

LARCHMONT
POLICE DEPARTMENT



OPERATIONS MANUAL

JUNE, 2013



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Our work on this new Department Manual began in January, 2009 evaluating, updating and continuing the work initially established in 2002. The procedures and policies contained in this Department Manual are critical to the success of achieving the highest level of professional policing.

This Manual's primary purpose will be to serve as a guide to all members of this Police Department. Although this Manual cannot prescribe specific actions to be taken in every situation a police officer may encounter, officers will be held accountable for their actions within the context of the Department's mission, values, objectives, policies and procedures contained herein.

The Department's highest priority will be to support the work of each police officer towards maintaining the quality of life within the Village. The role of supervisors will be that of problem solving by training, coaching, coordinating and evaluating the members of the Department they supervise.

Modern police agencies must be flexible and willing to change. The last page of this Manual should not be viewed as the conclusion of our work. Periodic review and revision will keep the Department current and sensitive to the changing needs of the community.

The men and women of the Larchmont Police Department have always served as the models of professionalism in serving the community. I have faith in your continued ability to provide the citizens of Larchmont with the superior police service they so greatly deserve.

A handwritten signature in black ink, appearing to read "John G. Poleway".

JOHN G. POLEWAY
CHIEF OF POLICE



ADMINISTRATIVE PROCEDURE		Procedure No: 101-02	
MISSION STATEMENT			
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The MISSION of the Larchmont Police Department is to be committed to being responsive to our community in the delivery of quality services, recognizing our responsibility to maintain order, while affording dignity and respect to every individual. Our objective is to improve the quality of life through a community partnership which promotes safe secure neighborhoods by enforcing laws, preserving the peace, reducing fear and providing a safe environment and thereby living up to our motto, **"TO SERVE WITH CONCERN."**



ADMINISTRATIVE PROCEDURE			Procedure No: 101-03
VALUES			
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IN PARTNERSHIP WITH THE COMMUNITY, WE PLEDGE TO:

- * Protect the lives and property of our fellow citizens and impartially enforce the law.
- * Fight crime both by preventing it and by aggressively pursuing violators of the law.
- * Maintain a higher standard of integrity than is generally expected of others because so much is expected of us.
- * Value human life, respect the dignity of each individual and render our services with courtesy and civility.
- * In order to achieve and maintain superior standards in both our work product and our work performance, we are committed to the following:
 - * Strong planning and decision making involving employee participation to the greatest extent possible.
 - * Excellence in the delivery of service to the public.
 - * Respect for the dignity of the employees and recognition of individual contributions and initiative.
 - * Vigorous pursuit of competency and responsibility in the performance of our work.
 - * Integrity and honesty in all aspects of service.
 - * Communication achieved and information shared in a constructive open and supportive manner.
 - * Equitable treatment and opportunity for all employees.



ADMINISTRATIVE PROCEDURE			Procedure No: 101-04
GOALS AND OBJECTIVES			
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PURPOSE

All organizations must have goals and objectives. It is important that all members of the Department be made aware of Department goals and how those goals will be accomplished. The purpose of this section is to provide the mechanism for the establishment of goals and objectives and to allow members of the Department, through their tour commanders or division commanders, a voice in the process of setting and meeting these goals and objectives.

POLICY

It shall be the policy of this Department that Administrative Officer and the Detective Division Commander submit to the Chief of Police, their goals for the forthcoming year. These goals shall be submitted no later than January 15th of each year. The Chief will also seek input of all squad sergeants and all officers through said sergeants in establishing these goals, and will then meet with all Department supervisory officers at the January staff meeting, to review and officially establish those goals and objectives that the Department wishes to establish. After the January staff meeting all members of the Department shall be advised of these goals through their supervisors, and in many cases assist or have input in the development of these goals, through their respective supervisor.

In June of each calendar year, the division commanders responsible for submitting goals should submit to the Chief of Police a report on the progress toward these goals. The Chief will then hold a staff meeting and at said meeting review the progress reports and have this progress information transmitted to all Department members.

In January of each year, in addition to the setting of new goals and objectives for the new year (as required above), the command officers and detective commander will submit a report to the Chief of Police indicating if the goals and objectives were reached that year or in the case of long-range goals, what progress has been made. The Chief of Police will then review and evaluate each such report. Based on that review and the supporting documentation, a decision will be made to accept or reject the reports' conclusions. The administrative lieutenant will prepare, or cause to be prepared, a summary report, to be made available to all personnel to make them aware of the degree to which the Department has attained its goals and objectives.



ADMINISTRATIVE PROCEDURE			Procedure No: 101-05
CODE OF ETHICS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 4

The Larchmont Police Department hereby adopts, as and for its Code of Ethics, General Ordinance Chapter 27 of the Larchmont Village Code, copied verbatim and made part of this procedure:

Chapter 27. ETHICS, CODE OF

[HISTORY: Adopted by the Board of Trustees of the Village of Larchmont 8-10-1970 by L.L. No. 1-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Disciplinary proceedings — See Ch. 21.

Official newspaper — See Ch. 29.

§ 27-1. Declaration of policy; establishment.

The proper operation of the village government requires that its officers and employees be independent, impartial, objective, unbiased and responsible to the people of the Village of Larchmont; that public office not be used for personal gain; that public officers and employees maintain the highest standards of integrity and discharge faithfully the duties of their office regardless of personal considerations; and that the public have confidence in the officers and employees thereof. In recognition of these goals, there is hereby established, pursuant to § 806 of the General Municipal Law, a Code of Ethics for all officers and employees of the village. In the event of any conflict between the provisions of this code and the provisions of Article 18 of the General Municipal Law, *Editor's Note: Article 18 is entitled "Conflicts of Interest of Municipal Officers and Employees."* the latter shall control.

§ 27-2. Definitions.

When used herein, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

INTEREST

Any claim, account or demand against or agreement with the village, express or implied, including designation of a depository of public funds and the designation of an official newspaper and direct or indirect pecuniary or material benefit accruing to an officer or employee as the result of a business or professional transaction with the village. For the purposes of this chapter, an officer or employee shall be deemed to have a direct interest in the affairs of:

- A. His/her spouse, minor children and dependents.
- B. A business concern, partnership or association of which such officer or employee is a member, partner, owner, director or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.



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D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

OFFICER or EMPLOYEE

The Mayor, Trustees and any officer or employee of the village, whether paid or not, including members of any administrative board, commission or other agency thereof. For the purposes of this chapter, no person shall be deemed a village officer or employee solely by reason of being a volunteer fireman or civil defense volunteer.

VILLAGE

The Village of Larchmont or any of its boards, commissions or agencies, whether operated solely by the Village of Larchmont or jointly with one or more other municipalities.

§ 27-3. Conflicts of interest.

No officer or employee of the village, either directly or indirectly, shall have any interest in or engage in any business or transaction or professional activity or incur any obligation of any nature or accept other employment which is in conflict with, or might reasonably tend to conflict with, the proper discharge of his or her duties as an officer or employee of the village.

§ 27-4. Disclosure of interest.

Any member of the Board of Trustees of the village who has a direct or indirect financial or other interest in any matter before such Board of Trustees, or any officer or employee who has a direct or indirect financial or other interest in any matter before such Board and who participates in any discussion before or make a recommendation to or gives an opinion to such Board on that matter, shall publicly disclose on the official record of such Board the nature and extent of such interest.

§ 27-5. Acceptance of gifts and favors.

No officer or employee shall accept any valuable consideration, whether in the form of service, loan, thing, promise or any other form, from any person, organization or business concern which, to his or her knowledge, is interested directly or indirectly in any business dealings with the village.

§ 27-6. Personal investments.

An officer or employee of the village shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create conflict between his or her public duty and his or her private interest and shall refrain from passing upon any



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questions in which he or she or any member of his or her immediate family has an interest which might reasonably be deemed to create such a conflict.

§ 27-7. Disclosure of confidential information.

- A. No officer or employee of the village shall accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.
- B. No officer or employee of the village shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interests or the private interests of others.

§ 27-8. Incompatible employment.

No officer or employee of the village shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.

§ 27-9. Unwarranted privileges.

No officer or employee of the village shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others or grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

§ 27-10. Use of village employees or property.

- A. No officer or employee of the village shall direct or cause any officer or employee of the village to do or perform any service or work outside of public work or employment, or accept any such service or work, nor shall any officer or employee of the village offer to perform any such service or work for such officer or employee.
- B. No officer or employee of the village shall request or permit the use of village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as village policy for the use of such officer or employee in the conduct of official business.

§ 27-11. Conflicting employment.

No officer or employee of this village shall solicit, negotiate for or promise to accept present or future employment from any person, firm or corporation with which he or she or his or her department, office or agency is engaged on behalf of the village in the transaction of business.

§ 27-12. Discrimination.



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No officer or employee of the village or service or other organization chartered by or directly or indirectly sponsored or supported by the village shall:

- A. Discriminate or cause involuntary segregation, directly or indirectly, based upon creed, color, sex, age or national origin or allow the preceding to be factors affecting the recruitment, selection, placement, assignment, compensation or promotion of any officer, employee or member of such service or other organization.

[Amended 9-14-1987 by L.L. No. 4-1987]

- B. Permit, directly or indirectly, the use of any village property, equipment or services by any person or persons, organizations, corporations or any other group which directly or indirectly discriminates as set forth in Subsection **A** above.
- C. Allow the village knowingly to have any financial or business dealings with any organization which discriminates as set forth in Subsection **A** above.

§ 27-13. Distribution.

The Clerk of the village shall cause a copy of Article 18 of the General Municipal Law and this Code of Ethics to be distributed to every officer and employee of the village.

§ 27-14. Board of Ethics.

- A. There is hereby constituted a Board of Ethics of the village, to consist of three members, none of whom shall be members of the Board of Trustees of the village and none of whom shall be officers or employees of the village. All members shall be appointed by the Board of Trustees.

[Amended 10-3-1988 by L.L. No. 4-1988]

- B. The members of the Board of Ethics shall receive no salary or compensation for their services as members of such Board and shall serve at the pleasure of the Board of Trustees.
- C. The Board of Ethics shall establish its own rules of procedure and may recommend such penalties for violations of this chapter and of the rules and regulations for employees of the Village of Larchmont as it determines, including removal from office or employment or other action as provided by the Laws of the State of New York.
- D. The Board of Ethics shall render advisory opinions to officers and employees of the village with respect to this Code of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any officer or employee of the village, under such rules and regulations as the Board of Ethics may prescribe.



ADMINISTRATIVE PROCEDURE		Procedure No: 101-06	
WORKPLACE VIOLENCE POLICY			
DATE ISSUED: 01APR16	DATE EFFECTIVE: 01APR16	REVISION NUMBER:	PAGE: 1 of 9

The Larchmont Police Department hereby adopts, as and for its Workplace Violence Policy, Policy # 501 as adopted by the Village of Larchmont, copied verbatim and made part of this procedure:

Village of Larchmont Workplace Violence Prevention Program

The Village of Larchmont is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our Village, staff, and residents. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the Village of Larchmont property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy and program is to help promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

The Village of Larchmont has identified response personnel that department heads and an employee representative. If appropriate, the Village of Larchmont will provide counseling services or referrals for employees.



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All Village of Larchmont personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Justin Datino, Village

Administrator (914) 834-2047

Location: Village Hall, 2nd Floor



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WORKPLACE VIOLENCE POLICY			
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RE: WORKPLACE VIOLENCE POLICY AND PROGRAM

POLICY: #501

ORIGINAL DATE: 03/30/2016

Approved by: Village Administrator

1. **Purpose, Policy and Scope**

1.1 Purpose The Village of Larchmont has a long-standing commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All employees of the Village of Larchmont are expected to maintain a working environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the Village, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in our Village, and to help prevent workplace violence from occurring to the fullest extent possible and set forth procedures to be followed when such violence has occurred.

1.2 Policy The Village of Larchmont prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Village property and are subject to disciplinary and/or personnel action up to and including termination, consistent with Village policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution.

The Village of Larchmont, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on Village property unless necessary to transact Village-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

1.3 Scope All employees, members of the public, vendors, contractors, consultants, and others who do business with the Village of Larchmont, whether at a Village facility or off-site location where Village



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business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Village, such as former employees, and visitors. When employees have complaints about other employees, they should contact their supervisor immediately.

2. Definitions

2.1 Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Village's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

2.2 Disruptive behavior is behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).

2.3 Intentional physical contact is physical conduct for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).

2.4 Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) is such when a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.

2.5 Possession of contraband is possession of firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one within the Village of Larchmont shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to Village property without specific written authorization from the Village Manager regardless of whether the individual possesses a valid permit to carry the firearm or weapon. Police officers are permitted to possess a fire arm as part of their sworn duty and as a requirement of general orders.



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3. Reporting of Incidents

3.1 General Reporting Responsibilities

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the Village of Larchmont. Workplace violence should promptly be reported to the appropriate Administrator (see below). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all employees of the Village take this responsibility seriously to effectively maintain a safe working and learning environment.

3.2 Imminent or Actual Violence

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call their supervisor immediately, or call 911.

3.3 Acts of Violence Not Involving Weapons or Injuries to Persons

Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective law enforcement agency. The law enforcement agency will work with the Village on an appropriate response.

3.4 Commission of a Crime

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

3.5 False Reports

Employees of the Village of Larchmont who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.



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3.6 Incident Reports

The Village of Larchmont will report incidents of workplace violence consistent with the Village's Policies for Incident Reporting.

4. Responsibilities

4.1 Village Administrator

The Village Administrator shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all Village employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators, and supervisors are aware of their responsibilities under this policy through internal communications and training.

4.2 Safety Coordinator

The Safety Coordinator is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Safety Coordinator will maintain an internal tracking system of all threats and incidents of violence.

The Safety Coordinator is responsible for assisting the Law Enforcement Agency and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Law Enforcement Agency of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

The Safety Coordinator is responsible for providing new employees with a copy of the Workplace Violence Policy and Procedures and insuring that employees receive appropriate training. The Safety Coordinator will also be responsible for annually disseminating this policy to all employees.

The Safety Coordinator shall be the Deputy Village Clerk, unless otherwise delegated by the Village Administrator.



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4.3 Supervisor/Department Head

Each, Department Head or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to the Safety Coordinator any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Safety Coordinator and immediate supervisor, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Supervisors are required to contact the Law Enforcement Agency immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

4.4 Employees

Employees must report workplace violence, as defined above, to their supervisor. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the Safety Coordinator/Deputy Village Clerk.

Employees who have obtained Orders of Protection are expected to notify their supervisors and the Safety Coordinator/ Law Enforcement Agency of any orders that list Village locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, or the Safety Coordinator/ Law Enforcement Agency. Confidentiality will be maintained to the extent possible.

Upon hiring, and annual thereafter, employees will receive copies of this policy. Additionally, the policy will be posted in the Village Hall and be placed on the Village's website, as appropriate.



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WORKPLACE VIOLENCE POLICY			
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5. Education

Supervisors are responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Additionally, annual training will be provided.

6. Confidentiality

The Village of Larchmont shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Village of Larchmont will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of employees of the Village would be served by such action.

7. Retaliation

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.



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WORKPLACE VIOLENCE POLICY			
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Workplace Violence - Incident Report Form

Today's Date: _____

Employee Name: _____ Title: _____

Date of Incident: _____ Time of Incident: _____

Workplace Location: _____

Incident Location (if different): _____

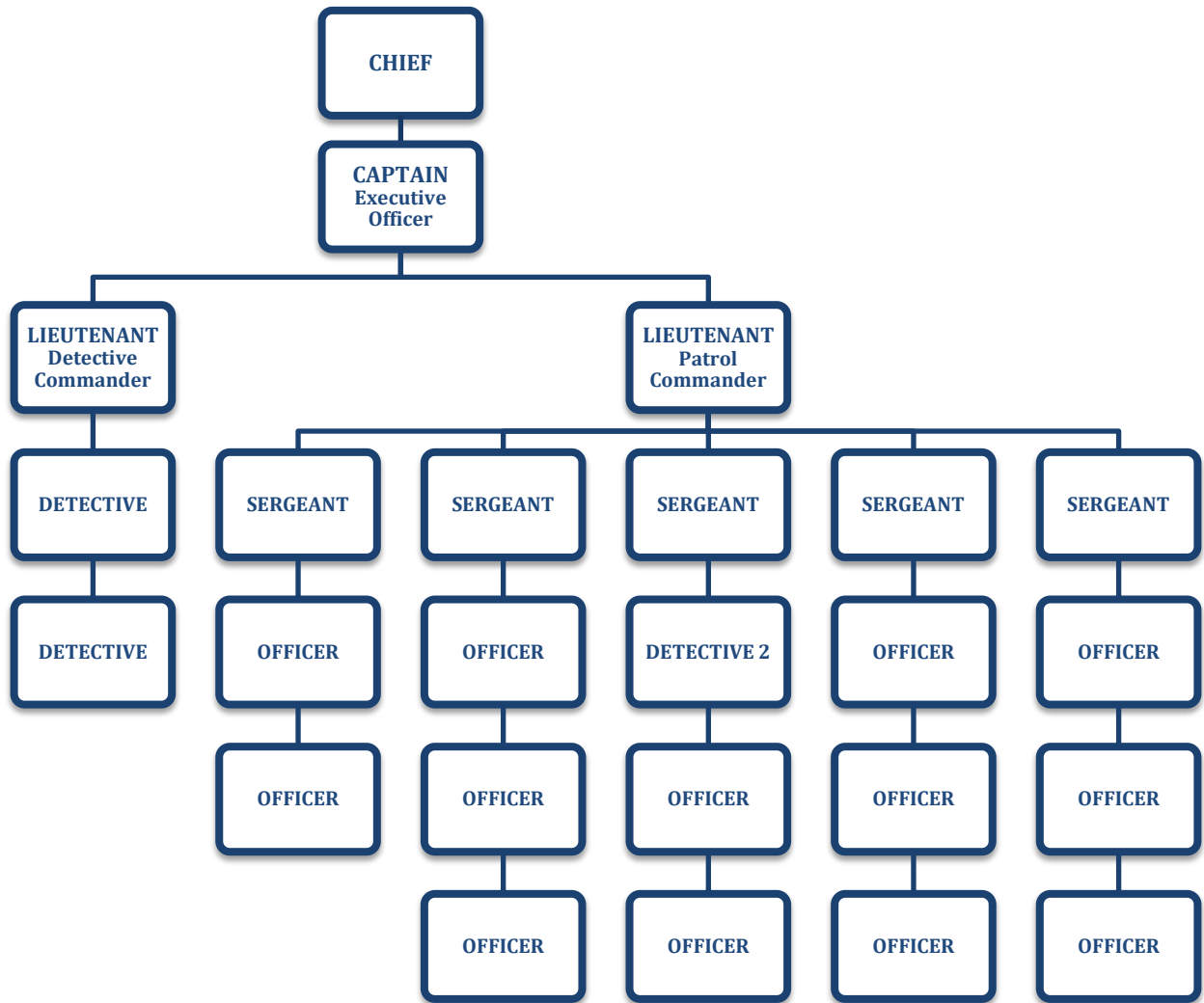
What was the employee doing just prior to the incident?

Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

For the Safety Coordinator/Village Administrator only: Provide information on preventative actions that the employer has taken or is considering as a result of the incident to prevent against further like occurrences, if applicable:



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ORGANIZATION AND STRUCTURE			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To define the organizational structure of the Village of Larchmont Police Department.

