vehicle and Traffic Law.

### III. PROCEDURE

A. The law allows that a law enforcement officer may with reasonable grounds to believe that a person has been operating a motor vehicle after having consumed alcohol, temporarily detain, for the purpose of requesting or administering a person to submit to a test.

The **reasonable grounds to believe** shall be determined by viewing the totality of circumstances surrounding the incident which, when taken together, indicate that the operator was driving in violation. Such circumstances may include any visible or behavioral indication of alcoholic consumption by the operator, the existence of an open container containing or having contained an alcoholic beverage in or around the vehicle driven by the operator, or any other evidence surrounding the circumstances of the incident which indicates that the operator has been operating a motor vehicle after having consumed alcohol at the time of the incident.

A roadside pre-arrest screening device (Alco-Sensor) may be used to provide assistance to the officer, although the Alco-Sensor may not be used to form the sole basis of the officer's reasonable cause to believe there is a violation.

B. If the operator agrees to submit to a chemical test, members shall:

1. Arrange for removal of motorist's vehicle, if applicable, as per existing police department policy.
2. Transport operator to the location the chemical test will be administered.
3. Members are reminded to practice officer safety measures and to follow police department guidelines as they relate to transporting and restraining prisoners.
4. Administer chemical test as prescribed in general order entitled, "Rules for Administration of Breathalyzer/Intoxilyzer Chemical Test."
5. If the operator has a blood alcohol reading of .02% but not more than .07%, the operator shall be charged with the administrative violation of section 1192-a. No U.T.T. will be issued to the operator. A New York State DMV Notice of Hearing form for this section will be issued to the violator. Schedule attendance at a hearing to occur not less than 48 hours, but not more than 30 days from the date the chemical test was administered.
6. The officer will complete an Incident Report, anytime the officer investigates this violation.



7. Provide operator with the following prior to release:
  - a) Motorist copy of the DMV AA-137A.1
  - b) Copy of the impound release form if applicable.
  
8. Mail paperwork to address specified within 24 hours of chemical test results.

C. If operator refuses to submit to a chemical test, members shall:

1. Complete DMV AA-137A and DMV AA-134A at the scene of the incident. Schedule attendance at a hearing to occur no less than 48 hours nor more than 30 days from the date and time the detention occurred.
2. Provide motorist with motorist copy of DMV AA-137A.
3. Complete Incident Report.
4. Mail applicable paperwork to address specified within 24 hours of detention.

**NOTE:** This new section applies only to those BAC levels identified above. If the operator is observed to be impaired, appropriate field sobriety testing should be completed with subsequent processing under the provision of 1192. Section 1192-a DOES NOT APPLY if an operator is charged under ANY provisions of Section 1192.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Check Point Operations      Order Number: 3.18**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10      REPLACES ORDER #(S): APR

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### **SOBRIETY CHECKPOINT OPERATIONS**

**PURPOSE:** To establish uniform guidelines for checkpoint operations.

#### **I. BACKGROUND**

The Supreme Court of the United States has indicated that the police may utilize roadblocks for the purpose of traffic checks in order to determine driver licensing and car registration status; to check individuals in the immediate area of a crime or criminal incident; and to ascertain the condition of a vehicle (safety) or its driver (sobriety). Importantly, Officers are not to act in an arbitrary manner or with unbridled discretion. Hence, checkpoints must be rigidly controlled so as not to violate the mandates of the Constitution, as interpreted by the Court.

#### **II. POLICY**

Checkpoints will be undertaken periodically by the police department as part of an overall plan to deter drunk driving and enforce vehicle and traffic laws. Checkpoint procedures will always be carried out with the utmost regard for the safety of motorists and the officers involved. All constitutional requirements and guarantees will be adhered to. Only the Chief of Police may authorize a sobriety checkpoint, or the participation of police department personnel in a similar operation being conducted by another police agency.

#### **III. PROCEDURE**

##### **A. Location of Selected Checkpoints**

1. Checkpoints will be conducted on selected roadways based on standard selective-enforcement criteria considering the time of day, day of week, location, and the accident frequency. The exact site of the checkpoint will be selected considering its relative safety for motorists and police department personnel.
2. The location of scheduled checkpoints will be kept confidential. The date of the activity may be revealed, under the authorization of the Chief of Police, to be widely publicized so as to serve as a deterrent to potential violators.

## B. On-site Procedures

The following procedures will be strictly adhered to, consistent with good judgment, before and during the conduct of checkpoints:

1. At least one ranking officer will be assigned to each checkpoint detail to directly supervise the operation.
2. Each site will be staffed by a sufficient number of uniformed officers to maintain a safe and effective operation. Officers assigned will wear issued reflective vests while on checkpoint assignments. Flares and/or reflectors shall be used to illuminate the site. Warning signs shall be erected to give conspicuous advance notice of the impending stop ahead and its nature. Barricades will not be used to block oncoming traffic.
3. The supervisor of the detail shall designate and record the pattern for vehicle stops (e.g., every car, every third car, etc.). Traffic-backups will be continuously monitored for safety. If the traffic-backup reaches the maximum safe distance as predesignated by the roadblock supervisor, cars in the line will be waved through the checkpoint to neutralize the dangerous condition.
4. A checkpoint will be maintained for a designated period unless dangerous traffic congestion occurs at that location, or circumstances arise that would warrant cancellation of the remainder of the detail, as determined by the officer in charge.
5. All motorists must be treated in a UNIFORM, COURTEOUS, and NONDISCRIMINATING manor. The Officer will approach each motorist and state, "Good evening. I am Officer (name), of the Town of Marlborough Police Department. This checkpoint has been set up to prevent drunk driving and reduce accidents". If there is no immediate evidence of intoxication, or other apparent violation, the motorist will be given the necessary assistance to safely proceed.
6. During the brief stop, the officer will look for articulate facts, such as an odor of alcoholic beverage, slurred speech, the general appearance and/or other behavior normally associated with the D.W.I. violator. A combination of these factors may give sufficient reasonable grounds to believe the person is driving intoxicated, while ability is impaired, or the influence of drugs.
7. If reasonable and articulate grounds exist that a motorist is operating under the influence, the observing officer shall:

- a) Cause the vehicle to be moved out of line to a safe area for secondary screening
- b) Ask for and takes the operator's license and the registration certificate.
- c) Conduct field tests and alco-sensor test as necessary, to determine, to determine sobriety.

If sufficient evidence of intoxication is discovered, the driver will be arrested and processed in accordance with all established procedures.

- 8. No action shall be taken toward a motorist solely upon the basis of a refusal to answer a question, or if the motorist legally turns around or turns off the roadway before the checkpoint. Officers should, however, carefully observe such vehicles to determine if they are being operated competently.

#### C. Supervisors

The supervisor in charge of each checkpoint will submit a report indicating:

- 1. Traffic volume through the checkpoint.
- 2. Vehicles stopped for secondary screening.
- 3. Number of alco-sensor tests conducted.
- 4. Number of persons charges with D.W.I. or D.W.A.I.
- 5. Number of persons charged with other offenses.
- 6. Number of potential D.W.A.I. subjects sent home via taxi or with sober, licensed drivers.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Datamaster**

**Order Number: 3.19**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **RULES FOR ADMINISTRATION OF DATAMASTER CHEMICAL TESTS**

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**PURPOSE:** To establish rules for the administration of chemical tests by breathe sample which are given to persons pursuant to Section 1194 of the Vehicle and Traffic Law of the State of New York.

#### **I. POLICY**

- A. The Town of Marlborough Police Department utilizes the BAC Data Master (DMT).
- B. All breath chemical tests of persons who are requested to take a chemical test pursuant to VTL Section 1194 shall be given on the Data Master.

#### **II. PROCEDURE**

- A. Such tests shall only be administered by members of the police department who are certified by the New York State Department of Health as Breath Analysis Operators for the instrument used.
- B. Such tests shall not be given sooner than twenty (20) minutes after the person tested last took anything orally (e.g., smoking, eating, drinking, vomiting, etc.).
- C. All breath chemical tests of persons requested to take such a test shall be given within two (2) hours after such person has been placed under arrest.
- D. Members administering a breath chemical test shall execute and maintain an Operational Checklist for the instrument used, and shall operate the instrument in accordance with the steps outlined in the Operational Checklist for the instrument. The time of the breath chemical test and the blood alcohol content reading shall be entered in the spaces provided on such Checklist.
- E. Members administering a breath chemical test shall ensure that all the following information is correctly entered on the DMT printout and will sign said printout;
  - 1. Defendant's name.
  - 2. Date and Time of test.
  - 3. Instrument type: instrument and model number.
  - 4. Test result: \_\_\_\_ % BAC.
  - 5. Simulator test results: Time, % BAC, Solution Temp.Co.
  - 6. Simulator Solution lot number.
  - 7. Witness, if any, and any other information needed on the checklist.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Lost/Stolen License Plates**

**Order Number: 3.20**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**LOST OR STOLEN LICENSE OR REGISTRATION ITEMS**

**PURPOSE:** To establish procedure for members of the Office who receive reports of lost or stolen license or registration items, in accordance with the New York State Vehicle & Traffic Law, and NYSPIN requirements.

**I. POLICY**

It shall be the policy of the Town of Marlborough police Department to assist the public with the report of lost or stolen license or registration items pursuant to section 401-Subsection 3 of the New York State Vehicle and Traffic Law and the procedures provided herein.

**II. PROCEDURE**

A. Upon receiving a request to report license or registration items lost or stolen, members shall:

1. Complete a Department of Motor Vehicles form MV-78B.
2. Give the original MV-78B to the complainant and instruct him/her to submit same to the Department of Motor Vehicles.
3. Attach a copy of MV-78B to RMS report.

B. Dispatcher

1. Shall send a NYSPIN File 16 LENT as appropriate.
2. Shall attach a copy of MV-78B to teletype and place in the NYSPIN files in Communications.

**NOTE:** NYSPIN entries will only be made as per the reporting provisions of NYS DMV as specified on the MV-78B form.

C. If the original complaint is reported as a stolen item, the above procedure shall be followed. In addition, the officer will conduct an investigation and submit an incident report accordingly.



*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Disposal of Deer**

**Order Number: 3.21**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**DISPOSAL OF DEER KILLED BY COLLISION**

**PURPOSE:** To establish police department procedures and policy which are consistent with EnCon Law Section 11-0915 for the "DISPOSAL OF DEER KILLED BY COLLISION."

**I. POLICY**

Environmental Conservation law says 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:

- A. The accident is reported to an officer located in the town of such accident within 24 hours thereafter.
- B. The officer shall investigate and, if he/she 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/she shall issue a permit to the owner of the motor vehicle entitling such owner to possess the carcass.
- C. Whenever the owner of such damaged motor vehicle declines to possess such deer, he/she may transfer possession of the carcass to another person by completing the appropriate section of the possession permit.
- D. If no party requests such possession, the investigating member shall make arrangements to have the appropriate highway department remove the carcass.
- E. It shall be the policy of this police department, when appropriate and consistent with EnCon Law Section 11-0915, to issue the possession tags for the convenience of the public.

**II. PROCEDURE**

- A. The responsibility for issuing the tag will rest with the investigating member. After completion of the tag, the lower half shall be removed and attached to the accident report form MV-104A documenting the accident.
- B. Police department personnel will maintain a record of possession tags issued and forward the original permit to the appropriate address of the Department of Environmental Conservation.
- C. The officer shall include in his/her report, the disposition of the carcass.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Use of Physical Force**

**Order Number: 3.22**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR.

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### **USE OF PHYSICAL FORCE**

**PURPOSE:** To establish guidelines for the use of physical force

#### **I. POLICY**

A. A member of this police department may only use that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training given by the police department. It is the responsibility of each member to be familiar with the requirements of Article 35 and to guide his/her actions based upon that law. The use of unnecessary force is prohibited.

B. Generally, members may use force in the performance of their duties in the following circumstances:

1. To prevent the commission of a breach of the peace or other unlawful act.
2. To prevent a person from injuring himself/herself.
3. To effect the lawful arrest of persons resisting arrest or attempting to flee from custody.
4. In self-defense or in the defense of another person.

C. Only authorized equipment will be carried on duty and used when applying physical force, except in an emergency when the member may use other resources at his/her disposal.

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

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

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

1. The severity of the crime or circumstance.



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

## **II. DEFINITIONS**

A.     Restraining Force – Is the use of a minimal amount of physical strength or energy exerted to hold, restrain, control, etc., required to overcome resistance or reluctance to obey the direction of an officer.

B.     Physical Force – Is the striking, kicking, fighting or any other physical or violent confrontation and force greater than restraining force not amounting to deadly physical force.

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

## **III. PROCEDURE**

### **A. Members**

1.     Physical force may be used when it is lawful and when the exercise or persuasion, advice and/or warning is found to be insufficient to obtain cooperation and control.

A.     In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or

detention, prevent the escape of a person from custody, or in defense of one's self or another.

B. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

2. After physical force is used, members shall immediately evaluate the need for medical attention or treatment for that person upon whom the physical force was used and arrange for such treatment if that person is injured or complains of injury or discomfort.

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

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

2. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.

3. Decontamination after deploying aerosol restraint shall be done as soon as the officer determines that the further aggression has stopped. Decontamination shall be carried out according to training. Medical attention will be summoned if the subject requests it or if symptoms persist beyond 45 minutes.
4. The member will immediately notify his/her supervisor of the incident.
5. The member shall submit written reports regarding the incident including a use of force report. He/she shall include detailed events leading up to and after its use as well as all photographs of injuries to any persons involved.

#### B. Supervisors

1. Supervisors will ensure that members and civilians receive any necessary assistance, including medical treatment. They shall also ensure that any injuries to members and civilians shall be properly documented and reported.

2. Supervisors will determine if a department or other police agency investigator is required to assist in the investigation.
3. Supervisors will ensure that a thorough investigation is conducted which should identify police and civilian witnesses to the incident and ensure appropriate statements are obtained. The supervisor will include a written report documenting his/her actions and opinions of the incident should the use of force by a department member result in an injury to any person.
4. In the event that a member is unable to complete reports due to injuries, the supervisor will prepare or cause them to be prepared and submit them through the chain of command.

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*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Non-Lethal Weapons**

**Order Number: 3.23**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **NON-LETHAL WEAPONS**

**PURPOSE:** To outline policy and procedure for the use of authorized nonlethal weapons.

#### **I. POLICY**

The police baton, side-handle baton, taser and oleoresin capsicum, as issued, are the only "nonlethal" weapons authorized for use by members of the police department. The use of all police department approved nonlethal weapons shall be used in accordance with authorized police department training.

#### **II. PROCEDURE**

##### **A. Baton**

1. The police baton shall be used in accordance with the training techniques received in the Police Academy.
2. Members are authorized to carry the side-handle baton after they successfully complete and pass a course of instruction on the use of the weapon and become certified in same.
3. The use of the police baton or side-handle baton is regarded by the police department as an escalation in the use of force to a level less than deadly physical force but greater than physical force. As their improper or unreasonable use may cause serious physical injury or even death, they should be resorted to only in those instances where lesser means of restraint or protection have failed, or are clearly inappropriate.
4. Officers are prohibited from using a police baton or side-handle baton in the following circumstances:
  - a) As a threat to make a person comply with an officer's verbal order, when no physical violence is imminent.
  - b) In retaliation for nonphysical abuse towards an officer.
  - c) As a threat to elicit information from any person.
  - d) On persons secured and properly in custody.

- e) To "stop" a person for a field interrogation.

## B. Chemical Weapon

1. All members will be issued the aerosol restraint product and be required to attend police department training classes. Officers are not authorized to carry Oleoresin Capsicum Aerosol spray until obtaining usage certification.
2. The aerosol restraint agent will be carried on the officer's person or secured in his/her patrol vehicle and treated as a weapon at all times.
3. Decontamination after deploying aerosol restraint shall be done as soon as the officer determines that the further aggression has stopped. Decontamination shall be carried out according to training. Medical attention will be summoned if the subject requests it or if symptoms persist beyond 45 minutes.
4. When an officer determines that his/her aerosol restraint container is empty or is not functioning properly, the officer will turn it in to the chemical agent officer for reissue. A material safety data sheet on the aerosol restraint shall be made part of this policy.
5. Only police department issued chemical weapons that are compatible with the Taser will be carried and utilized by officers.

## C. Taser

1. See "Taser" General Order (3.27)



*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Deadly Physical Force**

**Order Number: 3.24**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**DEADLY PHYSICAL FORCE**

**(Firearms)**

**PURPOSE:** This order establishes the limitations for use of deadly force, particularly the use of firearms, by members of the Town of Marlborough Police Department. These rules have been developed to assist officers in the performance of their duty and compel the exercise of good judgment before electing the use of deadly physical force. They thus are intended to reduce the likelihood of inappropriate use of deadly force in shooting incidents, and consequently protect life and property.

**I. POLICY**

The value of human life in our society is immeasurable. Officers have been delegated the substantial responsibility to protect life and property and to apprehend criminal offenders. There is probably no more serious act that a law enforcement officer can engage in than the use of deadly force. The occasions for such use are, literally, life and death situations which are invariably confused and complex, affording precious little time for mediation or reflection. It is imperative that the officer, through training and the absorption of these rules, be able to respond quickly, confident that he/she is acting within the limits of the police department rules. This enables the officer to act without hesitation and to protect himself/herself and others. It also serves to protect the public from unlawful and unreasonable use of force.

**II. DEFINITIONS**

A. Deadly Force - For the purpose of this order "deadly force" is defined as physical force that, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

B. Serious Physical Injury - Means physical injury that creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of any bodily organ.

C. Reasonable Cause to Believe- - Reasonable cause to believe that a person has committed an offense exists when evidence or information which appears reliable, discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is

reasonably likely that such offense was committed and that such person committed it. Except as otherwise provided in Article 70 of the Criminal Procedure Law, such apparently reliable evidence may include or consist of hearsay.

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

### **III. PROCEDURE**

#### **USE OF DEADLY PHYSICAL FORCE**

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

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

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

C. Chokeholds and Obstruction of Breathing or Blood Circulation

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

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

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

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



4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

A. Use of Firearms

An officer may discharge a firearm **ONLY** in the following situations:

1. When reasonable and necessary to defend an officer or another from what the officer reasonably believes to be the use, or imminent use, of deadly force.
2. To put to death an animal which presents an immediate serious physical threat to the officer or a third party, or an animal that is so seriously ill or injured that humaneness demands the immediate cessation of its further suffering. All reasonable alternatives to the use of firearms must be exhausted however, before shooting the animal, and all applicable police department procedures must be followed.

B. Considerations and Prohibitions

**1. Moving Vehicles**

No member shall discharge a firearm at or from a moving vehicle, except as the ultimate measure of self defense or defense of another when the officer reasonably believes the occupants are using deadly force against the officer, or another.

**2. Warning Shots**

No "warning shots" shall be fired.

**3. Firing Shots for Alarm**

Firearms shall not be discharged to summon assistance, except where the officer's safety or that of another is endangered, and there is no reasonable alternative. Extreme care must be exercised in such situations to prevent injury to other persons.

**4. Deadly Force Emergency Measure**

Since all possible combinations of circumstances cannot be envisioned, notwithstanding any provisions of these Rules and Procedures, an officer may use deadly force as an emergency measure to avoid the imminent unlawful use of deadly force which is about to occur by reason of a situation occasioned or developed which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding such injury clearly outweighs the desirability of avoiding the conduct sought to be prevented by these

rules and procedures. However, all actions taken shall remain within the limits of NYSPL Article 35.

C. Investigations and reports shall be conducted in the manner outlined in the general order entitled, "Discharging Firearms."

D. On the occasion when a member's use of force results in the death or serious physical injury of another person, that member will be assigned to an administrative post pending administrative review by the Chief of Police. The future assignment of the member shall be determined in that review which will be conducted in the manner outlined in the general order entitled, "Discharging Firearms."

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Shotguns**

**Order Number: 3.25**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**SHOTGUNS**

**PURPOSE:** To establish policy and procedure for the use of shotguns by members of the Town of Marlborough Police Department.

**I. POLICY**

No member of the police department shall be authorized to carry a shotgun on duty unless that member has successfully completed the established course of shotgun training conducted by this police department. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a shotgun for the purposes of securing it, or from utilizing the weapon in an extreme emergency when the authorized officer has been incapacitated.

**II. PROCEDURE**

- A. Shotguns are special weapons which have the tactical advantages of increased firepower and increased range. They are to be deployed only when the deployment of a handgun would be justified and circumstances indicate that one of the above tactical advantages is required.
- B. Only shotguns with an authorized sling and approved by the police department shall be carried on duty.
- C. Unless a locked carrier has been provided within the passenger compartment, shotguns shall be carried in a case in the trunk while on patrol.
- D. Upon the start of each shift, the condition of the shotgun in the patrol vehicle shall be as follows:
  - 1) The magazine tube shall be loaded with department approved ammunition. Department supplied ammunition will be supplied when available.
  - 2) The bolt shall be closed on a verified "**Empty**" chamber
  - 3) The safety shall be in the "**Safe**" position.

The officer will utilize the clearing barrel and follow the clearing barrel procedures to safely put the shotgun in the appropriate condition for patrol.

E. The shotgun shall be removed from the locked carrier or trunk when deemed necessary as per the provisions of this order. Round shall be chambered when the tactical situation dictates. The officer's finger shall remain along side the trigger guard and the safety shall remain in the "**Safe**" position until the officer has committed to firing the weapon.

F. While deploying a shotgun, maintain a safe and sufficient distance from the suspect in order to keep the suspect from grabbing the shotgun.

G. An officer deploying a shotgun will perform the duties and responsibilities of cover man. At no point will the cover man approach the suspect and effect an apprehension. The cover man is responsible for providing protection for the officer conducting the search and handcuffing of a suspect. The cover man will position himself in such a manner that he never has the search man between himself and the suspect. This may require that the cover man move around the suspect as the search/apprehension is being conducted. The cover man should remain alert during the search/apprehension and never take his eyes off of the suspect.

If another officer on the scene is armed with a shotgun, they will provide secondary cover and also scan the area for any additional subjects.

Officers utilizing shotgun to engage a subject will not normally conduct the search and handcuffing of that individual. It is preferable to have another arriving officer not armed with a long gun perform that task. However, when no backups are available or in other unusual circumstances, one of the officers armed with a long gun will sling their weapon and handcuff the subject.

H. Once the tactical need for the shotgun has ceased, return the shotgun to the vehicle locked carrier or case within the trunk, in the "condition" defined in section D of this policy.

I. Every time a shotgun is deployed by a member, a verbal report will be made by the deploying member to their patrol supervisor as soon as is practical following the incident.

J. Authorized Ammunition:

1. Brand: Federal

2. Caliber: 12 ga.

3. Round:

a) Rifled Slug

b) Buckshot 00

K. Clearing Barrel Procedures

### SHOTGUN LOADING

1. UPON ENTERING THE CLEARING ZONE, PLACE MUZZLE INTO CLEARING BARREL. HOLD SHOTGUN UPRIGHT WITH STRONG HAND ON PISTOL GRIP, BUTTSTOCK SNUG AGAINST SIDE OF BODY. DO NOT PLACE FINGERS INTO TRIGGER GUARD.
2. VISUALLY INSPECT THE CHAMBER, RECEIVER, AND MAGAZINE TUBE TO ENSURE THERE IS NO AMMUNITION OR OBSTRUCTION PRESENT, AND THE SAFETY IS IN THE "SAFE" POSITION (RED INDICATOR NOT SHOWING).
3. WHILE HOLDING PISTOL GRIP OF BUTTSTOCK IN THE SHOOTING HAND, PUSH THE FORE-END FORWARD (ACTION CLOSED) POSITION WITH THE NON-SHOOTING HAND.
4. LOAD THE FIRST ROUND INTO THE MAGAZINE TUBE THROUGH THE BOTTOM OF THE RECEIVER. KEEP THE WEAPON UPSIDE DOWN TO LOAD.
5. CONTINUE TO LOAD UNTIL THE MAGAZINE TUBE IS FULL. AFTER LOADING IS COMPLETE, SLING THE SHOTGUN OVER SHOULDER OR CARRY AT PORT-ARMS.  
*DO NOT CHAMBER A ROUND UNLESS YOU NEED TO LOAD IN THE LINE OF DUTY.*

### SHOTGUN UNLOADING AND CLEARING

1. UPON ENTERING THE CLEARING ZONE, UNSLING SHOTGUN AND PLACE MUZZLE INTO CLEARING BARREL.
2. HOLD SHOTGUN UPRIGHT WITH STRONG HAND ON PISTOL GRIP OF BUTTSTOCK, MAINTAINING BUTTSTOCK SNUG AGAINST SIDE OF BODY. DO NOT PLACE FINGERS INTO TRIGGER GUARD.
3. VISUALLY INSPECT AND ENSURE SAFETY IS IN THE "SAFE" POSITION (RED NOT SHOWING), PRESS THE ACTION BAR LOCK, AND PULL FORE-END SLOWLY TO REAR ACTION OPEN POSITION UNTIL MAGAZINE RELEASES ROUND OF AMMUNITION.
4. BRING HAND FROM FORE-END AND PLACE OVER EJECTION PORT. ROTATE SHOTGUN TO THE RIGHT AND ALLOW RELEASED ROUND TO DROP FROM THE EJECTION PORT INTO HAND. PLACE ROUND TO THE SIDE.
5. WITH THE CHAMBER OPEN, RELEASE REMAINING AMMUNITION FROM THE TUBE UNTIL THE WEAPON IS FREE OF ALL AMMUNITION.
6. AFTER EJECTING ALL AMMUNITION FROM SHOTGUN, COUNT EJECTED ROUNDS TO ACCOUNT FOR ALL AMMUNITION. YOU MUST VERIFY THAT YOU REMOVED ALL ROUNDS FROM SHOTGUN AND THAT IT IS "SAFE" TO PROCEED.
7. VISUALLY INSPECT THE CHAMBER, RECEIVER AND MAGAZINE TUBE TO ENSURE THERE IS NO AMMUNITION OR OBSTRUCTION PRESENT, AND THE SAFETY IS IN THE "SAFE" POSITION (RED NOT SHOWING). YOU MUST VERIFY THE SHOTGUN CONTAINS NO AMMUNITION AND IS "SAFE" FOR TURNING IN.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Patrol Rifle**

**Order Number: 3.26**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **PATROL RIFLES**

**PURPOSE:** To establish policy and procedure for the use of patrol rifles by members of the Town of Marlborough Police Department.

#### **I. POLICY**

No member of the police department shall be authorized to carry a patrol rifle on duty unless that member has successfully completed the established course of patrol rifle training conducted by this police department. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a patrol rifle for the purposes of securing it, or from utilizing the weapon in an extreme emergency when the authorized officer has been incapacitated.

#### **II. PROCEDURE**

A. Patrol rifles are special weapons which have the tactical advantages of increased firepower and increased range. They are to be deployed only when the deployment of a handgun would be justified and circumstances indicate that one of the tactical advantages is required.

B. Only patrol rifles with an authorized sling and approved by the police department shall be carried on duty.

C. Unless a locked carrier has been provided within the passenger compartment, patrol rifles shall be carried in a case in the trunk while on patrol.

D. Upon the start of each shift, the condition of the patrol rifle in the patrol vehicle shall be as follows:

- 1) The magazine shall be loaded with department approved ammunition. Department supplied ammunition will be utilized when available.
- 2) The bolt shall be closed on a verified "***Empty***" chamber
- 3) The loaded magazine shall be inserted into the patrol rifle
- 4) The safety shall be in the "***Safe***" position.

The officer will utilize the clearing barrel and follow the clearing barrel procedures to safely put the patrol rifle in the appropriate condition for patrol.

E. The patrol rifle shall be removed from the locked carrier or trunk when deemed necessary as per the provisions of this order. Round shall be chambered when the tactical situation dictates. The officer's finger shall remain along side the trigger guard and the

safety shall remain in the “*Safe*” position until the officer has committed to firing the weapon.

F. While deploying a patrol rifle, maintain a safe and sufficient distance from the suspect in order to keep the suspect from grabbing the rifle.

G. An officer deploying a patrol rifle will perform the duties and responsibilities of cover man. At no point will the cover man approach the suspect and effect an apprehension. The cover man is responsible for providing protection for the officer conducting the search and handcuffing of a suspect. The cover man will position himself in such a manner that he never has the search man between himself and the suspect. This may require that the cover man move around the suspect as the search/apprehension is being conducted. The cover man should remain alert during the search/apprehension and never take his eyes off of the suspect.

If another officer on the scene is armed with a patrol rifle, they will provide secondary cover and also scan the area for any additional subjects.

Officers utilizing patrol rifles to engage a subject will not normally conduct the search and handcuffing of that individual. It is preferable to have another arriving officer not armed with a long gun perform that task. However, when no backups are available or in other unusual circumstances, one of the officers armed with a long gun will sling their weapon and handcuff the subject.

H. Once the tactical need for the patrol rifle has ceased, return the patrol rifle to the vehicle locked carrier or case within the trunk, in the “condition” defined in section D of this policy.

I. Every time a patrol rifle is deployed by a member, a verbal report will be made by the deploying member to their patrol supervisor as soon as is practical following the incident.

J. Authorized Patrol Rifles:

1. M-4/AR-15 Carbine
2. Ruger Mini 14

K. Authorized Ammunition:

1. Brand: Federal
2. Caliber: .223
3. Grain: TBD
4. Round: Full Metal Jacket

L. Officers who are interested in carrying a patrol rifle on duty will submit a request in writing to the Chief of Police. Sign up forms will be posted periodically with available training dates. A roster will subsequently be provided to the Chief of Police by certified Range Instructors with the names of officers and their inspected weapons who have completed the police department mandated training to carry a patrol rifle. All weapons must be inspected by a member of the police department’s firearms section. All officers

must complete the required course of fire prior to carrying a patrol rifle on duty. Any officer in violation of this policy will face administrative disciplinary action.