POLICY

It shall be the policy of this Department to remain dynamic and flexible in order to respond effectively to the need for change generated from internal and external sources.

1. The Police Department of the Village of Larchmont shall consist of a Chief of Police and such other supervisors and members as the Village Board shall deem necessary.
2. The Chief of Police shall routinely update the Organizational Chart as necessary.
3. The Department shall be organized into three divisions
 - a. Administrative Division
 - b. Patrol Division
 - c. Detective Division
4. Staffing
 - a. Sworn Members:
 - i. 1 Chief of Police
 - ii. 1 Captain
 - iii. 1 Lieutenant
 - iv. 1 Detective Sergeant
 - v. 5 Patrol Sergeants
 - vi. 2 Detectives 1st grade
 - vii. 1 Detective 2nd grade assigned to the Patrol Division
 - viii. 13 Police Officers assigned to the Patrol Division
 - b. Civilian Members:
 - i. 1 Police Clerk
 - ii. 2 Parking Enforcement Officers (full- time)
 - iii. 1 Parking Enforcement Officer (part-time)
 - iv. 8 School Crossing Guards (part-time)
 - v. 1 Matron (per-diem as necessary)
 - vi. 1 Mechanic



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ORGANIZATION AND STRUCTURE			
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- c. The current strength of the Department is established as follows:
- i. 25 Sworn Members
 - ii. 4 full- time Civilians Employees
 - iii. 8 part-time School Crossing Guards



ADMINISTRATIVE PROCEDURE			Procedure No: 102-02
ORDER OF RANK			
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PURPOSE

To establish the rank structure of the Village of Larchmont Police Department.

POLICY

It shall be the policy of this Department to adhere to its order of rank/chain of command in order to avoid conflicts and promote unity of command.

Supervising Authority

1. The Police Department of the Village of Larchmont, Westchester County, New York, shall be supervised by the Village Board which consists of a Mayor and four trustees through its designated Police Liaison Officer.

Chief of Police

2. It shall be the duty of the Chief of Police to administer the Police Department of said Village. He shall be the chief executive officer of the Police Department, and he shall have full control of the members thereof, subject to direction of the Village Board.

Sworn Rank Structure

3. Descending order of rank:
 - a. Chief of Police
 - b. Captain
 - c. Lieutenant
 - d. Detective Sergeant
 - e. Sergeant
 - f. Detective/Police Officer
 - g. Recruit/Probationary Officer

Presence of Equal Rank

4. Command is exercised by virtue of the office or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control over all members and employees within his command. When officers of equal rank are present and in



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the performance of the same operation, the senior ranking officer shall be in command, except as outlined in section 102-03 of this Manual.

Seniority

5. Seniority is determined by:

- First: Rank;
- Second: Continuous service in rank within the Larchmont Police Department;
- Third: Date of appointment to previous rank or ranks in the Larchmont Police Department.

Note: The seniority provision set forth in this procedure, shall not apply under circumstances set forth in Article 5, Section 80 of the New York State Civil Service Law; in such instances seniority shall be pursuant to the provisions of the statute.



ADMINISTRATIVE PROCEDURE			Procedure No: 102-03
AUTHORITY AND COMMAND			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To define command authority, accountability and protocol for the members of the Larchmont Police Department.

1. **Orders**

Employees shall obey any lawful order of a superior officer, including any order relayed from a superior by an employee of the same or lesser rank.

2. **Conflicting Orders**

In the event an employee receives conflicting orders he should:

- a. Carry out last order if not modified or retracted.
- b. Inform the person giving the last order, of the conflict of orders. That person giving the order should then resolve the conflict, by retracting, modifying, or requesting the employee to comply with the latest order.
- c. In the event the conflicting order is not modified or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.

3. **Delegated Authority**

All members of the Department are delegated the authority to make decisions relative to their position and to execute their responsibilities. Members delegated the authority to make decisions relative to their position shall be held fully accountable to their immediate supervisor for the use of, or failure to use, this delegated authority.

4. **Supervising Accountability**

To achieve effective direction, coordination and control, supervisory personnel will be held accountable for the performance of all employees under their immediate supervision.



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AUTHORITY AND COMMAND			
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5. Command Protocol

Each individual and division commander will have only one supervisor while on duty. A violation of this principle leads to conflicting orders, confusion and discord.

- a. Whenever the Department engages in an operation involving more than one division and or more than one shift, the overall command of the operation will be assigned to the supervisor of the division/shift initiating the event, unless otherwise directed by the Chief of Police.
- b. Major operations or emergencies will normally be under the direction of the Chief of Police or his designee
- c. The tour supervisor will be the ranking officer on duty during the evening, weekend and holiday shifts. Should the supervisor need to request a command officer or detective division commander to respond to an incident, that supervisor, or designee, will assume command of the specific incident or crime scene unless otherwise designated by the Chief of Police.
- d. During regularly scheduled overlapping tours of duty during which there are two supervisors present who are of the same rank, the senior supervisor shall be deemed to have supervisory authority over such officers below him in rank and the junior supervisor of such same rank.
- e. During overlapping tours of duty caused by the reassignment, voluntary or otherwise, during which there are two supervisors present who are of the same rank, the supervisor normally assigned to that specific tour and squad shall be deemed to have supervisory authority over such officers below him in rank and the overlapping supervisor of such same rank.



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PURPOSE

To define the duties and job descriptions of all employees of the Larchmont Police Department. Such duties and responsibilities will be established by the Chief of Police and the Westchester County Personnel Department.

POLICY

It is the policy of the Larchmont Police Department that each employee will be issued a current copy of job specifications and all required tasks and duties relative to his/her specific position.

Duties and Responsibilities of All Members of the Larchmont Police Department.

General Duties:

1. All members of the Larchmont Police Department will be responsible at all times for the prevention of crime, the impartial enforcement of federal and state laws and local ordinances, the preservation of peace, protection of life and property, the arrest and prosecution of law violators and all other related work in accordance with the law, rules, regulations and the administrative policies and procedures of the Larchmont Police Department. Each member will project a positive image and become involved in community needs promoting good public relations throughout the Village.

Specific Duties:

A member of the Larchmont Police Department will:

2. Know and conform to Department rules, regulations, policies and procedures.
3. Perform assigned duties in a professional manner.
4. Obey all lawful orders.
5. Be in attendance for those hours specifically assigned and he/she will be considered on duty at all times for the purpose of rendering emergency police service.
6. When in uniform, maintain a professional bearing and render professional courtesy to superior officers.
7. Treat superior officers, subordinates, and contemporaries with respect. Members shall be courteous and civil at all times in their relationships with



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- one another. When on duty, and particularly in the presence of other members, employees or the public, officers will be referred to by rank.
8. Identify self by name, rank and shield number when so requested.
 9. Have a residence as provided by the laws of the State of New York.
 10. Report immediately any incapacity or inability to perform Department duties in the manner prescribed by the rules and regulations.
 11. Report any change of marital status, address, selective service rating or other matter affecting the administration of the Department.
 12. Receive, record and service immediately all complaints and requests for service. Refer and transfer complaints and requests in accordance with the Department Manual.
 13. Possess a valid State of New York driver's license. If such is lost, stolen, suspended or revoked immediately report same to Chief of Police.
 14. Remain on his/her duty assignment and leave only for a police or personal necessity. If required to leave, record the time of departure, the reason and report this information to the desk officer as soon as possible.
 15. When assigned to a motor vehicle and prior to using same:
 - a. Inspect the vehicle for damage, defects and required equipment.
 - b. Report to a supervisory officer any defects observed or incurred.
 - c. Protect the vehicle from possible damage or theft.
 16. Wear the regulation uniform in the prescribed manner when assigned to uniform duty.
 17. Report immediately the loss or damage of any Department equipment.
 18. Register with the Department all personally owned firearms.
 19. Attend court and court-related proceedings promptly and when required and ordered.
 20. Immediately report to his immediate supervisor any information of a police nature, including any off-duty interaction with law enforcement, any offenses involving the member or others in the company of the member, and all offenses with which the member has been charged, except for minor traffic offenses.
 21. Obey the laws and ordinances that the member is obligated to enforce.

Duties and Responsibilities of the Chief of Police

22. The Chief of Police shall be the chief executive officer of the Larchmont Police Department. Other duties of the Chief of Police include, but are not limited to, the following:
23. Formulate and direct the implementation and distribution of Department rules, regulations, policies and procedures.



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25. Direct the development of the Department goals and objectives and monitor the Department's movement toward achieving the goals and objectives set forth in accordance with section 101-4.
26. Field supervise all divisions of the Department as the need arises.
27. Evaluate the job performance of assigned members.
28. Supervise all major and internal investigations.
29. Be charged with and responsible for the discipline and efficiency of all members of the Larchmont Police Department in accordance with section 115-1.
30. Deal fairly and equitably with subordinates.
31. Act as the liaison between the Police Department and all members of the news media, in accordance with section 119-2.
32. May at irregular and unannounced times visit all units and areas under his command, inspecting their condition, efficiency and conformity with regulations and orders, initiating corrective action or disciplinary measures as required.
33. Shall annually review duties and responsibilities of all job classifications within the Department and cause all necessary updates to be made in the form of a Department Manual revision.
34. Supervise the Department's Community Relations Function in accordance with Section 119-1.

Fiscal Responsibilities of the Chief of Police

35. He has the authority and responsibility for the fiscal management of the Larchmont Police Department and he will act as the liaison with the Village Treasurer's Office.
36. Develop an annual budget for the Police Department and submit it to the Village Board for its approval.

Duties and Responsibilities of the Captain / Executive Officer

37. Assume the duties of the Chief of Police in his absence, as outlined in section 102-4, subdivisions 22 through 36.
38. Assumes the duties of Commander of the Department's Patrol Division in the absence of the Patrol Lieutenant, and investigations in the Detective Commander's absence and as the need arises.
39. Shall be responsible for the maintenance of all records pertaining to personnel status, including but not limited to, scheduled and non-scheduled appearances and absences.



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40. Maintain and evaluate individual member's sick leave reports to ensure compliance with section 116-1. Scheduling and supervision of support operations, including payroll and time banks, and special details and events. Provides recommendations to the Chief for improvements in service.

Duties and Responsibilities of the Lieutenant

- 41. Promptly obey and transmit all orders of the Chief of Police, ensuring uniform interpretation and full compliance.
- 42. Monitor the activity of his assigned Division of the Department to ensure adequate communications, cooperation and coordination.
- 43. Maintain or cause to be maintained all records pertaining to the issuance of departmental manual revisions and all other orders in accordance with section 102-5.
- 44. Supervise the Department's information technology systems.
- 45. Administration and coordination of traffic safety and enforcement efforts.
- 46. Supervise parking investigations and coordinate with the maintenance department on traffic sign maintenance.
- 47. Prepare traffic surveys when needed to address safety or citizens' concerns
- 48. Planning and coordinating patrol efforts and developing goals and objectives.
- 49. Conduct investigations of uniform personnel and make appropriate reports as directed by the Chief of Police.
- 50. Coordinate, manage and maintain programs and records of all in-service training conducted by Departmental instructors and outside agencies.
- 51. Administer and manage the Departmental Field Training Program.
- 52. Maintain all training records in the Department Training file and ensure that all training is documented in said file.
- 53. Manage and supervise the Accreditation Program

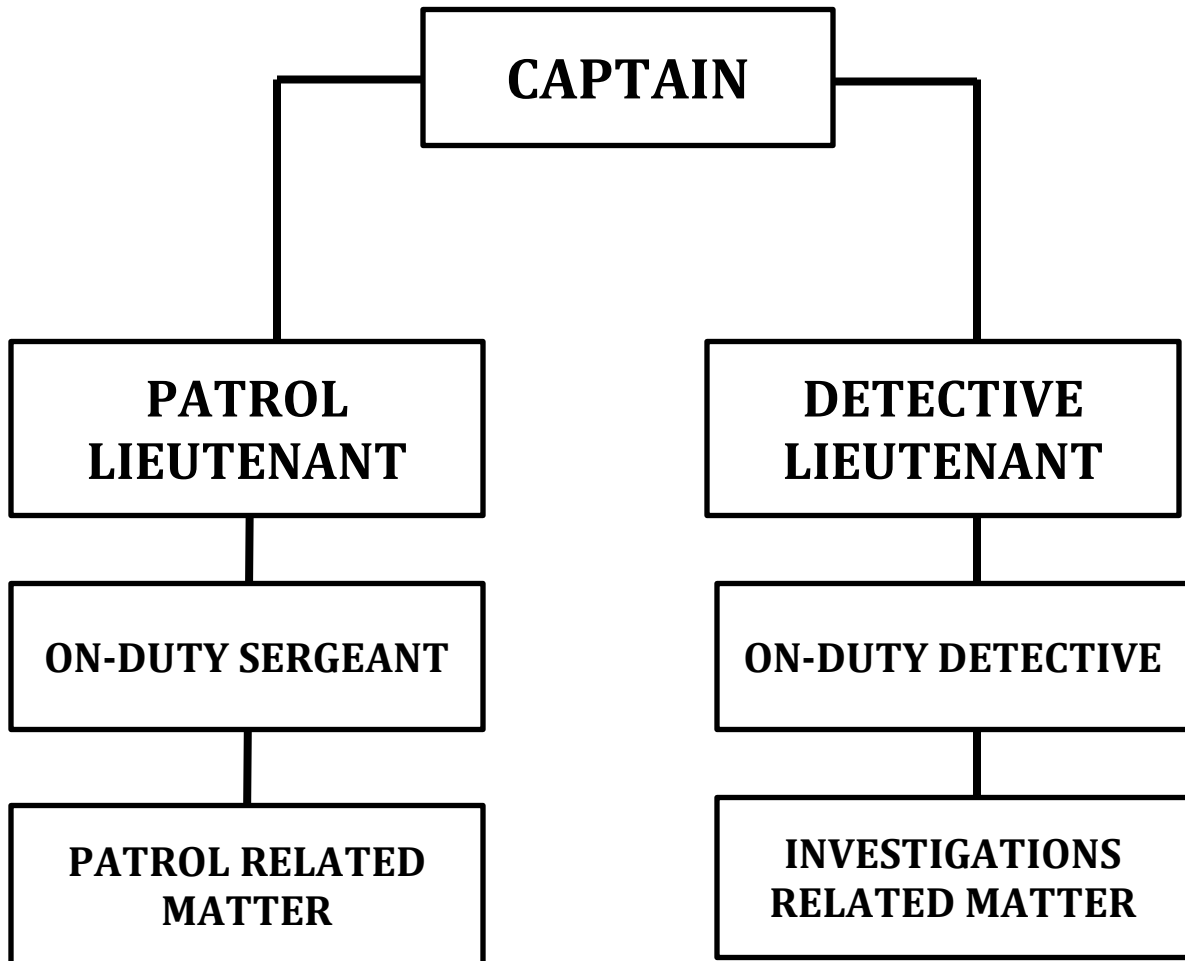
Duties and Responsibilities of the Police Sergeant

- 54. Has immediate charge of the activities of the Police Officers in the Department on an assigned shift.
- 55. As first line supervisor is responsible for coordinating and supervising Police Officers to ensure proper execution of assignments and duties
- 56. Shall exercise supervision over Police Officers through inspection and assignment of duties in accordance with instruction received from higher rank.
- 57. Shall perform ancillary duties as assigned by the Chief of Police or his designee.



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Lines of Authority





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DIRECTIVES AND ORDERS			
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PURPOSE

To disseminate in the proper form, procedures, orders, instructions and information to members of the Department.

DEPARTMENT OPERATIONS MANUAL

The Manual contains rules and regulations governing the conduct of members of the Police Department, procedures used by members while performing official duties and the organizational structure of the Department with related functions. A complete copy of the Department Operations Manual will be maintained by each officer and updated as each revision notice is received. The Department Manual is Department property and will not leave the control of the officer without the permission of the Chief of Police. All Manual sections will be formatted as illustrated in this section.

REVISION NOTICE

1. Published periodically to amend the Department Manual. A revision will indicate pages to be added, deleted or replaced by the proper Manual section number. Several amendments may be published in one revision notice, including that minor changes be made in ink on existing procedure pages.
 - a. Prior to publication, revision notices will be reviewed at a staff meeting of all the Department supervisors.
 - b. All officers will be issued individual copies of all revision notices and will acknowledge receipt and submit the receipt to the administrative officer for retention in the Department file.
 - c. Revision notices will be maintained numerically by year in the front of the Manual. The revised or amended section will be placed in its proper Manual section.
 - d. Authority to issue revision notices rests solely with the Chief of Police.



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GENERAL ORDER

2. Published to announce and implement a new Department procedure. May temporarily amend or suspend current procedures in the Department Manual.
3. All general orders will be reviewed by the Chief of Police.
4. All officers will be issued individual copies of all general orders and will acknowledge receipt and submit the receipt to the administrative officer for retention in the Department file.
5. General orders remain in effect until revoked by publication of a revision notice or by a subsequent interim order.
6. Authority to issue a general order rests with the Chief of Police and in his/her absence the executive or administrative officer.

SPECIAL ORDERS

7. Orders or details relating to a single event or condition that will exist for a limited time.
8. Instructions, information or directions for compliance with or clarification of an existing procedure to achieve uniform compliance.
9. Announcement and/or scheduling of members to attend training.
10. All special orders prior to issue must be reviewed by the Chief of Police and/or executive officer. Review will be noted on each order.
11. Special orders will be distributed only to those officers or units that are affected. Officers will acknowledge receipt and submit the receipt to the administrative officer for retention in the Department file. A copy of each special order will be forwarded to the administrative officer who will maintain same.
 - a. Special orders expire upon conclusion of the event or situation that is the subject of the order, or one year after publication unless otherwise directed.



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- b. Special orders may be issued by the Chief of Police, executive officer, or administrative officer. Division heads may issue special orders when pertaining to members of their unit.

PERSONNEL ORDERS

12. Announces appointments, assignments, promotions, transfers, suspensions, resignations, retirements, dismissals, deaths, leaves of absence, departmental recognition and dispositions of disciplinary action.
 - a. All personnel orders will be reviewed by the Chief of Police.
 - b. Personnel orders will be distributed to only those officers affected, and they, upon receiving same, will acknowledge receipt and submit the receipt to the administrative officer for retention in the Department file. After they have served their purpose they need not be retained by individual officers.
 - c. Copies of all personnel orders will be retained by the administrative officer in the Department file and a copy will be placed in the individual officer's file to become part of his/her permanent record.
 - d. Personnel orders will be issued by the Chief of Police, and in his/her absence, the executive or administrative officer.

DEPARTMENT MEMORANDUM

13. Contains announcements for the general information of all members of the Police Department, e.g., crime analysis information, officer safety alerts, and other police information, line or fraternal organization events, seasonal or holiday reminders.
 - a. A copy of each Department bulletin will be maintained in the desk area. Copies of each bulletin will be forwarded to and retained by the administrative officer in the Department file and he/she will review and purge this file after a one-year period. Bulletins, after they have served their purpose need not be retained by the individual officer.
 - b. Department bulletins will be issued as directed by the Chief of Police, executive officer, sergeants and division heads. In the absence of a supervisor, a police officer may also issue a bulletin



ADMINISTRATIVE PROCEDURE			Procedure No: 102-06
STAFF MEETINGS & INTRA-DEPARTMENTAL COMMUNICATIONS			
DATE ISSUED: 09OCT14	DATE EFFECTIVE: 01NOV14	REVISION NUMBER: 1	PAGE: 1 of 2

PURPOSE

The purpose of this section is to establish the channels for communication, coordination and cooperation between the divisions of this department.

BACKGROUND

It is important to the success of any police department to provide for a channel of free flowing communication between the components of the organization. Two effective ways of providing for this are through the use of staff meetings and voice-mail

POLICY

It shall be the policy of this department to conduct staff meetings and fully utilize the department's automated voice-mail function of the phone system.

PROCEDURE

1. Staff Meeting
 - a. Staff meetings shall be monthly and at any other time the Chief of Police deems necessary. All department supervisors will be required to attend.
 - b. Agendas for the staff meeting will be formulated and coordinated by the Chief of Police. The content of the staff meeting agenda shall include:
 - Development of goals and objectives.
 - Updates on progress of previous goals.
 - Case Updates.
 - Discussion on any current issue effecting more than one division of the department.
 - Discussion of any issue of concern to a department supervisor or members of his/her respective squad.



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2. E-Mail System

- a. All members of the Department shall be issued an agency e-mail address for official use only.
- b. The e-mail system shall be used for intra-departmental communications, including the dissemination of orders and directives, and any other pertinent information.
- c. The e-mail system may be used to send and receive law enforcement related communications, and communications relating to special or ancillary assignments.
- d. Department Orders, Policies, Procedures, investigative bulletins and any other law enforcement related material disseminated to members shall be kept confidential and cannot be further disseminated without approval from a Command officer and only for legitimate purpose.
- e. Members are required to check their mail box and review their e-mails at least once during their tour.
- f. Members may configure their personally owned equipment, such as iPhones, smart phones, tablets, etc., to use the Department e-mail account but are responsible for maintaining the communications secure.

3. Voice Mail System

- a. The department mailbox module provides the means for daily intradepartmental communication between members. This system should be utilized whenever a need for communication affecting coordination and cooperation between divisions or supervisors arises.
- b. Any verbal directive issued through the department mailbox system by a supervisory member to a subordinate member shall constitute an order.
- c. All members assigned voicemail are required to check their individual "mailbox" using any terminal within headquarters at the beginning of their tour of duty. An administrative computer record within the phone system itself is made once the member accesses his mailbox to indicate that messages have been received.



OPERATIONS PROCEDURE			Procedure No: 103-01
GENERAL REGULATIONS			
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PURPOSE

To establish standards of performance and conduct for all members of this Department.

POLICY

All members of the Larchmont Police Department shall maintain compliance with the policies, rules, regulations and guidelines set forth in this section or any other section of the Department Manual. Non-compliance shall be dealt with in accordance with section 115-1.

PERFORMANCE

ALL MEMBERS OF THE LARCHMONT POLICE DEPARTMENT SHALL:

1. Obey all laws of the United States and of any state and local jurisdiction in which officers are present. A conviction of any law shall be prima facie evidence of a violation of this section.
2. Conduct themselves at all times both on and off duty in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department or that which impairs the operation or efficiency of the Department or officer.
3. Carry out their duties and responsibilities while on duty.
4. Display a professional demeanor while on duty, comporting themselves at all times in a disciplined manner.
5. Perform all duties as directed by competent authority and Department Manual section 102-4.
6. Report for duty at the time and place required and shall be physically and mentally fit to perform their duty.
7. Remain on assigned posts or in sector until:
 - a. designated time of termination
 - b. properly relieved
 - c. authorization from competent authority
 - d. police necessity
8. Maintain Department property issued or assigned for use; never abusing, misusing or damaging said equipment.
9. Make accurate and concise entries in Department records, in chronological order where applicable, and without delay.
10. Make corrections on written or typed Department record by drawing a line through the incorrect matter and entering the correction immediately above, then initialing the change.



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11. Answer the Department phones promptly, stating in a courteous manner rank or title and surname.
12. Shall truthfully answer all questions specifically directed and related to the scope of their employment and the operations of the Department, which may be asked of them.
13. Shall perform their assigned duties as expeditiously as possible. Once assigned to a detail an officer shall respond directly to that location.
14. Shall courteously and promptly record in writing any complaints made by a citizen against any member or the Department. Supervisors may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any member or the Department. Members shall follow departmental procedures for processing complaints.
15. When assigned to uniform duty, wear the regulation uniform unless otherwise directed by competent authority.
16. Notify the desk officer whenever they leave their assigned post, sector, vehicle or assignment.
17. Periodically review the Department Manual for updates.
18. Operate Department vehicles in a careful and prudent manner and shall obey all laws and Department procedures pertaining to such operation.
19. Make only authorized and necessary transmissions on Department radios.
20. Keep Department vehicle in public view while assigned to general patrol duty.
21. Be responsible for the humane treatment and safe keeping of prisoners in custody or detained in Headquarters over which said member has supervision.
22. Take meal period as directed, for a period not exceeding 30 minutes, and remain available and subject to recall during meal.
23. Have a telephone and the current number on file with the Department.
24. Have on file their current address including apartment number, if any. Mailing address, if different, must also be on file. The current physical address must contain street, road, route number. Where a number is not assigned, a physical description as to how to locate the residence is required.
25. Report immediately, in writing, changes in address or telephone number.
26. Report in writing any change in marital status or the addition of dependents.
27. Remain awake while on duty. If unable to do so, they shall so report to their immediate supervisor who shall determine the proper course of action.
28. Submit all necessary reports on time and in accordance with established departmental procedures. Reports shall be truthful and complete.
29. Maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. They shall know local, state and federal laws as they apply to their duties and enforce those laws.
30. Wear seatbelt or harness when assigned to motor patrol except when the wearing of same would interfere with the officer's response or safety.



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PROHIBITED CONDUCT

Members Shall Not (either by commission or omission):

31. Commit or omit any acts that constitute a violation of any of the rules, regulations, directives or orders of the Larchmont Police Department whether stated in this section of the Department Manual or elsewhere.
32. Engage in conduct that brings discredit upon the Department.
33. Fail to perform a duty.
34. Disobey a lawful order.
35. Be insubordinate or disrespectful towards a superior officer.
36. Be inattentive to duty.
37. Lounge or sleep on duty.
38. Be absent from duty without proper authorization.
39. Receive, solicit or attempt to solicit a bribe or gratuity in any form.
40. Associate or fraternize with known criminals.
41. Interfere with cases being handled by this Department or by any other governmental agency.
42. Initially contact the Mayor, Village Board or a member of the Village Board, the Village Administrator or the Village Attorney or his/her assistants without first receiving the permission of the Chief of Police.
43. Make false accusations of a criminal or petty offense.
44. Intentionally make any arrest, search or seizure that is not in accordance with the law, and or departmental procedure.
45. Make any false official statement.
46. Remove, alter or change any official Department record except as provided for in Department procedure.
47. Disseminate or release information contained in a Department record except in conformance with Department procedure.
48. Publicly criticize the official actions of the Department or a Department member.
49. Obligate the Department financially in any manner except as authorized by the Chief of Police.
50. Engage in any activity or personal business that causes neglect or inattentiveness to duty.
51. Consume intoxicants on duty or in uniform on/off duty.
52. Bring or permit an intoxicant to be brought into Police Headquarters or a Department vehicle, unless pursuant to police duties.
53. Enter a premise serving intoxicants except for meal or performance of duty, and such meal shall be consumed in the dining area only.



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54. Recommend the use of a particular professional or commercial service to anyone except when transacting personal affairs.
55. Engage in illegal gambling anywhere except in the performance of duty.
56. Use Department equipment, uniforms, badges or firearms in the performance of off-duty employment, unless said employment is approved by the Chief of Police or his/her designee.
57. Allow use of a depiction of themselves in regulation uniform in any advertising of any commodity or commercial enterprise, without the permission of the Chief of Police.
58. While off duty wear the Department uniform for any reason or purpose without the permission from the Chief of Police or his assign.
59. While in uniform, on or off duty, engage in any personal activities. Personal activities include, but are not limited to, shopping and carrying package(s) or article(s).
60. Use tobacco in view of the public or while in a police vehicle or headquarters.
61. When on patrol, a member shall as far as practical, transact police business with headquarters primarily by means of the mobile radio, or secondarily a Department cellular phone.
62. Use Department logo, stationery or forms unless authorized by the Chief of Police.
63. Permit unauthorized persons to ride in a Department vehicle.
64. Ride in or on a non-Department vehicle during duty hours, unless given permission by a Command Officer.
65. Operate a Department vehicle outside the Village, except in performance of official duty.
66. Express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.
67. Make personal long distance telephone calls chargeable to the Department.
68. Make personal toll telephone calls chargeable to the Department except when a member is on duty he/she may make a toll call to contact a member of his/her immediate family.
69. Accept or make long distance telephone calls on departmental phones without the approval of a superior or supervisor.
70. Hold or apply for a pistol permit from any county while employed by the Larchmont Police Department.

POLITICAL ACTIVITY

Members Shall Not:

71. Use their official capacity to influence, interfere with or affect the results of an election.



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72. Organize, sell tickets to, or actively participate in fund-raising functions for a partisan political party or candidate.
73. Otherwise engage in prohibited activities on the federal, state, county or municipal level.
74. Members may participate fully in public affairs except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties or create real or apparent conflicts of interest.

FINANCIAL RESTRICTIONS

Members Shall Not:

75. Use a photograph in uniform or mention rank, title or membership in the Department for commercial advertising.
76. Accept a testimonial award or gift, loan or thing of value to defray or reimburse any fine or penalty or reward for police service except:
 - a. Award of departmental recognition.
 - b. Award from a metropolitan newspaper to a member of officer's family for a brave or meritorious act.
77. Purchase or acquire property of another, without approval of the Chief of Police, knowing or having reason to know, that such property was held in custody of or about to be vouchered or turned into this Department.
78. Solicit, contribute or pay, directly or indirectly, or otherwise aid another to solicit, contribute or pay any money or other valuable consideration that will be used in connection with a matter affecting the Department or member of the Department without permission of the Chief of Police.
79. Undertake any financial obligation that they know they will be unable to meet.
80. Members shall upon the order of the Chief of Police, submit financial disclosure statements in connection with a complaint in which this information is material to an investigation. This information shall only be used for an internal investigation and will not be made public.

COMPLIANCE WITH ORDERS

Members Shall:

81. Be familiar with the contents of the Department Manual and revise as directed.
82. Obey lawful orders and instructions of supervising officers.
83. Be punctual when reporting for duty.
84. Be governed by orders affecting another rank when temporarily assigned to perform the duties of that rank, except as otherwise indicated.



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85. Keep Department locker neat, clean and secured with a lock. The Chief of Police must have the ability to gain access to the member's locker when necessity arises.

USE OF FIREARMS

These guidelines have been prepared to protect life and property. In addition, these guidelines incorporate the United States Supreme Court ruling that deadly physical force MAY NOT be used to effect the arrest of an unarmed, non-dangerous, fleeing felon. Accordingly, article 35 of the Penal Law, with respect to use of deadly physical force by a police officer, to effect arrests or prevent escapes shall be interpreted in accordance with the restrictions imposed by the United States Constitution and in accordance with the following Department guidelines:

- 86. In all cases, only the minimum amount of force will be used that is consistent with the accomplishment of a mission.
- 87. The firearm shall be viewed as a defensive weapon, NOT a tool of apprehension.
- 88. Every other reasonable alternative means will be utilized before a police officer resorts to the use of his/her firearm.
- 89. Deadly physical force shall NOT be used to effect the arrest of a fleeing felon unless
 - a. the officer has probable cause to believe that deadly physical force was used, or
 - b. threatened by the perpetrator, or
 - c. the perpetrator caused serious physical injury, or
 - d. the perpetrator is armed with a deadly weapon.
- 90. In addition, Department policy would prohibit the use of deadly physical force unless ALL of the following factors are present:
 - a. the police officer must have probable cause based upon knowledge of the crime involved and the surrounding circumstances, AND
 - b. the police officer has probable cause to believe the fleeing felon poses an immediate threat of serious physical injury to the officer, or has probable cause to believe that failure to apprehend the fleeing felon poses a threat of serious injury to others, AND
 - c. reasonable means to apprehend the perpetrator, other than use of a firearm are NOT available.
- 91. Deadly physical force shall not be used to effect an arrest or prevent or terminate a felony unless the officer has probable cause to believe that the victim may be killed or seriously injured and there is no other reasonable means to effect the arrest or prevent or terminate the felony other than by deadly physical force.



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92. A police officer may use deadly physical force upon another person when he/she reasonably believes that such other person is using or about to use deadly physical force against the officer or a third person.
93. Where feasible, and consistent with personal safety, some warning (other than a warning shot) **MUST** be given. Deadly physical force should only be used as a last resort.
94. The firing of warning shots is prohibited.
95. Discharging a firearm to summon assistance is prohibited, except where someone's safety is endangered.
96. Discharging a firearm from or at a moving vehicle is prohibited, unless the occupants of the other vehicle are using deadly physical force against the officer or another.
97. The discharge of a firearm at dogs or other animals should be an action employed **ONLY** when no other means to bring the animal under control exist.
98. To minimize the possibility of accidentally discharging a weapon, if possessed, a revolver shall **NOT** be cocked and should be fired double action.
99. Except as defined in this section, police officers shall draw their firearm only for cleaning, training and official supervisory inspection or when in the judgment of the officer to whom the firearm is assigned readiness to fire is essential to the protection of life.
100. When a member acquires a personally owned handgun, he shall be required to show proficiency with said handgun to the satisfaction of a current firearms instructor for the Department.
101. All personal handguns shall be registered and recorded on the Department Employee Personnel History Records immediately upon purchase or disposal. Additionally, "C" Forms shall be filled out and filed for all acquisitions and dispositions of personal handguns.
102. All personal handguns carried on or off duty shall be loaded with factory manufactured ammunition (reloads are not permissible). The following types of ammunition are strictly prohibited:
 - a. Body Armor piercing
 - b. Incendiary
 - c. Explosive ammunition
 - d. Mercury and or poisonous
 - e. Tracers
103. Members who wish to carry other than the issued firearm while on duty as a back-up weapon said firearm must meet the following criteria:
 - a. Revolvers 5 or 6 shot chambered .38/ .357 caliber with 2.5" barrel or less.
 - b. Double action only Semi-automatic pistols chambered .380, 9mm, .40 or .45 calibers, with a barrel length less than 4".



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- c. If there is any question as to whether or not a particular weapon fits the above criteria the firearms instructor should be contacted and a final determination will be made by the Chief of Police.

Note: .25 or .22 caliber weapons are not permitted as back-up weapons.

104. While on duty, members shall wear their sidearm in the prescribed manner.
105. Members shall report loss or theft of a firearm or the discharge of their weapon in accordance with existing regulations.
106. Each and every time a member of the Department discharges a firearm in the performance of duty, whether on or off duty, he/she shall prepare a complete, comprehensive report detailing circumstances involved and submit such report to the highest ranking supervisor. Such report should contain the reasons for the discharge of the firearm, the number of shots fired and the nature of any injuries or damage sustained by any person or property.
107. If a firearm is discharged at or towards any person, whether such person or another person is struck or not, the highest ranking supervisor and the patrol supervisor shall be contacted at once and summoned to the scene to conduct an immediate, complete investigation. Additionally, the Chief of Police shall be notified.
108. In the event of a firearm discharge described in subdivision 151 or 152 the highest ranking supervisor and patrol supervisor shall make a complete investigation and a detailed written administrative report shall be submitted to the Chief of Police.

PERSONAL APPEARANCE

Members Shall:

109. Be neat and clean.
110. Keep uniforms clean, well pressed and in good repair, including clean uniform accessories and clean, shined shoes.
111. While on duty, wear uniforms or other clothing in accordance with established departmental procedures.
112. Wear cap squarely on head, with center of visor directly over nose. (Cap may be removed while performing duty in Department vehicle or on emergency assignment.)
113. Prevent non-uniform articles from showing above uniform collar.
114. Not wear earrings or other adornments while performing duty in uniform, except that female officers may wear stud type earrings.



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115. Have hair that is clean, neat and combed, and shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.
116. Male members' sideburns shall be neatly trimmed and rectangular in shape, not extending below the bottom of the earlobe.
117. Male members shall be clean shaven except that they may have a mustache that is neatly trimmed and does not extend beyond or below the corners of the mouth.
118. Attend court and court-related proceedings in proper uniform, or in business attire.
119. Non-uniformed members shall report for regular duty and court appearances in proper business attire, however, command personnel may approve other attire due to nature of member assignment.

GIFTS & GRATUITIES

Members Shall Not:

120. Under any circumstances, solicit or accept any gifts, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their official position.
121. Use their official positions, official identification cards or badges for personal or financial gain.
122. Use their official position, official identification cards or badges for obtaining privileges not otherwise available to them except in the performance of duty.
123. Use their official positions, official identification cards or badges to avoid consequences of illegal acts.
124. Lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief of Police.
125. Authorize the use of their names, photographs, official titles that identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

PUBLIC CONTACT

Members Shall:

126. Give name and shield number to anyone requesting them.
127. Be courteous and respectful.



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128. Avoid conflict with Department policy when lecturing, giving speeches or submitting articles for publication.

Members Shall Not:

129. Use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender or sexual orientation.
130. Divulge or discuss official Department business except as authorized.
131. Engage in conduct prejudicial to good order, efficiency or discipline of the Department.
132. Patronize an unlicensed premise (social clubs, after-hours clubs) where there is illegal sale of alcoholic beverages and/or use of drugs, except in the performance of duty.

OFF-DUTY EMPLOYMENT

Members may engage in off-duty employment subject to the following limitations:

133. Such employment shall not interfere with the officer's employment with the Department.
134. Members shall submit a written request for off-duty employment to the Chief of Police whose approval must be granted prior to engaging in such employment.
135. Members shall not engage in any employment or business involving bail bond agencies, collection agencies or any other type of work where their involvement would compromise their position as a police officer. Additionally while performing any type of investigative work for an attorney or insurance company, or doing any process serving they shall not identify themselves as a police officer, or use their position as a police officer to assist them while engaging in said employment.

Members may be denied approval where it appears the outside employment might:

136. Render the member unavailable during an emergency.
137. Physically or mentally exhaust the member to the point that his/her police performance may be affected.
138. Require that any special consideration be given to scheduling of the member's regular duty hours.
139. Bring the Department into disrepute or impair the operation of the Department or the member.



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140. Members who accept off-duty employment must be aware that they will not in most instances be entitled to or receive legal representation and/or indemnification from the Village. Those benefits of Village employment are afforded to municipal employees only when they act within the scope of their employment and in discharge of official duties.
141. An officer may not be employed in a position that is specifically prohibited by law, i.e., Alcohol Beverage Control Law, Racing, Wagering and Breeding Law, etc.
142. Alcohol Beverage Control Law - No member shall have interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale or recommend to any licensee, any alcoholic beverage.
143. Alcohol Beverage Control Law - No member shall be employed in any retail licensed establishment where consumption of alcoholic beverages is permitted on premise except when authorized by the ABC Board and Chief of Police.

NOTE: Employment in a licensed establishment for off-premise consumption (deli, grocery, etc.) is not prohibited under this section.