#### M. Clearing Barrel Procedures

##### M4 /PATROL RIFLE LOADING

1. PLACE MUZZLE INTO CLEARING BARREL WHILE KEEPING FINGERS OUT OF TRIGGER GUARD.
  2. VISUALLY INSPECT RIFLE ENSURING SELECTOR LEVER IS IN THE "SAFE" POSITION.
  3. VISUALLY INSPECT THE CHAMBER, RECEIVER, AND MAGAZINE WELD TO ENSURE RIFLE IS "CLEAR" OF AMMUNITION AND OR OBSTRUCTION.
  4. YOU MUST VERIFY CONDITION OF RIFLE IS "SAFE & CLEAR" TO PROCEED.
  5. DEPRESS BOLT RELEASE ALLOWING BOLT TO MOVE FORWARD (CLOSED) POSITION; AND CLOSE EJECTION PORT COVER.
  6. IF IMMEDIATE DUTY ASSIGNMENT REQUIRES, INSERT MAGAZINE, IF NOT, INSERT UPON ASSUMING POST.
- \*WHEN INSERTING MAGAZINE, DO NOT OPERATE CHARGING HANDLE UNLESS REQUIRED TO CHAMBER A ROUND IN THE LINE OF DUTY!!!
7. SLING RIFLE OVER SHOULDER WITH MUZZLE POINTED EITHER UP OR DOWN.

##### M4 /PATROL RIFLE UNLOADING AND CLEARING

1. REMOVE LOADED MAGAZINE IMMEDIATELY UPON RELIEF FROM POST OR DUTY LOCATION.
2. APPROACH CLEARING ZONE WITH WEAPON IN THE "SLING ARMS" OR "PORT-ARMS" POSITION.
3. UPON ENTERING THE CLEARING ZONE, PLACE LOADED MAGAZINE TO THE SIDE. UNSLING RIFLE AND IMMEDIATELY PLACE MUZZLE INTO CLEARING BARREL.
4. IF MAGAZINE HAS NOT BEEN REMOVED, DEPRESS MAGAZINE RELEASE AND REMOVE. YOU MUST VERIFY REMOVAL OF MAGAZINE AND THE RIFLE IS "SAFE" TO PROCEED.
5. VISUALLY INSPECT TO ENSURE SELECTOR LEVER IS IN THE "SAFE" POSITION.
6. PULL CHARGING HANDLE TO REAR AND LOCK BOLT TO THE REAR (OPEN) POSITION.
7. VISUALLY INSPECT THE CHAMBER, RECEIVER AND MAGAZINE WELD TO ENSURE NO AMMUNITION OR OBSTRUCTION IS PRESENT.
8. YOU MUST VERIFY THE WEAPON CONTAINS NO AMMUNITION AND IS "SAFE" FOR TURN-IN.
9. UPON DIRECTION, PROCEED TO TURN-IN POINT WITH RIFLE AT PORT-ARMS, BOLT LOCKED TO REAR (OPEN) POSITION, AND SAFE SELECTOR ON SAFE.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Tasers**

**Order Number: 3.27**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **USE OF ELECTRONIC CONTROL DEVICES**

**PURPOSE:** To establish policy and procedure for the use of tasers by members of the Town of Marlborough Police Department.

The ECD currently used by the Town of Marlborough Police Department is the Taser X26P, manufactured by TASER International, 17800 North 85<sup>th</sup> Street, Scottsdale, AZ. THIS IS THE ONLY ECD AUTHORIZED FOR USE BY TOWN OF MARLBOROUGH POLICE PERSONNEL.

#### **I. POLICY**

No member of the police department shall be authorized to carry a taser on duty unless that member has successfully completed the established course of taser training conducted by this police department. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a taser for the purposes of securing it, or from utilizing the weapon in an extreme emergency when the authorized officer has been incapacitated.

This device is to be employed as an additional police tool and is not intended to replace firearms or other self-defense equipment or techniques. The ECD is generally equivalent to Oleoresin capsicum Spray (OCS) in the use of force continuum and decisions to use the ECD involve the same basic justification including compliance with applicable articles of the New York State Penal Law (NYSPL). The Chief of Police shall exercise overall control of the employment of ECDs by the Town of Marlborough Police Department through a review process involving a thorough investigation of all ECD discharges other than for training purposes.

The ECD may be employed for the following purposes:

- 1- To control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary.
- 2- When attempts to subdue a subject by other tactics, or with other equipment have been, or will likely be ineffective in the current situation.
- 3- When there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

## **II. PROCEDURE**

### **A. Assigned Tour of Duty**

Supervisors during an assigned tour of duty, or as directed by the Chief of Police shall:

1. Ensure all incidents involving an ECD discharge are properly documented and investigated.
2. Ensure that the ECD is deployed/discharged in a manner consistent with this policy and applicable articles of the NYSPL.
3. Monitor tactics utilized by subordinates during actual deployment/discharge of the ECD.
4. Verify that the subject of an ECD discharge receives medical aid without unnecessary delay and is removed to a hospital for probe removal or other treatment as necessary.
5. Verify that all probe(s) have been properly vouchered, using bio-hazard precautions.
6. In the event of an ECD discharge, including a drive stun, notify a certified E.C.D. instructor to inspect and service the ECD and to assist as necessary in the ECD Discharge Investigation.
7. Verify that all ECD units are accounted for at the commencement and expiration of the assigned tour.

### **B. Performing Duty as a certified E.C.D. Instructor.**

Police officers performing duty as a certified E.C.D. Instructor, as directed by the Chief of Police shall:

1. Ensure training and certification of members of the Town of Marlborough Police Department as directed by the Chief of Police and in compliance with TASER International Instructor Lesson Plan.
2. Receive, periodically inspect and ensure maintenance and operability of all ECD units and associated equipment cartridges.
3. Generate ECD data downloads for review.
4. Post ECD discharge, inspect the device and if necessary, assist in the investigation.

5. Perform other related ECD administrative functions as directed.

C. Trained and Certified

Police Officers, when trained and certified to use the TASER X26P and armed with that ECD shall:

1. Deploy/discharge the ECD only in compliance with the Town of Marlborough Police Department advanced Taser X26P training program, this general order, the lawful directions of a ranking officer, other pertinent Town of Marlborough Police Department directives and applicable articles of the New York State Penal Law.
2. At the commencement of assigned tour, authorized members will inspect the ECD and associated equipment they are to carry and properly secure it on their duty/gun belt as trained. Members performing duty in specialized attire or plain clothes will secure the ECD on a secure waist belt as trained. The proper security of the Taser is the carrying member's responsibility. Members not utilizing their own certified holsters will affix available U clips to better secure their holster. Understand and be aware that use of the ECD is generally equivalent to use of OCS in the use of force continuum. The decision making process to deploy/discharge the ECD, including justification and compliance with applicable articles of the New York State Penal Law, is similar to the decision making process to utilize OCS.
3. Understand and be aware that the ECD is not a substitute for a firearm. In situations where the potential for the justified use of deadly physical force may become necessary officers shall deploy firearms prior to the deployment/discharge of an ECD. It is extremely important in these instances that firearms be deployed first to provide proper cover for the officer who is deploying/discharging the ECD. This action is critical should the ECD malfunction, or be ineffective when deployed/discharged.
4. In situations not involving the justified use of deadly physical force, when it is practical, avoid deploying/discharging the ECD when subjects are operating motor vehicles, in control of motor vehicles in which the engine is running, or in a position where they may fall from a significant height above ground level, such as a rooftop or bridge.
5. Upon any discharge of the ECD, if a subject is struck by a probe(s), or of a subject is drive stunned, the discharging officer, when safety allows, shall immediately summon emergency medical service personnel to the scene or other location as appropriate. The subject will be examined and treated by emergency medical service personnel and removed to the hospital for

probe removal or as otherwise necessary. The probe(s) shall be retained by the discharging officer and vouchered, using bio-hazard precautions. (NOTE: in instances where the ECD is discharged and probe(s) miss the subject, or do not remain attached to the subject, said probe(s) will be secured and vouchered, in the same manner as above).

6. Upon any discharge of the ECD, if a subject is missed by a discharged probe(s), if a subject is struck by a probe(s), or if a subject is drive stunned, the discharging officer, when safety allows, shall immediately notify a ranking officer. (NOTE: While it is preferable to have a ranking officer present on the scene prior to deploying the ECD, there is no requirement that a ranking officer be present on the scene for a police officer to deploy/discharge the ECD.
7. Upon any accidental discharge, the discharging officer shall immediately notify a ranking officer. The discharging officer shall comply with the directions of the supervisor concerned and steps contained herein.
8. In all instances of an ECD discharge, the discharging officer shall, except when directed otherwise by a ranking officer, complete all required notifications, department forms, photographs and evidence vouchers, prior to expiration of their tour.
9. Return ECD and associated equipment upon expiration of tour.

D. Head Dispatcher/Dispatcher

The dispatcher during an assigned tour shall:

1. Account for all ECD units and associated equipment at the commencement and expiration of assigned tour, securing all unassigned ECDs as directed.
2. Issue ECDs and associated equipment to police officers performing duty, after documenting same.
3. Immediately make appropriate notifications regarding ECD discharges
4. Secure ECDs and associated equipment not currently in use.
5. Immediately notify the appropriate ranking officer of any discrepancies noted in ECDs and associated equipment assignments or storage.

Additional Data

- 1- ECDs when discharged readily produce a spark that may cause flammable/explosive

substances to ignite/explode. Extreme caution must be exercised, so as not to deploy or discharge the ECD in a flammable or explosive environment, such as in close proximity to gasoline pumps, liquefied propane tanks, ammunition/explosive storage locations or where an odor of natural gas is present.

2- In instances where subject(s), or person(s) in close proximity to subject(s), are believed to be saturated with, or in possession of a flammable/explosive substance that may ignite/explode, the ECD shall not be deployed/discharged.

3- The OCS currently used by the Town of Marlborough Police Department, First Defense Model MK-3X2, has been tested and determined to be non-flammable and safe for interoperability with the current ECD. Accordingly, the ONLY Oleoresin Capsicum Spray authorized for issuance, carry and use by the Town of Marlborough Police Department is First Defense Model MK-3X2. All other OCS are prohibited for carry and/or use by police department personnel.

4- In instances involving an OCS discharge that did not originate from Town of Marlborough Police Department personnel, including non-law enforcement OCS discharges, the ECD shall not be deployed/discharged.

5- In instances involving an ECD deployment/discharge and law enforcement agencies other than the Town of Marlborough Police Department subsequently arrive on scene their personnel should be immediately advised that an ECD has been deployed/discharged and directed to not discharge their OCS.

6- Taser Bulletin 15.0 of 2009 designated that the preferred point of aim for E.C.D. discharges is the large portion of the back and leg portion of the body. The bulletin further advises that head, neck and chest shots should be avoided if possible but does not prohibit discharges to these or other sensitive areas. Department members will make every effort to comply with the targeting guidelines provided in this Taser bulletin.



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Discharge of Firearms**

**Order Number: 3.28**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **DISCHARGE OF FIREARMS**

**PURPOSE:** To establish procedure for reporting the discharge of a firearm by members of the police department.

#### **I. POLICY**

It is the policy of this police department that the USE OF FORCE by a member will be accurately reported and subjected to a thorough and objective evaluation. This policy will cover all USE OF FORCE, whether on or off duty, within the Town Boundaries and also while performing duties outside the boundaries of the Town of Marlborough.

#### **II. PROCEDURE**

##### **A. Members**

A member of this police department, who discharges a firearm, whether on or off duty, other than for training, legal hunting, or target practice purposes, will adhere to the following:

1. Immediately notify the patrol supervisor regarding the circumstances surrounding the weapon discharge (not applicable in cases of destroying animals).
2. File a report through appropriate channels which will include ALL pertinent details relating to the accidental discharge or justification for deliberate discharge. A standard report as well as a use of force report will be completed on ALL firearm discharges including the destruction of animals.
3. In the event the member who discharged the weapon is unable to supply the required written reports, the assigned supervisor shall be responsible for filing, or cause to be filed, the reports as soon as possible.
4. Any member on the scene at the time of the occurrence who is witness to, or participates in, the occurrence will complete a supplement to the original Incident Report (not applicable in cases of destroying animals).

## B. Supervisors

1. In every instance when a member of this police department has occasion to discharge a firearm, except when destroying an animal or training, it will be the responsibility of the ranking member on duty to notify the Chief and other department supervisor's as necessary without unnecessary delay.
2. A supervisor will immediately respond to the scene of the weapon discharge and protect the scene pending an investigation.
3. Where an injury is sustained by any person through the use of a firearm, it will be the responsibility of the supervisor at the scene to ensure proper notifications are made. The supervisor on scene will consult with the Chief to determine if a department or other police investigator will be requested to respond to assist in the investigation. The Chief of Police is also responsible for determining if the investigation will be turned over to New York State Police Investigators or any other division with legal authority to investigate the same.
4. Afford the member privacy from inquiries by the public and police department personnel not involved in the actual investigation of the incident.
5. Document his/her actions and opinion of the incident.

## C. Reporting a Discharge

Any report relating to the discharge of a firearm should include, but not be limited to, the following:

1. Whether the officer was on or off duty.
2. Whether the officer was in uniform or plainclothes.
3. A list of witnesses which should include those who may have only seen part of the entire incident.
4. Names of officers present at the scene, with statements as to their involvement and what they witnessed.
5. Description of weapon(s) used, including:
  - a) Whether or not Town issue.
  - b) Type (e.g., revolver, auto, shotgun, etc.).

- c) Caliber.
- d) Serial number.
- e) Make.
- f) Permit number.
- g) Number of rounds.
- 6. Type of ammunition.
- 7. Whether officer was wearing a bullet resistant vest and type.
- 8. Type of holster and whether Town issue.
- 9. Number of rounds fired by officer and adversary.
- 10. Lighting and weather conditions.
- 11. Nature of incident when dispatched.

D. In the case of an accidental discharge said firearm is to be examined by a police department armorer to ensure it is functioning properly. The police department will replace the weapon and equipment as directed by the Chief of Police.

E. Investigating Supervisor

- 1. Conduct an investigation into the incident and/or assist assigned investigators as necessary.
- 2. Except as directed by Chief of Police, the firearm, ammunition and related leather goods will be secured in the same condition as they were immediately following the last discharge (by a supervisor or assigned investigator) The firearm shall be turned over to the assigned supervisor or investigator as warranted. The items will be secured same as evidence, until the termination of any internal or legal proceedings.

F. Assignment to Non-patrol Duty

- 1. When a member is involved in a shooting, the Chief of Police or his designee will assign that member to non-patrol duties. The assignment to administrative duty does not imply guilt or innocence of the officer involved.
- 2. A non-patrol duty assignment will be made in the best interests of the police department and the officer.



3. When a member is assigned to non-patrol duty, he/she will:
  - a) Refrain from routine exercise of police arrest and intervention powers.
  - b) Refrain from any public discussion of his/her non-patrol assignment or circumstances related to his/her use of force.
  - c) Retain responsibility for compliance with all laws, police department rules and regulations, general orders and directives governing police department personnel not specifically exempted by this procedure, except as in "a" above.

G. Review and Disposition

1. Upon completion of all reports and investigation, all documentation shall be submitted to the Chief of Police by the assigned supervisor or investigator as warranted.
2. The Sergeant, Lieutenant, and any other personnel deemed appropriate by the Chief of Police shall review the incident to determine whether the discharge is consistent with the policies of this police department and professional law enforcement standards.
3. The above mentioned staff shall forward its conclusions and recommendations as to policy compliance or noncompliance. They may recommend additional training, policy changes, equipment changes or other procedures for consideration by the Chief of Police.



*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Criminal Investigations**

**Order Number: 3.29**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**CRIMINAL INVESTIGATIONS**

**PURPOSE:** The purpose of this directive is to guide police department personnel in their investigation of criminal complaints.

**I. POLICY**

A. It is the policy of the police department to conduct a prompt, thorough and appropriate investigation of all criminal activity reported to the police, or coming to the attention of police personnel by direct observation or other means. In order to accomplish this, the police department is committed to using all of its resources to bring about a successful conclusion to every criminal investigation. Police department personnel assigned to investigate a report of a crime shall conduct investigations according to this directive, all applicable laws, rules and regulations governing the rights of victims, witnesses, suspects and defendants, and any other applicable general orders of the police department.

B. In the event that during the course of investigation, it is determined that the nature of the particular case is not criminal or that primary jurisdiction no longer remains within the Town of Marlborough Police Department, the investigating member will still ensure that the matter is properly and thoroughly resolved or that the appropriate police agency is advised and assumes responsibility for the case.

**II. 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. 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 an 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. Interviewing 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 degrees 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 to bring about a successful conclusion.

Specific objectives of the follow-up investigation process include:

1. Reviewing and analyzing all previous reports prepared during the preliminary investigation.
2. Conducting additional interviews and/or interrogating victims, witnesses or suspects.
3. Searching other sources of information for possible leads (e.g., RMS data banks, Criminal Identification Bureau files, etc.).
4. Collecting and analyzing, or having analyzed, physical evidence.
5. Identifying and arresting suspects.

6. Determining involvement of suspects in other criminal activity.
7. Preparing case or assisting in the preparation of the case for court.
8. Completing 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 the case is likely to be solved, and whether the case is to be assigned to a department investigator, New York State Police Investigator 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. Identification of a suspect.
3. Description of a suspect.
4. Knowledge of where the suspect can be located.
5. Property with identifiable characteristics, marks, or numbers that can be traced.
6. Existence of a distinctive M.O.
7. Presence of significant physical evidence.
8. Description of a vehicle used.
9. Belief that a crime may be solved with publicity and/or reasonable additional investigation.
10. Seriousness of the crime.
11. Public safety is an issue.
12. Two or more incidents appear to be related.

D. Case Assignment - The process of recording pertinent information relating to a case being assigned for follow-up and the responsibility for the follow-up investigation given to the appropriate member.

E. Case Status - Classification of a case as any one of the following:

1. Open - Case is being actively investigated.
2. Closed by Arrest.

3. Closed by Exceptional Clearance:
  - a) Death of Offender.
  - b) Prosecution Denied.
  - c) Extradition Denied.
  - d) Victim Refuses to Cooperate.
  - e) No Court Referral.
4. Closed by Investigation:
  - a) Pending Further.
  - b) Unfounded.
  - c) Warrant Issued.

### **III. PROCEDURE**

- A. Upon receipt of an incident report, the reviewing supervisor shall:
  1. Determine investigatory completeness in the search for solvability factors and the justification of same. If incomplete, investigation will be returned for completion, if no solvability factors exist, the investigation shall be classified as "Closed-Pending Further."
  2. Ensure correct crime classification, legibility, sufficiency of information, etc.
  3. Ensure that investigation is forwarded to the appropriate investigative unit when necessary.
- B. Upon receipt of a preliminary investigation, the reviewing supervisor shall:
  1. Review the report and determine whether the follow-up investigation will be assigned to an investigator or the reporting patrol member. Cases returned to patrol will be forwarded to the squad supervisor of the initial investigating officer.
  2. A reviewing supervisor will assign cases requiring specialized skills to the appropriate member(s) or agency.

C. It is the responsibility of the member 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 suspect's criminal history, keeping the victim(s) informed about the progress of an investigation, coordinating the investigation with other members of the police department or other agencies, determining the appropriate criminal charge and preparing documents for prosecution.

D. It is the responsibility of the member 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 police department general orders including, but not limited to, Miranda, arrest and search warrants, evidence, juveniles, and any other facets of the investigative process.

E. Members assigned to follow-up on a case shall submit timely and detailed reports of the progress of an investigation. Follow-up reports shall be submitted by entering them into the Spectrum Justice Computer System. When entering information into the system, members shall complete all required fields and screens designed for this purpose.

F. Members shall make every effort to conclude an investigation in a reasonable amount of time, normally within thirty (30) days, of the date the case was assigned.

G. Cases not Closed by Arrest, Exceptional Clearance or Investigation, shall be reclassified as Closed-Pending Further by the investigating officer ONLY when no solvability factors are present. If, after a reasonable amount of time, 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 Closed-Pending Further.

H. Cases assigned for a follow-up investigation will normally be assigned as follows.

- 1- Serious felonies will be assigned to the appropriate department investigator or outside agency based upon having the time and skills necessary to properly investigate the case. When assigned, members shall adhere to the provisions of subsection 2-a of section 642 of the NYS Executive Law.

2. Misdemeanors may be assigned to patrol officers as warranted.

I. Whenever the investigating officer requires the assistance of another agency outside the Town of Marlborough, the investigating officer shall request such assistance with the permission of their immediate supervisor or other supervisor in their absence.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Notifications Of Supervisors** **Order Number: 3.30**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **NOTIFICATIONS – POLICE DEPARTMENT PERSONNEL**

**PURPOSE:** To establish the circumstances that requires the notification of a supervisor.

#### **I. POLICY**

Department members aware of significant or unusual occurrences will notify the appropriate supervisor without delay.

#### **II. PROCEDURE**

##### **A. Incidents**

A supervisor will be notified regarding the following:

1. Injury to an officer.

**NOTE:** Patrol supervisor need not respond to scene of the incident in cases involving non-serious injuries.

2. Accident involving a police vehicle.
3. Shift call outs.
4. Barricade/hostage/active shooter situations.
5. Disasters, catastrophes, or severe weather producing emergency conditions.
6. Serious complaint or incident involving a police officer.
7. Lost or missing persons where lives may be at risk.
8. Auto accident involving death or life threatening injury or with unusual circumstances including significant traffic delays.
9. Discharge of firearm, except when destroying an animal or training.
10. Any remarkable incident.

11. Any persons dead or likely to die or unconscious/unresponsive persons.
12. Reported possible violence involving gangs or large groups.
13. Any incident when a member of this department utilizes force to affect an arrest including mental health removals.
14. Reported off duty incidents involving any police department employees (including ours).
15. Incidents/complaints involving local officials, prominent persons or Town of Marlborough employees.
16. As per the previous of any other department directive.

B. Supervisory Ranking Member Notified

1. The supervisor notified will ensure that notifications are made without delay up to and including the Chief of Police.

The Chief of Police will be notified immediately:

1. Serious incidents involving children re; serious injuries/illness, CPS cases etc..
  2. Injuries to members of our department while on duty or serious injuries off duty
  3. Persons seriously injured in any manner (take photos).
  4. Serious felonies or attempts, ie; burglaries, robberies, serious assaults, rapes etc.
  5. Significant arrests.
  6. Vehicle pursuits (IMMEDIATE NOTIFICATION MUST BE MADE BY DISPATCH).
  7. Serious incidents involving our schools and or students in transit.
  8. Bomb or biological agent threats.
  9. Any civilian complaint against a member of our department of a serious nature.
  10. Any other serious and/or noteworthy incidents.
2. It will be the responsibility of the supervisor to:
    - a) Supervise any such incident as outlined above.
    - b) Ensure that the dispatcher notifies the chain of command in its entirety by telephone, pager or police radio. If necessary, repeated attempts will be made until such time that contact is made and an appropriate log entry will be made indicating name and time notified.
    - c) If incident doesn't require immediate patrol supervisor or response the tour supervisor will ensure all reports, with copies, will be completed and submitted as necessary prior to completion of tour of duty.





*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Responsibility at Incident**

**Order Number: 3.31**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**RESPONSIBILITY AT THE SCENE OF INCIDENTS**

**PURPOSE:** To establish responsibility of police department personnel and standardize methods used to process the scene of an incident.

**I. POLICY**

A. It is the policy of the police 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 incident in a manner consistent with this general order and training received by police department personnel.

B. 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.

C. Responsibility for processing the scene of an incident shall be determined as follows:

1. Fatal and serious motor vehicle accidents are the responsibility of the Patrol and our Supervisor as well as other investigators as needed.
2. Felony crimes and other serious incidents are the responsibility of the Patrol and our Supervisor as well as other investigators as needed.

**II. PROCEDURE**

A. The responsibility of the initial responding officer include:

1. Ensure the scene is safe and secure.
2. To render necessary aid.
3. To conduct a preliminary search of the scene for additional victims and perpetrators.

4. To make note of any apparent items of evidence to be brought to the attention of responding investigators.
5. To protect the scene, including the exclusion of all persons who do not have an authorized role in investigating the incident.
6. To identify all participants, including victims, witnesses and suspects.
7. To inform headquarters of the circumstances of the incident and request necessary assistance.
8. To maintain control over the scene, including the documentation of the names, ranks, titles, and purpose of each person who enters the scene.
9. To document his or her own observations and actions in a detailed incident report, with follow-up investigation being documented on a supplementary report.
10. 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.
11. To assist investigators in crime scene processing where indicated.

B. Responsibility of the tour supervisor includes:

1. To supervise the conduct of the response and investigation, including assigning additional officers to respond, and notify and coordinate with responding emergency service agencies, as well as nonemergency service agencies.
2. To evaluate the incident to determine if additional assistance is needed.
3. To confirm if incident is jurisdiction of the Town of Marlborough Police Department.
4. To ensure the responsibilities of the Initial Responding Officer are being carried out.
5. To determine whether or not an investigator will be needed to process the scene for evidence and make appropriate notifications.
6. When the incident is a fatal or serious motor vehicle accident in which death may result, the assigned supervisor is to notify a crash management specialist.

7. To determine whether or not the incident requires the presence of the Chief of Police.
8. To determine if the 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 the incident.
9. 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 of the inner perimeter, but within the outer perimeter
10. To review all documentation submitted by members of the uniform patrol division for thoroughness, clarity, accuracy, and whether or not an incident requires further investigation.

C. Responsibilities of investigative personnel generally encompass processing the scene of the 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:

1. Arrest.
2. Exceptional clearance.
3. Investigation.
4. Closed pending further.

D. Investigators assigned to process the scene of an incident shall document their activities via supplementary Incident Report entries. When processing the scene of an incident, investigators will generally adhere to the following guidelines:

1. 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.
2. Secure the scene by identifying and establishing perimeters for the preservation of evidence, and protect the secure area from disturbance to the original conditions of the scene.
3. Conduct a Preliminary Survey of the scene to:
  - a) Establish administrative and emotional control.
  - b) Identify and secure the area to be searched.
  - c) Organize the methods and procedures needed.

- d) Develop a general theory of the incident.
- e) Identify and protect transient evidence.
- f) Prepare a narrative description of the incident.

4. Prepare a narrative description of the incident, documenting the original condition of the scene as found by law enforcement personnel.

5. Photograph the scene, including overall, medium and close-up photographs. Photos must document the location of the incident, the nature 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.

6. A sketch which completely documents the conditions of the scene if possible.

7. 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.

8. Conduct a detailed search of the scene of the incident for evidence, collecting, documenting and packaging each piece of evidence in accordance with police department procedures pertaining to evidence.

9. 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.

E. Responsibilities of 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 and sketching the scene. Accident Investigators will detail their actions taken, as well as documenting the result of the investigation.

F. Upon being advised by an assigned investigator handling the scene of an incident that processing of the scene has been completed, the supervisor who is responsible for the incident shall verify that all assignments have been completed and the scene is safe for normal use and will notify the following:

- 1. All police personnel.
- 2. Any other emergency service agency involved.
- 3. Any nonemergency service agency involved.
- 3. The owner/person responsible for the property.
- 5. The general public.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Vice & Organized Crime**

**Order Number: 3.32**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **CRIMINAL INVESTIGATIONS RELATING TO VICE OR ORGANIZED CRIME**

**PURPOSE:** The purpose of this general order is to guide police department personnel who receive information, or, are assigned to investigate a report of vice activity or organized crime activity.

#### **I. 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 activity need to be carefully monitored to ensure the integrity of the investigations and safety of those involved.

#### **II. POLICY**

It is the policy of the police department to investigate all known activity believed to be related to vice or organized crime. All such investigations will be coordinated through the Chief of Police. The Chief of Police will carefully monitor the progress of the investigation with a view toward ensuring the safety of anyone involved in the investigation, as well as protecting the integrity of the investigation.

#### **III. PROCEDURE**

##### **A. Police Department Member**

Upon receipt of information indicating vice or organized criminal activity, the officer receiving the information will prepare an Incident Report, refer the case to the Chief of Police, and assign the case as confidential.

##### **B. Reviewing Supervisor**

1. The reviewing supervisor shall forward the report to the Chief of Police if not already done so.

2. Should the circumstances of the investigation require immediate action, the supervisor will notify the Chief of Police. All other notifications shall be made according to established directives.

#### C. Chief of Police

1. Upon receipt of the report, the Chief of Police shall review the case and assign the investigation to a department member and/or another investigative agency as appropriate for a follow-up investigation. All investigative reports prepared by department members during the follow-up shall be forwarded directly to the Chief of Police.
2. **NOTE:** The confidential status category displayed in the law enforcement computer system should be utilized, so that only those supervisory or detective division personnel actually involved in the investigation have access to the files. Special needs for vice and organized crime information can be evaluated by the police department computer system administrator, who may choose to upgrade or downgrade a member's security clearance level accordingly.
3. All copies of reports shall be maintained by the Chief of Police. Information relating to vice or organized crime will not be discussed with other members of this police department nor released outside the division except with the authorization of the Chief of Police.
4. The Chief of Police shall review all follow-up reports promptly, evaluate the progress of the investigation and direct the activities of the investigation in order to ensure:
  - a) A thorough and appropriate investigation.
  - b) The confidentiality and integrity of the investigation.
  - c) The safety of those involved in the investigation.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Use of Informants**

**Order Number: 3.33**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **USE OF INFORMANTS**

**PURPOSE:** To guide police department personnel in the use of confidential informants during investigations.

#### **I. POLICY**

A. The police department authorizes members to use information provided by informants for the initiation of criminal investigations, as well as investigative leads for solving criminal activity under investigation. The use of informants is to be strictly controlled to ensure use of information in accordance with applicable laws.

B. 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 affect police operations.

C. 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 directive:

1. The seriousness of the criminal activity involved.
2. The sensitive nature of the criminal activity.
3. The safety of the informant (or other person) may be in jeopardy if the identity of the informant becomes known.
4. Continued use of the informant may place him/her in jeopardy if his/her identity becomes known.
5. Any other factor determined by the Chief of Police to qualify a person providing information to a member of the police department as a Confidential Informant.

#### **II. PROCEDURE**

A. Any member of the police department who establishes a relationship with a confidential informant shall notify the Chief of Police of the following in writing:

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 Chief of Police shall maintain the above information secured in the office of the Chief of Police.

C. If the Confidential Informant is less than eighteen (18) years of age, information provided by the Confidential Informant shall not be used to initiate a criminal investigation nor as an investigative lead until approved by the Chief of Police.

D. If the Confidential Informant and police department member are of the opposite sex, the police department member shall notify the Chief of Police, who shall ensure appropriate measures are employed to safeguard against inappropriate conduct, or the appearance of inappropriate conduct, on the part of the Confidential Informant or police department member.

Appropriate measures include:

1. Audio and/or video recordings between the Confidential Informant and police department member.
2. Having a second police department member present during conversations between the Confidential Informant and police department member.
3. The Chief of Police or designee may be present during conversations between the Confidential Informant and police department member.
4. Any other measure appropriate to the situation that would maintain the integrity of the contact between the Confidential Informant and police department member.

E. No files or information relating to confidential informants may be released without prior approval of the Chief of Police or a court order. If such a court order is received, the recipient will immediately contact the Chief of Police or designee and comply with directions provided.

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 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 police department member



involved shall file an incident report. The member shall put "Confidential Case" in the header screen. If the case involves a juvenile, the member shall put "Juvenile Case" in addition to making the "Confidential Case" entry.

**NOTE:** The officer of record will not be able to gain access to his/her report in the reporting system once the report is assigned confidential status, unless assigned clearance into the system.

1. The police department member shall also notify the Chief of Police or designee of the information received from the Confidential Informant.
2. The Chief of Police shall evaluate the information provided to determine whether the investigative reports are to be kept confidential.
3. Whenever the Chief of Police determines information provided by a confidential informant is to be kept confidential, he/she shall notify the affected police department members.
4. Any police department member who has been advised that an investigation is to be considered confidential will forward all original investigative reports directly to the Chief of Police or designee who will maintain the reports in a secure confidential file.

H. Confidential informants may be paid for information provided. Payment for information, and the amount of such payment shall be determined by the Chief of Police and/or the County Attorney.

I. In determining whether a confidential informant may be paid for information and the amount of payment, the Chief of Police 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.

J. The Police Department Property Receipt shall be utilized as a receipt for any payments made to a confidential informant.

1. Under "Description of Property" print "Confidential Informant Receipt".
2. Under this header, be sure to include the officer making the payment and his signature, the name of the informant and his signature, the amount of money paid and the name of the witness and his signature.

**NOTE:** All payments shall be witnessed by another officer of the police department.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Mentally Ill/EDPs**

**Order Number: 3.34**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **MENTALLY ILL/EMOTIONALLY DISTURBED PERSONS**

**PURPOSE:** To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

#### **I. POLICY**

A. The safety of all persons is paramount in a situation involving an emotionally disturbed person. If such person is dangerous to himself/herself or others, necessary force may be used to prevent serious physical injury or death. Physical force will be used only to the extent necessary to restrain the subject until delivered to a hospital or detention facility. Deadly physical force will be used only as a last resort to protect the life of a member of the Town of Marlborough Police Department or any other person present. If an emotionally disturbed person is not dangerous, the person should be contained until assistance arrives.

B. In any case when there is time to negotiate, all the time necessary to ensure the safety of all individuals concerned will be used.

C. Two patrols shall be dispatched to emotionally disturbed person calls.

#### **II. DEFINITIONS**

##### **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 Admission**

Art. 9, Sect. 9.13, sub. (1) 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 parent, legal guardian, or next of kin of such person. If the person is over sixteen (16) and under 18 years of age, 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 Admission - 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 office, 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.
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 pending his examination or admission to any such hospital, temporarily detain any such person in another safe and comfortable place, in which event such officer shall immediately notify the Director of Community Services, 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(Mental Health Removal Order)

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 this article. It shall be the duty of peace officers, when acting pursuant to their special duties or police officers who 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.

- 1.) Persons including medical personnel seeking to have a subject removed that is not a candidate for a 9.41 removal will be directed to contact Kingston Hospital Mental Health Facility in regards.
- 2.) Officers will not execute such removals without a valid mental health removal order has been forwarded from Kingston's Mental Health Facility.

- 3.) The dispatcher concerned will contact U.C. 911 upon receipt if 911 has not previously polled for a unit to respond.
- 4.) The dispatcher concerned will contact a supervisor if there is any doubt about the validity of the order.
- 5.) The responding members should designate a stand by location for EMS personnel and transmit the same to County. Once in place, the members will proceed to the location and secure the subject for removal by EMS to Kingston Hospital. No other hospital can be utilized with these orders unless EMS requests an alternative removal due to an apparent medical emergency. These cases will be handled by officers in the manner proscribed by department policy regarding EDP's except that Kingston Hospital will be the mandatory facility the subject is removed to.
- 6.) Unlike a warrant, officers are not to show the subject a copy of the removal order.

### **III. PROCEDURE**

#### **A. First Officer at the Scene**

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 or threatened to use physical force, or is conducting himself/herself in a manner which is likely to result in serious harm to himself/herself or others.
  - c) Determine whether an ambulance or other medical assistance is needed. If unsure of how to proceed, immediately notify a supervisor.
2. Inform the patrol supervisor of the situation as soon as practical regarding any possible mental health matters.
3. Ensure the safety of others in the area and exercise common sense control of the subject.
4. Ensure the security of any firearms or other dangerous instruments at the scene.
5. Arrange for the assistance of any individuals, i.e., family, clergy or specialized services if it can be safely done. Utilize Mobile Mental Health or Oracle or any other offered services that may be available within reason

to afford the person suffering an episode the ability to seek help or intervention when practical and reasonable.

6. Officers aiding a possible mental health subject who exhibits no signs of being a potential threat to themselves or others with no known history of the same may be voluntarily removed to a mental health facility via ambulance. Such situations are unusual. Accordingly members will confer with a supervisor prior to allowing a voluntary removal.

**NOTE:** Evaluate the situation. You must determine if individuals other than the "EDP" are causing the situation to become more tense and violent or are helping to calm the person. If a civilian is in conversation with the individual and it is having a calming effect on the person, allow him/her to continue as long as he/she is not placing his/her life or the lives of others in danger. If the officer is the person conducting the conversation remember, stay calm, show interest in what the individual is saying and act in a mature manner, always stressing the fact you are there to help, not hurt.

Control your emotions. Do not get caught up their comments or remarks no matter how personal and obscene they become. If you lose your temper, you will only escalate the situation.

B. When the emotionally disturbed person has been restrained, he/she should be transported to the Emergency Psychiatric Center (EPIC) located at Mid-Hudson Regional Hospital or other necessary facility.

1. Officers will utilize whatever restraints are necessary to safely secure the subject. An ambulance will be used to transport the person to the appropriate hospital. Again, an escort shall be required. In such cases, the officer needs to ensure that EPIC is notified that a patient is en route to their facility.
2. An officer is required to ride to the hospital in an ambulance with the person. He/she shall secure his/her patrol car and advise dispatch in regards.
3. Upon arrival at a hospital facility, the officer will safeguard all involved until the mentally ill or emotionally disturbed person has been delivered to a member of the hospital staff. Officer will assure that a hospital staff member signs out department 9.41 mental health form prior to departing the hospital.
4. In cases where the hospital staff makes a request for the officer to remain due to an extremely violent or dangerous patient, a supervisor will be made aware of the request. The member will follow the directions of supervisor contacted.
5. The officer shall prepare an incident report and 9.41 form with all pertinent information, including the name and title of the member of the hospital staff to whom mentally ill or emotionally disturbed person was delivered.
6. All 9.41 custodial removals will be documented as an arrest. The arrest will be entered in the arrest log and an arrest report will be prepared. The subject will not require standard arrest processing for this charge alone.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Child Abuse**

**Order Number: 3.35**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **INVESTIGATION OF CHILD ABUSE AND MALTREATMENT CASES**

**PURPOSE:** To guide police department members in the investigation of cases of reported child abuse and maltreatment.

#### **I. BACKGROUND**

The following sections of the New York State Social Services law embody the procedures that Office members will use to follow police department policy regarding the handling of child abuse and maltreatment cases:

A. 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, 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 an abused or maltreated child.

B. 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 800-342-3015 which is the phone number for mandated reporters only and is the one police officers should use. Additionally, the investigating officer must complete a "DSS-2221-A form" and submit it with his or her complaint report. The DSS-2221-A must be mailed to the local office of the Child Protective Services.

C. 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 of 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.

D. 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 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/her place of residence or in the care and custody of the parent, guardian, custodian, 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 sentences are "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/her residence, the officer must determine if a child's life or health is in "imminent danger" if left at the residence.

E. 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 a 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/her findings to the police, the district attorney and the child protective services.

F. Section 419 of the Social Services Law states that any person or official, including a police officer, participating in good faith in the making of 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 his/her duties and within the scope of his/her employment, and that such liability did not result from the willful misconduct or gross negligence of such person or official.

G. Section 420 of the Social Services Law states that any person or official, including a police officer, who is required by this title to report cases of child abuse or maltreatment and who willfully fails to do so shall be guilty of a class A misdemeanor. Also, any such person or official who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure. In addition to the above-mentioned penalties of section 420, any police officer violating any portion of this policy and procedure may be subject to departmental charges.

H. Section 422.4(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 a child into protective custody (police officer) when such a person has before him/her a child whom she/he reasonably 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.

## **II. POLICY**

It is the policy of the Town of Marlborough Police Department to actively investigate all reports of suspected child abuse and maltreatment in an effort to protect any victims, ensure that 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 investigating 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 the facts would support a criminal prosecution.

## **III. DEFINITIONS**

A. Abused Child - is a child less than eighteen years of age whose parent or other person legally responsible for his/her care inflicts, creates or allows be inflicting or creating upon such child physical injury by other than accidental means, which causes or creates:

- 1. A substantial risk of death.
- 2. Serious or protracted disfigurement.
- 3. Protracted impairment of physical or emotional health.
- 4. Protracted loss or impairment of the function of any bodily organ.
- 5. A substantial risk of physical injury by other than accidental means which causes or creates a substantial risk of death or serious or protracted disfigurement or emotional health.
- 6. A sexual offense.

**NOTE:** Corroboration requirements are less under the F.C.A. Sec. 1012 Sub e than under the penal law. Social Services Law, Title 6 Sec. 412 subdivision 1.



B. Maltreated Child - includes a child less than eighteen years of age defined as a neglected child by the Family Court Act or who has had serious physical injury inflicted upon him by other than accidental means. (Social Service Law Title 6 Sec. 412 subdivision 2).

C. Neglected Child - is a child less than eighteen years of age whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his/her parent or other person legally responsible for his care. (Family Court Act section 1012 subdivision f).

A child has to be supplied with adequate food, clothing, shelter, and education (in accordance with the provisions of Part 1 of Article 65 of the Education Law) and medical, dental, optometric, or surgical care when the parent has, or is offered, the financial means to do so.

A parent is neglecting the child when the parent unreasonably inflicts or allows to be inflicted, harm or a substantial risk thereof, including:

1. The infliction of excessive corporal punishment.
2. By misusing a drug or drugs.
3. By misusing alcoholic beverages to the extent that the parent loses control of their actions.
4. Abandonment of the child.
5. By any other acts of a similarly serious nature requiring the aid of the court.

#### **IV. PROCEDURE**

When evidence indicates child abuse or maltreatment, or when an officer suspects child abuse or maltreatment he/she shall:

- A. Immediately notify the patrol supervisor who will respond and oversee the investigation.
- B. Transport the child victim to a hospital for an examination and/or treatment and arrange to have a Child Protective Service worker meet you at the hospital. Transportation will be via ambulance.
- C. Completely investigate the incident.
- D. Notify the central registry.
- E. Prepare an incident report
- F. If death has occurred or is deemed imminent, notify police department personnel as per established directives.
- G. The central registry number and a list of Child Protective Service workers in Ulster County are maintained in Communications in the Communication Information book.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Missing Persons**

**Order Number: 3.36**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **MISSING PERSONS**

**PURPOSE:** To provide guidelines for taking reports of and investigating missing person complaints.

#### **I. BACKGROUND**

A. The New York State Executive Law section 838-sub. 9 makes it illegal for police departments to require any waiting period before accepting an investigating a report of a missing person if the missing person is less than 18 years of age. Therefore, if this Office is advised that a person less than 18 years of age is missing, an investigation will be immediately initiated. Section 837-e of this law states that all missing children (anyone less than 18 years of age) must be entered into the Statewide Missing Persons Registry. This entry is accomplished by using the proper codes on the Missing Person Certification. Investigating officers must make every effort to ensure that the certification is properly filled out. Otherwise, personnel who must send a File 6 over the teletype system may inadvertently violate Section 837-e of the Executive Law by not using the proper codes.

B. 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 for 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 that the missing person is endangered by any of the above-mentioned factors, a missing person complaint will be taken and a reasonable and appropriate investigation will be commenced. No teletype is required.

#### **II. POLICY**

A. Whenever any member of the police department is advised by a complainant that a juvenile (someone less than 18 years of age) is missing, a missing person report will be taken and an investigation will be immediately initiated. A missing juvenile will be considered missing until he or she is located and returned home by the police, returns home of his or her own accord, or is retrieved by his or her parents/guardians.

B. Whenever a report is received that an adult (age 18 or over) is missing, an initial complaint report will be taken. This person will be considered missing until he or she is located and his or her location and well being are verified by a member of the police department or other police department, or the complaint is canceled 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.

C. The first several hours after a person is reported missing are potentially critical in determining a successful outcome of the case. Officers must thoroughly and conscientiously investigate every report of a missing person. Depending upon the circumstances, swift assessments and actions may be imperative.

D. Investigating members will activate A Child is Missing Alert (see 3.36A) or Amber Alert as appropriate without delay. This is most important with any persons reported missing under suspicious circumstances or endangered.

### **III. PROCEDURE**

A. Upon receipt of a missing person report, the member concerned will swiftly assess the circumstances. If warranted, they will then take necessary steps to begin the investigation, make notifications and broadcast immediate alerts to department patrol members as necessary. In most missing person's cases, this department will have investigative jurisdiction if the missing is a Marlborough resident and they were last seen in the Town. A supervisor will be contacted should any questions arise in regards.

B. A supervisor will be notified forthwith in instances when the person reported is missing under suspicious circumstances and/or endangered due to their age, mental or physical status or other relevant factors. Supervisors will direct the investigation and search operations and have all appropriate alerts generated. If the supervisor deems it necessary, he or she will call for additional officers and/or outside agencies including investigators and specialty units such as K-9. Additionally, the supervisor may request volunteers from local fire departments to assist in the search as needed.

C. The assigned officer will prepare a Missing Persons Report and have the certification section signed without delay to formally document the matter. The certification must be signed by a parent, guardian, husband, wife, or other authoritative person in order to transmit a NYSPIN alert. Officers should exercise extreme care that the Certification is filled out accurately and completely and that all required supporting documentation is obtained. The place of birth (city, town or village) and the name of the school district must be included when a person is under 18.

D. As soon as the Missing Person Certification is signed, the investigating officer will immediately transmit to the dispatcher sufficient information so that a File 6 can be sent over the NYSPIN teletype system.

E. Members investigating a person reported missing under suspicious circumstances or endangered must carefully conduct a search for the missing. That search will ordinarily begin at the last known location or residence. Keep in mind that missing children or persons with an altered mental status may secrete themselves in unusual locations to intentionally avoid detection. Additionally, a victim of foul play may be intentionally secreted by a perpetrator. Accordingly, members will search room to room including underneath beds, in closets, basements, rooftops (if legitimately accessible), nearby vehicles, garages, sheds or other viable locations. Supervisors will confirm this has been done and direct that the search information be included in the incident report.

F. Any additional information will be put on the Incident Report. Such information may include, but is not limited to the following:

1. Friends and relatives with whom the missing person may be staying.
2. Any medication that the missing person may be taking.
3. Any physical or emotional illnesses exhibited by missing person.
4. Type of vehicle used by missing person, if applicable.
5. Any previous history of being missing or running away.
6. Any suicidal tendencies and weapons possessed.
7. How much money the missing person may have.
8. A recent photograph of missing person.
9. Any other pertinent information.

G. Dispatchers will broadcast relevant details provided by on scene personnel to patrol units and Ulster County 911 as warranted.

H. Investigating officers will follow all leads to some conclusion and will properly document their actions, including any additional follow-up investigation.

I. If a reported missing juvenile or adult initially reported missing with aggravating factors is allegedly located, a supervisor will ensure that an officer personally verifies this information. Once verified, the supervisor will direct the member concerned to make appropriate incident report entries closing the missing person's case.

J. Following verification, the supervisor concerned will direct dispatch to enter a cancellation through the NYSPIN system.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: A Child Is Missing**

**Order Number: 3.36.1**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **A CHILD IS MISSING ALERT**

**PURPOSE:** The purpose of this General Order is to establish an orderly and uniform process for the use of A Child Is Missing Alert Program.

#### **I. POLICY**

The first several hours after a child, elderly, college student on campus or disabled person is reported missing can be critical to the successful outcome of the case. A Child Is Missing Alert program (ACIMA) is a valuable tool for law enforcement if used properly. A Child Is Missing Alert will generate telephone calls to local residents within fifteen (15) minutes after initiation by law enforcement.

It is the policy of the Town of Marlborough Police Department to utilize A Child Is Missing Alert only for missing children, elderly, college students on campus and disabled persons whenever the criteria of the following procedures are met.

A Child Is Missing Alert is an additional tool for law enforcement. It does not replace or preclude a thorough investigation and/or search by law enforcement officers in the field.

#### **A. Missing Persons**

1. Whenever an officer receives a report of a missing person, the case will be investigated without delay.
2. If the missing person is a child (0-20), an elderly person (with Alzheimer's), college student on campus, or a disabled person (in danger) the investigating officer may immediately notify A Child Is Missing Alert.
3. All other circumstances would need approval from a supervisor for the use of A Child Is Missing Alert. However, if the circumstances of any other missing person are suspicious, supervisors are to attempt to utilize the alert.

**B. Factors for Determining the Use of A Child Is Missing**

**1. Juveniles:**

- a. The juvenile should be 20 years or younger.
- b. The reporting person must be an adult family member, teacher, or another adult who is responsible for the child/individual.
- c. Members will call in A Child Is Missing Alert in cases of a habitual juvenile runaway *or* an apparent first time runaway 18 to 20 years old **if foul play is suspected or otherwise suspicious.**
- d. Members will call A Child is Missing Alert if investigating a first time runaway/missing person under 18.
- e. Members will call A Child is Missing Alert for an apparent abduction *prior to* calling for an Amber Alert.
- f. Members will call an alert for a missing College student *if* missing from a Marlborough College facility if in existence.

**2. Senior Citizens:**

- a. The person must be sixty-five (65) years of age or older.
- b. Being missing must be out-of-character for the elderly person.
- c. A Child Is Missing Alert will be used even if an elderly person is a frequent walk away from a nursing facility.
- d. Known Alzheimer's patient.

**3. Disabled Person:**

- a. There is no age stipulation for a disabled person.
- b. Caution must be used when determining whether a person is truly disabled because there are many definitions of a

disabled person. For purposes of the guideline, a disabled person will fall into one of the following categories:

- i. The person has a physical or mental impairment that severely limits self-care.
- ii. The person is disoriented or unable to respond to simple questions.
- iii. The person is dependent upon life sustaining medication or unconscious.
- iv. The approving supervisor may take into account exigent circumstances that may influence using A Child Is Missing Alert even if the person is a habitual runaway or walk-away. Examples of these circumstances are: suspected foul play, imminent severe weather, etc.

**C. Using A Child Is Missing**

1. When the decision to use A Child Is Missing has been made, the investigating Officer will immediately call A Child Is Missing 24/7, 365.
2. Suggested calling times are from 7:00AM to 10:30PM. Calls can be placed after 10:30 PM (in all time zones) if extenuating circumstances exist and only with agency supervisor's approval.
3. While the officer is completing the search, the approving supervisor will determine what phone number will be supplied to A Child Is Missing Alert for the public to contact the department with information about the missing person. The Communications Center phone number is generally given out. Contact the Communications Center to make them aware that A Child Is Missing Alert will be working on the case with the officer.
4. The investigating officer will call A Child Is Missing Alert at 1-888-875-2246 or page the operator at 1-954-492-4778.
5. A missing persons report will also be completed by the investigating officer.

**D. Investigating Information Received From A Child Is Missing**

1. Information received from a citizen concerning the missing person or a possible sighting of the missing person will be relayed to the

supervisor in charge of the case. After evaluation, the supervisor, detective or officer will take the appropriate action.

2. If a sighting of the missing person is confirmed, the supervisor may want to consider using A Child Is Missing Alert again using the most recent known location in the notification of residents. This is particularly important if the sighting location is in a different Zip Code then the original report.
3. If A Child Is Missing Alert is used more than once in the same case, there is no need to make out additional paper work. A notation of each instance will be written on the existing report. The notation will include each subsequent use by date, time, and location the missing person was last seen.

#### **E. Follow-Up Investigation**

1. **When the missing person is found, the supervisor/officer on the scene will call A Child Is Missing to report the recovery.** A "Case Follow-Up Report" will be faxed to the police department. The officer/supervisor in charge of the case will fill out the report and fax it back to A Child Is Missing (954-763-4569). This report will be sent through channels to be included with the original NIBRS report and a copy will also be placed into the case folder.
2. If the missing person is not found in twenty-four (24) hours, the supervisor may pass the case on to the next shift and make them aware that A Child Is Missing Alert is working with them on the case and, if additional calls are necessary, A Child Is Missing Alert will know what areas have been called and can assist the officer in further searches.





## **GENERAL ORDER**

**SUBJECT: Hunting Accidents**

**Order Number: 3.37**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **INVESTIGATION OF HUNTING ACCIDENTS**

**PURPOSE:** To provide police department personnel with guidelines for investigating hunting accidents.

#### **I. POLICY**

It is the policy of the Town of Marlborough Police Department to investigate all hunting accidents.

#### **II. PROCEDURE**

When investigating hunting accidents, members shall:

- A. Request medical personnel as appropriate.
- B. Request a supervisor to respond to the scene in necessary.
- C. Conduct investigation, to include, but not be limited to:
  - 1. Secure witnesses.
  - 2. Obtain required information for the NYS Department of Environmental Conservation "Police Report of Hunting Accident", form 41-15-33 (7/88).
- D. Complete the "Police Report of Hunting Accident" and file accordingly. Generate incident reports as per police department procedure.
- E. The supervisor on the scene shall ensure:
  - 1. Appropriate notifications are made as per police department procedure.
  - 2. Proper investigative personnel are summoned to the scene.
- F. When a suspicion of criminal liability exists:
  - 1. Seize the firearm as evidence.
  - 2. Send it to a laboratory for test firing.
  - 3. Prepare a receipt (original and 2 copies) on the Police Department Evidence Property Receipt form.
  - 4. Sign the receipt.
  - 5. Give one (1) copy to the possessor or owner of the firearm.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Fugitive (Out of State)**

**Order Number: 3.38**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **THE ARREST OF A FUGITIVE FROM ANOTHER STATE WITHOUT A WARRANT**

**PURPOSE:** To establish procedures regarding the arrest of a fugitive from another state without a warrant.

#### **I. POLICY**

The Town of Marlborough Police Department, pursuant to 570.34 of the Criminal Procedure Law, may take into custody without a warrant any person, who, upon reasonable information, stands charged in the courts of another state with a crime punishable by death or imprisonment for a term exceeding one (1) year. When so arrested the accused must be taken to the appropriate court, with all practicable speed as set forth herein.

\*\*\*Do not take such person into custody without confirming that the subject is in fact wanted and that the agency concerned will extradite the subject.\*\*\*

#### **II. PROCEDURE**

##### **A. Arresting Member**

1. Upon receiving confirmation that a subject under arrest is a fugitive from the justice of another state, shall obtain the following information from the agency seeking the return of that person:
  - a) The name of the fugitive as listed on the indictment or other criminal process which charges the crime.
  - b) The title of the crime which the person is accused of, along with the maximum sentence which could be imposed upon conviction.
  - c) The date and location of the alleged crime.
  - d) The name, title, address and telephone number of the person in their jurisdiction who is authorizing extradition proceedings.
2. Shall prepare an Incident Report providing all of the information requested and grounds for belief that the arresting officer is relying upon to believe

that the person he/she has arrested is the wanted fugitive. An accusatory instrument must be sworn to before the court.

Example: "receipt of a teletype message from the Connecticut State Police stating that John A. Jones, born on December 13, 1950, is charged with having committed the crime of Burglary in the second degree in the Town of Litchfield, Connecticut on May 3, 1986. A copy of this message is attached to and made a part of this instrument".

3. Shall take the fugitive before any local criminal court which may be available or convenient, or arrange to take the fugitive before the County Court if it is in session, for the purpose of arraignment and commitment to jail. (Only the County Court is authorized to set bail on fugitives; local criminal courts must commit the fugitive to jail (CPL 570.38).
4. Shall deliver the fugitive to the jail and at that time, if the fugitive has appeared only before a local criminal court, deliver the original and three copies of the fugitive complaint to Communications.
5. Shall contact the District Attorney's Office to provide background information on the arrest, if required.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Foreign Nationals**

**Order Number: 3.39**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **ARREST/DETENTION NOTIFICATION - FOREIGN NATIONALS**

**PURPOSE:** To make members of the police department aware of the notifications which must be made when they have arrested and/or detained a person who claims to be a citizen of a country other than the United States of America.

#### **I. POLICY**

It is the policy of the Town of Marlborough Police Department to ensure that the rights of persons arrested and/or detained by the police department are safeguarded. In the event that the person who has been arrested/detained is a foreign national, it is our policy to comply with the United States treaty obligations concerning such persons.

#### **II. PROCEDURE**

##### **A. Arresting Officer**

Upon determining that a person under arrest is a foreign national, shall immediately:

1. Determine the country in which the arrested person claims citizenship.
2. Inform that person of his/her right to have his/her government informed of his/her arrest.
3. Inform the ranking supervisor or on call supervisor in charge of the tour of duty that a foreign national is in custody, indicating whether that person has requested that his/her government be notified.

For the purpose of this order, a "foreign national" is a person who is not a citizen of the United States and who claims citizenship in another country.

##### **B. Supervisory Members**

1. All required communications with embassies or consular officials will be made by the supervisor concerned.
2. Upon being informed that a foreign national has been arrested or detained shall determine that person's name, race, sex and date of birth, and his/her

address(es) in the United States and any foreign country, if any, and the charge for which he/she has been arrested.

3. If the detainee is a national of any other foreign country, the Vienna Convention on Consular Relations and customary international law require that he/she must be informed immediately of the right to have his/her government notified. If notification is requested, it must be given without delay to the nearest consulate or embassy. A list of consulates and embassies is maintained in the Dispatch Office. If notification is not requested, that fact should be recorded and no notice should be given when applicable.
4. In cases where notification has been declined by the arrested person, it shall be determined if that person is a citizen of a country for whom notification is **MANDATORY** according to the list issued by the United States Department of State.
5. The supervisor shall ensure that the arrested or detained person is made available for visits by consular officials unless the arrestee/detainee objects to being visited.
6. In the event that difficulty is encountered in making such notification, the supervisor shall notify the Assistant Legal Advisor for Consular Affairs, U.S. Department of State.
7. In the event that the arrested foreign national claims to have diplomatic immunity, an immediate inquiry shall be conducted to determine if that is true. The person will probably exhibit a special identification card issued by the U.S. Department of State, and the Department of State should be immediately contacted to determine if the card is still valid (they have a complete listing available 24 hours a day) and to determine the extent of immunity the person actually holds (there are various degrees of immunity ranging from full immunity for all acts to immunity limited to official acts). If it is determined that the person arrested is acting with immunity, that person must be immediately released in accordance with instructions received from the Department of State, and the Chief of Police must be notified. A written report concerning any offense by a diplomat should be forwarded to the Department of State.
8. A written record must be made of all notifications.

## MANDATORY NOTIFICATIONS

In the case of certain countries, such notification **MUST** be made without delay **REGARDLESS** of whether the arrestee/detainee so wishes. These are:

Albania	Malta
Antigua	Mauritius
Bahamas	Mongolia
Barbados	Nigeria
Bulgaria	Philippines
Belize	Poland
* China (People's Republic)	Romania
Costa Rica	Seychelles
Cyprus	Sierra Leone
Czechoslovakia	Singapore
Dominica	South Korea
Fiji	St. Kitts & Nevis
The Gambia	St. Lucia
Ghana	St. Vincent & Grenadines
Grenada	Tanzania
Guyana	Tonga
Hungary	Trinidad & Tobago
Jamaica Tuvalu	
Kiribati	** United Kingdom
Kuwait	*** Russia.
Zambia	

\* When Taiwan nationals (who carry "Republic of China" passports) are detained, notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan's interests in the United States.

\*\* Please contact this consulate or embassy when nationals of Anguilla, British Virgin Islands, Hong Kong, Bermuda, Montserrat and Turks & Caicos are detained.

\*\*\* All former Soviet Republics are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

1. Assistant Legal Advisor for Consular Affairs (for any problems involving the arrest or detention of foreign nationals),  
Washington, D.C. 202-647-4415.