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

UNIFORMED OFF-DUTY EMPLOYMENT

Members may engage in off-duty employment in the Larchmont Police Uniform subject to the following restrictions and limitations:

145. Such employment shall be approved by the Chief of Police or in his absence by a Command Officer. Employment details which are regular jobs may be approved yearly by said authority. Any job which is new or on a one time basis will be reviewed and approved on a case by case basis.
146. Members should be aware, as stated in sub-division 136 of this section, that they will not in most cases be entitled to or receive legal representation and/ or indemnification from the Village. Those benefits of Village employment are afforded



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to municipal employees only when they act within the scope of their employment and in the discharge of official duties. This would also apply to compensation claims for an injury incurred while engaged in said employment.

147. Permission will only be given for officers to engage in said employment in the Village of Larchmont. Officers will not be permitted to work in a department uniform in another jurisdiction.

Prohibited Employment

148. Employment involving political parties or private organizations, or any other organization that could comprise a conflict for the Department or the Village.
149. Employment which is prohibited by law contained shall also be prohibited in this sub-section.
150. Any employment inside of a licensed premise or other place of business where the main business is the sale of intoxicants for on premise consumption.

Procedure

151. Officers engaged in approved employment will wear the uniform of the day, and all uniform regulations and specifications will be adhered to as per the highest ranking officer actually on duty. There shall be no alteration or modification of the official uniform.
152. Each officer shall check in with the desk officer and be issued a portable radio which will be turned in at the end of the detail.
153. Officers who engage in said employment shall be under the supervision of the highest ranking supervisor and/ or the patrol supervisor, and shall be governed by all Department rules, regulations, policies and procedures.

HARASSMENT

Title VII of the 1964 Civil Rights Act prohibits employment discrimination on the basis of race, color, sex, age or national origin. This Department will maintain a working environment free from all forms of harassment including sexual harassment. Harassment in any manner or form is expressly prohibited. This Department will not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive or hostile environment.

154. All members are directed to submit written complaints to their supervisor or the Chief of Police to report any incident constituting harassment or sexual harassment.



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155. All reports shall be brought to the attention of the Command Officer responsible for internal affairs, who in turn shall immediately initiate an investigation into the allegations.
156. If at the completion of the internal investigation it is determined that the complaint is sustained, appropriate disciplinary actions shall be taken.
157. The training officer shall direct tour supervisors to review the provisions of this policy on an annual basis.
158. The Larchmont Police Department will not in any way retaliate against a member who reports a perceived violation of this policy, participates in any investigation, or otherwise opposes perceived discrimination, harassment, or retaliation, including as a witness, nor retaliate against anyone associated with the member who engages in such protected conduct, such as a family member.
159. The Department will not tolerate retaliation by any member. Retaliation is a serious violation of this policy and anyone who believes he/she is a victim of retaliation should report the matter immediately to a Command Officer.

Members Shall Not:

160. Exercise or attempt to exercise the authority of one's position to control, influence or affect the career, salary, job or other employment conditions of any employee in exchange for sexual favors.
161. Use verbal abuse, threats or false accusations.
162. Use unwelcome or repeated comments, remarks, jokes, innuendoes or taunting about a person's body, attire, age, sex, race, disabilities, marital status, ethnic or religious origins.
163. Display pornographic, racist, or other offensive or derogatory material.
164. Make unwelcome or sexual advances, propositions, or gestures.
165. Make physical contact that one finds objectionable or offensive.

ILLNESS OR INJURY

166. Members shall not feign illness or injury, falsely report themselves ill or injured, on or off duty, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.
167. Members reporting sick or injured while on duty may be excused by their supervisor if he/she is satisfied that the illness or injury is genuine.
168. Members off duty, who are reporting themselves as sick or injured and will not be able to report for their next tour of duty, shall call the desk officer at least two hours before the scheduled tour is to begin each day of absence. If this two-hour limit cannot be met, then a reasonable excuse as to why shall also be provided.



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GENERAL REGULATIONS			
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169. Members who will be absent for more than three consecutive days due to illness or injury, shall at the Chief's request, provide a doctor's note stating the nature and extent of the claimed illness or injury.
170. Members who are injured whether on or off duty and acting in their official capacity as police officers, shall follow the procedures as prescribed in section 116-2.



OPERATIONS PROCEDURE			Procedure No: 103-02
LEGISLATIVE RESTRICTIONS			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

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

POLICY

OBEDIENCE TO PROVISIONS OF PUBLIC OFFICERS LAW AND ELECTION LAW.

Municipal police officers are subject to the provisions of the General Municipal Law, article 18 and the Election Law, section 17-110. Sworn members of this Department are required to know and obey these statutes.

PUBLIC OFFICERS LAW

The proscribed prohibited activities include:

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

THE SAME LAW ALSO IMPOSES SEVERAL AFFIRMATIVE DUTIES, INCLUDING:

4. Disclosure of any interest in any contact or dealings with the employing government.
5. 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.
6. Effective January 1, 1991, annual filing of financial disclosure forms will be required of certain employees.

These statutes also contain and authorize the local municipality to adopt codes of conduct for municipal employees relating to the conflict of interest. The Village of Larchmont has done so and its Code of Ethics for officers and employees have been codified under Chapter 27 of the Village Code, a copy of such ordinance being incorporated into the Rule and Regulations of this department under Section 101-05 of this Manual.



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LEGISLATIVE RESTRICTIONS			
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ELECTION LAW

NEW YORK STATE ELECTION LAW SECTION 17-110; Misdemeanors Concerning Members of any Police Force

Any person, who, being a Police Commissioner or any officer or member of any police force in this State:

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



OPERATIONS PROCEDURE			Procedure No: 103-03
USE OF PHYSICAL FORCE			
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PURPOSE

To establish the policy and procedure of the Department in the use of physical force. Officers are expected to use only such force as is reasonable and necessary in making an arrest.

POLICY

Members of the Department may only use the level of physical force necessary to effect lawful objectives in the performance of their duties within the limits established in article 35 of the New York State Penal Law and consistent with training given by this Department. It is the responsibility of each member to be aware of the requirements of article 35 and to guide his/her actions based upon law.

Prior to using physical force, members must consider whether their actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. To determine the reasonableness of their actions, members should consider the following factors in making the determination to use physical force:

- a. the severity of the crime at issue,
- b. whether the suspect poses an immediate threat to the safety of the officers or others, and
- c. whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The use of indiscriminate force is prohibited.

PROCEDURE

1. Generally, members may use force in the performance of their duty in the following circumstances:
 - a. To prevent the commission of a breach of the peace or other unlawful act.
 - b. To prevent a person from injuring him/herself.
 - c. To effect the lawful arrest of persons resisting arrest or attempting to flee from custody.
 - d. In self-defense or in the defense of another person.
2. Only issued and approved equipment will be carried on duty, and used only when applying physical force, except in an emergency when the officer may use other resources at his/her disposal.



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3. Unnecessary Force Defined

Unnecessary force occurs when unjustified physical abuse of a person occurs, or when it is apparent that the type or degree of force employed was neither necessary nor appropriate, or when any degree of force is utilized as summary punishment or vengeance.

4. Level of Force

When the use of force is necessary and appropriate, members shall, to the extent possible, utilize an escalating scale of options and will not use more forceful measures unless it is determined that a lower level of force is inadequate. The scale of options in increasing severity as follows:

5. Verbal Persuasion

The practice of courtesy in all public contacts encourages understanding and cooperation. Lack of courtesy arouses resentment and often physical resistance. Simple directions that are complied with while a member accompanies the subject are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion, and warnings before resorting to actual physical force. The above should not be construed to suggest that members should ever relax and lose control of a situation, thus endangering personal safety or the safety of others.

6. Physical Strength

At times, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally, all that is required to overcome this resistance is physical strength and skill in defensive tactics.

7. Non-lethal Weapons

- a. Any non-lethal weapon used may be used in accordance with section 103-5 ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT.
- b. Whenever chemical agents are used (except for training purposes), they should be used in accordance with guidelines established in section 103-6 ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT.
- c. Whenever the Department issued TASER is deployed, it shall be used in accordance with the guidelines established in section 103-09 of this manual and ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT



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USE OF PHYSICAL FORCE			
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8. Lethal Force
See section 103-4.
9. Medical Aid and Reporting
Each and every time a weapon is used or a physical injury is inflicted by any means, by a member of the Department, the member shall immediately evaluate the need for medical assistance and, if necessary, arrange for such attention. Notification must be made without delay to the highest ranking supervisor. The member shall prepare a complete, comprehensive Police Incident Report detailing circumstance involved and a Use of Force Report, and submit such reports to the highest ranking supervisor. Such ranking supervisor shall in turn make notification to a Command Officer. Such report should contain the reasons for the use of force, and the nature of any injuries sustained by any person.
10. The investigating supervisor shall then submit an "Administrative Report" to the Chief of Police.



OPERATIONS PROCEDURE			Procedure No: 103-04
USE OF FORCE: FIREARMS / D.P.F.			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To establish clear guidelines for officers regarding the use of deadly physical force. Members of the Department have traditionally displayed commendable restraint in resorting to the use of deadly physical force. The irreversible consequences of such force places a responsibility on the Department to establish a policy that

- a. Clearly guides personnel in its application.
- b. Maximizes officers' safety.
- c. Minimizes the possibility of injury to innocent persons.
- d. Reduces the unnecessary loss of human life to the lowest level consistent with the need for public safety.

BACKGROUND

There is probably no more serious act that a law enforcement officer can engage in than the use of a firearm. The occasions for such use are life and death situations, which are invariably confusing and complex, affording precious little time for meditation or reflection. It is imperative then, that the officer, through training and the absorption of these guidelines, be able to respond quickly, confident that he/she is acting within the limits of Department policy. This serves to protect the public from unlawful and unreasonable use of force; at the same time, it enables officers to act without hesitation, to protect themselves or another person. Perhaps equally important, it minimizes the second-guessing to which the officer is subjected when no such guidelines exist.

Members should have a thorough knowledge of article 35 of the New York State Penal Law and should periodically review this body of law. Members should bear in mind that article 35 of the Penal Law only authorizes use of physical force/deadly physical force; it does not command its use. Members should also be aware that DEPARTMENT POLICY IS MORE RESTRICTIVE THAN ARTICLE 35 IN THE USE OF PHYSICAL FORCE/DEADLY PHYSICAL FORCE.

POLICY

In all cases, only the minimum amount of force necessary to effect lawful objectives, which is consistent with the accomplishment of a mission, will be used and is authorized. The firearm shall be viewed as a defensive weapon, NOT a tool of apprehension.



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USE OF FORCE: FIREARMS / D.P.F.			
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Note: Guidelines for the use of firearms by members is clearly set forth in section 103-1, sub. 83 through 105, however, the importance of these regulations is so critical that they merit being restated in the remaining subsections of this

Members may discharge a firearm ONLY under the following situations:

1. Every other reasonable alternative means will be utilized before a police officer resorts to the use of his/her firearm.
2. Deadly physical force shall NOT be used to effect the arrest of a fleeing felon unless the officer has probable cause to believe that:
 - a. deadly physical force was used or threatened by the perpetrator, OR
 - b. the perpetrator caused serious physical injury, OR
 - c. the perpetrator is armed with a deadly weapon.

In addition, Department policy would prohibit the use of deadly physical force unless ALL of the following factors are present:

- d. the police officer must have probable cause based upon knowledge of the crime involved and the surrounding circumstances, AND
 - e. the police officer has probable cause to believe the fleeing felon poses an immediate threat of serious physical injury to the officer, or has probable cause to believe that failure to apprehend the fleeing felon poses a threat of serious injury to others, AND
 - f. reasonable means to apprehend the perpetrator, other than use of firearm are NOT available.
3. Deadly physical force shall not be used to effect an arrest or prevent or terminate a felony unless the officer has probable cause to believe that the victim may be killed or seriously injured and there is no other reasonable means to effect the arrest or prevent or terminate the felony other than by deadly physical force.
4. A police officer may use deadly physical force upon another person when he/she reasonably believes that such other person is using or about to use deadly physical force against the officer or a third person.
5. Where feasible, and consistent with personal safety, some warning (other than a warning shot) MUST be given. Deadly physical force should only be used as a last resort.



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USE OF FORCE: FIREARMS / D.P.F.			
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6. The firing of warning shots is **prohibited**.
7. Discharging a firearm to summon assistance is prohibited, except where someone's safety is endangered.
8. Discharging a firearm from or at a moving vehicle is prohibited, unless the occupants of the other vehicle are using deadly physical force against the officer or another.
9. The discharge of a firearm at dogs or other animals should be an action employed **ONLY** when no other means to bring the animal under control exist.

Choke Holds and Carotid Holds

10. Choke holds, carotid holds, and similar compressions of the neck represent potential use of deadly force and shall never be used unless an officer or another person is in imminent danger of death or serious physical injury, and all other measures to reasonably repel the attack have been exhausted.

Note: A Choke Hold is defined as any application of pressure to the throat, windpipe, or neck, or blocking of the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation.

LARCHMONT POLICE DEPARTMENT

OFFICERS DEFENSIVE ACTION REPORT

DATE:	TIME:	LOCATION:	REPORT NUMBER:
SUBJECTS NAME (Last, First, Middle):		DOB:	SSN:

SUBJECTS ACTIONS

<p>AT THE TIME OF ARREST, THE SUBJECT WAS:</p> <p>☐ MENTALLY IMPAIRED ☐ UNDER THE INFLUENCE OF ALCOHOL OR DRUGS ☐ OTHER _____</p>	
<p>REASON THE USE OF FORCE WAS NECESSARY:</p> <p>☐ TO EFFECT AN ARREST ☐ TO DEFEND SELF ☐ TO DEFEND ANOTHER OFFICER ☐ TO DEFEND OTHER PERSON(S) ☐ OTHER</p> <p>☐ TO PREVENT A VIOLENT FELONY ☐ TO PREVENT A VIOLENT MISDEMEANOR ☐ TO RESTRAIN FOR SUBJECTS SAFETY</p>	
<p>PERCEIVED SUBJECT'S ACTION (S), CATEGORIES:</p> <p>☐ RESISTANT (PASSIVE) ☐ RESISTANT (ACTIVE) ☐ ASSAULT (BODILY HARM) ☐ ASSAULT (Serious Bodily Harm / Death)</p>	
<p>OFFICER'S RESPONSE (S) CATEGORIES:</p> <p>☐ CONTACT CONTROLS ☐ COMPLIANCE TECHNIQUES ☐ DEFENSIVE TACTICS ☐ DEADLY FORCE</p>	

MEDICAL

WAS SUBJECT INJURED? ☐ YES ☐ NO	TRANSPORTED BY:	HOSPITAL / PHYSICIAN:
SUBJECT WAS: <div style="display: flex; justify-content: space-between;"> ☐ TREATED AND RELEASED BY HOSPITAL ☐ SEEN BY HOSPITAL & PHYSICIAN / REFUSAL ☐ RELEASED FROM CUSTODY ☐ ADMITTED </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> ☐ SEEN BY E.M.S. IN THE FIELD / REFUSAL ☐ SEEN BY E.M.S. AT THE STATION / REFUSAL ☐ OTHER _____ </div>		
SUBJECTS INJURIES (Check All That Apply): <div style="display: flex; justify-content: space-between;"> ☐ NOTHING OBSERVED ☐ BRUISING ☐ UNCONSCIOUSNESS ☐ OTHER MINOR ☐ OTHER MAJOR ☐ DEATH </div>		
PHOTO'S TAKEN? ☐ YES ☐ NO BY WHOM: _____ # TAKEN _____		

VEHICLE PURSUIT / STOP STICKS

PURSUIT; ☐ INITIATED BY _____ ☐ ASSISTED OTHER AGENCY _____

STOP STICKS DEPLOYED? ☐ YES ☐ NO STOP STICKS HIT? ☐ YES ☐ NO DEFLATION OF: ☐ R/F ☐ R/R ☐ L/F ☐ L/R

ACCIDENT OCCURS AT TIME OF DEPLOYMENT? ☐ YES ☐ NO INITIAL OFFENSE: ☐ FELONY ☐ MISDEMEANOR ☐ TRAFFIC ☐ OTHER

PATROL UNITS: _____ / _____ / _____ STOP STICKS SERIAL # _____

BRIEF SUMMARY OF INCIDENT

[illegible]

CHEMICAL SPRAY☐ **DISPLAYED**

(INDICATE TARGET AREA ON DIAGRAM)		EYES: ☐ CLOSURE ☐ TEARS ☐ NO EFFECT	
WAS SPRAY EFFECTIVE? ☐ YES ☐ NO		NOSE: ☐ DISCHARGE ☐ IRRITATION ☐ NO EFFECT	
NUMBER OF TIMES SPRAYED: _____		SKIN: ☐ REDNESS ☐ BURNING ☐ NO EFFECT	
APPROXIMATE DISTANCE FROM SUBJECT: _____		BREATHING: ☐ COUGHING ☐ LABORED ☐ NO EFFECT	
FURTHER CONTROL METHODS NEEDED? ☐ YES ☐ NO			

CONTROL METHODS

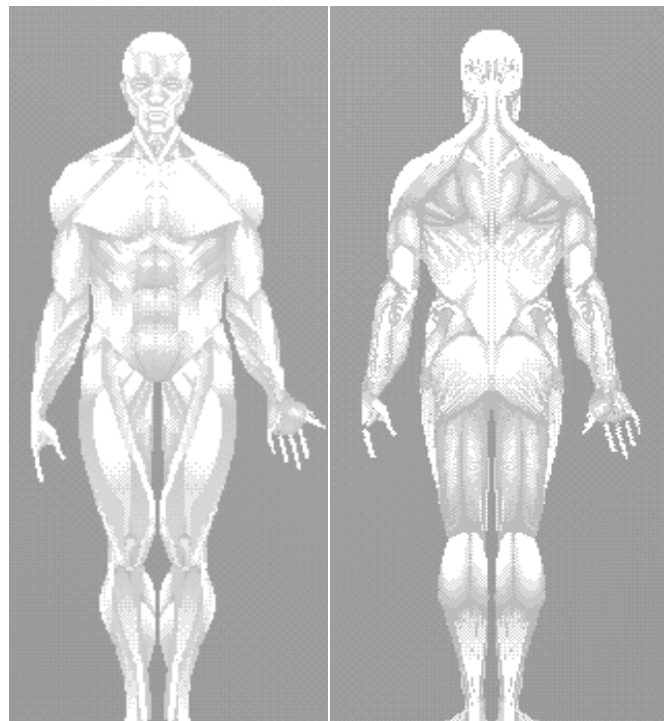
RESTRAINT METHODS USED:	
☐ HANDCUFFS ☐ LEG IRONS ☐ RESTRAINT CHAIR ☐ SPIT HOOD ☐ NONE ☐ OTHER _____	
EMPTY HAND TECHNIQUES: (USING DIAGRAM INDICATE AREA WHERE TECHNIQUE WAS APPLIED)	
PRESSURE POINTS / LIST _____ STRIKES / LIST _____	
LOCKS / LIST _____ OTHER / LIST _____	

TASER☐ **DISPLAYED**

TASER X 26 SERIAL NUMBERS: _____	TYPE OF CARTRIDGE USED: _____
RANGE OF UNIT AT DEPLOYMENT: _____ feet	TYPE OF CLOTHING ENCOUNTERED: _____
NUMBER OF CYCLES _____	
DISCHARGE TYPE: ☐ PROBE ☐ DIRECT ☐ BOTH	

LESS LETHAL DEPLOYMENT ☐ **DISPLAYED**

(INDICATE IMPACT AREA ON DIAGRAM)	
WAS LESS LETHAL EFFECTIVE? ☐ YES ☐ NO	
IMPACT TOOL: ☐ ASP ☐ STRAIGHT BATON ☐ TASER	
# HITS _____ # MISSES _____ APPROX. DISTANCE: _____	
ADVANCED: ☐ BATON/ BEAN BAG ROUND ☐ TASER	
# HITS _____ # MISSES _____ APPROX. DISTANCE: _____	
LIST VARIABLES REGARDING EFFECTIVENESS (clothing, barriers, running, etc.)	