2. Daytime telephone number for information regarding diplomats, consuls, etc., and their families: Host Country Affairs, United States Mission to the U.N. 212-415-4156 or 4131.
3. 24 hour number to confirm whether a person has diplomatic immunity, and if so, what type/degree of immunity he/she has: Host Country Affairs, United States Mission to the U.N. 212-415-4444.
4. Daytime telephone number to confirm validity of diplomatic auto tags and driver licenses 212-826-4500.  
The above four numbers are for diplomats accredited to the government of the United States.

The above numbers can be used for inquiries regarding diplomatic personnel accredited to the United Nations.

All communications with the U.S. Department of State should be conducted by a supervisor.



## **GENERAL ORDER**

**SUBJECT: Diplomats**

**Order Number: 3.40**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **DIPLOMATS**

**PURPOSE:** To identify diplomats and consular officials and establish procedures for the handling of diplomats and consular officials encountered in an incident by members of this Office.

#### **I. 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 principle 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.

#### **II. 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 of the premises of the mission of the sending state and the private residences of a diplomatic agent, his/her 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 Counselor, 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 permanent residents 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 are entitled to limited immunities as described below.

#### 1. **Immunities**

Under prevailing international law 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/her 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. The State Department credential bears its seal, the name of the officer, his/her 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 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 performed in the exercise of their consular functions. However, appropriate steps must be taken to accord 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 which relate to the other activities of an honorary consul and persons working with him/her.

### 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 states 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/her 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.

### **III. PROCEDURE**

A. Methods of handling selected incidents, violations or minor offenses by Consular Officers.

#### **1. 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/she is a Consular Officer and ascertaining that he/she possesses the proper credentials, should exercise discretion based on the nature of the violation and either let him/her go with a warning of the danger of his/her 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.

#### **2. 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/herself or the public. Based upon a determination of the circumstances, the following options are available:

- a) Take him/her to the station or a location where he/she can recover sufficiently to enable him/her to drive safely.
- b) Allow them to make a telephone call so that he/she can call a relative or a friend to come for him/her.

The official should not be subjected to any sobriety tests or mistreated in any way. They should not be handcuffed or otherwise physically detained unless the individual's actions make him/her a definite threat to themselves or others. 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.

### **3. 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 preparation 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, the subject should be released to the parent Consular Officer.

B. Any contact with a diplomat shall be immediately reported to an on duty patrol Supervisor and the Chief of Police.

C. Reporting of Incidents to the Office of the Governor

In the event that a Consular Officer or member of his/her family or personal staff should become involved in any actions taken by members of this Office, the Office of the Governor shall be immediately furnished with all pertinent information through the Chief of Police. (See directive, "Arrest Notification - Foreign Officials.")

**NOTE:** This procedure is to be used in conjunction with all relevant existing police department policies, procedures, rules and regulations.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Major Emergencies/Disasters**

**Order Number: 3.41**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **MAJOR EMERGENCIES/DISASTERS**

**PURPOSE:** To establish guidelines for response to a major emergency, disaster, or an unusual incident of an extraordinary nature that requires more than routine emergency service personnel action, equipment and personnel, so that police department personnel can respond in a coordinated, and appropriate manner.

#### **I. POLICY**

Every effort will be made to ensure 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 service personnel arriving at the scene of such an incident immediately start organizing the emergency response to an efficient and effective manner which will facilitate the follow-up actions which must occur. In response to man-made and natural disasters, the Town of Marlborough Police Department shall fully participate in the **Ulster County Comprehensive Plan** as established by the Ulster County Department of Emergency Response.

#### **II. PROCEDURE**

##### **A. Member**

1. The first officer at the scene of a major emergency shall immediately assess the situation and advise headquarters of the following:
  - a) The nature of the emergency.
  - b) The location and best route to the scene.
  - c) An estimate of the number and types of injuries.
  - d) Immediate need for back up and special equipment, such as: emergency service vehicle, fire apparatus, ambulance, etc.
2. Take steps necessary to protect life and property.
3. Maintain control of the scene. Restrict non-essential traffic.
4. Maintain contact with headquarters.

B. Supervisor

1. Shall take command of the situation and request the Chief of Police be notified as appropriate.
2. Implement the critical tasks of police incident management:
  - a) Clear the radio frequency - assign priority frequency.
  - b) Establish Inner Perimeter:
    - (1) Strictly controlled area surrounding "kill zone."
    - (2) Uniformed personnel.
    - (3) Cover and concealment.
    - (4) Minimum amount of movement.
    - (5) Recognize special unit personnel at scene.
  - c) Establish Outer Perimeter:
    - (1) Crowd control: media, civilian, emergency services.
    - (2) Not an offensive position.
    - (3) Controlling access to area.
  - d) Establish Command Post/Joined Operation:
    - (1) Out of "kill zone" (between inner and outer perimeter).
    - (2) Site selection
      - (a) Communications (phone)
      - (b) Utilities
  - e) Establish staging area (between inner and outer perimeter).
  - f) Identify and request additional resources.
  - g) Establish communications with superior officers when practical.

- h) Establish public information officer as per police department procedure.
- i) Cause notification of additional personnel as needed.

### C. Mobilization

The Chief of Police shall be the only persons to authorize the call-out of off-duty members.

#### 1. **Phase I**

This is the Alert Phase which consists of the hold over of all, or, any part of the existing on-duty members. This Phase includes contacting off-duty members, putting them on alert. The member assigned to this task shall compile a list of off-duty members available, in the event Phase II is implemented.

#### 2. **Phase II**

This is the Activation Phase whereby members that have been contacted in Phase I are summoned to a staging area, or directed to report to on-site locations.

### D. Police Service

The basic responsibility of the police services is to enforce all appropriate statutes. Broadly stated, the police officer must deal with all matters "breaching the peace." Police officers also seek to prevent injury and loss of life at emergencies, particularly with respect to controlling access to the area and in managing traffic/evacuation. Remember, the police officer has a prime focus on determining if a crime has occurred and, if so, gathering and presenting evidence.



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Barricade/Hostage/Active Shooter Situations**  
**Order Number: 3.42**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **BARRICADE/HOSTAGE SITUATIONS/ACTIVE SHOOTER SITUATIONS**

**PURPOSE:** To establish guidelines for initial response on reported cases involving barricade/hostage/active shooter situations, and to define the roles and responsibilities of members of the police department involved in such situations. Owing to the complexities of these situations, and the fact that no two incidents will be alike, this directive can only outline a procedure.

#### **I. POLICY**

It is the duty of the Town of Marlborough Police Department and members of the police department to protect the lives of all persons involved in a barricade/hostage/active shooter situation.

#### **II. PROCEDURE**

##### **A. Members on Dispatch Duty**

1. Upon receipt of a report of this type of situation, shall send two patrols to verify if such a situation exists.
2. Shall initiate radio silence.
3. Shall consider the situation to be a serious emergency, and immediately make appropriate notifications in accordance with established directives.
4. Shall request additional patrols as necessary through UC911.
5. Shall record events as they occur.

##### **B. Patrol Officers**

1. All patrols shall be prepared to respond to barricade/hostage situations. However, only assigned members shall respond directly to the scene.
2. Assigned members shall approach the scene with caution.

3. Apparent active shooter situations such as at a school may require immediate entry by responding officers. Responding officers determining that an active shooter situation exists will handle the situation as trained utilizing specialty equipment as available.
4. The senior member shall take charge of the scene until the arrival of a supervisor. His/her orders shall be followed by other members on the scene until the arrival of a supervisor.
5. Shall evacuate the area, if necessary.
6. Shall take steps to isolate the area from traffic and spectators.
7. Shall attempt to keep the perpetrator confined, if in the best interest of the safety of those concerned.
8. Shall identify and protect any witnesses at the scene.
9. Shall keep dispatch informed of the severity of the situation, and of any unusual circumstances.
10. Shall inform dispatch of a safe area in which an ambulance and/or fire department personnel can remain on standby.

#### C. Supervisor

1. Shall respond to the scene immediately is possible.
2. Shall take command of the situation.
3. Shall instruct members not to shoot unless their lives or the lives of others are in imminent danger.
4. Shall establish a command post, if necessary, and in that event shall notify the desk of its location and telephone number.
5. Shall make requests for any additional personnel or equipment required.
6. Notify the Chief of Police and keep him informed of the situation.
7. Shall ensure that all assigned members are interviewed and debriefed when the situation is ended.
8. Shall remain on duty until all reports are completed, and review all reports prior to their submission.

#### D. Chief of Police

Shall, within a reasonable period after the situation is resolved, conduct a meeting with the superior officers of the police department and such other members as they may deem necessary. The purpose of this meeting shall be to critique the incident.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Bomb Threats**

**Order Number: 3.43**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **BOMB THREATS**

**PURPOSE:** To establish procedure for members when responding to complaints of reported bomb threats.

#### **I. POLICY**

Any explosive material is extremely dangerous and must be handled only by an expert. Your primary concern, as a police officer investigating this kind of complaint, is the safety of the public.

#### **II. PROCEDURE**

##### **A. Member on Dispatch Duty**

1. When you receive a bomb threat call, obtain as much information as possible:
  - a) Where is the bomb located?
  - b) When will it go off?
  - c) What does it look like?
  - d) What kind of explosive is involved?
  - e) Why was it placed?
2. Note the time of the call and the exact words used.
3. Note the kind of caller (adult, child, male, female and approximate age).
4. Note the speech characteristics (slow, rapid, excited, loud, disguised, broken, accented or sincere).
5. Note any background noises.
6. Send an officer to the scene.

7. Consider the situation an emergency and make appropriate supervisory notification.
8. If the threat or complaint concerns a business establishment or a public place, immediately notify an official of the establishment, inform him/her of the threat and that an officer is en route to the scene.
9. Record all pertinent information.
10. Notify Chief of Police.

**B. Investigating Officer**

1. Upon arrival at the scene, interview the person in charge of the establishment and assist in evacuation decision;

**NOTE:** The final decision to evacuate is ultimately the responsibility of the person in charge of establishment or organization. However, the Chief of Police will be contacted in regards if questions still exist.

2. Ensure that a thorough search be conducted.
3. When warranted, evacuate in the interest of Public Safety.
4. If an evacuation is to be made, render assistance.
5. Do not use elevators during evacuation.
6. When a search team is organized, consider the size of the area to be searched and the available time.

In the interest of practicality, suggest that the search team be comprised of responsible employees familiar with the area to be searched. The team should be kept to a minimum.

7. Caution the searchers that they should not move or touch any unusual objects they locate while conducting the search.
8. Coordinate with emergency personnel at scene concerning search or possible evacuation.
9. If a time has been given by a caller as to when the bomb will go off and evacuation is authorized. Those in charge of the establishment will be advised that waiting at least one (1) hour from the time of alleged detonation before allowing persons to reenter the premises is advisable.
10. If no device or suspicious package is found, the control of premises shall be returned to owner/management.

C. If suspicious package or explosive device is found:

1. **Members**

- a) **DO NOT TOUCH, MOVE OR TRY TO OPEN ANY SUSPICIOUS PACKAGES. REFRAIN FROM UTILIZING ANY COMMUNICATION DEVICE WITHIN 300 FEET OF THE ALLEGED DEVICE(S).**
- b) Immediately evacuate area.
- c) Notify a supervisor.

2. **Supervisor(s) on Duty**

- a) Ensure that the Chief of Police is notified.
- b) Request additional personnel.
- c) Request emergency personnel and other agencies as appropriate i.e., bomb device experts, fire department, etc.
- d) With assistance of responding personnel create TWO (2) perimeters from package or device.
  - (1) Inner Perimeter - 300 ft. in all directions from package or device. Only specialized emergency personnel allowed in inner perimeter. (Bomb squad, F.D.)
  - (2) Outer Perimeter - 1,000 ft. in all directions from packages or device. All non-specialized emergency personnel allowed in outer perimeter. (Police, EMT, Ambulance, Non-Essential F.D.)
- e) Communication post will be set up in outer perimeter.
- f) If detonation takes place be aware of the possibility of secondary devices in the vicinity.
- g) The control of the premises shall not be returned to owner/management until the danger has been removed and crime scene investigation completed.

#### D. Evacuation

Listed below are some of the most urgent conditions under which evacuation should take place. In no way does it cover all situations. Management of a premise must use common sense and discretion in making borderline decisions. The urgent circumstances may include, but are not limited to the following situations:

1. When caller gives description of package, explosive used or exact location.
2. When a political statement is read or a cause is given.
3. When after a threat a suspicious package is found.
4. Caller calls more than once, usually telling how much time is left.
5. If caller has information about building or premise that the general public doesn't have.

#### E. How to Evacuate

1. From point of suspicious package or device evacuate everyone from immediate area expanding in an ever-widening circle outward.
2. Never allow persons being evacuated to walk in front of an area with suspicious package or device.
3. Remain calm. If you show panic, you will have a panicked crowd which can cause serious injuries.
4. Be stern and in charge. At the point where evacuation is authorized, immediate action is necessary.
5. When evacuation is complete, make sure exit doors are open to decrease damage to persons or property if an explosion takes place.

F. A follow-up investigation shall be conducted, when applicable, in accordance with established procedure.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Bank Alarms**

**Order Number: 3.44**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **BANK ALARMS**

**PURPOSE:** To establish a uniform procedure in response to bank alarms so to minimize risks to police personnel, bank employees and bank customers.

#### **I. POLICY**

All responses to bank alarms are to be considered as potential robbery or burglary situations. At no time will any officer handle an alarm call as a routine response.

#### **II. PROCEDURE**

##### **A. Dispatch**

1. Upon receipt of an alarm, shall dispatch two patrols to the scene.
2. In the event a robbery did occur and the perpetrators have or fled, the dispatcher will maintain an open telephone line and obtain as much information as possible regarding the perpetrators, i.e., number of persons, description, if armed, direction of escape, vehicle used, license number, color of car etc. This information is to be broadcast immediately after obtaining same.

##### **B. Assigned Members**

1. Members on patrol will respond to the scene without siren, and will not approach the front of the bank or attempt to enter the bank until further information is received from dispatch or established by responding officers. No police vehicle will be parked or stopped in such a position that it will be seen from the interior of the bank.

**NOTE:** Only during situations where either speed is of the essence or when the perpetrators have already left the scene should emergency sound equipment be utilized in approaching the location.

2. All responding members shall remain in radio contact with headquarters.
3. Will receive a status report from the desk officer regarding the situation as reported by the bank.

4. Will utilize appropriate cover until gaining sufficient information to allow entry.
5. Will interview bank officials regarding the actual situation, and will broadcast that information as appropriate.
6. In the event of a robbery in progress, members shall adhere to the established procedure for Barricade Situations.
7. In the event a robbery occurred and suspects fled, one officer shall respond directly to the bank to secure the scene while the other initial responding officer shall begin a search of the area along with other units dispatched.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Domestic Violence**

**Order Number: 3.45**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **DOMESTIC VIOLENCE**

**PURPOSE:** Crimes committed between family or household members are serious events. This is true regardless of the relationships or living arrangements of those involved. The purpose of this policy is to prescribe a course of action which members of this police department shall follow in response to domestic incidents that will enforce the law while also serving to intervene and prevent future incidents of violence.

#### **I. POLICY**

It shall be the policy of the Town of Marlborough Police Department to respond to every report of domestic violence and to consider domestic violence as conduct that shall be investigated as would any other offense. Dispute mediation will not be used as a substitute for appropriate criminal proceedings in domestic violence cases. Members shall protect victims of domestic violence and provide them with support through a combination of law enforcement and community services. The police department will further promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service.

#### **II. DEFINITIONS**

A. 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.

B. Members of the Same Family or Household - Are defined as such by the Family court Act and the Criminal Procedure Law in that they:

1. Are legally married to one another.
2. Were formally married to one another.
3. Are related by blood.
4. Are related by marriage.
5. Have a child in common regardless of whether they were ever married or lived together at any time.

6. Persons involved in intimate relationships, whether or not they lived together at any time. Casual acquaintances nor ordinary fraternization between two individuals in business or social contexts shall not be deemed to constitute an "intimate relationship."

**NOTE:** Persons who do not meet the definition of "same family or household" do not have the option of proceeding in Family court. Although the mandatory arrest provisions of CPL 140.10 (4) do not apply in cases such as assaults between boyfriend and girlfriend in other relationships, the Office strongly encourages arrest for all crimes for which there is probable cause, regardless of the nature of the relationship between the persons involved in the conflict.

C. Domestic Violence - Occurs when a family or household member commits or attempts to commit:

1. Any of the following which are designated as Family Offenses:
  - a) Attempted Assault.
  - b) Assault in the Second Degree.
  - c) Assault in the Third Degree.
  - d) Reckless Endangerment (1 & 2).
  - e) Menacing (2 & 3).
  - f) Disorderly Conduct (including, for Family court purposes only, Disorderly Conduct not in a public place).
  - g) Harassment (1 & 2).
  - h) Stalking (1,2,3 & 4).
2. Offenses such as Attempted Murder, Kidnapping, Rape, Unlawful Imprisonment, Coercion, Arson or Criminal Mischief against another household/family member. In addition, threats or acts of violence against the victim or others, or damaged property or harm to pets may in some circumstances form the basis of the offenses or Tampering with a Witness or Intimidating a Victim or Witness. The criminal courts have exclusive jurisdiction over these types of offenses.
3. Coercive acts or conduct which, though non-criminal in nature, serve to instill fear of physical harm or property damage. Such a pattern may involve abusive language, physical or verbal threats or damage to jointly held marital property, or acts which violate the terms of an Order or Protection issued by the Family, Criminal or Supreme Courts.

D. Concurrent Jurisdiction - Exists when different courts have jurisdiction over the same matter. A victim of a Family Offense may elect to proceed in either a civil or



criminal court or in both. Criminal courts and the Family Court have concurrent jurisdiction when:

1. A designated Family Offense (see C.1. a-g listed above) is alleged to have been committed, **and**
2. A family/household relations (see B. above) exists, **and**
3. The alleged offender is 16 years of age or older.

**NOTE:** If either of the first two conditions is not met, a victim may only proceed in a criminal court for legal relief.

### **III. PROCEDURE**

#### **A. Communications Member**

1. A domestic incident call will be given the same priority and prompt response as any other call for service. Staff assigned to communications will, whenever practicable, dispatch at least two officers.
2. Upon receipt of a domestic incident call, members will, along with information normally gathered, make every effort to determine and relay the following information to the responding officers:
  - a) Whether the suspect is present and, if not, the suspect's description and possible whereabouts.
  - b) Whether weapons or dangerous instruments are involved or known to be at the location or if any other threats exist (e.g., dogs).
  - c) Whether medical assistance is needed at the scene.
  - d) Whether the suspect or victim is under the influence of drugs or alcohol.
  - e) Whether there are children present.
  - f) Whether the victim has a current protection or restraining order.
  - g) Complaint history at that location.
  - h) Identity of caller (e.g., victim, neighbor, child).
  - i) The computerized registry for Orders of Protection should be checked prior to the arrival of officers to inform them of any current Order of Protection and its term and conditions.

3. Police response to a domestic incident complaint shall not be cancelled based solely upon a follow-up call requesting such cancellation. However, the responding officers shall be advised of the request for informational purposes, and directed to continue their response.
4. All calls dispatched as domestic incidents shall require completion of the Standardized Domestic Incident Form, even if the investigation indicates that no domestic incident occurred.

**B. Responding Officer**

1. A domestic incident call signifies people are in need of help, and shall be responded to as quickly and safely as circumstances permit.
2. Upon arrival at the scene, officers should be alert to sounds coming from the location to identify what is transpiring, and wait for backup officers when appropriate.
3. The responding on-scene officer shall:
  - a) Restore order by gaining control of the situation and separating the involved parties.
  - b) Take control of all weapons used or threatened to be used in the incident.
  - c) Locate and visually check all occupants of the location to verify their safety and well-being.
  - d) Assess the need for medical attention and request that any required assistance be dispatched.
  - e) Interview all available parties and witnesses, separately if practicable.
  - f) After all interviews have been conducted, determine whether an offense has been committed; whether an arrest should be made, and whether other action should be taken. If an arrest is made, advise the victim that release of the suspect can occur at any time so that the victim can take desired safety precautions.
  - g) Advise the victim of the availability of shelter and other victim services in the community, and provide the victim with a copy of the Victim Rights Notice. If necessary, read the victim Rights Notice to the victim.
  - h) Collect and record potential evidence, including spontaneous utterances by parties or witnesses. Where appropriate, canvas the

area for witnesses, take photographs of injuries and/or property damage.

- i) Complete the Standard Domestic Incident Report Form and any other reports necessary to fully document the officer's response, whether or not an offense was committed or an arrest is made. Provide the victim with the victim's copy of the Standard Domestic Incident Report/Victim Rights Notice Form immediately upon its completion at the scene.
  - j) If the officer has probable cause to believe a crime has been committed, the officer will attempt to locate and arrest a suspect who has left the scene without unnecessary delay by:
    - (1) A search of the immediate area.
    - (2) Obtaining information from the victim and witnesses that will aid in apprehending the suspect.
    - (3) Continue the investigation as necessary or referring the matter to the proper unit for follow-up investigation and arrest or warrant application.
    - (4) If the search for the offender is unsuccessful and the victim has elected to remain at the scene, advise the victim to call the police department if the offender returns.
    - (5) Prior to leaving the scene, officers should attempt to obtain a signed deposition from the victim.
4. Responding officers at the scene of a domestic incident shall provide the following assistance to victims and, where appropriate, the children and family or household members:
- a) Advise all involved parties about the serious nature of domestic violence, its potential for escalation, and of legal and social assistance available.
  - b) Assess the immediate safety and welfare of the children.
  - c) Remain at the scene until satisfied that the immediate threat of violence has passed or all appropriate options to protect and assist the victim have been exhausted.
  - d) Provide the victim with referral information regarding domestic violence shelters and services.
  - e) Assist in arranging for transportation or take the victim and family or household members to a place of safety.

### C. Arrest Procedures

1. All warrantless arrests shall be made in conformance with section 140.10 of the Criminal Procedure Law and applicable police department policy and procedure. A police officer may arrest a person for any offence when he has reasonable cause to believe that such person has committed such offense **in his presence**; and a crime when he has reasonable cause to believe that such person has committed such crime, whether in his presence or otherwise.

In cases such as those, the officer should investigate the circumstances thoroughly and determine if there are criminal charges that could be filed appropriately such as Menacing in the third degree, Attempted Assault in the third degree or Endangering the Welfare of a Child. Officers should be encouraged to thoroughly interview the victim of the incident to determine whether the facts of the case merit a charge constituting a “crime” or “Violation” and proceed accordingly.

If the factual evaluation results in a determination that the only appropriate charge would be violations and the acts were not committed in the presence of the officer, if the complainant wishes to file charges, he or she should be transported to the appropriate location for the purpose of signing an accusatory instrument. The CPL does not permit an arrest for a violation based solely on the accusatory instrument. A valid accusatory instrument should be forwarded to the appropriate local court for a warrant to be issued by the Judge. After a warrant or criminal summons has been issued by the court, standard procedure for arrest or service of criminal summons should be followed.

2. In all domestic incidents where a law has been violated, in addition to enforcing the law, the objective is to protect the victim. The victim should not be informed about or requested to make a civilian arrest when the officer may make a lawful warrantless arrest. The purpose of this policy is to take the burden of an arrest decision away from the victim, who may be ill-prepared to undertake it due to social, economic, psychological, or other pressures and constraints. Even if the victim actively intercedes and requests that no arrest be made, a lawful warrantless arrest based on probable cause may be made providing it is in accordance with CPL 140.10.
3. In the following specific circumstances, without attempting to reconcile the parties or mediate, an arrest shall be made when the officer has probable cause to believe that the following violations have occurred:
  - a) Any felony against a member of the same family or household (except certain forms of Grand Larceny 4 - Penal Law Section 155.30 (3), (4), (9), or (10).

- b) Any misdemeanor constituting a Family Offense (see III C. 1.) unless, without inquiry by the officer, the victim requests otherwise. When such a request is spontaneously made, the officer may, nevertheless, make an arrest.
- c) A violation of an Order of Protection committed through the failure of the person to whom it was directed to comply with a "stay away" provision of such order, or through the commission of a Family Offense (see III C. 1.). The order must be one issued pursuant to sections 240 or 252 of the Domestic Relations Law;

Articles 4, 5, 6 or 8 of the Family Court Act; or section 530.12 of the Criminal Procedure Law, and it must have been duly served, or the person to whom it was directed has actual knowledge of it because he or she was present in court when the order was issued.

- 4. Officers are reminded that there is no requirement that a crime (felony or misdemeanor) must occur in the officer's presence to authorize an arrest. A lawful warrantless arrest may, and often is, founded upon factors other than the officer's direct observations. They include, but are not limited to, factors such as visible physical injury, property damage, signs of disruption at the scene, or statements made by the victim, children or other witnesses.
- 5. When an officer has probable cause and is required to affect an arrest under this policy, the following examples are not valid reasons for failing to adhere to such policy:
  - a) There may be financial consequences caused by an arrest.
  - b) The complainant has made prior frequent calls.
  - c) The involved parties appear to be impaired by alcohol or drugs.
  - d) The offender gives verbal assurances that he or she will not harm the victim.

## **6. Cross Complaints**

- a) Officers are not required to arrest both or all parties simply because physical force was used against each other. In cases where there are cross-complaints, the officer should attempt to identify the party who is the primary physical aggressor. When making this determination, the officer shall consider that the purpose of this policy is to protect victims of domestic violence. Officers are reminded that an aggressor may attempt to use a cross-complaint to discourage the victim from proceeding with an arrest.

- b) The "primary physical aggressor" is not necessarily the first person to use physical force during an incident. In determining who is the "primary physical aggressor," officers will consider the following:
  - (1) The comparative nature of the parties' injuries, or serious threats creating fear of physical injury;
  - (2) Prior history of violence between the involved persons when that history can be reasonably ascertained by the officer.
- c) A decision to arrest the primary physical aggressor does not foreclose the arrest of the other party at a later time. It also does not prevent an officer from arresting both parties, if the situation justifies it, upon supervisory approval.
- d) No arrest shall be made for acts that were committed in self-defense in accordance with Article 35.00 of the New York State Penal Law. If the defendant persists in a desire to file a complaint after a decision not to arrest is made, the officer should refer the defendant to the District Attorney's Office.
- e) The investigating officer shall not discourage requests for law enforcement intervention by threatening, suggesting or otherwise indicating that all parties may be arrested.

## **7. Civilian Arrests**

When the officer lacks legal authority to make a warrantless arrest, the victim should be informed of the opportunity to make a civilian arrest. Such an arrest, however, shall not be used as a substitute for an authorized arrest by the officer as provided for in this policy.

CPL 140.30 and 140.35 authorizing any person to affect a "citizen's arrest" for any offense in the person's presence. In order for that process to take place, the law requires that the complainant, him or herself, must inform the arrested person that he or she is placing them under arrest and the reason for the arrest unless he or she encounters physical resistance., fighting or other factors rendering that procedure impractical.

- 8. In all arrests, other than civilian arrests, the officer shall emphasize to the victim and the alleged offender that the criminal action is being initiated by the State and not the victim.

## **D. Family Offense Arrest Processing**

- 1. Officers will provide victims of the Family Offense with the following information:

- a) That there is concurrent jurisdiction with respect to family offenses in both Family Court and the criminal courts. Victims of family offenses may proceed in either or both the Family and criminal Courts.
- b) That a Family Court proceeding is a civil proceeding for purposes of attempting to stop the violence, end the family disruption, and obtain protection.
- c) That a proceeding in the criminal courts is for the purpose of prosecuting the alleged offender and can result in a criminal conviction of the offender.
- d) That a proceeding subject to the provisions of section 812 of the Family Court Act is initiated at the time of the filing of a petition, not at the time of arrest or request for arrest

(When Family Court is not in session a criminal court may issue a Family Court Order of Protection).

- e) That an arrest may precede the initiation of a Family Court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding. The arrest of an alleged offender shall be made under circumstances described in subdivision four of section 140.10 of the Criminal Procedure Law.
2. When a victim wishes to proceed in a criminal court, provide advice that the victim is not required to be present at arraignment. If an Order of Protection is desired, the court should be advised of such request.
  3. Booking procedures, fingerprints and photographing shall conform to current Office procedures and section 160.10 of the Criminal Procedure Law.

#### E. Non-family Offenses Arrest Processing

1. Offenses that are not designated Family Offenses, but which occur in domestic incident situations cannot be handled in Family Court. Criminal courts have exclusive jurisdiction over these acts (e.g., Murder or Attempted Murder, Criminal Possession of a Weapon, Rape, Unlawful Imprisonment).
2. Booking procedures, fingerprinting and photographing shall conform to current police department procedures and section 160.10 of the Criminal Procedure Law.
3. Although the violation of an Order of Protection is not a designated Family Offense, the Family Court has concurrent jurisdiction to enforce such an order when issued by it.

## **F. Orders of Protection**

### **1. Enforcement**

- a) The on-scene officer shall make an evaluation of the facts and circumstances surrounding the incident.
- b) A lawful warrantless arrest may be made based on probable cause even though the protected person may be unable to present a valid copy of the order, but the officer shall attempt to verify the existence and terms of the order through police department records and NYSPIN. However, if the order is not produced or its existence cannot be verified, the officer should proceed as though an Order of Protection does not exist.
- c) Where an officer receives a complaint from a protected person or has an independent basis to believe that an Order of Protection has been violated, and has probable cause to believe that the terms of such order have been violated, an arrest shall be made for the appropriate degree of criminal contempt regardless of whether the prohibited conduct occurred in the officer's presence. A copy of the Order of Protection shall be attached to the court accusation instrument.
- d) If an arrest is made for violating an Order of Protection and the protected person does not verify (sign) the accusatory instrument, the officer should attempt to obtain a deposition, or prepare his or her own accusatory instrument which shall include a statement that the terms of the order were violated and a description of the behavior constituting the alleged offense.
- e) In instances where the conduct prohibited by the Order of Protection is also conduct constituting another offense, the offender shall be charged with violation of the Order of Protection (e.g., Criminal Contempt) and the independent offense.
- f) In any case where an arrest has been made for violation of a criminal court Order of Protection, it is advisable for the protected person to be present at the arraignment.