**FIREARMS**

(INDICATE IMPACT AREA ON DIAGRAM)	
☐ CHALLENGE ONLY ☐ DISCHARGE	
FIREARM: ☐ PISTOL ☐ RIFLE ☐ OTHER _____	
# HITS _____ # MISSES _____ APPROX. DISTANCE: _____	
WEAPON MAKE _____ MODEL _____ SERIAL # _____	

POST-INCIDENT OBSERVATION OF SUBJECT

INITIAL OBSERVATION: (OFFICER'S NAME / SHIELD)	OBSERVATIONS 15 MINUTES LATER:	OBSERVATIONS 30 MINUTES LATER:
TIME: _____	TIME: _____	TIME: _____

REPORTING OFFICER

REPORTING OFFICER'S NAME / SHIELD:	TYPE OF FORCE USED:	OFFICER INJURED? ☐ YES ☐ NO LIST INJURY:
SECONDARY OFFICER'S NAME / SHIELD:	TYPE OF FORCE USED:	OFFICER INJURED? ☐ YES ☐ NO LIST INJURY:
SHIFT SUPERVISOR'S NAME / SHIELD:	REVIEWED BY: (Initials / SHIELD) SGT. _____ / _____ LT: _____ / _____ CPT. _____ / _____ CHIEF: _____ / _____	



OPERATIONS PROCEDURE			Procedure No: 103-05
USE OF FORCE BATON/ASP/UTILITY KNIFE			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To outline procedure for the proper use of the Police Baton/A.S.P. or Utility Knife.

POLICY

The use of the police baton is regarded by this Department as an escalation in the use of force to a level slightly less than deadly physical force but greater than the application of chemical O.C. Pepper Spray or 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.

PROCEDURE

1. AUTHORIZED USE OF THE POLICE BATON

Members may use a police baton to subdue a violently resisting subject or in self-defense or defense of a third party, if lesser methods have failed, or if circumstances warrant its immediate use.

2. UNAUTHORIZED USE OF THE POLICE BATON

Members are prohibited from using a police baton in the following circumstances:

- a. As a threat to make a person comply with a member's verbal order, when no physical violence is imminent.
- b. In retaliation for non-physical abuse toward a member.
- c. On persons secured and properly in custody.
- d. To "stop" a person for a field interrogation

Care and Use

3. When a member uses his/her baton in any authorized situation, its use is subject to the following regulations:

- a. When use of the police baton is justified, blows should NOT be directed to the head, spine, sternum, neck or groin.
- b. Blows should normally be delivered towards the center mass of the arms, legs or body.



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Authorized Utility Knife

4. Section 104-5 of the Department Manual allows members to carry a folding type utility knife on their duty belt. Although a knife by definition is a weapon, the purpose of the knife on the duty belt is that it is to be used as a tool. The knife is NOT TO BE REGARDED AS AN OFFENSIVE OR DEFENSIVE WEAPON EXCEPT UNDER AN EXTREME POLICE EMERGENCY AND AS A LAST RESORT FOR THE MEMBER.
5. In all cases when the police baton/utility knife is used against another person, the member using either will report the occurrence as directed in section 103-3, sub. 9 and the tour commander or patrol supervisor will investigate and report the incident to the Chief of Police.



OPERATIONS PROCEDURE			Procedure No: 103-06
USE OF FORCE: O.C. SPRAY			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish uniform policy for the use of O. C. Pepper Defense Spray.

BACKGROUND

OLEO-RESIN CAPSICUM, or O. C., is the active ingredient in the O.C. Pepper Defense Spray. O. C. is a natural derivative of the cayenne pepper which, when sprayed in the face, causes a temporary burning sensation to the eyes, nose and throat. O. C. Pepper Spray is a water based 10 percent O.C. Formulation incorporating a surfactant to create a dense cohesive foam. It is designed to subdue a person by projecting the specially formulated foam into the face. It thus provides the member with another alternative level of force, short of the use of the baton or firearm. It is a safe and humane means of controlling a violent person compared to the alternatives of the baton or firearm.

POLICY

1. Only Department-issued Pepper Spray will be carried by members while on duty.
2. O. C. Pepper Spray should only be used:
 - a. In circumstances when it is necessary to overcome violent physical force or resistance, likely to result in injury to the suspect, the member or another person.
 - b. To repel or incapacitate domestic or wild animals.
3. O. C. Pepper Spray shall never be used:
 - a. As a threat to make a person comply with a member's verbal order.
 - b. Against any person in retaliation for his/her verbal or other abuse of a member.
 - c. To elicit information from any person.

Instructions for Use

4. Range - The effective range of O. C. Pepper Spray is 2 to 8 feet. O. C. Pepper Spray is most effective from a distance 24 inches to 6 feet.



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5. USE - The most effective use of O. C. Pepper Spray is two well-aimed, one-second bursts, aimed into the face of the aggressor from two or more feet, but no closer than 20 inches.

Medical Attention

6. The officer shall ensure that ample quantities of water are made available to the person to flush the affected areas as soon as practical after being sprayed.
7. The officer shall ask the subject, if possible, if he/she is wearing contact lenses. If the subject is wearing contact lenses, the officer shall advise him/her to remove them. The officer will give the subject an opportunity to remove his/her lenses as soon as practical and soft lenses are to be discarded. Eye injury can occur if affected lenses remain in the eyes for more than six hours. The officer should detail such information in the incident/complaint report.
8. The officer shall ask the subject if he/she suffers from any upper respiratory disease such as asthma, emphysema or bronchitis. O. C. sprays do not aggravate these disorders, however the stress of being sprayed and arrested can. The officer should reassure the subject that the effects are short-lived and that he/she will be assisted in flushing the affected areas. Such information should be detailed in the incident/complaint report and an Administrative report shall be completed out by the member using the O.C. Spray.
9. The subject shall also be informed that medical attention is available. If the person desires medical attention, or otherwise appears in need of same, it is the responsibility of the officer discharging the O. C. Pepper Spray to ensure that the person is transported to the nearest hospital for treatment.
10. In all cases when O. C. Pepper Spray is used, the member using the agent shall report the occurrence as directed in section 103-3, sub. 9 & 10.
11. The patrol supervisor shall fill out and submit an administrative report.



OPERATIONS PROCEDURE			Procedure No: 103-07
PATROL RIFLES			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To establish the policy and procedures regulating the carrying and use of department rifles by members of the Department.

BACKGROUND

Because of the unusually dangerous potential of a rifle, the carrying and use of such weapons must be carefully controlled and monitored at all levels.

POLICY

The policies, procedures and regulations of this Department governing the use, carrying and reporting requirements of firearms will strictly apply to the use, carrying and reporting requirements for shotguns and department rifles. All personnel who have been trained in, and are certified as qualified in the use of rifles shall have access to them under the following guidelines.

PROCEDURE

1. Department patrol rifles will be **MANDATORY** for each post car and patrol supervisor's car, and will be secured in a locked mount provided for this purpose in each vehicle, which is located in the trunk. In addition, the supervisor's vehicle will permanently carry one patrol rifle in the locked mount in its rear locked cabinet. The rifle will be loaded only with department issued ammunition.
2. Shotguns are retained as special use weapons and are not to be carried on routine patrol except when expressly authorized by a supervisor.
3. The patrol rifles are permanently housed and locked in each marked patrol vehicle in the appropriate mount with no round in the chamber, the safety in the "on" position, and the action closed.
4. An electronic locking mechanism is employed as a safety measure to secure rifles in vehicle mounts. A handcuff key lock is part of the safety mechanism, to be used when the vehicle is shut off.

Safety

5. Extreme caution will be used when handling a patrol rifle. Supervisory personnel shall be alert to and correct any careless handling of such weapons. The following safety precautions will be strictly adhered to:



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6. Except when in the act of using the weapon, the rifle shall be carried with the muzzle pointing upward above the officers' head; "hip rest position" and the safety shall be in the "on" position.
7. While inside police headquarters, rifles will **not be loaded**, and shall be carried with the safety in the "on" position, "hip rest position" and the action open.
8. While on patrol, rifles shall not have a live round in the chamber. The chambers may be charged only when the officer is presented with a situation where deadly force may be necessary under paragraph 16 of this policy.
9. Members will carefully inspect the weapon to be certain that it is in good working order. If there appears to be any problem with the weapon, such will immediately be brought to the attention of a supervisor or firearms instructor. The patrol supervisor shall then immediately notify the Chief of Police by completing an administrative report.
10. Any rifle requiring repair shall be removed from the vehicle in the above manner, tagged and turned over to the patrol supervisor, who will make a report to the Chief of Police.
11. The patrol supervisor shall assure that all rifles assigned to marked patrol units are inspected and if necessary cleaned by a range officer.

Responsibility

12. Responsibility for the security and or the use of a rifle will be borne by the member assigned the weapon. No member shall accept assignment of a rifle unless he has been determined to be qualified to use said rifle by a Department firearms instructor.
13. The Firearms Sergeant shall be responsible for causing the monthly inspection and cleaning of all rifles.

Security

14. When not in use, rifles will be locked in the mounts located in the trunk of the patrol vehicle. Officers, when not in immediate proximity of their vehicles, shall lock the vehicle to insure the security of the weapon.



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15. When a vehicle is taken out of service for repairs, the rifle shall be removed from the vehicle by the assigned member and secured in the department gun locker. The weapon shall be stored in the Department gun locker unloaded with the action open. When a vehicle is returned to service after said repairs the officer assigned to that vehicle upon performing an equipment check shall return the rifle to the vehicle rack.

Deployment of Rifle

16. Situations where the deployment of a rifle might be appropriate are:
- Felony situations where a suspect is believed to be on the scene and is possibly armed.
 - When dispatched to the scene of a crime where it is known that a firearm is involved in the commission thereof.
 - In searches for suspects suspected to be armed.
 - In any armed robbery alarm calls.
 - In felony motor vehicle stops.
 - Civil disorders under strict discipline, with approval of command personnel on scene

Prohibited Use of Rifle

17. Situations where the deployment of a rifle/shotgun would NOT be appropriate are:
- Routine calls, I.E., prowler calls, burglary in progress calls, unless the aforementioned criteria is met.
 - Disturbance calls, except when the caller indicates that a weapon is present and being used in the disturbance.
 - As a show of force.

Reporting & Procedure Upon Use

18. The discharge of any rifle by a member shall be investigated and reported consistent with operating procedures.



OPERATIONAL PROCEDURE		Procedure No: 103-09	
ELECTRONIC CONTROL DEVICES			
DATE ISSUED: 01AUG09	DATE EFFECTIVE: 01AUG09	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE

The purpose of this procedure is to provide officers with guidance and direction on the use of the TASER electronic control device.

POLICY

It shall be the policy of this department to use only the level of force that is reasonable and necessary to control or otherwise subdue violent or potentially violent individuals.

Electronic control devices have been proven effective in furthering this policy, and are authorized for use in appropriate circumstances by trained personnel.

PROCEDURE

1. Authorized Users

- a. Only sworn Members who have completed the Department's X-26 TASER training program, or members who have completed the manufacturer's certification course of instruction, are authorized to carry and deploy the TASER.
- b. Based on the Member's current rank and assignment, a TASER weapon may either be issued to him or assigned to him on a daily or shift basis.

2. Training

- a. Officers must be properly trained before being issued and using the X-26 TASER.
- b. The training provided should, at a minimum, address the following topics.
 - i. Design and functioning of each device.
 - ii. Proper method of carry, use, and activation of the device.
 - iii. Proper method of storage and maintenance of the device.
 - iv. Departmental policy concerning rules of use and engagement.
 - v. Safe and proper removal of probes.
- c. Officers shall be recertified on an annual basis.

3. Maintenance

- a. TASER units issued to individual Member.
 - i. The assigned Member will safeguard and maintain the assigned TASER in accordance with section 103-01 of this manual relating to the proper maintenance of Department property.
- b. Testing and maintenance of the devices must be performed in accordance



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with the manufacturer's specifications and recommendations.

4. Weapon Readiness

- a. The TASER shall be carried by authorized officers or supervisors in an approved holster on the support side of the body.
- b. The TASER shall be carried fully armed with the safety 'on' in preparation for immediate deployment, should it become necessary.
- c. Officers authorized to use the TASER shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.
- d. The spare cartridges shall be stored and carried in a manner consistent with training and the manufacturer's expiration requirements.
- e. Only agency approved battery sources shall be used in the TASER.

5. Deployment

- a. No policy or guideline can anticipate every situation an officer might face, but in general terms officers may consider using the device when they can reasonably articulate grounds to arrest or detain a subject, and the subject has demonstrated that he will likely use physical force to resist the arrest or detention, or may otherwise assault or attempt to assault the officer, another person, or himself or herself.
- b. The TASER shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
- c. The TASER is generally analogous to Oleoresin Capsicum (OC) spray on the use of force continuum, and decisions to deploy the TASER should require the same level of justification. As such, the TASER is prohibited from being used:
 - i. In a punitive or coercive manner.
 - ii. On a handcuffed or secured prisoner, absent overt behavior that cannot be reasonably dealt with in any other, less intrusive fashion.
 - iii. On any suspect who does not demonstrate their overt intention to use violence or force against the officer or another person.



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- iv. On any suspect who does not demonstrate their overt intention to flee in order to resist or avoid detention or arrest.
 - v. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present, including but not limited to Oleoresin Capsicum (OC) spray with volatile propellant, gasoline, natural gas, or propane.
 - vi. In any environment where the subject's fall could reasonably result in death, i.e.: a swimming pool or an elevated structure.
 - vii. On a female suspect who is obviously pregnant.
- d. In preparation for firing, the TASER shall be pointed in a safe direction, taken off safe, and then aimed.
- e. Center mass of the subject's back should be the primary target where reasonably possible. Lower center mass, below the chest for front shots, or legs are the secondary targets.
- f. The fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
- g. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. The subject should be secured as soon as practical while disabled by TASER power to minimize the number of deployment cycles.
- h. Added caution may be warranted when using the TASER against "susceptible" individuals such as those suffering debilitating illnesses, persons who are very old or very young, and persons of very small stature irrespective of age.
- i. The TASER may also be used in certain circumstances in a "drive stun" mode. This involves removing the cartridge and pressing the TASER against an appropriate area of the body based on training.
- j. It is important to note that when the TASER is used in this manner it is:
- i. Primarily a pain compliance tool due to a lack of probe spread.
 - ii. Minimally effective when compared to conventional cartridge type deployments.
 - iii. More likely to leave marks on the subject's skin.
 - iv. Subject to the same deployment guidelines and restrictions as that of the TASER in cartridge deployments.



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- k. The act of displaying the TASER or initiating a cycle without firing the probes will not constitute a use of the TASER. However, the officer or supervisor will document the circumstances surrounding the display of the TASER in an incident report.

6. Dart Removal and Medical Attention

- a. Once the TASER has been deployed and the subject has been restrained, the officers on the scene shall cause Fire Department and V.A.C. personnel to be dispatched to the scene so that appropriate medical care is administered.
- b. The TASER officer shall remove the air cartridge from the TASER and await the arrival of Emergency Medical personnel. Fire Department or VAC personnel shall remove the probes consistent with their training.
- c. Medical attention is required whenever the probes hit the soft tissue areas such as the eyes.
- d. Universal precautions should be used when in contact with the subject where the probes have penetrated the subject's skin and also when handling the spent cartridges due to the potential biohazard.
- e. Officers must keep in mind that secondary injuries may occur for example, injuries from a fall after the deployment of the TASER.
- f. The officers shall cause Emergency Medical personnel to respond to the scene whenever a secondary injury is suspected to have occurred due to the use of the TASER.
- g. The probes or darts should be placed in containers suitable for the safe storage of sharp objects, and in accordance with the departmental biohazard material policy.
- h. Probes and darts, cartridge packs, and the confetti-like serial numbered Anti-Felon Identification (AFID) tag samples emitted during an operational deployment against an individual are evidence; and should be treated accordingly.
- i. The integrity of the wire and the probes should be maintained for forensic analysis in the event of the device's failure.



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- j. The following persons should be transported to an emergency medical facility for treatment after exposure to the TASER:
- i. Subjects who are hit in a sensitive area (face, head, female breasts, genitals).
 - ii. Subjects from whom E.M.T.s paramedics or similarly qualified medical professionals have difficulty in removing the probes.
 - iii. Subjects who do not appear to be fully recovered within ten minutes after being hit.
 - iv. Subjects who are in the potential susceptible population category as previously noted.
 - v. Any subject who requests medical attention.

7. Reporting

- a. Deployment of the TASER against a subject is a use of force and should be reported as any other use of force. Therefore, with the exception of deliberate discharges for training purposes, all instances of discharge, including accidental discharge, should be reported via the appropriate chain of command.
- b. An Incident Report and Use of Force report will be completed and should include the following at a minimum:
- i. The circumstances that necessitated the discharge. This should include the facts that support the officer's conclusion that the use of force was justified and necessary.
 - ii. The identity of the subject, all officers involved, and any known witnesses.
 - iii. The make, model and serial number of the unit used.
 - iv. The range at which the unit was employed.
 - v. The point(s) of impact on the subject.
 - vi. The number of five-second cycles used.
 - vii. Articulate justification if more than three five-second cycles are used.
 - viii. The type of clothing the probes encountered.
 - ix. The type of cartridge used.
 - x. The type of discharge (probe, direct contact stun or both).
 - xi. Evaluation of the effectiveness of the device.
 - xii. After discharge actions by the officer.
 - xiii. Any injuries suffered by the subject as a result of using the device.
- c. Photographs may be taken in all instances wherein a subject is injured or complains of being injured, as a result of the TASER use.



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AUTOMATIC LICENSE PLATE READER			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE

To establish guidelines for member of the Larchmont Police Department for the deployment, maintenance, training, data storage, and associated uses of license plate reader (LPR). It is the purpose of these procedures to serve as a guide for the use of LPR which collect and store large amounts of data, inclusive of license plates, dates, times, and locations of vehicles, for future records management, analysis and dataset linking.

POLICY

LPR technology automates a process that, in the past, was conducted manually by officers, tag by tag, with much discretion. LPR is an information technology system with the capability for quick scanning and matching capabilities. In addition to recovering stolen vehicles, LPR data can be used to confirm a suspect's alibi or whereabouts at a particular date and time. Data may also be used for predictive purposes, i.e., to scan and record vehicular activity in high risk/crime locations and unusual patterns of traffic by one or multiple vehicles resulting in a heightened risk or concern that emerges from analyzing the data.

DEFINITIONS

License Plate Recognition (LPR) system: Equipment consisting of camera(s), computer, and computer software used to automatically recognize and interpret the characters on vehicle license plates. The LPR can scan and read over 3,000 license plates per hour. Digital images captured by the cameras are converted into data, which is processed through the LPR system. This data is then compared against a list of license plates bearing some significance to the Larchmont Police Department. If the information supplied via the LPR system alerts LPR Operators to an offense or relevant intelligence on a vehicle, the vehicles may be stopped to allow further investigation. Stored data may also be analyzed at a further date for investigative purposes.