### **2. Out-of-State Orders**

Order 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 a New York order. Unless clearly invalid, an out-of-state order will be presumed to be valid, and shall be enforced in the criminal court with 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 if warranted, rather than for a violation of the order.



### 3. Family Court Orders

- a) Pursuant to the Family Court Act and the Criminal Procedure Law, the local criminal courts have emergency powers to issue or modify Family Court orders of protection in family offense matters when Family Court is not in session (i.e., after business hours, on holidays, or week-ends). A domestic violence victim may seek immediate assistance from the criminal court in obtaining an order of protection. This procedure will be used when a victim wishes to proceed in Family Court, however desires a temporary order of protection be issued or an existing order modified prior to Family Court proceedings.
- b) Two form affidavits have been created to be used by a victim when Family Court is not in session - Family Court General Form 5b (issuance of court order); Family Court General Form 5c (modification of court order). These forms are to be used to initiate "a" above. Officers shall make these forms available to victims. Officers shall also assist the victim in completing these forms and in bringing the victim before a local magistrate for issuance or modification of a Family Court order of protection.

### G. Firearms

- 1. When an alleged offender in a domestic incident uses or threatens the imminent use of firearms or other legally possessed weapons, confiscation is permitted. In other domestic incidents not involving the threat of weapons, consider affecting the voluntary surrender of firearms, rifles, shotguns, and other weapons.
- 2. Confiscate legally possessed weapons when the domestic incident involves violence with the weapon or its threatened use.
- 3. Seize and confiscate illegally possessed weapons as contraband. Arrest for appropriate weapons violations.
- 4. Accept legally possessed weapons which are voluntarily surrendered.
- 5. Upon arresting an individual who is licensed to carry, possess, repair, or dispose of firearms, the arresting officer should, whenever practicable, notify the arraignment court that the alleged offender is so licensed and also advise the court of the licensing authority and county of issuance.

### H. Appearance Ticket and Bail

1. Following an on-scene arrest for a crime arising from a domestic incident, an appearance ticket may be issued, according to and following the most recent bail/arraignments procedures certified under the bail reform act. The officer may remove the alleged offender from the scene and complete pre-arraignment booking procedures in accordance with police department policy and section 160.10 of the Criminal Procedure Law. An arraignment may be necessary for the purpose of getting and or modifying an order of protection on behalf of the victim.
2. Any deviation from this procedure must be approved by the officer-in-charge, and the reasons for such deviation must be documented in the case file.
3. Officers shall not assure victims that an arrested individual will remain in custody overnight because of the provisions of this policy. Such assurances to the victim might influence decisions regarding safety precautions that the victim may take.

#### **IV. Additional Functions**

- A. Members will make a notification to the Central Registry for Child Abuse and Maltreatment following their investigation when children are present. This notification will be noted on the Domestic Incident Report (DIR) under the section titled Referrals.
- B. Where victims of domestic violence are incapacitated by physical, mental or emotional impairments, officers will consult with Adult Protective Services and assist, where appropriate, in supportive interventions.
- C. Police department members shall be trained on an ongoing basis in this policy, the problem of domestic violence, the applicable statutes concerning domestic violence, and the criminalization trend to reduce domestic violence.
- D. A supervisor must respond to the scene of a domestic violence incident when the suspect is a police officer. When the suspect is a police officer from another agency, the investigating supervisor from our police department must notify a supervisor at the other agency as soon as possible.



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Infection Control Plan**

**Order Number: 3.46**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **INFECTION CONTROL PLAN**

**PURPOSE:** To minimize or eliminate employee exposure to communicable diseases and establish guidelines and procedures for the handling of incidents involving blood borne pathogens.

#### **I. POLICY**

- A. The Town of Marlborough Police Department will continually provide members with up-to-date procedures and communicable disease information that will assist in minimizing potential exposure, while increasing their understanding of the nature and potential risks of communicable diseases.
- B. Following any on-duty exposure to a potentially communicable disease, the Department will provide testing of the exposed member and treatment free of charge for evidence of infection. The Department will also provide psychological counseling in regards to the member concerned.
- C. The Department will make available to members who may run the risk of exposure to Hepatitis through contact with blood all appropriate vaccinations for the Hepatitis B virus, free of charge.

#### **II. DEFINITIONS**

- A. Exposure Incident - A specific eye, mouth, or other mucous membrane, nonintact skin, or potential contact with blood or other potentially infectious materials that results from the performance of an employee's duties.
- B. Hepatitis - Refers to a group of liver diseases caused by the viruses. The most common types are hepatitis A, caused by the hepatitis A virus (HAV) and hepatitis B, caused by the hepatitis B Virus (HBV).
- C. Human Immunodeficiency Virus - The virus that causes AIDS.

- D. Infection Control - Formalized plan of measures and procedures to prevent and decrease an individual's exposure to potentially infectious disease.
- E. Infectious - A condition in which the body, or part of it, is invaded by disease-causing microorganisms, which, under favorable conditions, multiply and produce signs and symptoms causing sickness, etc. and which may be transmitted to another individual.
- F. Parenteral - Piercing mucous membranes or the skin barrier through such activities as needle sticks, human bites, cuts and abrasions.
- G. Pathogen - Microorganism capable of producing disease.
- H. Percutaneous - Through the skin, i.e., cut, injection, abrasion.
- I. Postexposure Prophylaxis - Treatment(s) given to an exposed individual for HBV and/or HIV if indicated by risk assessment of a potential exposure.
- J. Contaminated Sharps - Any item, syringe, glass, plastic or metal shard, that is contaminated or possibly contaminated.
- K. Universal Precautions - Infection control procedures, including the use of personal protective equipment (PPE) to provide a barrier against potential and assumed infectious material (body fluids).
- L. Vaccine - A suspension of infectious agents, or some part of them, given for the purpose of establishing resistance to infectious disease.
- M. Standard Glove - A latex glove used as a barrier in the practice of Universal Precautions during routine exposure involving a maximum wear time of five or less minutes.
- Note:** This glove begins to break down during prolonged use and places the employee at risk to an exposure incident, i.e., pat searches, vehicle/property/clothing searches.
- N. High Risk Glove - High Risk P2 Latex Gloves used as a barrier in the practice of Universal Precautions when the wear time will exceed five minutes and/or a situation that possesses an elevated threat of bloodborne exposure.
- O. High Risk Response Gear - A setup that includes a contamination jump suit, one (1) pair of High Risk P2 latex gloves, and either goggles or full face shield.
- P. Occupational Exposure - Reasonable anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.
- Q. Body fluids: Liquid secretions including blood, semen, and vaginal or other secretions that might contain these fluids such as saliva, vomit, urine or feces.

R. Communicable Disease: Those infectious illness that can be transmitted from one infected person, animal or object to another. It is also known as a contagious disease.

S. Source Individual: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the member.

T. Biohazardous Evidence: Any evidence containing blood or body fluids, or any evidence stained or contaminated by blood or body fluids. All evidence of this type is presumed to be hazardous and will be handled accordingly. Any member processing such evidence will contact the on duty/on call Supervisor for processing instructions.

NOTE: Members will take into custody blood or body fluids stained property only when needed for evidence.

U. Acquired Immune Deficiency Syndrome (AIDS): AIDS is a syndrome characterized by complications indicative of an underlying immune deficiency. The viral agent identified with AIDS is known as Human Immune-deficiency Virus (HIV). As a result of this deficiency, victims develop a variety of infections as well as certain forms of cancer. An AIDS infection is usually characterized by sudden extreme weight loss, swollen glands, joint pain and ulcerated sores or lesions on the body. However, many infected persons may exhibit no immediate symptoms. Any member engaged in high-risk investigatory activities such as those dealing with drug abuse, prostitution, crime scenes where blood or other body fluids are present, serious accident investigation, or are involved in the collection, analysis, and storage of blood-smeared and otherwise possibly contaminated evidence are at risk of being exposed to the AIDS virus. There is no evidence that the disease is transmitted through casual contact, or through the air.

V. Tuberculosis (TB): TB is a serious, highly infectious bacterial disease which primarily infects the lungs of its victims, although it may be present in the bones and other parts of the body. TB is usually characterized by persistent cough, fatigue, chest pain, breathing difficulty, or spitting up blood. Persons with active TB may appear well, in spite of the facts that they may be in an advanced stage of the disease. TB is contracted almost exclusively by inhalation of infectious airborne particles. High risk conditions include:

1. A person displaying TB symptoms or with a known TB history sneeze, cough, laugh, shout, spit, cry, or project droplets of saliva directly into a member's face.
2. Drinking from the same glass, eating with the same utensils, or smoking the same cigarette by a person displaying symptoms listed in f-I above.
3. Performing CPR on a possible TB infected person without department issued CPR mask
4. Close contact with person with poor personal hygiene, especially those with severe coughing or other TB symptoms
5. Entering unsanitary environments and overcrowded residence with poor sanitary facilities, particularly if inhabited by known TB carriers.

W. Hepatitis: an infection of the liver caused by either the hepatitis virus type A or type B. Hepatitis A infection is usually characterized by yellowing of the whites of the eyes and skin, fever, fatigue, upset stomach, possible vomiting, abdominal pain, and dark

colored urine. Hepatitis B infection carries the same symptoms as Hep A, only more severe in nature and with much longer recovery period. Hep B symptoms also may include skin rashes, muscle aches, and pain in joints. No symptoms may occur. Hepatitis is transmitted similarly to AIDS.

X. Universal Precautions: an approach to infection control. According to the concept of Universal Precautions, all human blood and body fluids are treated as if known to be infectious for Hepatitis B (HBV) and HIV, which causes AIDS.

Y. Contaminated: the presence or anticipated presence of blood or other potentially infectious materials

Z. Infection Control Officer: a member appointed by the Chief of Police responsible for all aspects of infection control, including, but not limited to, stocking of all department equipment for infection control, securing/disposing of contaminated items and all aspects of the OSHA final rule on Occupational Exposure to Bloodborne Pathogens (1910.1030)

### III. PROCEDURE

- A. High Risk Response Gear will be worn when responding to all incidents where blood and/or other potentially infectious materials are present.
  - a. Communicable disease prevention
    - i. Member will exercise universal precautions and assume that all persons are potential carriers.
    - ii. Disposable latex gloves will be worn when handling any persons, clothing or equipment with blood or body fluids on them.
    - iii. Disposable masks, (N95) protective eye wear and disposable smock or apron will be worn where blood/body fluids may be splashed on a member for any reason. A mask may be placed on a subject when the potential for airborne transmission of disease exists.
    - iv. Plastic mouthpieces or other authorized barrier resuscitation devices will be used whenever a member performs CPR
    - v. All sharp instruments such as knives, scalpels and needles will be handled with extraordinary care and should be considered to be contaminated.
      - 1. Members should exercise extreme caution when placing hands in areas where sharp instruments might be hidden. Visually search the area using a flashlight where necessary. The suspect should be asked exactly where any item potentially harmful to the officer is located on their person. Keep in mind to not trust the word of a defendant on face value regarding anything!
      - 2. Needles will NOT be recapped, broken, removed from a disposable syringe or otherwise manipulated by hand
      - 3. If recovery of needles is necessary in the field:
        - a. If recovering for public safety or evidence reasons, it will be placed in a biohazard puncture-resistant

sharps container.

4. Needles recovered at the station will be handled the same as in 3a. Use the station's biohazard container.
5. Do not smoke, eat, drink, or apply cosmetics around body fluid spills
6. Any evidence contaminated with blood or body fluids will be dried, boxed or bagged and marked as "BIOHAZARD" by a red/red orange biohazard sticker to identify potential or known communicable disease contamination. This evidence will include the DWI evidence collection kit as well as the sexual assault evidence kit and all sexual assault evidence. Collection kits will be labeled as a biohazard before leaving the hospital. Biohazard bags and stickers will be available at the station.

vi. Transport and Custody of person suspected of carrying a communicable disease.

1. When appropriate protective equipment is available, no member will refuse to arrest or otherwise physically handle any person who may have a communicable disease.
2. Members will not put their fingers in or near any person's mouth.
3. The individual may be required to wear a suitable protective covering if they are bleeding or otherwise emitting body fluids. These persons shall be transported in separate vehicles from other individuals.
4. Members have an obligation to notify relevant support personnel during a transfer of custody when the suspect has blood or body fluids on his person. Members will advise relevant support personnel to use "Universal Precautions" when there is a possibility of contamination
5. Members will document on the appropriate arrest or related report forms when a suspect taken into custody has blood or body fluids on his person, or has stated that he has a communicable disease. NOTE: all member are advised to familiarize themselves with Article 27F, Section 2782 of the NYS Public Health Law which specifically prohibits anyone from disclosing HIV information when not authorized to do so. I there is any question in the member's mind on a subject's discloser to him regarding the HIV virus, members will ask the subject to sign an "Authorization for Release of Confidential HIV Related Information."

vii. Disinfection of Exposed Personnel



1. Immediately wash unprotected skin surfaces with hot running water and soap for at least 15 seconds before rinsing and drying.
  2. Antiseptic/germicide alcohol based cleaning solutions may be used where soap and water are unavailable. This cleaning agent will be available in all department vehicles and at the station.
  3. Disposable gloves will be rinsed before removal and subsequent disposal. Gloves will be removed by turning the glove inside out from the wrist. The hands and forearms should then be washed. Gloves will be removed prior to entering department vehicles to prevent cross contamination. Gloves will be disposed of in appropriate receptacles in department vehicles and at the station.
  4. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
  5. All open cuts and abrasions will be covered with waterproof bandages before reporting for or returning to duty.
- viii. Members should remove clothing that has been contaminated with blood or body fluids as soon as practical (See (d) (4) (iv) below re; laundering/handling contaminated clothing). Any contacted skin area should then be cleansed in the prescribed fashion.
- ix. Disinfection procedures will be initiated whenever blood or body fluids are spilled, or an individual with blood or body fluids on his person is transported in a department vehicle.
1. Notify a supervisor; return vehicle to station ASAP
  2. Place absorbent material on excessive blood/body fluids. Secure in a biohazard bag for disposal
  3. Disinfect all areas using hot water and detergent or alcohol, allow to air dry.
- x. The interior of all police vehicles should be routinely cleaned with an approved disinfectant
- xi. Cleaning products and equipment will be made available at the station
- xii. Nondisposable equipment and areas upon which blood and body fluids have been spilled will be **disinfected with a generous solution of disinfectant and water. A freshly prepared solution of one part bleach to 14 parts warm water or a fungicidal mycobactericidal disinfectant is sufficient to neutralize a spill.**
- xiii. All contaminated disposable equipment, cleaning materials or evidence will be bagged and placed in the appropriate receptacle and labeled a biohazard. The property clerk/infection control officer will bag and label any property considered "biohazard evidence" and dispose of same as soon as allowable.
- b. Supply Procurement, Storage and Distribution
- i. Supervisors are responsible for continuously maintaining and storing an adequate amount of communicable disease control



- supplies for their officers in a convenient location. These supplies are available through Infection Control Officer Curt Fulton.
- ii. Supervisors are responsible for dissemination of supplies for infectious disease control. Protective gloves, other first aid supplies and disinfecting materials will be made readily available at all times. An additional supply will be made available and accessible in the station and will be replenished immediately when necessary.
  - iii. All departmental vehicles occupied by any member who through his duties may be exposed to communicable disease will be continuously stocked with the following communicable disease control supplies:
    - 1. disposable gloves
    - 2. absorbent cleaning materials
    - 3. barrier resuscitation equipment (CPR mask)
    - 4. goggles
    - 5. disposable paper face masks
    - 6. germicidal waterless hand wash
    - 7. sealable plastic bags red in color or clearly identified with the biohazard label
    - 8. puncture-resistant containers for sharps (syringes, knives, etc.)
    - 9. "biohazard" sticker/signs
  - iv. Members using any of the supplies listed above are responsible for their immediate replacement
  - v. Members are reminded to keep disposable gloves in their possession while on patrol
  - vi. Any items that have been contaminated are to be placed in the bags and/or sharps containers described above as appropriate and the turned over to the infection control officer for immediate disposal.
  - vii. The property officer will also keep available a supply of appropriately marked bags, containers and labels for identification and storage of evidence.

EXCEPTION: There is one exception to the requirements for protective gear. A member may choose, temporarily and briefly, under exigent circumstances, to forego the PPE equipment. It must be the employee's professional judgment that using the protective equipment would prevent the delivery of public safety services or would pose an increased hazard to the safety of the worker or co-worker. When one of these excepted situations occurs, employers must investigate and document the circumstances to determine if there are ways to avoid it in the future.

#### B. Accountability

Inspections will be made at each shift change. All discrepancies will be properly documented and called to the attention of the patrol supervisor. This inspection shall include the quantity and condition of all PPE. Any missing and/or damaged PPE shall be reported to the patrol supervisor immediately. Once reported, it shall be the duty of the patrol supervisor to make all necessary corrections.

### IV. METHODS OF COMPLIANCE

#### (d)(4)(iv) Contaminated Clothing -

**A. Contaminated clothing shall be handled as little as possible with a minimum of agitation.**

1. Contaminated clothing shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use;
2. Contaminated clothing shall be placed and transported in bags or containers labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard. When a facility utilizes Universal Precautions in the handling of all soiled clothing, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions; or
3. Whenever contaminated clothing is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the clothing shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.
4. Contaminated clothing or sharps, once placed in the proper leak proof labeled container, will be immediately removed to the property storage shed and placed within the appropriately marked biohazard box.

**B.** The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment. All items of contaminated clothing that are processed as described above will be replaced at no cost to the employee. Exposed members must assure that the exposure incident reports filed are forwarded to their immediate supervisor along with copies for the Chief and Infection Control Officer Fulton. This package will include an equipment requisition form listing the item(s) to be replaced.

**C.** The Infection Control Officer is responsible for assuring that pick up of contaminated items is arranged when necessary through Healthcare Waste Services Corporation (1-877-497-8721), a licensed bio hazard transport and processing company. All contaminated items will be removed for destruction.

**V. HEPATITIS B VACCINATION AND POST-EXPOSURE EVALUATION FOLLOW-UP**

**(f)(1)(ii)** The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

- B. Made available to the employee at a reasonable time and place;
- C. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and
- D. Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place, except as specified by this paragraph (f).

**(f)(1)(iii)** The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

**(f)(2)(i)** Hepatitis B vaccination shall be made available after the employee had received the training required in paragraph (g)(2)(vii)[I] and within 10 working days of initial assignment to all employees who have occupational exposure

unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(f)(2)(ii) The employer shall not make participation in a pre screening program a prerequisite for receiving hepatitis B vaccination.

(f)(2)(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

(f)(2)(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign a statement in Appendix A.

(f)(2)(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available in accordance with section (f)(1)(ii).

NOTE: IF member is potentially exposed to blood borne pathogens, member will contact "The Workplace" at St. Francis Hospital, Poughkeepsie NY (24hrs a day, 7 Days a week) at the following numbers; 1-800-724-0917 or 1-845-431-8740.

**A. Line of Duty Exposures to Communicable Diseases**

1. It is the responsibility of each member to document and follow-up any situation that might lead to possible infection of the member or fellow members. Therefore, it is recommended that any member with knowledge of potential high risk situation or persons:

1. obtain names of suspected disease carriers, their associates and any places they may frequent
2. document possible and confirmed exposure to disease on an incident report
3. if an individual transported to a medical facility is suspected of having a communicable disease, the transporting member will advise any medical service providers attending the individual of the transporting member's name, shield number, and department phone number so that the member can be notified in the event the individual tests positive for any communicable disease.

2. Any member who has been bitten by an individual or who has had physical contact with blood or body fluids of another person while in the line of duty will be considered to have been exposed to a communicable disease.

1. barring medical necessity, any member suffering a line of duty exposure incident will immediately report to St. Francis Hospital for treatment and evaluation. The member concerned or designee should also call "The Workplace" at St. Francis Hospital at 1-800-724-0917 prior to arrival at the hospital to allow them to prepare for the member's arrival. "The Workplace" will also be contacted by the member following release from the hospital for all follow-up treatment as necessary.
2. a supervisor will be contacted and all appropriate duty

- injury and medical forms will be completed by the affected member.
3. unless disclosure to an appropriate departmental official is authorized by the member or by state law, the member's test results will remain confidential.
  3. Any person responsible for potentially exposing the member to a communicable disease will be encouraged to undergo testing to determine if the person has a communicable disease.
    1. An attempt to obtain consent to test the source individual for a communicable disease will be made and following such consent the subject will be tested immediately at a hospital. The consent form will also provide for a release of information to the member involved in the incident.
    2. Criminal charges may be sought against any person who intentionally acts to expose a member to a communicable disease. Contact a supervisor in regards prior to filing any such charge.
  4. Members who test positive for a communicable disease may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public, or members of the department.
    1. At the discretion of the Chief of Police, a member may be required to be examined by an Independent Physician to determine if the member is able to perform his duties without hazard to himself or others.
  5. All personnel will treat member who have contracted a communicable disease fairly, courteously, and with dignity.

## **VI COMMUNICATION OF HAZARDS TO EMPLOYEES**

### **A. Training**

1. Annual training for all employees shall be provided within one year of previous training.
2. Employer shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. If new exposures become evident and procedures are needed to address such exposures, training will be needed. Any such training can be limited to the new exposure.
3. Training program shall contain at a minimum the following elements:
  - a. A review of 29 CFR 19190.1030 and an explanation of its contents.
  - b. A review of Marlborough Town Police Department's Exposure Control Plan and the means by which employees can obtain a copy of the written plan.
  - c. Information on the hepatitis B Vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and the vaccine and vaccination will be offered free of charge.

## **VII. Recordkeeping**

### **(h)(1) Medical Records**

- (i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.1020.
- (ii) This record shall include:
  - a. The name and social security number of the employee.
  - b. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);
  - c. A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (f)(3);
  - d. The employer's copy of the healthcare professional's written opinion as required by paragraph (f)(5);
  - e. A copy of the information provided to the healthcare provided to the healthcare professional as required by paragraph (f)(4)(ii)[B],[C], and [D].

### **(h)(2) Training Records**

- (i) Training records shall include the following information:
  - a. Annual exposure determination/risk assessment.
  - b. The dates of the training sessions;
  - c. The contents or a summary of the training sessions;
  - d. The names and qualifications of persons conducting the training sessions
  - e. The names and job titles of all persons attending the training sessions.
- (ii) Training records shall be maintained for 3 years from the date on which the training occurred.

### **(h)(3) Availability**

- (i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.
- (ii) Employee training records required by this paragraph shall be provided upon request for examination and copying to employees, to employee representatives, to the Director, and to the Assistant Secretary.
- (iii) Employee medical records required by this paragraph shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.1020.

(iv) The Chief of Police will maintain written records of all incidents involving members who have been tested for potential exposure to a communicable disease while acting in the line of duty. The records will be stored in a secured area with limited access for the duration of the member's employment plus 30 (thirty) years and maintained in conformance with applicable privacy laws.

*Town of Marlborough Police Department*

**GENERAL ORDER**



**SUBJECT: Orders of Protection**

**Order Number: 3.47**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**ORDERS OF PROTECTION AND OTHER LEGAL PROCESS**

**PURPOSE:** Establish a records management system for court documents received by the Town of Marlborough Police Department.

**I. POLICY**

A. It is the policy of this police department to accept, record and enforce Orders of Protection and other civil process duly issued and properly served upon respondents.

**II. PROCEDURE**

A. Criminal Summonses

The assigned member must add a narrative detailing the service or attempts at service of the Criminal Summons. When the summons is served, an affidavit of service must be returned to the court prior to the scheduled appearance date. If it cannot be served, the assigned member must return it to the issuing court with an explanation attached.

C. Order of Protection

An order of protection, when received by the police department for service, shall be forwarded to a patrol and will be served accordingly, a copy of said order will be kept on record in communications.

D. Service of the Summons

Service upon a natural person maybe accomplished by one of the following methods as per Civil Practice Laws & Rules (CPLR).

1. There is no way to compel a person to identify himself/herself. An identification by a neighbor or co-worker is usually safe, but remember that service on the natural person, a member of his/her household, or his/her agent requires that you record a description of the person served. If you are not sure you have the proper person for service, seek further advice from the plaintiff before proceeding.

2. Your entrance into any premises must be a peaceful one. If the entrance door is locked, DON'T BREAK IT IN. On the other hand if you are invited into a premise you might reasonably enter to find your subject. If you gain peaceful entrance and are subsequently ordered off the premises after searching for the defendant, you should leave at once. Remember that you are not acting under authority of a search warrant and could therefore be guilty of trespass.
3. Deliver a true copy of the process to the person to be served. It is not necessary to touch the person to be served with the process. If he/she refuses to accept service, leave a copy in such a manner that he can readily reach it himself/herself. Don't forget to comply with any special instructions given to you.

#### F. Proof of Service

1. Proof of service generally shall specify the papers served, the person who was served, the date, time and address, or, if in the event there is no address, place and manner of service, and set forth facts showing that the service was made by an authorized person and in an authorized manner.
2. Proof of service shall contain a description of the person served. If service on the natural person is made by personal delivery or to a person of suitable age and discretion or to an agent for service, the proof shall include a description of the person who was served. Include sex, color of skin, hair color, approximate age, approximate weight and height and other identifying features.

#### G. Miscellaneous

1. Service of process except criminal process and Orders of Protection on Sunday is void. Service on a Saturday on a person who observes that day as his/her Sabbath is a crime, but only if the service was made "maliciously", that is, with a knowledge of such observance.
2. Do not make any statement in a certificate or affidavit of service which is not true.
3. Do not conceal process in any way or for any reason. Do not conceal a summons in an envelope when delivering to defendant, even if he/she asks you to do so to avoid embarrassment. There are other methods to avoid such incidents, such as standing close enough to defendant to avoid anyone seeing what you are doing.
4. Do not use trickery or deceit to effect service. You should be resourceful, but do not represent the process to be something which it is not when making service.



5. Do not give legal advice to a defendant you are serving. These are matters for attorneys. Do not advise a defendant on the specifics of responding to a summons. Of course, you should always tell him/her what the process is that you are serving.
6. Do not take the process back after making service.
7. Do not use unreasonable force in effecting service. Protect yourself from assault in the event defendant takes unwarranted steps against you, but do not restrain defendant physically merely to complete service of process.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Handling Prisoners**

**Order Number: 3.48**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **HANDLING AND TRANSPORTING PRISONERS**

**PURPOSE:** To define the policy of the Town of Marlborough Police Department relative to the handling movement and treatment of persons in lawful physical custody of this police department. Such policy will ensure uniformity of performance, as well as establish safety and security measures for the officer(s) and prisoner(s).

#### **I. POLICY**

It is the duty of all personnel involved in the transportation of prisoners to ensure the safety of arrested persons and their property, the safety of the general public, as well as the safety of other police department personnel. Officers will at all time employ safeguards 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. Juveniles known or believed to be under the age of 16 years are not to be transported with adult prisoners, 16 years of age or older.
3. When transporting a prisoner immediately after arrest from the arrest scene to headquarters, one officer may be used. In all other situations the following guidelines will ordinarily be used

One prisoner: Two officers/One car

Two prisoners: Two officers/One car

Three prisoners: Two officers/One car

Four to six prisoners: Two officers/Two cars

More than above, the same ratio should be used.

4. Male officers performing a female transport will notify the desk officer of his destination, starting and ending location and mileage. The trip should proceed without delay and by the most direct route to his destination. Any delay will be immediately conveyed to the desk officer.

#### 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 vehicle after each transport of prisoner.
3. Any weapon, dangerous article or contraband will be secured and a supervisor will be immediately notified.

#### C. Searching of Prisoners

All persons taken into custody will be searched for weapons and contraband by an officer prior to being transported. This search will include, but is not limited to:

1. A pat down of all body and clothing surfaces.
2. A search of all clothing pockets, shoes, purse, and where a weapon or contraband could be readily accessible or concealed.

#### D. Restraints

1. All arrested persons will be handcuffed, and handcuffs will be double locked.
2. Prisoners will be handcuffed with both hands behind their backs and palms facing outward.
3. Transported prisoners will have seat belts on after being put into vehicles so equipped.
4. If for any reason, such as a prisoner's deformity or disability, etc., these restraints cannot be used, a supervisor may authorize not using restraints or a variation to any of the above.
5. When the police department or any particular officer has knowledge that a particular prisoner is an escape risk, this information should be conveyed to the tour supervisor.

#### E. Transporting Injured or Sick Prisoners

1. All officers when dealing with prisoners who may have a communicable disease should be familiar with established procedure.

2. Prisoners who are ill or injured and in need of immediate medical treatment will be transported to the hospital via ambulance prior to being transported to headquarters.
3. Prisoners taken to hospitals 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 a room that has one exit will be used. If this is not possible, the officer transporting will be present in the room, regardless of any protest.
4. In the event a prisoner must be admitted to the hospital, all necessary booking information will be ascertained and an appearance ticket will be issued. In the event an appearance ticket can't be issued, a supervisor will be notified, and a bedside arraignment by a Judge may be initiated.

#### F. Escape of Prisoners

1. In the event of a prisoner escape, the transporting officer(s) will immediately notify the dispatcher of the description of the escapee and any other pertinent information, which will aid in recapture.
2. After being notified by dispatch, a supervisor will coordinate a thorough search of the area of escape.
3. The supervisor notified will immediately notify or cause notification of the law enforcement agency of effected jurisdictions as well as the New York State Police and Ulster County Sheriffs Office.
4. The transporting officer(s) involved in the escape will prepare an incident report and detail the circumstances of the escape.
5. The supervisor notified will conduct an investigation into the circumstances of the escape and ensure that the necessary teletype messages as per NYSPIN rules are originated.