LPR Manager: Command staff level employee designated by the Chief of Police or designee who is responsible for the management of the LPR program including its administration, troubleshooting, training, repairing and coordinating all aspects of the LPR system.

LPR-Generated Data: All information including GPS coordinates, date and time of a license plate reading, the optical character recognition interpreted data, and any



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LPR generated digital photographic images of the license plate and vehicle generated entirely through the use of and by the LPR equipment,

LPR Operator: A sworn member properly trained in the use of the LPR system.

Download: The transfer of hot list data from NCIC, or other data sources consisting of license plates and associated data.

External Hot List: A database populated with items of specific concern to the investigative and or enforcement interests within this jurisdiction. External hot lists originate from sources other than this jurisdiction such as DMV and NCIC data.

Local Hot List: An addition to the LPR server database that is appended to the External Hot List, The local hot list consists of license plates of local investigative significance, and those deemed scofflaw by the Larchmont Justice Court, entered into the server hot list.

Manual Entry: An entry that is made manually into the LPR Database. This type of entry may include vehicles that are wanted but are not yet entered into the IJ Portal or NCIC, vehicles operated by locally missing or endangered persons or any other vehicles that are to be looked for. The entry should also include who it is wanted by, what it is wanted for and any other circumstances in the notes section. A manual entry must be done after each Hot List update.

Alert: A positive indication, by visual and or audible signal, of a potential match between data on the hot list and a license plate scanned by the LPR system. An alert is not conclusive confirmation that a license plate is wanted. Additional investigation is always warranted when an alert is indicated,

PROCEDURES

Daily Checklist

1. Officers will visually inspect the exterior cameras to ensure the lenses are clear and the cameras have not been altered in any way.
2. Download the most current data file of stolen and "of interest" vehicles containing all of the current stolen, suspended or revoked, and wanted information.



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3. Manually add any license plate numbers of interest that warrant a law enforcement related alert.
4. LPR Operators should leave the LPR system operational while patrolling during the duration of the shift. The LPR screen can be minimized in the background and can be constantly operational even when on other calls or conducting preventative patrol.
5. LPR Operators may adjust the manner in which they drive to maximize the number of license plates being read.
6. The front facing camera allows for the tags to be read In close proximity to the right front of the police vehicle,
7. The cameras allow for tags to be read both at a further distance in relation to the camera and are designed to capture tags on vehicles traveling the opposite direction of the police vehicle as well as on vehicles in a parked position.
8. Officers must upload LPR data to the computer server at the end of each shift and confirm that the data transfer is complete.

Patrol Procedures

9. An LPR-equipped vehicle may be deployed on any tour of duty without restrictions, save for the need to rotate vehicles.
10. The tour supervisor may assign the LPR-equipped vehicle to be deployed in all instances where such deployment is deemed necessary.
11. The LPR-equipped vehicle shall be deployed during the activation of the Westchester County MACS, and will be assigned to high profile areas, or designated areas where data collection is deemed most appropriate.

Responsibilities

12. LPR Operators shall receive formal training prior to using the LPR system, and shall exercise safety when operating the LPR system.
13. Use of any device during the operation of a motor vehicle must comply with current State law and Department Policies and Directives.



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14. LPR Operators will pay careful attention to driving and will not use the LPR system in any manner that would endanger or distract them, in an effort to avoid being involved in an accident.
15. It shall be the responsibility of each LPR Operator to ensure the download of the most recent hot list occurs on the mobile computer prior to deployment of the LPR equipment.
16. When using an LPR-equipped vehicle, LPR Operators should have the system in operation, so as to maximize the opportunity to scan vehicles, compare them to the hot list and collect LPR data for storage in a central repository.
17. Upon receiving an alert, the LPR Operator will use the displayed information to determine the accuracy and nature of the alert, The LPR Operator will visually verify that the subject tag and the actual read on the LPR screen are the same, such as correct letters, numbers, state and any other information that can be matched.
18. Once the LPR Operator has confirmed that the alert is valid, he or she shall take appropriate action based on the type of alert in accordance with training.
19. If the alert is for a stolen or felony vehicle, the LPR Operator will confirm the alert is still active by performing a check through the Police Desk on the information through the eJustice Portal.
20. Receipt of a stolen or felony vehicle LPR alert may not rise to the level of reasonable suspicion and is certainly not sufficient probable cause to arrest without confirmation that the vehicle is still wanted.
21. If the alert is for another type of want, the LPR Operator will read the description of the alarm and use the appropriate action or reporting method. Confirmation of the alert is essential prior to the stop of any person.
22. Ensure that all positive "hits" on the Terrorist Watch List are reported to the NYSIC for verification through the New York State Police Violent Gang and Terrorist Organization File (VGTOF) as outlined in section 114-17 of



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this Manual, except in the case of emergencies. LPR Operators must be familiar with the three levels of Terrorist.

23. Some LPR Operators will assist with the training of Operators, troubleshooting problems with the LPR system, helping their contemporaries understand the value of the LPR system, and improving the operations of the LPR system.

Tour Supervisors

24. Supervisors will monitor the use of LPR systems and ensure they are being deployed regularly.
25. Supervisors will ensure LPR systems are deployed during the shift by trained LPR Operators.
26. The LPR systems should be deployed to maximize its ability to scan as many license plates as possible.
27. The supervisor shall investigate any damage to LPR's in accordance with established procedures. Damage and any reports or documentation will be forwarded to the LPR Manager.

LPR Manager

28. The Administrative Officer shall be assigned as the LPR Manager and may assign a subordinate officer to assist him.
29. The LPR Manager will determine how the LPR system will be integrated into the patrol function and will also determine any restrictions for the use of the LPR system. He will further periodically review the policies and procedure regarding same.
30. The LPR Manager will validate training for LPR Operators to ensure LPR Operators are properly trained before accessing LPR data or participating in LPR field operations, to ensure training is timely and adequate, to ensure proper operations in accordance with this Procedure, and to ensure all training is documented.



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AUTOMATIC LICENSE PLATE READER			
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Data Retention and Use

31. Data will be stored on Department database server and will not be stored outside the control of the Larchmont Police Department.
32. All LPR-generated data will be purged after an 18-month retention period unless a longer retention period has been identified for court or investigative purposes.
33. LPR Operators will be responsible for advising their supervisor when LPR data they marked for extended retention is no longer needed.
34. The LPR system automatically erases stored data when the retention period has elapsed.
35. Access to LPR data is restricted to sworn members, in furtherance of a criminal justice purpose, LPR data may be shared verbally by a member with another criminal justice agency. Any other use of this data is strictly forbidden.
36. Users will be able to access the LPR data by providing the established user name and password. This access will allow for the user to query information as it pertains to vehicle tags read by the tag reader cameras.
37. The LPR manager will determine the personnel that will be granted access to the database for investigative queries and reports, those granted access will be provided the user name and password for access.
38. Information stored includes a photo of the registration plate, date and time stamp of when the registration plate was read by the LPR, and a GPS coordinate to identify the exact location the registration plate was read by the LPR.
39. LPR data collected by this agency will be shared with the Westchester Intel Center, and will be periodically uploaded to that agency by the LPR Manager.

LPR Maintenance

40. Neither the LPR equipment nor or software operating system shall be modified without direction from the LPR Manager.



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41. Under no circumstances shall an LPR unit be connected to or removed from the vehicle while the LPR unit is powered up. Connection or disconnection of the camera unit from the LPR system when powered will result in significant damage to the LPR system.
42. Any time the LPR unit is disconnected or removed from the vehicle, it shall be placed in a protective storage case or the LPR's original packaging and secured to prevent damage.
43. LPR camera lenses may be cleaned with glass cleaner or mild soap and water and a soft, non-abrasive cloth.
44. Damage to LPR equipment shall be immediately reported to a supervisor. The supervisor shall document (and investigate, if necessary) any damage in accordance with established procedures. Damage will also be reported the LPR Manager.
45. The LPR Manager shall be notified immediately of any LPR equipment needing maintenance or repair and ensure that all maintenance and repair of LPR equipment is completed.



OPERATIONS PROCEDURE			Procedure No: 103-11
BIASED BASED POLICING			
DATE ISSUED: 01MAY18	DATE EFFECTIVE: 01MAY18	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To establish a procedure that expressly prohibits Biased Based Policing and establishes safeguards that will permit periodic reviews of officers' activities to ensure compliance with the provisions of this directive.

POLICY

Profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Biased based profiling and/or policing, however, is a violation of the constitutional rights of citizens, undermines legitimate law enforcement efforts and leads to claims of civil rights violations. Biased based profiling or policing also alienates citizens, fosters distrust of law enforcement, and invites media scrutiny, legislative action and judicial intervention. For all of these reasons, officers shall not engage in biased based profiling or policing, as defined in this directive.

PROCEDURE

1. Definitions

- a. Biased Based Profiling -- the stop, detention, interdiction, search, questioning, property seizure, forfeiture or other differential treatment of an individual based solely upon one or more common traits, shared by a group of people, which is not, in itself, indicative of criminal behavior.
- b. Biased Based Policing -- Consideration of a person's race, ethnicity or any other common trait, to any extent, in drawing inferences that the person may be involved in criminal activity, or in contemplating any type of police activity or discretion.
- c. Common Traits -- a trait shared by a group of people that is not, in itself, indicative of criminal behavior, including all of the following: race, color, religion, gender, sexual orientation, handicap, or ethnicity in itself, indicative of criminal behavior.
- d. Deprivation of Civil Rights -- occurs when a public servant acting or purporting to act in an official capacity, knowing that his conduct is unlawful, and acting with the purpose to intimidate or discriminate against an individual(s) because of one of the above listed common traits:



OPERATIONS PROCEDURE			Procedure No: 103-11
BIASED BASED POLICING			
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- e. Subjects another to unlawful arrest or detention, including, but not limited to, motor vehicle investigative stops, search, seizure, disposition, assessment, lien or other infringement of personal or property rights; or
- f. Denies or impedes another in the lawful exercise or enjoyment of any right, privilege, power or immunity.

2. Authority

- a. All investigative detentions, traffic stops, arrests, searches, property seizures and forfeiture requests shall be based upon a standard of reasonable suspicion or probable cause as required by the Fourth Amendment to the United States Constitution and other statutory authority. Officers must be able to articulate the specific facts, circumstances, and conclusions that justify the actions taken.
- b. While officer may take into account one or more of the common traits of a specific suspect when credible information links a person to a particular criminal incident, common traits alone can never be used as the sole basis for establishing reasonable suspicion or probable cause.
- c. Supervisors at all ranks are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with this directive and to take corrective action where indicated.
- d. Officers witnessing behavior contrary to this directive are required to take immediate action to end this behavior.
- e. Officers witnessing behavior contrary to this directive or becoming aware of conduct contrary to this directive must immediately report their knowledge of the incident to their immediate supervisor in writing. If their supervisor is the subject of the report or in the absence of their supervisor, the officer must report it to another supervisor or to the next level in the chain of command.

3. Complaints

- a. All allegations of biased based profiling/policing shall be thoroughly documented and forwarded to the internal affairs Lieutenant for investigation.



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BIASED BASED POLICING			
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- b. Immediate corrective action, including appropriate disciplinary measures, shall occur anytime evidence of biased based profiling/policing by officers of this department is discovered.

4. Annual Review

- a. At least annually, the internal affairs Lieutenant shall conduct a review of the practices and procedures employed by this department that have the potential to give rise to a complaint of biased based profiling/policing.
- b. The internal affairs Lieutenant shall analyze available statistical data, citizen's complaint history and applicable written directives to assess the prudence of established department procedures.
- c. A memo shall be drafted and distributed to the Chief of Police indicating the results of the annual review and areas of potential concern, if warranted



OPERATIONS PROCEDURE			Procedure No: 104-01
DEPARTMENT UNIFORM REGULATIONS			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To establish standards for members to follow when on duty and working either in uniform or in civilian clothes.

BACKGROUND

A police officer's dress is important because of its impact on the public image of the Department and the morale of its members. Distinctive uniforms that are properly worn and well cared for, project the image of an alert, responsive agency that takes pride in its work and its role in the community.

POLICY

All members, when appearing in uniform or in plain clothes, will present a neat and clean appearance. Uniformed members shall further be attired in a fashion similar to all other officers of the same rank and job classification.

PROCEDURE

All Members

1. All members shall be responsible for the procurement of the uniforms appropriate to their rank, as specified in section 104-2, by submitting requests for uniforms to the Executive Officer.
2. All members shall maintain the uniforms appropriate to their rank, position or duty, in accordance with section 104-2 Uniform Specifications.
3. Members shall keep an adequate amount and type of serviceable uniform in their department locker.
4. No member shall modify the prescribed uniform in any manner, except as specifically authorized by the Chief of Police.
5. All members' uniforms will be clean, pressed and properly fitted.
6. All members' leather equipment, including shoes or boots, will be properly maintained and polished.
7. All members' shields, buckles, buttons and other metal will be shined.



OPERATIONS PROCEDURE			Procedure No: 104-01
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8. Members shall not wear distinguishable items of the uniform with civilian clothing.
9. Patrol supervisors will determine the appropriate uniform of the day, giving consideration to weather conditions.
10. Uniformed members shall wear seasonal uniforms as directed by the patrol supervisor.
11. Members not assigned to uniformed duty will have available at all times uniforms appropriate to their rank.
12. The Larchmont Police Department patch will be located on both sleeves of all uniform shirts, jackets, sweaters and coats with the exception of the raincoat.
13. All members assigned to uniform duty shall wear their assigned departmental shield on the outermost garment of the uniform of the day.
14. No member shall wear or use his/her shield, identification card or uniform or any part thereof while engaged in any occupation for hire, by any private or commercial enterprise without the permission of the Chief of Police, or for unauthorized off-duty employment.
15. Whenever an open shirt is worn by a member, no part of any undergarment, except for a white crew neck t-shirt or an authorized turtle neck shall be visible above the top button.
16. No member, while on duty in uniform, shall wear jewelry that is visible to the public, except for rings and wrist-watches. Permitted jewelry shall not be an impediment to a member's safety.
17. Members assigned to uniform duty shall not wear makeup to a point that it appears theatrical.

Bullet-Proof Vests

18. All members assigned to patrol duties and enforcement duties shall wear their Department-issued bullet-proof vest or other bullet-proof vest approved by the Chief of Police, while outside of Police Headquarters.



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19. Officers assigned to the bicycle patrol, when performing bicycle patrol duty only, may be exempt from wearing a bullet proof vest during warm weather, if to wear said vest would cause extreme discomfort.
20. Members shall wear bullet-proof vests under the outermost garment of the uniform of the day.
21. The bullet-proof may be work as the outermost carrier only with the authorized vest carrier.

Non-Uniformed Personnel

22. Members not assigned to uniformed duty shall maintain a neat and clean appearance, consistent with the following dress standards (business attire):
 - a. Male members shall wear dress slacks, along with a dress shirt and tie.
 - b. Female members shall wear a dress, suit, blouse and skirt or dress slacks.
 - c. All members not assigned to uniform duty shall wear dress shoes that are properly shined, cleaned and maintained.

Exceptions

23. Members from time to time will be exempt from required uniform and non-uniform requirements. Exemptions may be granted by a superior officer under the following conditions:
 - a. When a member is called out to an emergency occurrence while off duty.
 - b. When investigative necessity dictates otherwise.
 - c. Other circumstances with the prior approval of the Chief of Police.
 - d. The Chief of Police or Captain or Lieutenant may, at their option, wear business attire.
24. Department issued Battle Dress Uniforms (BDUs) may be worn as directed by a Command level officer. When so worn, gun belts will be worn over the BDU shirt, which is to be worn outside of the BDU trousers. Department issued uniform baseball cap will be worn with the BDU uniform.
25. The patrol supervisor may authorize modifications to the uniform of the day under unusual weather conditions, provided the entire tour dresses uniformly.



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Supervisory Responsibility

26. It shall be the responsibility of the patrol supervisor to insure that all uniformed officers are dressed appropriately for all assignments.
27. It shall be the responsibility of the detective sergeant to insure that all detectives are dressed appropriately for all assignments.



OPERATIONS PROCEDURE			Procedure No: 104-02
UNIFORM SPECIFICATIONS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER: 2	PAGE: 1 of 7

PURPOSE

To provide specific guidelines informing all members of uniform specification and minimum uniform requirements.

BACKGROUND

Uniforms that are compliant with Department specifications allow for immediate identification of all members' function and rank.

POLICY

All members shall be responsible to meet or exceed the minimum uniform specifications appropriate to their rank or assignment.

PROCEDURE

Uniform Specifications and Minimum Requirements for All Members

ALL MEMBERS SHALL MEET OR EXCEED THE FOLLOWING UNIFORM CODE:

Police Officer/ Duty Uniform

Winter

1. **Cap:** Winter hat, eight point, navy blue, with a black strap and chrome cap device bearing shield number.
2. **Trousers:** Navy blue in color with ¼ inch piping.
3. **Shirt:** Dark blue in color, long sleeve.
4. **Turtle Neck:** Navy blue in color with white L.P.D. lettering embroidered on left side of the neck (white for police officers, gold for sergeants and ranks above). May be worn optionally under the shirt, the winter jacket, or leather jacket only. NOT TO BE WORN AS OUTERMOST GARMENT.
5. **Winter Jacket:** Department issued black Elbeco Summit or black leather jacket.
6. **Tie:** Black in color breakaway style.
7. **Tie Clasp:** Department Issued Gold for ranking members or Silver for police officers.
8. **Shoes/ Socks:** Black in color, smooth leather lace types shoes or boots. Sneakers or shoes with visible lettering, or different color trim are not authorized wear. Socks shall be navy blue or black in color.
9. **Belt:** Black leather, 1 ½ or 2 inches wide with a plain metal buckle.
10. **Gloves:** Gray or black leather.



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11. **Inclement Weather Gear:** Reversible raincoat black/navy blue and yellow, nylon full length, with two reach through pockets with accompanying nylon hat cover. Department shield and cap device must be visible. Black rubber rain boots may be worn with or without the above items when weather conditions demand.
12. The following optional items listed in Section 104-4, may be worn as outer garments and with department shield attached to the outermost garment and the department patch affixed or visible on both sleeves at the shoulder.
- a. **Leather Jacket:** Department issue only, black in color.
 - b. **Nylon Jacket:** Department issue only.
 - c. **Sweater:** Department issued, navy blue in color, wool V-neck style. (only if previously issued - obsolete)
 - d. **Cap:** Department issued wool cap with 'POLICE' embroidered thereon.

Summer

13. **Cap:** Eight point, navy blue, summer weight mesh.
14. **Trousers:** Same as winter specifications.
15. **Shirt:** Dark blue in color, short sleeve. Turtleneck is not authorized summer wear.
16. **Outer Garment:** If weather necessitates the waist length nylon jacket may be worn with the summer uniform as an outer garment.
17. **Inclement Weather Gear:** May be worn under the same conditions as outlined in the winter uniform subdivision.

Dress Uniform: To be worn for parades, funerals and special occasions as authorized and determined by the Chief of Police.

18. **Dress Blouse:** Department issued, navy blue in color with gold or silver buttons.
19. **Gloves:** White cotton gloves to be worn in conjunction with blouse.
20. **Shoes:** Black in color, smooth leather laced type. No boots, sneakers or athletic shoes.