*Town of Marlborough Police Department*

## **GENERAL ORDER**

**SUBJECT: Fingerprinting/Photographing**      **Order Number: 3.49**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10      REPLACES ORDER #(S): APR

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### **FINGERPRINTING AND PHOTOGRAPHING PERSONS**

**PURPOSE:** The purpose of this directive is to guide police department personnel when: They are going to fingerprint and photograph a person who has been arrested. They need to take the fingerprints of a person for investigative purposes.

#### **I. POLICY**

It is the policy of the police 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." Also, Family Court Act, article 3, Titled, "Juvenile Delinquency"; section 306.1, "Fingerprinting of Certain Alleged Juvenile Delinquents." The Department also authorizes taking fingerprints for investigative purposes.

#### **II. PROCEDURE**

- A. Whenever a police department member arrests an adult who is charged with a crime, the arresting officer shall take or cause to be taken the fingerprints and photographs of the arrested person.
- B. Fingerprints and photographs shall be taken as follows:
  - 1. Two sets of fingerprints on a FD-249 - F.B.I. arrest card or via live scan.
  - 2. 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 glasses. These photos will include Marlborough Police Arrest placard if not live scanned.
  - 3. Front photo without placard using the Live-scan guidelines.
  - 4. Both side profile photos taken from the area of the mid-chest up without placard.

C. Police department members are authorized to take one set of fingerprints and photographs of a consenting adult on the appropriate card 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 police department member takes a set of fingerprints or a photograph of a suspect for comparison purposes, the police department member must first receive and document the permission of the suspect and, if possible, have the suspect sign indicating his or her permission to take fingerprints for comparison purposes.

D. Police department members who arrest an adult for another law enforcement agency, commonly known as an FOA arrest, need only file an incident report and arrest report. Prints and photo obligations shall be the responsibility of the receiving agency.

E. Whenever a person who has been arrested and charged with a finger printable offense and is not fingerprinted and/or photographed at the time of arrest, the arresting officer shall note same in the incident report.

1. In such cases the arresting officer shall notify the Town Court of the need to have the arrested person appear at the police department on his or her first appearance in Town Court for the purpose of being fingerprinted and/or photographed.
2. Whenever a person appears at the Station for this purpose, he or she shall immediately be fingerprinted and/or photographed. The police department member who fingerprints and/or photographs the person shall document same on a supplementary report and will place the fingerprints in the arrest folder and forward to a supervisor for review.

F. Police department members who make an arrest for any offense may take, or cause to be taken, the fingerprints of the arrested person if such member:

1. Is unable to ascertain such person's identity.
2. Reasonably suspects that the identification given by such person is not accurate.
3. Reasonably suspects that such person is being sought by other officers for another offense.

NOTE: Officers may transport detainee to a Live-scan location for the above conditions.

G. Fingerprinting and Photographing Juveniles

Do not fingerprint or take photographs of juvenile suspects who have been arrested for a misdemeanor offense.

See Office order 3.53 - "Investigations Involving Juveniles."

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Juvenile Investigations**

**Order Number: 3.50**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **INVESTIGATIONS INVOLVING JUVENILES**

**PURPOSE:** To guide police department personnel who are conducting investigations, criminal or otherwise, when the investigation involves a juvenile, that is: a person less than sixteen (16) years old.

#### **I. POLICY**

It is the policy of the police department to conduct all investigations involving juveniles in a manner that is consistent with applicable laws, general orders of the police department, and taking into consideration the mental capacity and emotional state of the juvenile.

#### **II. DEFINITIONS**

##### **A. Juvenile Delinquent**

A juvenile delinquent is a person over seven and less than 16 years of age who, having committed an act that would constitute a crime (misdemeanor or felony) if committed by an adult:

1. is not criminally responsible for such conduct by reason of infancy.
2. is the defendant in an action ordered removed from the criminal court to the Family Court.

##### **B. Juvenile Offender**

The term "Juvenile Offender" is defined in the Penal law, (Article 10, subdivision 18) wherein the juvenile charged with an offense stipulated in this article may be prosecuted as an adult.

#### **III. PROCEDURE**

##### **A. Cause for Apprehension**

A juvenile may be apprehended by members of the police department under the same rules and procedures which govern the arrest of adults. That is, when the apprehending officer has reasonable cause to believe that the juvenile has committed a

crime (misdemeanor or felony only), the officer may apprehend a juvenile whether the crime was committed in his/her presence or otherwise.

#### B. Affecting the Apprehension

The juvenile may be detained not to exceed six (6) hours pending an investigation and/or apprehension.

A juvenile under apprehension may be handled in the same fashion as an adult under arrest, i.e., handcuffs may be used, necessary force, transported in marked police vehicles, etc.

#### C. Applicable Court Appearance

The Family Court has exclusive jurisdiction in cases of juvenile delinquency, whereas the local Criminal Court has initial jurisdiction in cases of the prosecution of juvenile offenders.

#### D. After Apprehension

1. Immediately notify the parent, guardian, or other person legally responsible for the child's care that their child has been apprehended.
2. Determine if the child is to be considered a juvenile delinquent or a juvenile offender. If the child has committed an act which would designate him or her as a juvenile offender, the child will be taken before the local Criminal Court, or, to a secure juvenile detention facility if a judge is not available. Every effort should be made to contact a judge for arraignment.
3. If the child is determined to have committed an act of juvenile delinquency, he or she may be released to a parent or guardian after having been issued a Family Court appearance ticket, or, the child can be taken directly to the Family Court if it is in session, or, the child can be taken to a juvenile detention facility. In the latter case, the juvenile must be brought before Family Court on next working day.

**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 used in all cases of misdemeanor and felony arrests, except felonies that result in a designation of "Juvenile Offender."

#### E. Questioning of Juveniles

1. Juveniles may be questioned initially by members of the police department in non threatening locations. When questioning goes into an arrest situation, the juvenile can only be questioned in a designated juvenile area. The preferable location for the questioning of juveniles should always be

the Juvenile Room or an approved location within the Town of Marlborough Police Department.

2. Article 3, section 305.2, titled, "Custody by a Peace Officer or a Police Officer without a Warrant", subdivision 7 states:

A child should not be questioned pursuant to this section unless he/she and a person required to be notified pursuant to subdivision three (parent or other person with whom the child lives) if present, has been advised utilizing police department Juvenile Rights Form.

**NOTE:** Female juveniles must be questioned in the presence of a female whenever possible. At all times, a third party shall be present during questioning.

3. Subdivision 8. of Article 3, section 305.2 states: In determining the suitability of questioning and determining the reasonable period of time for questioning such a child, the child's age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to subdivision three, shall be included among relevant considerations.

#### F. Fingerprinting and Photographing of Juveniles

1. Pursuant to the Family Court Act (FCA Section 306.1), following the arrest of a child alleged to be a juvenile delinquent, law enforcement agencies must fingerprint:

Juveniles 11 to 12 years of age charged with Class A or B felony offense.

Juveniles 13 to 15 years of age charged with any felony offense (Class A, B, C, D, or E).

Along with the juvenile's fingerprints, certain personal identifier and arrest information must be recorded on the juvenile fingerprint card and the attached "stub" (OCA 501J).

The proper juvenile fingerprint card has "Juvenile" clearly marked on it.

2. When a juvenile is charged at arrest as a Juvenile Offender (JO), this information must be recorded on both adult and juvenile fingerprint cards and on the Federal Bureau of Investigation (FBI) fingerprint card.



3. Whenever the fingerprints of an arrested juvenile are taken, they must be forwarded, without delay, to the Division of Criminal Justice Services. The police agency cannot retain the original fingerprints or copies of those prints.
4. A photograph shall be taken of the juvenile suspect. This photograph shall remain in the juvenile arrest file maintained only by a juvenile officer. Juvenile photographs and/or negatives must be separate and apart from photographs and/or negatives of adult suspects. Use the Digital camera located in the squad room.

**NOTE: Do not fingerprint or photograph juveniles arrested for a misdemeanor offense.**

#### G. Court Documentation Relevant to Juvenile Arrest

1. The officer concerned will prepare an arrest package containing all documents and forward it to the Probation Department. If the concerned officer has any questions they will immediately contact a supervisor and receive direction from them. If the juvenile is being brought to Family Court or to a detention facility, copies of all of the above will accompany the juvenile (except no Family Court appearance ticket will be included since none would be issued in these cases.)
2. A juvenile offender shall be processed in the local Criminal Court by the use of existing accusatory instruments which are also used in cases of adult arrests. An arrest folder will be completed containing the same items as mentioned above as well as an accusatory instrument. No Family Court appearance ticket will be used in juvenile offender cases.
3. Unlike adult criminal proceedings, the Family Court appearance ticket does not commence a judicial proceeding, but merely requires the appearance of the juvenile at the Department of Probation no later than fourteen (14) days after the arrest. The return date of the appearance ticket shall be in accordance with the schedule established by the Probation Department. Once the juvenile appears at the Probation Department, they either adjust the case informally (without a court hearing) or they forward the case to the presentment agency (the County Attorney) for a juvenile delinquency petition to be filed in Family Court.
4. A copy of the family court appearance ticket shall be forwarded to the complainant, respondent, respondent's parent (guardian), and appropriate probation service within twenty-four (24) hours after its issuance.

#### H. Detention

When juveniles are being detained at the Town of Marlborough Police Department awaiting their parents, waiting to be transported to Family Court, or to a detention

facility, preferably they are to be kept in the lobby. Under no circumstances are they to be held in the booking room or lock up.

No juvenile can be secured to a fixed object for more than a six hour period. Juveniles can only be detained to an object when there is an escape risk, violence potential, or other factors deemed by the officer to warrant such detention. Whenever a juvenile is affixed to a secure object, entries must be made in the dispatcher log book stating the date, name of the juvenile and time when detention started and time detention ended.

#### I. Determinant 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/her identity or his/her age, and is not obviously well over sixteen years of age, he or she will be treated as a juvenile instead of an adult. In those cases where the arresting officer is unable to contact a parent or guardian, within a reasonable amount of time, who can prove the youth's age and/or identity, the youth will be treated as a juvenile. The juvenile will be transported to the Family Court, (if in session) or, to a secure juvenile detention facility instead of issuing an appearance ticket. The Family Court will then be responsible to determine the age and identity of the person.

#### J. Documentation of Juvenile Contacts

Whenever contact is made between an officer and a juvenile, and the contact is in an official capacity, the contact must be documented by in the dispatcher log book.

#### K. Juvenile Records

1. All police records relating to juvenile arrests, and the disposition of juvenile cases shall be kept separate and apart from the adult records. These juvenile records shall be withheld from public inspection except when ordered by the Family Court. It shall be the juvenile officer's responsibility to accurately maintain, update and store the juvenile records.
2. No information from the juvenile records can be released to any person without the authorization of the Chief of Police.
3. Computerized arrest records for juveniles **must** be kept separate from adult arrest records.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Seriously Injured/Decedent Notifications**  
**Order Number: 3.51**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **NOTIFICATIONS TO FAMILY MEMBERS OR SERIOUSLY INJURED OR DECEASED PERSONS**

**PURPOSE:** To set policy for members on the notification of family members regarding deaths or seriously injured persons.

#### **I. POLICY**

A. Frequently, officers are assigned the task of notifying the family members that a loved one/family member has been killed or seriously injured. This notification may be part of an ongoing local case where the family lives within the Town of Marlborough or involves information received from another jurisdiction, and the notification must be made to a Marlborough resident.

B. The Town of Marlborough Police Department will ensure the prompt notification of family members in all cases where the deceased or seriously injured persons are handled by police personnel, or for another police agency. Members will follow police department guidelines in making such notifications as established herein.

#### **II. PROCEDURE**

A. Gather and locate the essential details surrounding the deceased. The officer for example, should record such details as:

1. Deceased's full name.
2. Age.
3. Sex.
4. Race.
5. Home address.
6. Location of death.
7. Nature of death.

8. Time of death.
9. Location of body.
10. Any other pertinent details surround the death.
11. Verify that the information is correct and learn as much as possible regarding the circumstances of the death.

B. It is very important, for several reasons, that the officer makes notifications in person and in private.

1. First, a death/serious injury notification conveys very personal and private information that should not be initially shared by others, nor should the survivor's need for personal privacy be comprised at this traumatic moment.
2. Secondly, officers will be able to render necessary aid should the survivor suffer serious medical or psychological problems shortly after receiving the notification.

### C. Personal Notification

Notifying the family where there is a death, serious injury or serious illness, can place the officer in a delicate and uncomfortable situation. The following procedure should be used whenever possible and practical:

1. Notification should be made as promptly as possible.
2. Notification must be made in person, not over the telephone. A supervisor can give permission to do otherwise but only in highly unusual circumstances.
3. The presence of a priest/minister, relative, close friend, or neighbor should be obtained whenever possible before notification.
4. If notification has to be made alone, the officer should offer to assist the family in contacting a relative, 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 sympathy and desire to assist.
6. The pace of your delivery will be dictated by the actions of the survivor. If permitted, it is best to deliver your message in a gradual but direct manner.

The officer should proceed directly with business, speaking in a slow, calm manner, and proceed with the notification until completed.

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 survivor 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 family by providing a ride to the hospital.

#### D. Requests from Other Agencies

When requested by another agency to make notification, the dispatcher 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 must be authenticated. An on duty supervisor or officer assigned to the notification must obtain the caller's telephone number and call back to ascertain the legitimacy of the request. Officers delivering emergency notification shall tell the family the source of information and who to contact for further assistance. An incident report shall be prepared.

#### E. Requests to Other Agencies

Should you need to contact another agency outside your 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 that this has been accomplished. Information obtained from the agency concerned in regards will be entered in the dispatch log and incident report.

**\*\*For the purpose of this directive "Family" will include blood relatives or other persons in a domestic relationship with the victim. Department members will notify the most appropriate adult based upon available information.\*\***

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Vehicle Inventory Searches    Order Number: 3.52**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10    REPLACES ORDER #(S): APR

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### **VEHICLE INVENTORY SEARCHES**

**Purpose-** To clearly define the specific objectives and requirements of conducting a Vehicle Inventory Search.

The specific objectives of a Vehicle Inventory Search are:

- 1- to inventory and protect property that is recovered in a vehicle which is being impounded by police
- 2- to protect police against any claims of alleged missing property
- 3- to protect police personnel and others from any possible hazardous items in the vehicle

**\*\*\*An Inventory Search is *not* a search for evidence incident to a lawful arrest!**

### **POLICY/PROCEDURE**

1- A vehicle that is to be impounded **must** be searched for inventory purposes. If the vehicle being impounded involves an arrest of the occupant(s) at or near the scene, said search will not be conducted until *the subject(s) is safely in custody*. Additionally, the inventory search must be conducted by the assigned officer prior to releasing the vehicle to the responding towing company.

2-The inventory search will consist of the entire interior compartment, including the glove box, as well as the trunk, under the hood and anywhere else in the vehicle where property may be secured. Locked brief cases, tool boxes etc. will *not* normally be opened. Account for them on your reports by accurately describing the item and indicating that the particular item(s) was locked. Any questions in regards will be directed to the on call supervisor.

3- The search results will be documented on the impound sheet and/or the incident report. It is not required that you catalog each miscellaneous item. Officers will document contraband and/or items of value which are noted inside the vehicle. This does not include affixed parts of the vehicle interior or trunk areas.

4- Any jewelry, currency, contraband or personal items that may be of intrinsic value **must** be removed and processed as evidence or for safekeeping. However, those items *may* be released to a claimant and/or defendant at the time of initial processing if that person is determined to be the true owner *and* the item in question is not required as evidence. The person receiving the property is required to sign the evidence slip acknowledging receipt of the released property. Items in question will be placed into evidence pending further investigation.

5- Contraband found in the vehicle will be processed as evidence. Vehicle occupants should be charged with possession of that contraband barring unusual circumstances. Questions regarding charging an individual(s) under these circumstances will be directed to the on call supervisor.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Command Discipline**

**Order Number: 3.53**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **COMMAND DISCIPLINE**

**Purpose-** To formalize disciplinary procedures in regards to alleged violations of rules and/or regulations by department personnel.

### **POLICY/PROCEDURE:**

1. A Police Supervisor may, *at their discretion*, simply instruct a subordinate member regarding an alleged violation of department rules and/or regulations for any minor infraction. This instruction can be done verbally or in writing.
2. A "**Supervisor's Complaint Report**" (attachment) will be prepared by a Police Supervisor if they deem the alleged infraction to be of a more serious nature. They may also do so if, in their opinion, the alleged violation requires formal documentation and investigation by The Chief of Police.
3. A Police Supervisor preparing a Supervisor's Complaint Report will forward the *original* to the Chief. They will also provide a copy of the report to the member concerned personally or forward a copy of the report in a sealed envelope to the member concerned.
4. The Chief of Police will investigate the matter as expeditiously as possible and enter the investigation results in the summary investigation section of the "**Command Discipline Report/Election**" form (attachment). Upon completion, the Chief will provide the report to the member concerned. If any of the allegation(s) were substantiated, the Chief will explain to the member their option to accept the Command Discipline and proposed penalty *or* instead elect to request a formal hearing as per Civil Service Law Article 75.
5. The member will be granted seven calender days to make their decision and return the form to the Chief indicating their decision in the "To be completed by member charged" section of the form. Another member of the department or the Chief may sign as a witness on the last line of the form in that section.



6. All members are reminded that as indicated in the "...member charged" section of the Command Discipline Report/Election form, a Command Discipline may be removed from the member's personnel file one year later if no other serious and/or similar infractions were documented.
7. It is the responsibility of the member concerned to request that the Chief remove the Command Discipline from their personnel file. That request must be made **in writing** *on or after* the one year anniversary date. The Chief will answer the member's request in writing promptly.



## **GENERAL ORDER**

**SUBJECT: Property and Evidence System**      **Order Number: 3.54**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10      REPLACES ORDER #(S): APR

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### **PROPERTY AND EVIDENCE SYSTEM**

**PURPOSE:** The purpose of this General Order is to establish guidelines for the receiving, handling and transferring of property and evidence.

#### **I.      POLICY**

- A. It is the policy of the Town of Marlborough Police Department to receive and properly tag, seal, record and store all property and evidence.

#### **II.     PROCEDURE**

##### **A. Receiving/Securing Property and Evidence**

1. Officers will ensure that all property and evidence obtained are properly entered in the Department's Spectrum Justice System computer program with the exact or estimated value of the property.
2. All property or evidence obtained will be entered in the property section through the arrest and/or incident report in the Spectrum Justice System.
3. All officers are responsible to maintain a proper chain of custody of evidence and/or property in order to withstand the scrutiny of the judiciary system.
4. All property and evidence will be tagged or labeled by the officer who secures or accepts the item(s). The necessary supply of tags labels, envelopes, containers, etc. will be maintained, by evidence control officers, in a clearly marked evidence supply bin that is readily accessible in the police station.
5. The property/evidence will then be placed in the temporary evidence locker (mailbox). All officers will ensure that a copy of the evidence/property invoice with attached to the piece of evidence/property when it is placed into the temporary evidence locker (mailbox).
6. If there is a crime involved in the incident and returnable

evidence was taken from the defendant the concerned officer will also fill out a Release of Evidence form and distribute copies accordingly with the original copy being forwarded to the ADA.

7. Securing of property and/or evidence.

- a. Plastic security bags will be utilized if the item(s) fit therein. This will not include blood and/or tissue evidence which will be secured in a paper bag.
- b. Smaller items will be placed in the property mailbox in the rear of the station house.
- c. Items that will not fit in the mailbox should be secured in the evidence shed if possible. Contact the property officer or a supervisor to gain access to the shed if necessary.
- d. Any and all bags/invoices will be filled out in detail by the submitting officer. Property that is submitted with inadequate information or inadequate storage protocols will be kicked back to the submitting officer so that the property can be entered in accordance with the established rules and regulations.
- e. All money will be vouchered and double checked by two officers.

8. All invoices will be broken down as follows:

- f. White copy is to be placed in the evidence bin located above the court mailbox.
- g. Yellow copy is to be attached to the evidence being logged. If there is more than one piece of evidence, place the yellow copy on one item and place all of the items in one container if possible. If not:
  1. Attach property tag(s) to additional items or
  2. Attach a copy of the original invoice to each additional item if tags could not be utilized.
- h. Pink copy is to be placed in the case file.
- i. Golden copy is to be given to the owner or the person the evidence was received from. (If there is no owner or someone to give a receipt to, place the golden copy with the pink copy in the case folder.)
- j. Evidence that pertains to an arrest. Make three copies, one goes with the ADA's information, one goes to the court and a copy is to be put in the arrest folder.

9. Evidence/property that has to be processed at a crime laboratory will also have attached to the property invoice a laboratory analysis request form completed by the submitting officer.

- k. Submitting officers will attach the properly completed laboratory submission form to the white copy of the evidence invoice and file it as usual.

10. The Evidence/Property Officers are the only personnel authorized to remove item(s) from the temporary evidence locker (mailbox).
11. Items returned from the crime laboratory by officers other than the Evidence/Property Officers will be placed in the temporary evidence locker (mailbox) so it can be logged back into evidence room.
12. All personnel entering the evidence room must complete entries on the evidence room sign in sheet.
13. Impound vehicles should be locked and keys secured with the officer until the tow arrives.
14. Alcohol/Beverage containers will be emptied and cleaned out to the best of their ability before being entered into evidence.
15. Biohazard Material (i.e. Blood, Body parts, etc.) will be handled with extreme caution and stored in a cool secure location.
  1. Biohazard materials will be packaged in the appropriate bag (i.e. paper).
  2. A caution warning advising personnel about blood borne pathogens will be annotated on any and all invoices submitted into evidence.
16. Hazardous Materials will not be collected or stored with the Town of Marlborough Police Department. Any and all hazardous materials will be collected and stored with an agency that has the proper resources to collect and safely store hazardous materials.

#### B. Found Property

1. It will be the assigned officer's responsibility to locate the owners of found property logged into evidence.
2. Property being held in protective custody, which has no monetary value and where the owner is unknown or fails to claim the property within 30 days, will become the property of the Town of Marlborough and may be destroyed by the Evidence/Property Control Officers.
3. Property being held in protective custody, which has monetary value and where the owner is unknown or fails to claim the property within 90 days, will become the property of the Town of Marlborough and may be destroyed by the Evidence/Property Control Officers.
4. After 90 days, if the property owner is not located or contacted, the property will be destroyed.

#### C. Storage

1. Money: All cash will be stored in the evidence cabinet

2. Jewelry/High Value Items: will be stored in the evidence cabinet
3. Firearms: All firearms will be secured in the gun locker
4. Controlled Substances: will be stored and secured in an area solely designated for drugs.
5. Large items are to be secured in the shed.
6. Vehicles: (That are evidence) Will be stored in a secure fenced facility or indoors at the tow facility.
7. Blood/Body parts: will be stored in a cool secure location pending delivery to the NYS Police Lab as soon as possible.

#### D. Firearms and Weapons

1. All firearms and weapons surrendered, seized or confiscated by this police department will have a complete investigation to determine the firearms/weapons origin, circumstances of possession and the legality thereof.
2. Officers who take custody of any firearm will:
  - a. Unload and render the firearm safe for handling and storage.  
***\*\*Submitting officers will assure that the firearm is safe and unloaded for handling and storage. DO NOT attempt to unload a weapon if you are not familiar with the weapon and its operation. Contact the Evidence Officer or a Supervisor for assistance.\*\****
  - b. All firearms will have a case file completed detailing all circumstances leading to the custody of the firearm. Weapons turned in for safekeeping will be entered on the property invoice and a case report will be completed detailing the reason(s) for turning the weapon over for safekeeping.
  - c. All firearms will be checked by NYSPIN for a record of being lost or stolen and the results documented on the case report.
  - d. No firearms will be left unsecured.
3. Release of Firearms
  - a. No firearm will be released until the owner provides proof of ownership. If the firearm is a pistol or revolver, a valid pistol permit, with the pistol or revolver listed on it, must be presented before the firearm can be released.
  - b. If the pistol or revolver is to be released to a member of the law enforcement community, proof of employment must be presented before the firearm can be released.
  - c. In the event that the firearm was involved in a conservation violation, a check with the local ENCON officer will be made prior to the release of the firearm.
  - d. In the event the court orders the release of a firearm, a copy of the court order will be kept on file in the case folder.
  - e. The officer who receives the firearm will sign for all released firearms.

E. Return of Property

1. Upon the completion of a criminal case, investigation, or by order of the District Attorney or court and where ownership of evidentiary property or property held in protective custody has been established and where said owner is legally entitled to the property it shall be returned.
2. All returned property will be dated and signed for by the person authorized to receive the property. (On the rear of the white voucher page)
3. A brief narrative will be added by, the evidence officer, to the original case report advising of the property release.

F. Destruction of Property

1. Property being held in protective custody, which has no monetary value and where the owner is unknown or fails to claim the property within 30 days, will become the property of the Town of Marlborough and may be destroyed by the Evidence/Property Control Officers.
2. Property being held in protective custody, which has monetary value and where the owner is unknown or fails to claim the property within 90 days, will become the property of the Town of Marlborough and may be destroyed by the Evidence/Property Control Officers.

G. Destruction of Controlled Substances

1. The Evidence/Property Control Officers will compile an inventory of the controlled substances that are to be destroyed.
2. A check will be made with the courts to obtain the dispositions of drug cases.
3. The District Attorney's Office will be notified and the destruction procedure will be requested.
4. Upon the District Attorney's return of the order of destruction the evidence control officers will destroy the controlled substances.
5. The Chief of Police and/or a Supervisor will witness the destruction.
6. Upon destruction, an affidavit of return will be completed by the evidence supervisor and returned to the court.

H. Unclaimed Property

1. The Evidence/Property Control Officers will make every effort to contact and return property and items held in protective custody, submitted prior to this general order, to their rightful owner.
2. Unclaimed property turned in by a citizen who found it may lay claim to the property in accordance with Article 7-B, Section 252 of the Personal Property Law of the State of New York.

3. Property and Items under protective custody which are unclaimed by the rightful owner as per Article 7-B, Section 253 of the Personal Property Law will become the property of the Town of Marlborough Police.
- a. Weapons and firearms are not property unless obtained in the manner previously described.

I. Weapons Destruction Procedures

1. Prior to the destruction of any firearms/weapons a second check will be made of the:
  - a. Police case file
  - b. Court Disposition Record
  - c. District Attorney's Office (if necessary)
2. The Evidence/Property Officers will follow the municipal weapons destruction procedure as set forth by the New York State Police Headquarters Laboratory in Albany, New York.
3. BB guns, pellet guns, starter's pistols, knives, clubs, etc. will be made inoperable by dismantling and cutting them up.
4. A record will be kept of all weapons destroyed.
5. Weapons kept for display purposes will be deemed police department property and safeguarded accordingly.
6. Weapons Destruction Procedures:
  - a. All weapons for destruction must be submitted directly to the headquarters laboratory in Albany, New York.
  - b. Agencies wishing to submit more than (10) weapons for destruction must contact the firearm section and make an appointment (518) 457-1208.
  - c. All weapons shall be checked by computer for records of lost or stolen records and file checks will be submitted with the weapons.
  - d. All weapons for destruction must be listed and consecutively numbered on the white NYSP Laboratory Firearms Destruction Form.
  - e. Handguns must be packaged in a sealed box containing 20 or less weapons and they will be listed on a separate white form.
  - f. Long arms must be bundled in groups of five (5) and listed on a separate white form.
  - g. All weapons shall have a number attached, which corresponds to the number listed on the white firearm destruction form.
  - h. Miscellaneous weapons such as BB guns, clubs, knives, etc. will not be accepted for destruction.
  - i. No ammunition will be accepted.

- j. A letter of authorization from the Chief of Police or a designee to destroy the weapons must accompany all submissions.
- k. Weapons will not be accepted for destruction unless these submission procedures have been followed.

J. Property/Evidence Control Officers

- a. The Chief of Police shall appoint evidence officers.
- b. Whenever a new evidence officer is designated, an inventory of property and evidence are conducted to ensure that all records are correct. Copies of the inventory shall be given to the Chief of Police.

III. License Plates

- a. Confiscated or surrendered plates should as soon as possible either:
  - Be returned to DMV for destruction, or
  - Be destroyed by the enforcement agency and a list of the destroyed plates sent to DMV
- b. Plates should never be returned to the individual.
- c. If plates are destroyed, a list of those plates must be submitted on the police department letterhead and contain the following information.
  - Plate number
  - Registrant Name
  - Number of plates surrendered
  - Date of confiscation or surrender
  - Method of destruction
  - Date of destruction
  - Signature of person submitting list
  - Date of signature
  -

IV. Film Developing

- 1. Officers designated to get film developed will request (1) set of prints and (1) CD Rom Disc.

V. Inventory & Security

- a. During the month of December every year, a supervisor, along with the evidence control officer, will perform an inventory and record audits of all property and evidence within the custody of this agency.
- b. Copies of the entire inventory shall be given to the Chief of Police.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Evidence Runner**

**Order Number: 3.55**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **EVIDENCE RUNNER**

**PURPOSE:** The purpose of this General Order is to establish guidelines for the handling and transporting of evidence to the New York State Police Crime Laboratory.

#### **I. POLICY**

It is the policy of the Town of Marlborough Police Department to receive and properly tag, seal, record and store all property and evidence. Any property or evidence that has to be analyzed by a crime laboratory will be transported to the New York State Police Mid Hudson Crime Laboratory.

#### **II. EVIDENCE RUNNER**

- A. The Evidence Runner will be appointed by the Chief of Police on the recommendation of the Evidence Officer.
- B. Evidence Runners will be on a standby status and will be advised by the Evidence Officer when there is evidence that has to be transported and submitted to the crime laboratory.
- C. Duty uniform for the Evidence Runner will be plain clothes with Shield/Identification Card and department issue sidearm when off duty.
- D. Duty uniform for the Evidence Runner will be the uniform of the day with all required equipment when on duty.