Detective/ Uniform

Uniform is the same as required for Police Officer, EXCEPT:

21. **Cap:** Gold cap device without shield number

Sergeant/ Duty Uniform

Uniform is the same as required for Police Officer, EXCEPT:

22. **Cap:** Gold SERGEANT cap device, without shield number, and gold strap.
23. **Trousers:** ½ inch piping.



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UNIFORM SPECIFICATIONS			
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- a. **Rank Insignia:** Three pointed stripes commonly called “Chevrons”, worn on both sleeves of all shirts and outer garments, except rain coats..

Lieutenant/ Duty Uniform

Uniform is the same as required for Sergeant, EXCEPT:

24. **Shirt:** Both winter and summer shirts are white in color. Dark blue uniform shirts are discretionary.
25. **Trousers:** 1 inch piping.
26. **Optional:** Navy blue, double-breasted trench coat.
27. **Rank Insignia:** Single gold bar worn on the collar of all shirts, and on the shoulders of all outer garments, except the rain coat.

Captain/ Duty Uniform

28. Uniform is the same as required for Lieutenant, EXCEPT:

29. **Rank Insignia:** Double gold bar. Worn in the same manner as Lieutenants rank insignia.

Chief/ Duty Uniform

30. Uniform is the same as required for Captain, EXCEPT:

31. **Cap:** Gold leaf trim on brim.
32. **Rank Insignia:** Two gold stars worn the same as Captains rank insignia.

SPECIAL UNITS UNIFORM SPECIFICATIONS

Bicycle Officer/ Duty Uniform - Winter

33. **Cap:** Bicycle safety helmet. To be worn whenever operating a bicycle. A balaclava may be worn if needed due to cold weather.
34. **Trousers:** Black in color, nylon multi-pocketed bicycle pants.
35. **Shirt:** Black cotton turtleneck with L.P.D. embroidered in white letters on both sides of the neck.
36. **Jacket:** Blue in color, nylon waist length with the L.P.D. Bicycle Patrol insignia embroidered on the left breast and “POLICE” sewn on the back in 6” reflective lettering.

Summer

37. **Cap:** Same as winter uniform specifications.
38. **Trousers:** Black in color, nylon bicycle shorts with padded inseam.
39. **Shirt:** Black/blue in color, cotton collared short- sleeve shirt with the L.P.D. Bicycle patrol insignia.
40. **Shoes/ Socks:** Sneakers, black in color with white cotton socks.



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UNIFORM SPECIFICATIONS			
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Uniform Accessories

41. Shields:

Police Officers:	Chrome, numbered
Detectives:	Gold, numbered
Sergeants:	Gold, numbered
Detective Sergeant:	Gold, numbered
Lieutenant:	Gold, unnumbered
Captain:	Gold, unnumbered
Chief:	Gold, unnumbered

42. Collar Brass :

Police Officers:	L.P.D. insignia, chrome in color
Training Officers:	F.T.O. insignia, gold in color on right collar
School Resource Officers:	S.R.O. insignia, gold in color on right collar
Sergeants:	Chevrons, gold in color.
Lieutenants:	Single gold bar
Captain:	Double gold bar
Chief:	Two gold stars

43. Awards (Optional): Departmental award bars may be worn over a shield in a leather carrier, and shall be worn in order of importance. Memorial pins, E.M.T. pins, Accreditation pins, Unit Citations and U.S. Flag pins may also be worn on said carrier.

44. Uniform hats shall be worn at all times while in uniform and when not indoors or in a vehicle, unless exigent circumstances render the wearing of the hat impracticable or in circumstances when the wearing of the hat could potentially endanger the officer.

Parking Enforcement Officer

45. The specifications for police officer shall be the apply for the parking enforcement officer:

- Trousers
- Shirt as specified, however, color will be light blue
- Raincoat
- Tie
- Winter Jacket
- Sweater



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School Crossing Guards

46. School crossing guards shall wear a department issued traffic safety vest and department issued uniforms only.

RANK INSIGNIA AND SHIELDS

Chief of Police



Captain



Lieutenant



Sergeant





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RANK INSIGNIA AND SHIELDS

Detective

No Rank Insignia



Police Officer

No Rank Insignia



Placement of Rank Insignia

47. Rank insignia shall be worn as illustrated below.

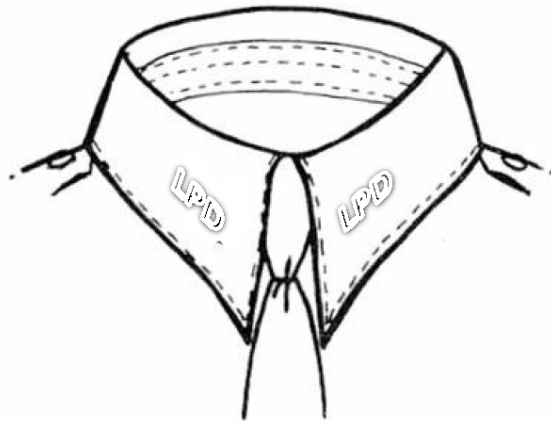




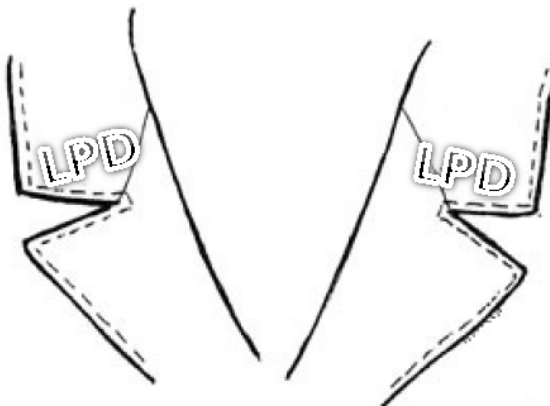
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48. Collar brass shall be worn as illustrated below:

Uniform Shirt



Dress Blouse





OPERATIONS PROCEDURE			Procedure No: 104-03
MANDATORY EQUIPMENT			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER: 2	PAGE: 1 of 2

PURPOSE

To establish guidelines for informing members of the Department as to what equipment shall be carried while on duty.

BACKGROUND

Properly and uniformly equipped members will enhance efficiency of the Department by ensuring the availability of tools to accomplish the police task.

POLICY

It shall be the policy of this Department, through supervisory inspection, to ensure that authorized/required equipment is carried by members.

Uniform Members

MEMBERS SHALL BE EQUIPPED WITH THE FOLLOWING EQUIPMENT:

1. Department issued regulation service weapon, specifically a Smith & Wesson model M&P, semi-automatic .40 caliber pistol. Said service weapon shall be loaded with 16 rounds of Department-issued ammunition only.
2. A Department-issued holster.
3. Two Department-issued magazines and black leather magazine holder, loaded with 15 rounds in each magazine, of Department issued authorized ammunition.
4. One fully lined 2¼-inch garrison gun belt.
5. One set of Department-issued and approved handcuffs and key.
6. One closed handcuff case.
7. **If certified to use,** a Monadnock ASP collapsible nightstick 21" or longer.
8. O. C. Spray (Oleo-Resin Capsicum), MKIII MSI brand non-lethal weapon canister of not more than 2.36 oz. of O. C. Spray. Canisters must be secured to the duty belt by a Department-issued protective holster worn on the weak hand side.
9. Serviceable watch properly set.
10. Department issued bullet-proof vest.

Non-Uniform Members

11. While performing duty in civilian clothes, Smith & Wesson model M&P40C, .40 caliber pistol, handcuffs with key and one extra magazine loaded with 10 rounds of Department issued authorized ammunition.



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MANDATORY EQUIPMENT			
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Exceptions

12. For Command Officers, Detectives and uniformed or non-uniformed officers assigned to duty inside headquarters, handcuffs, extra magazines and bullet-proof vests shall not be considered mandatory.



OPERATIONS PROCEDURE			Procedure No: 104-04
OPTIONAL UNIFORMS			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish guidelines as to what uniform items may be utilized in addition to the required items as described in section 104-2 of this Manual.

BACKGROUND

Certain uniform items, while not mandatory, may enhance the comfort of the member and still fall within acceptable standards of the Department. The guidelines for the wearing of said optional uniforms are outlined in section 104-2 of this Manual

POLICY

Optional uniforms shall include the below listed items and any other items as per the Chief of Police, or as authorized by section 104-1 sub. 22 of this Manual.

PROCEDURE

1. Gloves- Black
2. Face/Ear protection:
 - a. Black or navy blue wool or nylon head band type.
 - b. Department issued blue knit cap with "POLICE" embroidered thereon.
3. Rubbers - black rain rubbers may be worn over uniform shoes during inclement weather.
4. Shield and citation holder - black leather or plastic imitation leather combination badge citation holder, to permit the wearing of citations or awards as described in section 104-2 of this Manual.
5. Citation/award bars - may be worn on the outermost garment located ½-inch above the badge and centered. Only award/citation bars issued by the following organizations will be permitted unless otherwise permitted by the Chief of Police:
 - a. Larchmont Police Department
 - b. Gannett Westchester Newspapers (formerly Macy)
 - c. Previous employing police departments
 - d. N.Y. Shields



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OPTIONAL UNIFORMS			
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6. Mourning Band - black elastic ½-inch wide with blue stripe, worn so as not to cover the shield number or rank, and as follows:
 - a. Upon the line of duty death of an active duty member of the Larchmont Police Department. The mourning band should be worn for a period of thirty days from the date of death.
 - b. By all members in uniform or in civilian clothing while displaying a shield and attending the funeral service of any active duty law enforcement officer. Upon the completion of the funeral, the mourning band shall be removed.
 - c. Upon the line of duty death of a law enforcement officer of a neighboring jurisdiction. The mourning band will be worn from the date of death and removed at the conclusion of the day of burial.
 - d. National Peace Officers Memorial Day (May 15th).
 - e. The day of any memorial service honoring a member of the Larchmont Police Department who died in the line of duty.
 - f. At the direction of the Chief of Police or his designee when special circumstances dictate that a Department display of official mourning is appropriate.
7. Belt buckles - officers with a rank of sergeant and above may wear a brass belt buckle on both duty belt and trouser belt instead of chrome colored as described in section 104-2.9 of this Manual.



OPERATIONS PROCEDURE			Procedure No: 104-05
ADDITIONAL EQUIPMENT			
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PURPOSE

To establish guidelines as to what equipment may be carried by Department members in addition to the minimum requirements described in section 104-3 of this Manual.

BACKGROUND

Certain equipment may enhance the police task, but at present is not mandated by this Department.

POLICY

Members may carry the following additional equipment items while on duty.

1. Body armor - optional body armor shall be permitted when approved by the Chief of Police as indicated in Section 104-1 sub. 18.

NOTE: The wearing of body armor is mandatory as outlined in section 104-1 sub.18. This section pertains to optional body armor.

2. Handcuffs - one additional set of handcuffs, manufactured by Smith and Wesson or Peerless, of nickel-plated steel, blued steel or stainless steel joined by either chain link(s) or hinge shall be permitted.
3. Handcuff case - one additional handcuff case as described in section 104-3.6 of this Manual or a closed leather case allowing for the carrying of two sets of handcuffs (Department issued and one optional) shall be permitted.
4. Key case - one leather key case that securely holds keys and provides for a neat appearance. Key case shall be worn on the front hand side area of the duty belt.
5. Flashlight - A mini-mag light may be carried in addition to a regular flashlight.
6. Sunglasses - the frames of glasses worn when in uniform will be plain and unadorned. No glass of an unusual color shall be worn.
7. Glove pouch - a black leather belt pouch shall be permitted to carry examination gloves used in dealing with aided cases and prisoners.
8. Knife - a folding knife with a maximum of 4-inch blade shall be permitted.



OPERATIONS PROCEDURE			Procedure No: 104-05
ADDITONAL EQUIPMENT			
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9. Knife pouch - a black leather pouch designed for the carrying of a knife as described in section 104-5.8 shall be permitted to carry said knife on the duty belt.
10. Secondary handgun - a second handgun will be permitted to be carried concealed out of public view so long as the member is currently qualified to carry said handgun, and is the handgun must be either a 9mm, 9mm kurz (.380), .38 or .40 cal. and consistent with other provisions of this Manual.



OPERATIONS PROCEDURE			Procedure No: 105-01
AIDED CASES			
DATE ISSUED: 01JAN03	DATE EFFECTIVE: 01JAN03	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To establish the policy and procedure for the members of the Larchmont Police Department to follow when rendering or providing medical aid to persons who are sick or injured.

POLICY

Persons who are apparently in need of medical aid through sickness or injury shall receive prompt medical attention and shall be transported to a proper medical facility if necessary.

PROCEDURE

The following procedures shall be followed for any incident that is brought to the attention of any member, where a citizen requests or requires medical aid.

Desk Officer

1. Immediately verify the name of the complainant, address, call-back number, nature and severity of medical condition.
2. Detail appropriate patrol personnel to respond.
3. Dispatch fire department and ambulance corps personnel in accordance with section 113-6 of this Manual.

Assigned Member

4. The first member arriving at the scene will ascertain the nature and severity of the medical condition and relay same to the desk officer.
5. Member will administer medical aid within his/her level of training and request other emergency services if needed.
6. If, upon a member's arrival, the victim is being medically treated by any person at the scene and the responding member reasonably believes that person to be a competent medical professional, the treatment should continue. The member shall record this person's name, medical title, address and phone number in the Incident Report.



OPERATIONS PROCEDURE			Procedure No: 105-01
AIDED CASES			
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7. Members will relay appropriate medical information and history to responding medical personnel and direct them to the scene.
8. Members will assist medical personnel as required.
9. Record name, date of birth, nature of medical condition and action taken.
10. Upon removal of the aided person to medical facility, secure the premises if the aided lives alone, is unconscious or is deceased.
11. Members will respond to a medical facility only when
 - a. The aided person's information cannot be gathered at the scene;
 - b. The aided person is unconscious or unidentified;
 - c. Member's assistance is required by medical personnel;
 - d. Transporting a family member or concerned person;
 - e. Other follow-up is required.
12. Members will complete an Incident Report for all aided cases in which they respond with the exception of a "lift assist" which is actually a "Request for Police Assistance".
13. The patrol supervisor will be notified if any of the following circumstances exist:
 - a. Aided person is unconscious or unidentified.
 - b. Medical emergency is suspicious in nature or criminal activity is suspected.
 - c. Aided person is a minor and parent or legal guardian is not present at the scene.
 - d. Aided person is taken to a medical facility, leaving a child or children unattended.
 - e. There is a difference of opinion between the aided person, aided person's family, medical personnel or concerned individuals relative to the medical treatment or removal of aided person to a medical facility.
 - f. Aided person is acting in a deranged or erratic manner, under the influence of a narcotic or alcohol. Refer to section 105-3.
 - g. Responding member is unable to secure premises.
14. If the aided person has no vital signs at the scene, procedures outlined in section 105-2 are to be followed.



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AIDED CASES			
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Consent

15. Children, mentally disabled and unconscious persons requiring medical treatment.
16. For cases in which an adult is unconscious or for other reasons is unable to give a member his/her actual consent, and he/she has what member believes to be a life threatening illness or injury, the law assumes that the patient, if able to do so, would consent to medical treatment. This applies to situations where there is the possibility of the patient developing serious complications or disabilities if care is not rendered immediately.
17. If a child has a life threatening illness or injury and the parent(s) or guardian(s) cannot be reached, implied consent may be used to allow medical care to begin.
18. If the aided person is mentally ill, emotionally disturbed or mentally retarded and has a life threatening illness or injury and the parent(s) or guardian(s) cannot be reached, implied consent may be used to allow medical care to begin.
19. If a member encounters an aided person classified as in subsections 15, 16, or 17 above, he/she will immediately notify the patrol supervisor.
20. Members will render medical aid within their level of training and request other emergency services as needed.
21. Members will gather all information and notify the child's parent(s) or guardian(s).
22. Members will accompany child to medical facility. If notification to parent(s) or guardian(s) cannot be made, the member assigned shall remain with the child until notification can be confirmed.
23. If aided person is mentally retarded or disturbed, attempt to notify person(s) responsible for care. Follow procedures in section 105-3.
24. File an Incident Report as mentioned above.

Communicable Diseases

25. If a member becomes aware of or is exposed to a communicable disease, he/she will follow procedures set forth in section 113-22.



OPERATIONS PROCEDURE			Procedure No: 105-02
DEAD HUMAN BODIES			
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PURPOSE

To establish the policies and procedures to ensure that notifications to concerned authorities are properly made and recorded, evidence is preserved and proper disposition is made of dead human bodies.

POLICY

It is the policy of this Department to investigate all unattended and suspicious deaths in the Village of Larchmont. The term "dead human body," for reporting purposes, shall include any human being, including a fetus of more than 24 weeks, that lacks any vital signs and is ultimately pronounced dead by a medical doctor.

PROCEDURE

Assigned Member

1. Whenever a member of the service comes into contact with a dead human body or any aided case in which an aided is pronounced dead before being transported to a medical facility, he/she should ascertain the facts and immediately notify the desk officer and patrol supervisor. Follow procedures set forth in section 113-2 for preliminary investigations.
2. Members shall render first aid as required.
3. Secure the scene from unauthorized personnel.
4. Record the names of any personnel or other person entering the scene.
5. When possible, screen areas from public view.
6. If death is of a suspicious nature, obtain names of witnesses and detain them at the scene.
7. Record the identification of the deceased. If not possible, record an accurate description of the body and clothing.
8. Notify the medical examiner's office and be guided by their instruction.
9. Prevent anyone from disturbing the body or its effects, except:
 - a. Ambulance attendant or police surgeon,



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- b. Medical examiner or assistant,
 - c. District attorney or assistant,
 - d. Members of the detective division or Westchester County crime scene unit.
10. Make accurate notes containing the following:
- a. Name of deceased or description,
 - b. Witness if any,
 - c. Ambulance/Fire Dept. personnel on scene,
 - d. Police Surgeon or Paramedic by whom pronouncement was made and the time of such pronouncement,
 - e. Medical examiner personnel notified,
 - f. Person to whom body was released,
 - g. Date, time and location of occurrence.
11. Prepare an Incident Report titled "DOA".
12. Safeguard body and effects until instructions are received from the patrol supervisor.

Patrol Supervisor

13. Respond directly to the scene.
14. Ascertain that the detective division has been notified.
15. The patrol supervisor or detective sergeant, before removal of the body, shall direct that the body be searched under his/her supervision, and before witnesses, where possible. All property removed from said body shall be properly recorded, safeguarded and vouchered according to departmental procedures as outlined in section 111-1.
16. Examine reporting officers' notes to ensure completeness.
17. Ensure that prompt notification to next of kin is made, in accordance with procedures set forth in section 113-13.
18. If appropriate, ascertain if the deceased's attending physician can give a probable cause of death and if so, further ascertain if said physician will in fact sign the "Death Certificate".



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Detective Division

19. Respond to scene upon the request of the investigating officer, patrol supervisor, or any other superior officer.
20. Initiate investigation in accordance with sections 113-3 and 113-4.

Desk Officer

21. Dispatch ambulance in accordance with section 113-6 if needed.
22. Detail appropriate personnel to respond.
23. Assist members on scene in making notifications and keep detailed records of whom and when person(s) are contacted. .
24. Initiate an Incident Report in the S.J.S. system.
25. Notify a Command Officer of any suspicious death.