#### **III. PROCEDURE**

- A. The Evidence Officer will gather any and all evidence that has to be submitted to the crime laboratory for further analysis.
- B. The Evidence Officer will ensure that the submitting officer completed all of the required paperwork for evidence submission.
- C. The Evidence Officer will notify the Evidence Runner when the evidence and the approved paperwork has been checked and gathered.
- D. The Evidence Officer will sign over the property to the custody of the Evidence Runner and brief him/her on any special instructions.
- E. The Evidence Runner will transport any and all evidence in a marked police department vehicle directly to the designated crime laboratory.
  - a. At no point will the Evidence Runner make any unnecessary stops while enroute to/from the crime laboratory with evidence in the vehicle.

The Evidence Runner will turn over any and all evidence returning from the laboratory to the Evidence Officer or the temporary evidence locker (mailbox) when the Evidence Officer is unavailable.



*Town of Marlborough Police Department*

**GENERAL ORDER**

**SUBJECT: Storage Facilities**

**Order Number: 3.56**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**STORAGE FACILITIES**

**Purpose:** The purpose of this General Order is to establish guidelines for the handling and safeguarding of evidence that is in the custody of the Town of Marlborough Police Department.

**I. Policy**

- A. It is the policy of the Town of Marlborough Police Department to receive and properly tag, seal, record and store all property and evidence.
- B. The Chief of Police is responsible for effectively managing and safeguarding property that is in the custody of the police department. The management and safeguarding of evidence and property may be delegated to the designated Evidence/Property Officer.
- C. The Chief of Police, along with designated Evidence/Property Officers, will establish controlled areas, approve deviations and waivers of protection standards, as well as, develop a department resource protection plan in order to safeguard any and all evidence/property in the custody of the Town of Marlborough Police Department.

**II. Controlled Area**

- A. An area to which entry is subject to special restrictions or control for security reasons, or to safeguard property or material. Controlled areas may be of different types depending on the nature and varying degree of importance of the security interest, or other matter contained therein.

**III. Restricted Area**

- A. An area within the police department in which special security measures are employed to prevent unauthorized entry. Only a limited number of personnel will have unescorted access to the restricted area.
- B. A sign will be affixed to the Restricted Area indicating:

WARNING

RESTRICTED AREA

It is unlawful to enter within this room  
without written permission of the Chief of Police.

#### **IV. Entry Control**

##### **A. Unescorted Entry**

##### **B.**

2. Unescorted entry granting procedures begin when the Chief of Police or the Evidence Officer decides a person needs entry to a restricted area on a frequent basis to perform official duties. Unescorted entry is not granted solely to avoid the inconvenience of having to have someone escort the individual. Final determination as to whether or not an individual requires unescorted entry is made by the Chief of Police or the Evidence Officer.

##### **C. Escorted Entry**

3. Escorted entry is the second type of authorized entry. Escorted entry applies to all personnel who may be needed in a controlled or restricted area but do not qualify for unescorted entry. Contractors, utility repair crews and official visitors are examples of such personnel.

##### **D. Entry Authorization List (EAL)**

4. The entry authorization list (EAL) will be established granting access authority to police department personnel on the list. Those officers with stars next to their names will have the authority to escort personnel into the designated area that the list was established for.
5. The following information will be annotated on the Entry Authorization List
  - Name
  - Rank
  - Badge Number

#### **V. Mailbox**

- A. The mailbox in the rear of the police station is the temporary evidence locker for submitting officers.
- B. If the item is too big for a locker, contact should be made with a supervisor, evidence officer or personnel who have authorization to access the storage shed or firearms room.
- C. The evidence officers are the only personnel authorized to open and remove items from the mailbox.

#### **VI. File Drawers**

- A. The file drawers that are next to the bathroom are for the following items:
  1. Film
  2. Audio Tapes

- 3. Cash
- 4. Jewelry
- B. If the item is too big for a drawer, or if a drawer is full contact should be made with a supervisor, evidence officer or personnel who have authorization to access the file drawers.
- C. The evidence officers are the only personnel authorized to open and remove items from the file drawers.

**VII. Lockers**

- A. The two lockers next to the back door in the police station will be utilized by the evidence officers for storage of evidence and evidence paperwork that has to go back to the submitting officers for corrections.
- B. The evidence officer and shift supervisors will have keys to the lockers so the items can be removed and given back to the submitting officer for corrections.
- C. Corrected evidence will be resubmitted into the mailbox for inventory.

**VIII. Storage Shed**

- A. The Storage Shed in the rear of the police station will house all of the evidence and property collected and submitted by officers.
- B. The Storage Shed will be designated a Controlled Area as there are items stored in the shed that have no relevance to evidence.
- C. An Entry Authorization List will be established for the Storage Shed granting access authority to police department personnel on the list. Those officers with stars next to their names will have the authority to escort personnel into the designated area that the list was established for.
- D. A sign in sheet will be posted in the shed and will be completed every time access is made to the shed

**IX. Firearms Storage Facility**

- A. The Firearms Storage Facility will be the room inside of the dispatcher's office.
- B. Access to this room will be strictly limited as it will be designated a Restricted Area.
- C. An Entry Authorization List will be on file with the Chief of Police, Shift Supervisors, Evidence Officer and the Dispatchers.
- D. As the Dispatcher's Office is staffed 24 hours a day, there is no need for an intrusion detection system, however, Dispatcher's will ensure that only authorized personnel gain entry to the room.
- E. The appropriate munitions placards will be displayed in accordance to MSDS and other safety guidelines.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Forfeiture of Seized Assets**

**Order Number: 3.57**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **FORFEITURE OF SEIZED ASSETS**

**PURPOSE:** To notify the Ulster County District Attorney's Office and to put the defendant on notice, that the Town of Marlborough Police Department is seeking the forfeiture of seized assets.

**POLICY:** Whenever a member of the Police Department is seeking the forfeiture of seized assets a "Notice of Intent"-To Seek Forfeiture of Seized Assets form will be completed.

#### **I. DEFINITIONS**

- A. Forfeiture – When a defendant loses seized property or surrenders property as a penalty.
- B. Seize – To forcibly take possession of property.
- C. Property (assets) – Means real property, personal property, money, negotiable instruments, securities, or anything of value or an interest in a thing of value.
- D. Notice of Intent – A written document which describes the seized property and puts the defendant on notice that the Department intends seeking forfeiture of the seized property.

#### **II. SEIZING PROPERTY**

- A. There are two ways members will be seizing property to seeking forfeiture:
  - 1. Subsequent to a lawful arrest. Currency and or personal property is subject to seizure if there is reasonable cause to believe that the currency was obtained by or is a proceed which is the result of criminal activity or it has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense against the laws of this state and at the time of arrest the currency or property is on the person being arrested or at the arrest scene in plain view.

2. Subsequent to executing a search warrant (CPL 690.10). Personal property is subject to seizure pursuant to a search warrant if there is reasonable cause to believe that it has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense against the laws of this state.
- B. Seizing Currency: In order for money to be legally seized and forfeited, State law requires:
1. Probable cause exists to show the money can be traced to drug trafficking, or
  2. The money was intended for the purchase of drugs.
    - a. Simply discovering money on a person who has been arrested for a narcotics violation does not allow for seizure and forfeiture.
- C. Seizing Personal Property: The seizing of vehicles or personal property requires the same threshold of probable cause as seizing money. All seized property must be traceable to the commission of an offense.
1. Some examples of the types of property which can be seized for forfeiture and the associated crime:
    - a. Currency or vehicles used during an illegal narcotics transaction (PHL 3387).
    - b. A computer used to commit an internet crime such as sending pornographic material to a child (PL 410.00).
  2. Pagers, firearms, and marijuana grow equipment should not be seized for forfeiture purposes. Instead, place these items into the property room as evidence. These items are generally not convertible for Department use and seizing them often creates difficulties in the prosecution of the case.
- D. There is no minimum or maximum dollar value needed to be placed on the property in order to seize it for the purpose of seeking forfeiture.

### **III. NOTICE OF INTENT**

- A. The Department has thirty (30) days from the time of seizure to advise the defendant it intends to seek forfeiture of the seized property. If the Department fails to provide the defendant with the Notice of Intent within the thirty days the seized property must be returned to the defendant at the

conclusion of the proceedings. The “Notice of Intent” form fulfills this requirement.

- B. The “Notice of Intent” form shall be completed whenever a member will be seeking forfeiture of seized property.
  - 1. Personal property seized must be described in detail, including all identification numbers.
  - 2. When seizing Currency, the total dollar amount will be sufficient to place in the description section. There is no need to record the serial number of each bill.
  - 3. The member completing the Notice of Intent form shall sign the form in the blank space at the bottom.
- C. The notice of intent for currency or property seized will serve in lieu of a separate property receipt.

#### **IV. DISTRIBUTION OF FORM**

- A. The “Notice of Intent” form has one original and two carbon copies, they are to be distributed in the following manner:
  - 1. Original (white) will be attached to the criminal information and given to the court at the time of arraignment. The District Attorney’s Office will thus have notice and possession of the Notice of Intent form.
  - 2. The yellow copy will be given to the defendant during the processing of the arrest or at arraignment.
  - 3. The pink copy will be kept with the department case file.

*Town of Marlborough Police Department*



**GENERAL ORDER**

**SUBJECT: Part Time Officers**

**Order Number: 3.58**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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**PERSONNEL RULES FOR PART-TIME OFFICERS**

**PURPOSE:** To establish procedure that will ensure qualified candidates are selected for hiring as Part-time Town of Marlborough Police Officers and that the selection process is valid, job-related, non-discriminatory, and appropriately documented.

**I. POLICY**

It is the policy of the Town of Marlborough Police Department to recruit and select the best possible candidates for the position of Police Officer, and to afford equal employment opportunity to all eligible candidates. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau for Municipal Police and the Town of Marlborough Police Department. It shall be the responsibility of the Chief of Police to coordinate selection activities.

**II. PROCEDURE**

**A. Recruitment**

As the need arises, recruitment will be done via a Press Release. Such announcements must include the following components:

1. A description of the duties associated with the position to be filled.
2. Requirements that must be met in order to qualify for the position.
3. Information that prospective candidates need to know about the application process.
4. Notice that the agency is an Equal Opportunity Employer.

**B. Selection Process**

**1. Applications**

- A. All Ulster County Department of Personnel applications from certified police officers will be accepted and forwarded to the Chief of Police.



- B. Candidates not already certified will be advised that they may apply for part time dispatch. If hired after 18 months of service or at the discretion of the Chief of Police they may request appointment to a police academy as a part time officer candidate. The decision to appoint will be made by the Chief of Police based upon performance and the need for additional part time police officers at the time.

2. **Preliminary Interview**

Candidates who meet the requirements specified in Section A of this directive will be given an oral interview by the Chief of Police and/or his designee(s). Oral interviews will consist of a set of uniform questions and the results obtained will be recorded on a standardized form. The results will be kept on file for a minimum of one (1) year after appointments resulting from any series of interviews.

3. **Background Investigation**

A thorough background investigation will be conducted which will include, but not be limited to, investigation of the candidate's family, education, residence, work record, physical and emotional health, organizations and affiliations, references, social contacts, credit record, D.M.V. record, military history, county records, such as liens and judgments and criminal history record. All candidates are subject to a lie-detector examination, administered by a certified operator, in order to confirm truthfulness in background information.

4. **Fingerprints**

Candidates are fingerprinted at a certified New York State certified live scan civilian fingerprinting center for a state and federal criminal history search. An established fee is mandated by DCJS and is paid for by the candidate.

5. **Medical Examination**

All candidates will be given a medical examination by a licensed physician in accordance with the standards prescribed by B.M.P at a location designated by the Chief of Police. This exam includes testing for illegal drug use and will be paid for by the candidate.

6. **Psychological Screening**

All candidates are subject to an evaluation by a qualified psychologist to establish a level of emotional stability and psychological fitness compatible with the duties of a law enforcement officer.

**7. Final Interview**

A final interview is conducted by the Chief of Police and/or his designee(s). Final recommendations are made to the Chief of Police for appointments to the position of Police Officer.

**C. Probationary Appointment**

All appointments to the position of Police Officer will be on probation for as long as allowable by New York State Civil Service regulations. Subsequent to the effective date of appointment and prior to commencement of official duties, the appointee will be administered the standard oath of office for Police Officer by the Town Clerk.

**D. Maintenance of Records**

All records of appointed candidates which are not maintained by the Ulster County Civil Service Commission shall be maintained by the Town of Marlborough Police Department for a period of six (6) years beyond the duration of their employment.

**E. Field Training and Evaluation Program**

Part-time officers must satisfactorily complete 48 hours of the Office's F.T.O. Program (this is in addition to the supervised field training required by M.P.T.C.).

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: License Plates**

**Order Number: 3.59**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **SEIZURE OF LICENSE PLATES**

**PURPOSE:** To establish procedure for license plate seizures.

#### **I. POLICY**

It is the policy of the Town of Marlborough Police Department to document the seizure of license plates and to ensure such plates are routinely brought to the Ulster County Motor Vehicle Bureau for proper disposal.

#### **II. PROCEDURE**

##### **A. Receipt**

1. The police department has established a license plate seizure form for use by members. This form will provide motorists with a receipt to be used as proof to the Ulster County Motor Vehicle Bureau that their plate(s) were in fact seized by this police department.
2. The receipt is in triplicate form. It must be distributed as follows:
  - a) Provide a copy to the motorist upon seizure of plate(s).
  - b) Remaining two copies accompany plate(s) to the sergeant's office at HQ.
  - c) One is for police department records. The other stays with the plate(s) and must accompany plate(s) to the Motor Vehicle Bureau.

##### **B. Plate Disposal and Documentation**

1. Any plate seized that is not evidence will be turned into the sergeant's office at headquarters.
2. At the end of **every month** a supervisor will arrange to have the plates with related receipts delivered to the U.C. Motor Vehicles Bureau.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Sex Offender Registration**

**Order Number: 3.60**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **SEX OFFENDER REGISTRATION/NOTIFICATION**

**PURPOSE:** To delineate uniform community notification procedures regarding sex offenders as designated by The New York State Division of Criminal Justice (NYSDCJS)

**POLICY:**

1. The Chief of Police or a designated supervisor in charge will be responsible for the proper dissemination of information regarding NYSDCJS designated sex offenders.
2. Unless explicitly directed, other members of the department are not to provide specific information regarding sex offenders. However, they may refer persons making such inquiries to call the NYSDCJS Sex Offender Registry at 1-800-262-3257 and/or to access the information via their website at [www.criminaljustice.state.ny.us](http://www.criminaljustice.state.ny.us). Persons insisting upon further information will be referred to The Chief of Police.

NOTE: The NYDCJS website provides complete information on **Level 2 and 3** sex offenders including photographs. Information on all three levels of designated sex offenders is available from The NYSDCJS via telephone inquiries only.

**PROCEDURE:**

1. NYSDCJS will provide a sex offender information sheet and cover letter to our department whenever a designated sex offender is to reside in locations within the Town of Marlborough.
2. Upon receipt of such information, The Chief of Police or designated supervisor in charge will review the paperwork. The home address and designated offender level will be confirmed through NYSDCJS. Additionally, the supervisor concerned will assign an officer to visit the address and verify the offender's residency. That officer will report the results of their inquiry to the assigning supervisor and prepare an RMS report documenting the same.
3. As per NYSDCJS regulations, certain information on all sex offenders *may* be released by law enforcement agencies. Upon notification from NYSDCJS that a registered sex offender has taken up residence in the Town of Marlborough, the Chief of Police is authorized to release all information as allowable per those regulations. This release may be done as soon as possible in the following manner:

- The Superintendent of Marlboro Public Schools, Public Library Directors and owner's of children's care facilities may be delivered written notice. The notice may provide offender information and direct the reader to visit the NYSDCJS website for more complete information on level two and three sex offenders. They may be further directed to contact NYSDCJS via telephone for level one sex offender information. Additionally, the notice will advise that as per NYSDCJS, "any entity receiving such information may disclose or further disseminate such information at its own discretion". The delivering officer will obtain a signature verifying receipt of the documentation and prepare an RMS report regarding the delivery of the notice. The receipt will be returned to the Chief of Police along with a copy of the RMS report.
- All private residents, church facilities and businesses in which children might be present located within 1,000 feet of the registered sex offender may be provided a similar written notice in the form of a flyer.
- The Chief of Police will prepare a legal notice in regards to be placed in local newspaper publications by The Town Clerk.

4. All written notices released by any Town of Marlborough official regarding registered sex offenders must contain the following disclaimer "This literature is provided for your information. Anyone who uses this information to harass or commit a criminal act against any person may be subject to criminal prosecution".

5. Information as well as photos of all designated level 2 and 3 sex offenders will be placed for viewing within Town Hall at a location as determined by The Town Supervisor.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Arrest Process**

**Order Number: 3.61**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **ARREST PROCESS**

**PURPOSE:** To establish procedure in processing arrests.

#### **I. BACKGROUND**

This directive serves as a general guide to be used in conjunction with other police department procedures that prescribe specific requirements.

#### **II. POLICY**

It is the responsibility of members to process arrests in accordance with applicable federal, state and police department requirements. Members must keep themselves informed of current laws and be knowledgeable of those police department policies and procedures related to this order.

#### **III. PROCEDURE**

- A. Whenever an arrest is made, the officer will cause a check to be made of arrestee's name to ascertain if any warrants are outstanding for the individual.
- B. Fingerprints and photographs will be taken as prescribed in general order 3.49.
- E. Arraignment
  - 1. Any person arrested for a class A, B, C or D felony, or violation of sections 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the Penal Law, must be arraigned.  
NOTE: All felony DWI arrests will also be arraigned.
  - 2. Officers will, after performing all recording, fingerprinting and other preliminary police duties required in the particular case, without unnecessary delay bring or cause to be brought before local criminal court for arraignment (CPL 140.20).
- F. Appearance Tickets
  - 1. In E felony and all misdemeanor and violation arrest cases, the arresting officer has the discretion to issue an appearance ticket in place of

presenting the arrestee before a local criminal justice for arraignment (CPL article 150). Except for any felony DWI arrest.

The determination to issue an appearance ticket will be based on such considerations as the charge, the circumstances of the alleged incident and the arrestee's roots in the community.

2. It will be the arresting officer's responsibility to make certain that the accusatory instrument and all other supporting documents reach the proper local criminal court prior to the time set for appearance of the defendant, where an appearance ticket has been issued.

G. Generally, the following forms will be used upon an arrest in addition to the specific documents prescribed in the general order stated above.

Accusatory Instrument

Statement of Readiness (attached to accusatory in violation cases)

Supporting Deposition

Voluntary statement

Miranda Waiver

Appearance ticket

#### F. Prisoner Handling

1. Officers will ensure that the camera switch is turned on when they arrive back to the station to process an arrest
2. Officers will remove all personal property from the prisoner to include **cell phones** and evidence. Officers will use specified containers labeled "prisoner property." These items will be placed in a location that is not accessible to the prisoner.
  - A. Cell phones devices have been observed to contain built in hidden knives or keys as well as some that can actually discharge a ballistic round. Beyond safety cell phones may contain hidden compartments as well as be used to communicate information to others you do not wish to receive said information. **TAKE CELL PHONES DURING ARREST PROCESS.** Check the phone thoroughly as possible without causing damage.
3. Prisoners will be handcuffed and shackled if necessary to the bench at all times.
4. Any and all phone calls made on behalf of the prisoner will be completed by the police department phones.

5. To ensure your safety as well as others when processing prisoners;
  - A. Secure your weapon.
  - B. Activate the audio/video recording device as soon as you come into the facility with a prisoner. Ask dispatch to do so while en route to the station if necessary.
  - C. Never forget that prisoners are in your custody for a reason. Treat them professionally but assume nothing; keep them properly cuffed and shackled.
  - D. Do not leave a prisoner unsupervised except in extreme emergencies. Never turn your back to a prisoner.
  - E. Thoroughly search all items of clothing within reason. Request a female officer to respond if necessary.
  - F. Remove every item you reasonably can during processing. Lawfully possessed items will be returned to the prisoner upon their release from custody. Officers will deliver the removed items to the law enforcement concerned that may be taking custody of the defendant. For your protection, officers returning the items will do so in view of our video camera. Officer wishing to further protect themselves may utilize an evidence/property receipt form to record the temporarily removed items and subsequently have the form signed by the prisoner upon return of their property.
  - G. Keep all removed items clearly out of the reach of the prisoner(s).



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: AED**

**Order Number: 3.62**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **AUTOMATED EXTERNAL DEFIBULLATORS (AED)**

**PURPOSE:** To establish procedure for use of Public Access Defibrillators (PAD).

#### **I. POLICY**

It shall be the policy of the Town of Marlborough Police Department to:

- A. Provide the Automated External Defibrillator (AED) for deployment in designated marked patrol cars assigned during each tour of duty.
- B. Provide designated employees of the police department with training in the use of said AED that is in compliance with the American Heart Association Heartsaver AED Course (or it's equivalent).
- C. Ensure that AEDs deployed by the police department are properly maintained to ensure their effective use in an emergency.
- D. Maintain a collaborative agreement with the Hudson Valley EMS Council Medical Advisory Committee regarding Public Access Defibrillation.
- E. Provide Emergency Health Care Provider with all written and digital records when the device is utilized on any patient, and participate in quality improvement review pursuant to Subdivision 1, Section 3004A of Article 30 of the Public Health Law.

#### **II. PROCEDURE**

- A. Trained officers at the beginning of each shift will sign out AED. Each officer will fill out a checklist to ensure that the unit is operational and that all associated equipment is accounted for. The unit will be signed back in at the end of each shift.
- B. The AED units will be kept in the passenger compartment of the police vehicle to ensure that they are kept at the appropriate temperature.
- C. Officers trained in the use of the AED will, when advised by a dispatcher, respond to situations that may require the use of an AED.
- D. Officers will perform appropriate emergency measures as per Town of Marlborough Police Department PAD AED Algorithm.

**NOTE:** The highest medical authority on the scene shall assume medical control of the emergency situation.

E. In the event that an AED is used, the officer who used the device shall complete a PAD Quality Improvement card provided by the sergeant in charge of units and mail it to the address on the card.

F. The officer who administered the AED shall file a report in RMS.

G. The AED will be returned to service with the assigned officer ensuring that the unit is in proper working condition and capable of use at a subsequent event.

H. It shall be the responsibility of each individual officer to report any problems (including, but not limited to; malfunctions, missing parts, damage, or loss) associated with the AED to the AED unit coordinator using the appropriate notification format.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Bicycle Patrol Unit**

**Order Number: 3.63**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **BICYCLE PATROL UNIT**

**PURPOSE:** Establish criteria for deployment and responsibilities for the bicycle unit.

#### **I. POLICY**

- A. Members assigned to the Bicycle Patrol Unit shall successfully pass a police bicycle patrol course and maintain adequate physical condition to work as a bicycle patrol deputy. Assignment to the unit will be at the discretion of the Chief of Police.
- B. The primary concern of the officer shall be his or her own safety and the safety of others during any operation of the bicycle.
- C. Officers shall carry out bicycle patrol in a manner which projects high visibility and police presence in locations that normal foot patrol would not be as effective and areas that would not allow motorized patrol. Locations of high volume crowds, parks, recreation areas, trails and large public gatherings shall be targeted areas. High visibility police presence

#### **II. PROCEDURE**

##### **A. Uniform/Equipment**

- 1. Equipment that is to be assigned to each officer's police model mountain bicycle is department forms for basic law enforcement duties, first aid kit, pocket mask, water bottle and bicycle headlight.
- 2. The approved uniform shall consist of riding shorts or riding pants, white polo type shirt with department patches, bicycle type helmet with reflective markings, clear protective eye wear or sun glasses, protective bicycle type riding gloves, standard issue gun belt in either leather or nylon material with standard duty equipment. Optional equipment may include; turtle neck cool weather shirt, knit type hat to be worn under helmet.

##### **B. Patrol**

- 1. Patrol assignments shall be at the discretion of the Chief of Police and the shift supervisor. Patrol may be carried out for a whole or any part of the

shift. Patrol should be made with units in tandem although solo patrol assignments can be carried out.

2. Officers assigned will conduct a safety check of their bicycle prior to each use; lights, tires, brakes, reflectors and operating equipment must be within operating specifications.
3. At all times when the bicycle is in operation whether on or off duty, protective gear including the helmet must be worn.
4. Bicycle patrol officers shall normally not operate during periods of rain, snow, sleet or other inclement weather. When the temperature falls below 40 degrees or other conditions could make bicycle patrol hazardous continued operation shall be at the discretion of the patrol deputy.
5. Bicycle patrol officers shall transport their bicycles to and from patrol venues either inside a vehicle or properly affixed to a vehicle bicycle rack.
6. Any malfunctions or unsafe conditions found on the bicycle or related equipment shall be reported to the unit supervisor for repair before continued use.
7. In response to crimes in progress or calls for service within the unit's venue, bicycle patrol deputies shall become officer of record. Motorized units assigned to that venue may assist in transportation or other needs.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Awards & Decorations**

**Order Number: 3.64**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

### **AWARDS & DECORATIONS**

**PURPOSE:** To establish criteria and procedures for recognizing police officers who perform above and beyond the normal standards.

#### **I. POLICY**

##### **A. Departmental Awards**

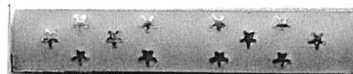
1. Awards shall be bestowed upon department members in recognition of performance of duty and for other acts as described.

##### **Marlborough Police Department Awards:**

##### **a. The Medal of Honor**

Awarded for: An outstanding act in the line of duty, at imminent personal hazard of life, with full knowledge of the risk involved.

Award consists of citation bar, certificate and optional ribbon with medal.



##### **b. The Combat Cross**

Awarded for: An individual act of heroism, at imminent personal hazard of life, in combat with an armed adversary.

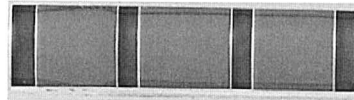
Award consists of citation bar, certificate and optional ribbon with medal.



**c. The Wound Citation**

Awarded for: A wound received in the line of duty, inflicted intentionally by an armed adversary, resulting in severe puncture wounds, lacerations, fractures or concussions being suffered by the nominee.

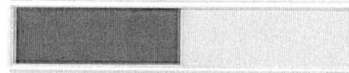
Award consists of citation bar, certificate and optional ribbon with medal.



**d. The Life Saving Award**

Awarded for: An act performed in the line of duty which, through disregard of personal safety, or prompt and alert action, results in saving a life.

Award consists of citation bar, certificate and optional ribbon with medal.



**e. The Meritorious Service Award**

Awarded for; A highly unusual accomplishment, under adverse conditions, with some degree of hazard to life and limb to the nominee, OR where death or injury to a third party is prevented.

Award consists of citation bar, certificate and optional ribbon with medal.



**f. The Exceptional Duty Award**

Awarded for: A highly credible accomplishment, bringing public acclaim to himself, his department or the police profession, as a result of training, devotion to duty or service to the public.

Award consists of citation bar, certificate and optional ribbon with medal.



**g. The Legion of Honor**

Awarded for: Permanent injury in the line of duty, including: arrest, wounds from gun shots, traffic or fire accidents; or hospitalization as a result of work-related heart condition, etc. thereby preventing an officer from further serving in the active role of his job for a minimum period of three (3) months or longer.

Award consists of citation bar, certificate and optional ribbon with medal.



**h. The Educational Achievement Citation**

Awarded for:

1. College credit: Associates Degree or 65 credit hours from an acknowledged university or college, or
2. Bachelors Degree or 130 credit hours from an acknowledged university or college, or
3. Masters Degree, or
4. Law degree, Ph.D. or doctorate, or
5. Police study or courses to be pro-rated at a rate of 15 class hours equaling one (1) college credit hour (see 31 and #2 above), or
6. The introduction of a new method or device which is adapted to departmental administration or to improve tactical procedures.

Award consists of citation bar and certificate.



**i. The Honorable Service Award**

Awarded for: A credible act in the line of duty, showing initiative and accomplishment.

Award consists of citation bar and certificate.



**j. The Police Service Award**

Awarded for: Cumulative service with the Town of Marlborough Police Department, given in 5 year increments. NOTE: Appropriate numeral denoting service time is attached to the citation bar.

Award consists of citation bar and certificate.



**k. The Gold Shield Award**

Awarded for: Unusual or cumulative examples of outstanding police work – unusual and notable in nature.

Award consists of a citation bar, certificate and a plaque.



**l. The DWI Arrest Award**

Awarded for:

First Place: The officer receiving this award must have performed as the primary arresting officer in at least ten (10) DWI arrests, as such arresting officer must have had more such DWI arrests than any other officer in this department, for a specified period of time.

Second Place: The officer receiving this award must have performed as the primary arresting officer in at least (10) DWI arrests, and as such arresting officer must have had more such DWI arrests than any other officer in this department, but less



than the officer qualifying for the first place award, for a specified period of time.

Awards consist of a certificate.

**m. The Chief of Police Citation**

Awarded for: An act in the line of duty that displays the nominee's excellence in his work assignment or other outstanding accomplishments.

Award consists of a certificate.

**n. Honorable Discharge**

Awarded for: recognition of an officer who is eligible for retirement and/or entering new employment opportunities, and has served the community during this period of service in an honorary fashion for a minimum of five years.

Award consists of citation bar, certificate and optional ribbon with medal.



2. Civilian Awards – Awards shall be bestowed upon civilians in recognition of outstanding performance as described.

**a. The Civilian Service Award**

Awarded for: Personal assistance by a civilian in apprehending a criminal, or in extending oneself beyond one's own safety to provide prompt action to aid people who are in danger.

Award consists of citation bar and certificate.



**B. Other Awards**

1. Military

- a. The military Medal of Honor may be authorized once adequate documentation is supplied to the Chief of Police.

## 2. External Police Departmental Awards

- a. Awards bestowed upon department members by other police departments while the member is in the service of this department may be worn if:
  - (1.) Documentation is supplied by the issuing department, and
  - (2.) The procedure depicted in “Authority”, paragraph A ad B. 1” are followed and,
  - (3.) No existing department award is identical or comparable to those issued by this department.
- b. Awards bestowed upon department members by other police departments that are identical or comparable to those issued by this department shall result in the wearing or award citation bars issued by this department or a subsequent issuance indication of that award.

## 3. Civilian Awards

- a. The wearing of awards issued by civilian organizations shall be authorized at the discretion of the Chief of Police after review as outlined in paragraph “Authority”.

## 4. Employee Transfers

- a. Employees who transfer into this department, who have received awards during their past employment, and who wish to wear citation bars depicting those awards, may receive authorization to do so, per the procedure outlined in “Other Awards – External police Departmental Awards.”

# II. AUTHORITY

- A. The Chief of Police shall determine who is authorized to receive and/or display any award.
- B. An award shall be authorized only:
  - 1. After complete documentation has been received by the department.
  - 2. After a certificate authorizing said award is signed by the Chief of Police in office at the time the award is granted.

# III. SPECIAL AUTHORITY & CIRCUMSTANCES

- A. In the event that the Chief of Police is named a candidate for a departmental award, the Chief of Police shall be replaced as the final authority, for the purposes of this referral only, by the next highest ranking member of the department in agreement with all other department supervisors and PBA president.

#### **IV. PROCEDURE**

The awards presented to the employees of the police department shall be worn in the following manner:

A. Wearing of Citation Bars:

1. All citation bars shall be worn with the colors in position as set forth in the department policy.
2. No citation bar will be worn without a proper leather citation holder which also holds the department shield.
3. Citation bars shall be worn in the order of importance, with most prestigious citation bar on top.

B. Request for Departmental recognition:

1. Any member of the department who believes that another member has performed an act that is worthy of departmental recognition shall:
  - a. Submit the name of the person recognized to the Chief of Police. The Chief of Police will designate a supervisor to review the request.
  - b. Document in writing why this member should be recognized
    - (1) Documentation should include the act for which the person is to be recognized along with concise details of the act;
  - c. An awards committee may be formed by the supervisor concerned to review the award request. That committee will include the PBA president or other PBA members available, the supervisor concerned and one other supervisor.
2. Supervisor will forward the request for recognition to the Chief of Police with their endorsement including their recommended award level or denial.

#### **V. PRESENTATION OF AWARDS**

- A. Final award determination will be at the discretion of the Chief of Police.
- B. Awards may be presented formally as deemed necessary by the Chief of Police
- C. A copy of the award shall become a permanent part of the employee's personnel file.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Field Training Officer Program**      **Order Number: 3.65**

DATE ISSUED: 09/10/10    BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10      REPLACES ORDER #(S): APR

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### **FIELD TRAINING OFFICER**

**PURPOSE:** To establish criteria and procedures for the selection and training of Field Training Officers, Chain of Command for Field Training Officers and the Town of Marlborough Police Department's Field Training guidelines for new hires and recruits.

#### **I.      POLICY:**

##### **A.   Selection of Field Training Officers**

1. The Field Training Officer is the single most critical position in the Field Training Program.
2. The Town of Marlborough Police Department will select the best qualified candidates to maintain high standards and uniform training for the field training program.
3. The Chief of Police will appoint qualified police officers to the FTO position.

##### **B.   Training of Field Training Officers**

1. Each police officer appointed to the position of Field Training Officer will attend a New York State mandated certification course: "Police Field Training Officer Course" that is administered by the New York State Division of Criminal Justice Services.

##### **C.   Field Training Officer Program Chain of Command**

###### ***1.   Field Training Commander***

- a. The Field Training Commander will be the Chief of Police and will have responsibility for the entire Field Training and Evaluation Program.
- b. The Field Training Commander has responsibility for the direct supervision of the FTO Supervisors.
- c. The program commander is responsible for maintaining, overseeing and updating the entire program operation. He or she revises manuals and implements change when the need arises.
- d. The program commander will maintain a complete set of files so that administrative, personnel and training

information may be recorded and preserved. The commander should also assure that these files remain confidential.

- e. The program commander will be responsible for refresher training to be given periodically and keeping FTO's current on law enforcement trends by sending FTO's and FTO Supervisors to any in-service training that presents itself through out each year.
- f. The program commander will be responsible for the assignment and rotation of all recruit officers. The commander should see that the recruit officer is exposed to all shifts and areas of the town as much as is practical.

## **2. *Field Training Supervisor***

- a. The role of the FTO Supervisor is one of significant importance to the success of a Field Training and Evaluation Program.
- b. The Field Training Supervisor/Squad Leader will be appointed by the Chief of Police.
- c. The FTO Supervisor has the responsibility to monitor the training of every recruit officer assigned to their watch and assist the FTOs in accomplishing their goals.
- d. The FTO Supervisor will see to it that the FTO's Daily Observation Reports and any other administrative tasks are completed and on time.
- e. Patrol functions take priority over training and there may be circumstances where Field Training Program procedures should not be adhered to. The FTO Supervisor has the authority to deviate from the program when necessary but will return to normal as soon as possible and explain to the recruit officer why procedures were changed to avoid confusion.

## **3. *Field Training Officer***

- a. The FTO will present a professional bearing and appearance and have a positive attitude toward the job
- b. The FTO will utilize a variety of teaching skills and techniques to ensure that the maximum amount of learning is achieved.
- c. The FTO will provide clear direction to guide the recruit to an acceptable level of performance and will recommend remedial training when and where appropriate.
- d. The FTO will remain perceptive to the needs of the recruit as they relate to job performance and utilize positive learning techniques in achieving the goals and objectives of the field training program.
- e. The FTO will complete a Daily Observation Report each day and assure that they are numbered properly.

- f. Any formal counseling or discipline with a recruit will be done with the FTO Supervisor in attendance

#### **4. *Recruit Officer***

- a. The recruit officer will be assigned to an FTO upon arrival to the police department. The assignment will be given by the Chief of Police.
- b. The recruit officer's immediate supervisor will be the Field Training Officer throughout the four phases of the Field Training Program. Any and all issues, questions and problems will be directed to the FTO.
- c. No recruit will entertain or receive training from a police officer that is not certified as a Field Training Officer or a Police Training Instructor.
- d. If the recruit has an issue or problem with his or her assigned FTO, the FTO Supervisor will be contacted by the recruit to address the issue or problem immediately. A meeting will be made by the FTO Supervisor with the recruit and the FTO to solve the issue.

## **II. Town of Marlborough Police Field Training Program**

### **A. Town of Marlborough FTO Program**

#### **1. Basic Recruits/New Hires**

- a. PHASE 1: 4 weeks
  - The introductory phase where recruits learn basic skills.
  - 4 weeks will be the mandatory New York State requirement of 160 hours during the police academy.
  - 1 week basic skills training
  - Recruit will be assigned to his/her initial FTO
  - 40 hours will be paid for part time personnel
  - Full time recruits will be at full pay
- b. PHASE 2: 1 week
  - Recruit starts to master skills learned in Phase 1
  - Recruit may be assigned to his/her second FTO for Phase 2.
  - Recruit must be scoring 3's or better consistently 51% of the time in ALL Daily Observation Report categories in order to move on to solo patrol.
  - 40 Hours will be paid will be paid for part time personnel
  - Full time recruits will be at full pay
  - After the 40 hours is completed the recruit will complete an additional 8 hours of field training with a certified FTO Sergeant. In the absence of the certified FTO

Sergeant the recruit can complete the 8 hours with another Sergeant.\*

- At the end of the 200 hours of field training, the recruit will meet with the Field Training Officer, FTO Sergeant and the Chief of Police for a performance review and a determination will be made whether to extend field training or release the officer to solo patrol.

2. Laterals/Part Time

a. Part Time Laterals will be assigned to an FTO and will receive 40 hrs of field training.

b. After the 40 hours is completed the part time lateral will complete an additional 8 hours of field training with a certified FTO Sergeant. In the absence of the certified FTO Sergeant the part time lateral can complete the 8 hours with another Sergeant.\*

c. At the end of field training, the recruit will meet with the Field Training Officer and the FTO Sergeant for a performance review and a determination will be made whether to extend field training or release the officer to solo patrol.

d. The FTO Sergeant will meet with the Chief of Police in person to report any concerns regarding the candidate.

3. Laterals/Full Time

a. PHASE 1: N/A

- Full Time Laterals will be exempt from Phase 1.

b. PHASE 2: N/A

- Full Time Laterals will be exempt from Phase 2.

c. PHASE 3: 1 Week

- Recruit must be scoring 3's or better consistently 51% of the time in ALL Daily Observation Report categories in order to move on to Phase 4.

d. PHASE 4: 1 Week

- Evaluation or testing phase

- Officer will be able to operate as a solo patrol

- The recruit officer will remain with his/her original FTO to be evaluated in Phase 4.

- After the 40 hours is completed the full time lateral will complete an additional 8 hours of field training with a certified FTO Sergeant. In the absence of the certified FTO Sergeant the full time lateral can complete the 8 hours with another Sergeant.\*

- At the end of field training, the recruit will meet with the Field Training Officer and FTO Sergeant for a performance review and a determination will be made whether to extend field training or release the officer to solo patrol.

- The FTO Sergeant will meet with the Chief of Police in

person to report any concerns regarding the candidate.

### **III. Field Training Officer Administration**

#### **A. Staff Meetings**

1. Periodic field training meetings will be conducted to exchange information regarding recruit progress and performance, troubleshoot deficiencies in the program and discuss/develop training strategies.
2. The Chief of Police will designate the date and time of the meetings upon the request of the FTO or another supervisor.
3. The FTO will meet with supervisors on a daily basis to give progress reports on the recruit and his/her progress. A written report will be provided to the Chief of Police and the supervisory staff on a weekly basis giving a synopsis of recruit training and his/her progress.

#### **B. Remedial Training**

1. Remedial training plans will be designed to correct or review taught information or procedures.
2. In entering the remedial training, the recruit should already be aware and has acknowledged the areas where their performance was deficient.
3. A remedial training worksheet will be completed by the FTO for recruit officers that are continuously performing below agency standards and are in need of remedial training beyond that which has been recorded on the Daily Observation Report. These recruit officers are typically those that receive the rating of "NRT" on the Daily Observation Report.

#### **C. Termination Process for Trainees**

1. The field training program is designed to produce competent, proactive solo patrol officers. The termination process is an appropriate alternative for those who do not reach that level.
2. The Town of Marlborough Police Department will adhere to agency policy and procedure, the collective bargaining agreement between the Town of Marlborough and the Town of Marlborough PBA, as well as, civil service law when terminating a police recruit.
3. All memorandum having a bearing on an eventual decision (DORs, Supervisor Reports, Remedial Training Reports, etc) will be gathered.
4. After all documentation have been reviewed, a recommendation will be made to the Chief of Police.
5. The recruit officer will be notified of the pending recommendation and will be allowed the opportunity to speak to anyone in the Chain of Command.
6. The recruit may elect to resign in lieu of termination.
7. The Town of Marlborough Police Department will retain all memoranda and reports related to termination.



*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Dog Complaints and Related**

**Order Number: 3.66**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

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### **DOG COMPLAINTS AND RELATED**

**PURPOSE:** To clearly delineate department member's responsibilities in addressing incidents involving dogs and other animals.

**POLICY:**

All members of this department will make every effort to treat animals in a humane and responsible manner. Members will address complaints involving animals promptly and professionally. Members of the department will utilize the services of the Dog Control Officer when available. However, at no time will we ignore or refer a complaint involving an immediate threat to safety or active nuisance complaints which potentially involve violations of law or town code.

**PROCEDURE:**

Dispatchers

1- Upon receiving an animal complaint, dispatchers will obtain all pertinent information and record the same in the telephone dispatch log and RMS report. This does not include incidents involving domestic cats. Persons calling in domestic cat complaints will be referred to the A.S.P.C.A.

2- Based upon the time of day and the incident reported, the dispatcher will determine whether to contact the Dog Control Officer and/or patrol units for response. Patrol units will be dispatched to immediately respond if the complaint involves an active threat to the safety of humans and/or animals. Patrol will investigate the situation and determine if the Dog Control Officer should be requested for assistance if he is not already on the way. Patrol will also respond without unnecessary delay to any animal complaint which would be classified as a nuisance and/or potentially in violation of law or town code if the Dog Control Officer is unavailable.

3- Town protocol dictates that the Dog Control Officer is available for non- emergency calls from 0800 hours to 1800 hours, Monday through Friday excluding holidays. During available hours, dispatchers will notify the dog warden to respond to address nuisance complaints. The Dog Control Officer may also be called during off hours for non-emergency calls that are unusual and/or difficult to address. Patrol will be dispatched to assist the dog warden at such calls if he requests help from an officer.

4- In the event that the dog warden is needed at the scene but unavailable at any time, members may contact the A.S.P.C.A. or D.E.C. Ideally, the A.S.P.C.A. will be the first called for domesticated animals and the D.E.C. for wild animal incidents.

5.-Dispatchers receiving lost animal complaints will obtain information including a description and prepare a complete RMS report. Patrol units will be advised of the location and description of the animal for their attention and information. The Dog Control Officer will be notified directly regarding both lost and found dogs during available hours. If unavailable, a voice mail describing the details will be left for Dog Control Officer. That voice mail must contain all of the complainant's contact information.

### Officers

1- With the exception of domestic cat calls or lost and/or found animals, officers will respond to *and investigate* all animal complaints if the Dog Control Officer is unavailable. The officer concerned will not refer the complaint prior to responding to investigate unless it is included in the above stated exceptions. The officer concerned will prepare appropriate reports and make notifications as necessary.

2- Officers investigating animal bites and/or possible rabies exposure will notify the on call supervisor. Officers will also call the Dog Control Officer and The Ulster County Department of Health directly during business hours to report possible cases of rabies exposure. Investigating members will also prepare a Dog Bite Report as appropriate. The report will be attached and forwarded with the RMS report. Officers will leave a voice mail for the Dog Control Officer explaining the details of any potential exposure if he was unavailable when the incident was initially investigated.

3- The Dog Control Officer will issue summonses for animal related violations committed within his presence. Officers may do the same regarding *dog complaints* if the Dog Control Officer is not present. These violations will be issued based upon violations of town code. Copies of those codes are attached.

4- Allegations made by complainants indicating violations of those same town codes when not witnessed by officers or The Dog Control Officer may result in a signed voluntary statement if desired by the complainant. Additionally a *dog complaint information* may be completed and signed by the same complainant. That signed information will result in a *criminal summons* being prepared by the officer concerned *if* the complaint warrants charges. Keep in mind that a *persistently barking dog* charge must fit the town code definition to be valid. If prepared, the court will be given the original criminal summons, the original information, and copies of any voluntary statements if applicable. Officers will file copies of all of the forwarded documents in the case file. The judge will then determine whether or not to sign the same. If so, the signed criminal summons will be returned to the police department with all other documentation. An officer will then serve the defendant a copy of the signed criminal summons and information. The serving officer will prepare a *certificate of service* and return the same to the court accompanied by the original criminal summons and the original information. The serving officer will make also copies of all documents served for placement in the case folder. All forms necessary to complete this process are now available in a PDF fill

in the blanks format in our computer (go to the accusatory folder and then TWNCDE to access). In case the computers are down, a fill in the blanks written versions of the same are available in the dog complaint folder in the forms file cabinet. All forms concerned are attached.

Ultimately, it is our obligation to protect both the rights of animal owners as well as other citizens within our community. As in all cases, we must be impartial in our enforcement and make the best effort we can to safeguard animals from unnecessary harm. However, our first priority must always be the protection of human beings and we must act accordingly.

*Town of Marlborough Police Department*



## **GENERAL ORDER**

**SUBJECT: Incident Reports**

**Order Number: 3.67**

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

### **INCIDENT REPORTS**

**PURPOSE:** To establish responsibility for the proper recording of incident (complaint) reports received by the Town of Marlborough Police Department utilizing the RMS System.

#### **I. POLICY**

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

- A. It must be comprehensive and include records of all police activity.
- B. It must be adequately indexed to permit ready reference and a retrieval of information.
- C. It must be as simple as possible, without the loss of comprehension and speed.
- D. It must lend itself to summarization and analysis to provide for the periodic appraisal of police services, requirements, and effectiveness.

Accurate incident reports are probably the most important case documents. Remember that all documents, notes, computer queries, etc., must be entered in our individual case files as per Rosario rules.

#### **II. PROCEDURE**

##### **A. Log Entries**

1. Log entries are written entries in the Dispatcher Log Book and are for written record only. It is an entry that does not require an incident number or police investigation. It is a log to account for some kind of inquiry to the police department or an action taken by the dispatcher that needs to be on record.

##### **Dispatcher responsibility:**

It will be the police dispatcher's responsibility to maintain these log entries as stated above. Also remember there will be no entry made whatsoever regarding custodial child exchanges where no problems are alleged. If there is an alleged problem an RMS entry will be made in regard to the incident.

**Officer Responsibility:**

If an officer is sitting at the dispatcher desk for any reason and receives a call that is to be a log entry, then it will be the officer's responsibility to put the entry into the Dispatcher's Log Book and initial it. This is to insure of who made the log entry.

**Sergeant/Supervisor Responsibility:**

The Dispatcher's Log Book will not be regularly reviewed by a Sergeant. If the Log Book is reviewed for any reason, and it is noted that this order for Log Entry has not been followed, then the Sergeant will investigate and handle accordingly.

**B. Blotter Entry Reports**

1. A Blotter Entry Report is an entry or incident that is logged into the RMS database computer and is assigned an incident number. This is a record that is in the computer and can be retrieved through the RMS database by search and will be printed for another future purpose if needed. This entry does not contain anything else but the required information on the first page of the RMS paper report.
2. A Blotter Entry Report will include at least the following information;
  - A. An incident number
  - B. Time reported, time of occurrence and end of occurrence time
  - C. Location of incident (address, residence name, business name)
  - D. Department member assigned to the case
  - E. Name of person or complainant reporting the incident
    1. Full name, date of birth, address, and phone number
  - F. A narrative detailing the incident for entry that includes the outcome if police actions were taken

**Dispatcher responsibility:**

It will be the police dispatcher's responsibility to enter all required information as stated above.

That is, the information gathered during the initial call and what is relayed to the dispatcher by the officer. All blotter entries will be printed by the dispatcher to be reviewed and signed by the assigned dispatcher or officer. The blotter entry will be put into the Complaint Report Bin for review by a Sergeant after it has been reviewed and signed by the assigned person. All blotter entries made by a dispatcher will be completed, signed and put into the complaint bin no later than the end of the dispatcher's shift, unless otherwise directed by a sergeant/supervisor. The approved entries will be put in a bin labeled "to be filed". The dispatcher will check the bin labeled "to be filed" and the approved blotter entries will be filed in the appropriate complaint file drawer by the dispatcher that is on duty, depending on workload during the shift.

**Officer's Responsibility:**

It will be the officer's responsibility to make sure that the information relayed to the dispatcher, during an incident that is assigned to the officer, is complete for the correct entry into the blotter entry. Ultimately, if the entry was assigned to the officer, it will be the officer's responsibility to make sure the correct information is entered and if not, then the corrections will be made by the officer. This is to ensure that the information was entered properly to the officer's actions. The blotter entry will be printed by the dispatcher. It will be reviewed and signed by the assigned officer and put into the Complaint Report Bin for review by a Sergeant. All blotter entry reports assigned to an officer will be completed, signed and put into the complaint bin no later than the end of the officer's shift, unless otherwise directed by a sergeant/supervisor. If a blotter entry report is not approved and placed into the officer's mail bin for corrections, it will be the officer's responsibility to make the corrections and re-submit the blotter entry report no later than the end of the next shift worked by the officer.

**Sergeant/Supervisor Responsibility:**

It will be the responsibility of the Sergeant that is assigned to review reports on a regular basis, whether daily or other time frame, to review such blotter entries printed. If the blotter entry is complete, it will be approved by signature of the reviewing Sergeant and put into the bin for reports "to be filed". If the blotter entry is not complete for approval it will be given to the assigned dispatcher or officer for correction. If a blotter entry is not complete for review by the Sergeant, the reviewing Sergeant will handle accordingly.

**C. Incident Reports**

1. Incident reports are reports generated from a call of an incident that requires police action or investigation to a call where the report will document the incident and the officer's actions. This is more than a blotter entry and is closed out by the officer concerned. A dispatcher can not be assigned to an incident report. Incident reports are initial reports to document the facts surrounding an incident and to document what the officer concerned did to investigate the incident. It will document the officer's actions to how the incident was investigated and completed. Incident Reports may, at a future time, lead to further investigation, a larger case file, and/or an arrest case file.
2. An Incident report will include at least the following information;
  - A. All of the information that is included in a blotter entry
  - B. All names of persons involved (interviewed and not interviewed) including addresses, phone numbers and dates of birth

- C. Any possible suspects and all information about them that can be gathered by the assigned officer through his investigation
  - D. All victims involved in the incident as well as all their pertinent information
    - 1. Include any injuries that the victim suffered to their person or property and how the injuries were treated if applicable
  - E. Any charges involved in the incident if applicable even if the charges are not being pursued at that time
  - F. Detailed narrative of the incident that was reported, including what actually occurred, who was involved, why the incident occurred, interviews that may pertain to the incident, the reporting police officers actions, and any other notes taken during the investigation that pertain to the incident
  - G. If applicable the vehicle section of RMS will be filled out with all pertinent information regarding a vehicle involved in an incident
  - H. The property section of RMS will be filled out with any damaged, stolen, confiscated, observed etc., property concerned with the incident if applicable
3. The following are some, not all, other mandated reports that when applicable will accompany Incident Reports;
- A. MV104A Accident report (NYSPIN file needed for hit and run accidents)
  - B. Animal bite Report
  - C. MV104C Bicycle Accident Report (no motor vehicle involved)
  - D. Boating Accident Report
  - E. GENL-47 Consumer Product Tampering Report (NYSPIN file may be entered or sent)
  - F. New York Stated Domestic Incident Report
  - G. OMH-484 Mental Health Evaluation Report
  - H. 41-15-33 Hunting Accident Report
  - I. Lockout form
  - J. Missing Person Report (NYSPIN file needs to be entered)
  - K. OPS 209 Snowmobile Accident Report
  - L. Stolen Vehicle Report (NYSPIN file needs to be entered)
  - M. Use of Force Form
  - N. 82-3 Vehicle Impound and Inventory Report (NYSPIN file needs to be entered)
  - O. Copy of MV78B Report of lost, stolen, or confiscated Motor Vehicle Items
  - P. Evidence Voucher
  - Q. Dog Complaint Field Witness Form



- R. PD-1.2 Alcohol Beverage Control Referral Form
- S. DSS-221A Report of Suspected Child Abuse or Maltreatment
- T. Copy of any NYSPIN file entered or sent

**Dispatcher responsibility:**

It will be the dispatcher responsibility to enter the information as stated in the blotter entry section of this order. The narrative will only be what is reported at the time the incident was learned about, whether by phone or in person. The dispatcher will assign an officer on duty to the incident to be investigated. The dispatcher will print this report for the officer to review, add to or make changes to. The dispatcher will, work load permitting, make the printed report available to the officer assigned. The dispatcher will enter the proper files in the NYSPIN Computer, when applicable, in a timely manner according to the NYSPIN Rules and Regulations. The incident reports will be placed in the bin on the Dispatcher's office door with instruction from the officer, whether verbal or written, as to what file needs to be sent or entered via NYSPIN. After the entry is made through NYSPIN, the dispatcher will then have the assigned officer review the entry. If the assigned officer is not available for the review, then the dispatcher will then put the incident report in the complaint bin for review by a Sergeant. Corrections will be made, to the NYSPIN entry, by the dispatcher if needed. The dispatchers will check the bin labeled "to be filed" and the approved incident reports will be filed in the appropriate complaint file drawer by the dispatcher that is on duty, depending on the workload during the shift.

**Officer Responsibility:**

Officers assigned to incidents that require reports will be responsible for the accuracy of information in such written report and attached reports if applicable.

Officers will handle incidents requiring police investigation and action of a certified police officer. The dispatcher will assign an incident requiring police action or investigation of some sort to an officer and the officer assigned will handle such incident and report such incident, based on its nature, as directed in this policy.

The officer will also be responsible for having the dispatcher on duty enter any applicable file through the NYSPIN computer in a timely manner according to NYSPIN Rules and Regulations.

The officer will place the incident report that needs a file sent or entered through the NYSPIN Computer in the bin on the dispatcher's office door. Instruction should be given, whether verbal or written as to what file needs to be entered or sent via NYSPIN. After the NYSPIN file is sent, the officer will review the NYSPIN message and if it is



approved, the incident report, along with NYSPIN message, will be put into the complaint bin for review by a Sergeant.

All incident reports handled by an officer will be completed, with all required information, signed and put into the complaint bin no later than the end of the officer's shift, unless otherwise directed by a sergeant/supervisor. Officers will not keep reports in mail bins assigned to officers, unless otherwise directed by a sergeant/supervisor. If an incident report is not approved by a Sergeant and is placed into the officer's mail bin for corrections, it will be the officer's responsibility to make the corrections and re-submit the incident report no later than the end of the next shift worked by the officer. The officer may be called in by sergeant prior to the next shift to make corrections to an incident report due to time constraints on such incident report. This will be on a case to case basis.

#### **Sergeant/Supervisor Responsibility:**

It will be the responsibility of the sergeant that is assigned to review reports on a regular basis, whether daily or other time frame, to review such incident reports filed in the complaint bin. If the incident report is complete, it will be approved by signature of the reviewing sergeant, and put into the bin for reports "to be filed". If the incident report is not complete for approval, it will be given to the assigned officer for correction. The officer can be called in to make corrections prior to next shift worked due to time constraints on such incident report. If the incident report is not completed and is not in the complaint bin, the reviewing sergeant will handle accordingly.

4. Additional notes regarding incident reports:
  - A. Be sure that all tabs of the RMS report are checked and completed thoroughly.
  - B. For an offense involved, the offense(s) must be entered whether charges are filed or not and even if the suspect is unknown. All entries need to be accurate.
  - C. Only the top ten offenses in an incident can be entered. It will allow you to enter more, but will not allow the report to IBR (incident based reporting) reviewed.
  - D. Enter names of persons involved in the person's window. Do not just put them in the narrative. Persons can not be searched in the narratives, only when they are in the persons section.
    1. Make sure all persons are entered correctly with the correct person type.
    2. Also make sure that the names have the correct spelling so that there are not multiple entries for the same person with differently spelled names. If you are unsure of the correct spelling of a person's name, ask them.

- E. When adding property of any type, (when an offense is listed), there must be a value associated with that property.

#### **D. Incident Case Files**

1. Incident Case files are generated from an incident report that requires further investigation and may or may not remain as an open case. Incident case file is a complete investigation of an incident that requires police action or investigation to an incident that requires more than a recorded incident report for the certain incident. The incident case file will include all the information used or gathered during an investigation of an incident and will also include any arrest information as a result of the investigation. Basically, the incident case file shows all the information used from an investigation from the start of the investigation to the end of the investigation, whether or not the case is closed.
2. Incident Case Files will include at least the following information;
  - A. Everything included in the Police Blotter Incident
  - B. Everything included in the Police Incident Report, when applicable, also where applicable;
    1. statements, voluntary as witness or suspect
    2. copies of charges written against any suspect
    3. copy of any warrant drawn up for signature by the court
    4. any medical reports
    5. copies of any warrants that were executed for the Marlborough Court or any other issuing court (NYSPIN files need to be sent)
    6. consent to search form
    7. copy of Juvenile Probation Intake Form
    8. Copy of arrest report
    9. copy of any DWI arrest paperwork
    10. copy of any Miranda warning giving
    11. copy of any arraignment paperwork
    12. copy of lab case referral sheet
    13. copy of lab toxicology request form
    14. A NYSPIN Criminal History
    15. A photocopy of a NYSPIN File 5 is applicable

#### **Dispatcher responsibility:**

The dispatcher will be responsible for everything listed in the Incident Report section of this order. In addition, the dispatcher will be responsible for sending the proper files and entries through NYSPIN in a timely manner. Examples of this will be locate messages, hit confirmation messages, and cancel messages. Copies of some messages will be put

into the arrest case file when applicable. If no arrest case file, then the messages will be put into the incident case file. For any warrant that is executed off the Marlborough Police Hot Sheet, the person's name pertaining to such warrant will be crossed off and the date of arrest will be put next to the crossed out person.

**Officer Responsibility:**

The officer completing an incident case file will be responsible for everything listed in the Incident Report section of this order. In addition, the officer will be responsible for all listed in this section, Incident Case File. If an officer is turning over an investigation to another officer coming on duty, it will be that officer's responsibility to complete the next step of the investigation. It will also be that officer's responsibility to document the actions performed during the follow up investigation and file in the complaint bin for review by a Sergeant. The original assigned officer to an incident will do the most for the investigation as possible to complete the Incident Case File during the shift worked. If the Incident Case File is turned over to the next officer, that officer will do the most for the follow up investigation as possible to complete the Incident Case File. This pertains to actively open cases that can be completed by investigation, whether an arrest is made or not, during which a shift change hinders the assigned officer from completing such Incident Case File.

**Sergeant/Supervisor Responsibility:**

The Sergeant/Supervisor is responsible for everything under the Sergeant/Supervisor Responsibility section of the Incident Report section of this order. In addition, the Sergeant will be responsible for reviewing everything in the Incident Case File as listed in this section. Open cases that are in the complaint bin for review will be reviewed by the Sergeant as to determine the next follow up step in the investigation, when applicable. The reviewing Sergeant will determine if certain open cases will need more follow up investigation and will assign the Incident Case File to an officer for such follow up. This will be on a case to case basis. If an Incident Case File is open and there are no further leads to close the case, the approved case file will be put in the "to be filed" bin for filing by the dispatcher.