Notification of ME's Office

The Medical Examiner must be notified under the following circumstances:

26. All deaths in the County of Westchester known or suspected to be due to unlawful act, criminal neglect, violence, casualties or under sudden or unexplained circumstances shall be reported immediately and specifically in the following instances:
 - a. Deaths by homicide or suspicion of homicide.
 - b. Deaths by suicide or suspicion of suicide.
 - c. All accidental deaths, no matter what the nature of the injuries or whether the injuries were the direct or a contributory cause of death.
 - d. Deaths due to sequelae from recent or remote traumatic injuries.
 - e. All unattended deaths.
 - f. All deaths due to poisoning or suspected poisoning, including bacterial food poisoning.
 - g. All deaths related to occupational hazards.
 - h. All deaths related to drugs.
 - i. All deaths in drug addicts.



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DEAD HUMAN BODIES			
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- j. All deaths which occur during or are related directly to any therapeutic, diagnostic or operative procedure.
 - k. All deaths due to acute alcoholism.
 - l. All unexpected deaths in apparently healthy individuals where the circumstances are not clear.
 - m. All deaths in public places of apparently healthy individuals,
 - n. All deaths due to hepatitis B.
 - o. All deaths occurring while in legal custody, including prisons, correctional institutions, prison wards, etc.
 - p. All deaths resulting from abortion.
27. There is no 24-hour rule. A death is referred to the Office of the Medical Examiner on its own merits whether death has occurred one minute or several years after the initial circumstances. When in doubt whether a case should be referred to the Office of the Medical Examiner, experience has dictated that it is best to refer the case to the Medical Examiner for the proper procedure to follow. In each case the Medical Examiner will make the following decision:
- a. Case accepted.
 - b. Case not accepted but is being recorded. Death certificate to be issued by hospital or private physician.

Property of the Deceased

The following procedures must be followed when disposing personal property of the deceased:

- 28. If there is a Will available, signed by the deceased, and you know who the administrator is, place the key to the home and all personal property including vehicles in the possession of the proposed Executor.
- 29. If there is a Will and either you don't know who the Executor is, or the Executor is not readily available, place the key and all property in the possession of the nearest family member or blood relative.
- 30. If there is no Will or none immediately available, place the key and property in the possession of the nearest family member or blood relative.
- 31. If there is no Will and no family members are available to handle funeral arrangements and qualify with the Surrogate's court, the Public Administrator*s



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Office is to be notified. Initially, all assets in the decedent's residence (cash, jewelry, keys, etc.) are to be secured by the officer in charge, inventoried and retained by the property clerk. If it is apparent that there are keys outstanding for the premises, a padlock shall be purchased and placed on the doors as necessary to ensure security. If the matter called in is a Public Administrator's case, an Estate Investigator will sign for and take possession of the personal property. A copy of the police report should be provided to the Estate Investigator. This power is specifically noted in Paragraph 282, Section 1212 (1) of the Surrogate's Court Procedure Act. All pertinent information concerning the case, including the decedent's social security number, conversations with neighbors, etc. is to be reported to this office.

32. If there is no Will and the immediate family does not wish to become involved and does not wish to take possession of the property, advise said family to contact the Public Administrator's Office to sign a waiver giving that agency the authority to act in the matter



OPERATIONS PROCEDURE			Procedure No: 105-03
EMOTIONALLY DISTURBED PERSONS			
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PURPOSE

To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

BACKGROUND

Members will encounter situations involving apparently mentally or emotionally disturbed individuals who may pose a danger to themselves or others, and who have committed no offense other than disruptive or peculiar conduct. Section 9.41 of the New York State Mental Hygiene Law empowers members to take into custody any person who appears to be mentally ill and is conducting him/herself in a manner that is likely to result in serious harm to him/herself or others. This section has been interpreted by the New York State attorney general to embrace conduct which, if committed by a stable person, would constitute disorderly conduct. Section 9.39 of the Mental Hygiene Law provides emergency admissions for immediate observation, care and treatment at such institutions as the Psychiatric Institute, Westchester County Medical Center and St. Vincent's Hospital in Harrison.

POLICY

The safety of all persons is paramount in a situation involving an emotionally disturbed person. If such person is dangerous to him/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 Department or any other person present. If an emotionally disturbed person is not dangerous, the person should be contained until assistance arrives. In any case, when there is time to negotiate, all the time necessary to ensure the safety of all individuals concerned will be used.

PROCEDURE

The guidelines are outlined below to contain a mentally ill or emotionally disturbed person, and to organize the Department's response, should be followed by the responding member unless specified conditions dictate otherwise.

Assigned Member

1. Evaluate the situation, including:
 - a. Mental or emotional conditions of the person.



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EMOTIONALLY DISTURBED PERSONS			
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- b. Whether or not the mentally ill or emotionally disturbed person has used or threatened the use of any weapon or dangerous instrument.
 - c. Whether or not the mentally ill or emotionally disturbed person is conducting him/herself in a manner that is likely to result in serious physical harm to him/herself or others.
 - d. Determine if an ambulance or other medical assistance is required.
2. Inform the patrol supervisor of the situation as soon as practical.
3. Ensure the safety of others in the area.
4. Ensure the security of any firearm or other dangerous instrument at the scene.

Patrol Supervisor

5. Respond to the scene as soon as possible.
6. Evaluate the situation, including:
 - a. The mental or emotional condition of the person.
 - b. Whether or not the mentally ill or emotionally disturbed person has used or threatened the use of any weapon or dangerous instrument.
 - c. Whether or not the mentally ill or emotionally disturbed person is conducting him/herself in a manner that is likely to result in physical harm to him/herself or others in the area.
 - d. Determine if an ambulance or other medical assistance is required
7. Ensure the safety of others in the area.
8. Ensure the security of any firearm or dangerous instruments in the area
9. Attempt to isolate and contain the mentally ill or emotionally disturbed person.
10. Attempt to obtain the identity of the mentally ill or emotionally disturbed person in order to determine if the individual is listed as missing (File 6) or wanted (File5).
11. Arrange for the assistance of Crisis Intervention, 347-7075.
12. Ensure that an adequate number of personnel remain available to respond to other calls for service.
13. Formulate a plan of action to handle the situation.



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14. Arrange for a Westchester County hostage negotiator, or mutual aid hostage negotiator to respond if the circumstances require. Refer to section 114-1 for available resources.
15. When the mentally ill or emotionally disturbed person has been taken into custody he/she will be transported to a Psychiatric Facility or Medical Facility if medical evaluation is required or at the preference and accommodation of ambulance personnel.
16. If the mentally ill or emotionally disturbed person does not voluntarily go to the hospital, at the request of ambulance personnel, or if there is a chance of danger to any person, the patrol supervisor will assign a member to ride within the ambulance.
17. Upon arrival at the Psychiatric/Medical Facility, the member will safeguard all persons involved until the mentally ill or emotionally disturbed person has been delivered to a member of the hospital staff. If brought to Sound Shore Medical Center, the escorting officer must stay with and safeguard the mentally ill or emotionally disturbed person until either they are admitted or released by the hospital and or Crisis Intervention personnel.
18. The member shall prepare an Incident report with all pertinent information, including the name and title of the member of the hospital staff to whom the mentally ill or emotionally disturbed person was delivered by the ambulance crew.



OPERATIONS PROCEDURE			Procedure No: 105-04
OPIOID OVERDOSE PROTECTION PROGRAM			
DATE ISSUED: 19MAY16	DATE EFFECTIVE: 19MAY16	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

The purpose of this policy is to establish guidelines and regulations governing the utilization of naloxone by trained personnel of the Village of Larchmont Police Department. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.

POLICY

Sworn members of the Larchmont Police Department may possess and administer naloxone provided they have been trained consistent with New York State Public Health Law §3309 and the regulations in §80.138 of Title 10 of the New York Codes, Rules and Regulations. The New York State Division of Criminal Justice Services and the New York State Department of Health training curriculum meets this standard. New York State Public Health Law §3309 provides protection for non-medical individuals from liability when administering naloxone to reverse an opioid overdose.

Definitions

1. **Opioid:** A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet®, and Percocet®), and hydrocodone (Vicodin®).
2. **Naloxone:** A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.
3. **Overdose Rescue Kit:** At minimum should include the following:
 - a. Two (2) prefilled self-contained units, without needles, each containing 4mg of naloxone in 1ml of solution, and within their manufacturer assigned expiration dates.



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OPIOID OVERDOSE PROTECTION PROGRAM			
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PROCEDURE

Deployment:

1. The Administrative Officer shall be the coordinator of the naloxone administration program: Responsibilities will include:
 - a. Maintaining training records for personnel;
 - b. Assuring the supply, integrity and expiration dates of the Overdose Rescue Kits and;
 - c. Assuring the maintenance of the administration records.
2. The Administrative Officer and training officer will ensure the officers carrying or having access to the Overdose Rescue Kits are trained in the use of the naloxone.
3. Refresher training should occur at minimum biennially and consist of familiarity with the assembly of the Overdose Rescue Kit and the effective administration and maintenance of naloxone.

Naloxone Use:

4. Officers will request an ambulance to respond to scene where the aided is in a potential overdose state.
5. Officers should use universal precautions and protections from blood borne pathogens and communicable diseases when administering naloxone.
6. Officers will determine need for treatment with naloxone by evaluating the aided; if the aided is unresponsive with decreased or absent respirations they should administer naloxone following the established training guidelines.
7. Once the assessment of the aided, which should include, but not be limited to determining unresponsiveness and other indicators of opioid involved overdose, is complete, the officer will administer the medication from the Overdose Rescue Kit following the established training guidelines.
8. In the event the officer finds a patient who is showing no signs of life, CPR shall be initiated per the officer's first aid and CPR training in accordance with the Naloxone training provided. Officers shall provide first aid as indicated, based on the individual officer's level of training.



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9. Officers will use proper tactics when administering naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.
10. Officers will remain with the aided until EMS personnel arrive.
11. Officers will inform EMS personnel upon their arrival that naloxone has been administered.
12. Officers will complete a naloxone administration/restock form.

Maintenance/Replacement of Naloxone:

13. Overdose Rescue Kits will be carried in a manner consistent with proper storage guidelines for temperature and sunlight exposure.
14. Used, lost, damaged, or expired Overdose Rescue Kits will be replaced after a damaged or inoperable equipment report is generated and the training officer is notified.
15. Expired naloxone will be:
 - a. Maintained by the agency for use in training; or
 - b. Properly disposed of according to agency policy.

Documentation:

16. Following naloxone administration, the officer shall complete the associated incident report documenting the aided case, submit a New York State Public Safety Naloxone Quality as well as completing and submitting the Improvement Usage Report to the New York State Department of Health.



OPERATIONS PROCEDURE			Procedure No: 106-01
MOTOR VEHICLE ACCIDENTS			
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PURPOSE

To establish guidelines for the Department's traffic accident reporting and investigation practices.

BACKGROUND

The majority of traffic accidents require reporting basic information only. Accidents involving potential litigation, criminal charges, traffic infractions, injuries or fatalities require detailed reporting and investigation.

POLICY

It is the policy of the Larchmont Police Department to respond to all reported traffic accidents. Accidents shall be recorded and investigated as the situation dictates, and in accordance with the NYS Vehicle and Traffic Law.

PROCEDURE

All members will be familiar with and abide by the Vehicle and Traffic Law. A member will respond to every accident to which he/she is dispatched and any accident he/she comes upon regardless of its type, in a prudent and safe fashion. Once on the scene an investigation will be conducted.

1. Investigation at the scene of traffic accidents may result in enforcement of traffic laws or ordinances. If a violation of traffic laws or ordinances is detected, it shall be noted on the accident report. Remember however: if a violation is committed outside the presence of the officer, enforcement action cannot be taken.
2. Desk officers upon receipt of an accident complaint that requires a response from a patrol officer, will record:
 - a. The location of an accident,
 - b. Severity (example - are there injuries and is medical help needed),
 - c. Number of vehicles involved,
 - d. Need for other emergency equipment.



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Duties at Scene

The first member arriving at the scene shall maintain charge until completion, unless otherwise directed by a supervisor. His/her responsibilities shall include, but are not limited to:

- a. Safeguarding the scene using flares and/or police vehicle emergency lights and equipment.
- b. Administering emergency medical aid within his/her level of training and requesting other emergency services, if needed.
- c. Establishing a safe traffic pattern around the accident scene and expediting the removal of vehicles and bystanders.
- d. Locating witnesses, recording data, collecting and preserving evidence.
- e. Determine if the accident involves death or serious physical injury with the likelihood of death. If the accident involves the above, handle as outlined in section 106-3 of this Manual.
- f. If the accident involves hazardous materials:
 - i. The investigating member shall take all necessary steps to ensure the safety of all persons at or near the scene. Initial responders should remain upwind from the suspected hazardous material and summons the Fire Department for immediate response.
 - ii. 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.
 - iii. The Fire Department will assume command and responsibility of the hazardous material issues.
 - iv. The patrol supervisor shall respond to the scene to further assist responding personnel.
 - v. The Westchester County Hazardous Material Team will be summoned when necessary. Such notification will be made through the Fire Chief at the scene.
- g. If the accident is a hit and run accident, handle as outlined in section 106-2 of this Manual.
- h. If a fire or fire hazard exists, request immediate Fire Department response.



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On-Scene Investigation

Members shall conduct on-scene investigations of all traffic accidents involving:

- a. Death or injury
 - b. Hit and run
 - c. Impairment of an operator due to alcohol and/or drugs
 - d. Hazardous materials
 - e. Damage to town vehicles or other public property
 - f. Pedestrians or bicyclists
 - g. Property damage
3. Investigating members shall examine the roadway and public/private property for damage. If detected, damage shall be recorded and reported to the appropriate owner or agency.
4. The assigned member(s) shall collect accident data that includes, but is not limited to:
- a. Interviewing drivers and witnesses:
 - i. Investigating members shall interview all drivers and record the information required to complete the appropriate accident form.
 - b. Photographs:
 - i. For serious accidents, photographs should be taken by either the detective division or patrol personnel.

Reporting

5. An Incident entry shall be made by the desk officer on all accidents reported to this Department.
6. A Department of Motor Vehicle Police Accident Report (MV-104-A) must be filed in the following cases:
- a. Death or injury as specified in section 603 of the Vehicle and Traffic Law.
 - b. Public property is involved (including vehicles).
 - c. Vehicle roll-over.
 - d. Extraction of person(s) is performed.
 - e. Any structure is involved.
 - f. Any fixed object where ownership cannot be determined or the owner is not on scene.
 - g. Multi-vehicle (more than two vehicles).
 - h. Public utility is involved.
 - i. One or more vehicles must be removed by tow truck due to damage.



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- j. Damage on one vehicle appears to exceed \$1,000.00
- 7. A Department of Motor Vehicle Police Accident Report (MV-104-A) may be filed when in the judgment of the investigating member it would be in the best interests due to circumstances involved. Examples:
 - a. Dispute - inability to exchange information
 - b. Extensive damage to vehicles
 - c. Language barriers
- 8. When it has been determined that an MV-104-A is not required as outlined in section 6 of this policy, the investigating member shall inform each driver of his/her responsibility to exchange pertinent information and should ensure the exchange is made utilizing the Department Exchange of Information form.
- 9. Members may amend MV-104A reports limited to those instances where factual information or data exists on the original report.

Follow-Up Investigation

- 10. The nature of some accidents may require a follow-up investigation to obtain information that was not obtained at the accident scene. The collection of off-scene data shall be the responsibility of the detective sergeant. Off-scene data may include:
 - a. Medical records and physicians report;
 - b. Chemical analysis/laboratory reports; and
 - c. Vehicle mechanical inspection reports.
- 11. When possible, investigating members shall obtain written witness statements at the scene. If this is not possible, follow-up responsibilities may be assigned by the patrol supervisor.

Delayed Accident Reports

- 12. Oftentimes, the Department is called upon to complete an accident investigation and report after the involved parties have left the scene. This service will be provided only when it is possible to obtain an accurate account of the circumstances and within a reasonable time after the actual incident. The NYS Vehicle and Traffic Law requires police to investigate a personal injury accident which is reported within 5 days of occurrence.



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13. All drivers involved must be interviewed prior to completion of the report in order to provide an objective report.
14. The MV-104-A form (if used) should note that the investigation and report were not completed at the time of the accident and that the officer was not present at the scene.
15. If the accident would have resulted in an exchange of information, the member should attempt to facilitate that exchange and indicate that no MV-104-A was filed with this Department.
16. In all accidents where it appears there may be \$1000 or more damage to any one vehicle, or there is an injury or death, members shall advise drivers of the drivers duty to report the accident to the Department of Motor Vehicles on form MV-104 within 10 days of the accident.
17. All MV-104-A reports filed by this Department will be kept on file by this Department and the DMV copy shall be sent to the Department of Motor Vehicles by the police clerk if there is an injury or death



OPERATIONS PROCEDURE			Procedure No: 106-02
MOTOR VEHICLE ACCIDENTS - LEAVING THE SCENE			
DATE ISSUED: 15SEP11	DATE EFFECTIVE: 15SEP11	REVISION NUMBER: 2	PAGE: 1 of 2

PURPOSE

To establish guidelines for members when responding to and investigating "hit and run auto" accidents.

POLICY

Department personnel will conduct a thorough investigation of all hit and run accidents. The investigation should be pursued as far as practical to establish the identity and take enforcement action against the hit and run driver.

PROCEDURE

Desk Officer

1. Establish that a hit and run accident actually occurred.
2. The approximate time of the accident.
3. Description of vehicle and or driver who left scene.
4. Direction of travel of vehicle that left scene.
5. Notify other police jurisdictions as appropriate. Be on the lookout for the vehicle that left the scene.
6. If the hit and run involves a fatality or serious physical injury, enter a File 4 message in the eJustice Portal if there is a description of the vehicle and or operator who left the scene.
7. If the hit and run just occurred and there is a description of the vehicle and or operator who left the scene and the accident involved serious physical injury or a fatality, transmit the hit and run vehicle's and or operator's description to all stations on the Westchester County Hot Line System.
8. If the hit and run just occurred and involves a physical injury or extensive property damage, transmit the hit and run vehicle's and or operator's description to the appropriate selected station(s) on the Westchester County Hot Line System.



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Assigned Member

9. Take written witness statements.
10. Search for, collect and preserve evidence, paint scrapings, broken auto parts and other physical evidence.
11. If the hit and run accident involves a fatality or serious physical injury, follow procedures as outlined in section 106-3 of this Manual.
12. If the hit and run accident involves a physical injury or extensive property damage, consider the immediate notification to the detective division for on-scene investigation, if needed for evidence photographs etc.
13. An Incident report along with a MV-104-A report will be completed by the responding officer. If there is a possibility of identifying the hit and run driver, the case will be referred to the detective division for follow-up investigation.
14. In those instances where the damage is caused to a parked or unoccupied vehicle, and where the extent of the damage is minor in nature, the investigating officer shall provide the owner of the damaged vehicle a form MV-104 and shall enter the owner and vehicle information in S.J.S.



OPERATIONS PROCEDURE			Procedure No: 106-03
MOTOR VEHICLE ACCIDENTS - PERSONAL INJURY			
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PURPOSE

The purpose of this order is to establish guidelines for investigating accidents when they involve a fatality or serious injury with the likelihood of death.

BACKGROUND

Accident investigation technicians have been trained to collect and analyze essential data and evidence at the scene. This capability significantly enhances the Department's ability to investigate serious accidents and pursue criminal prosecution when necessary.

POLICY

It is the policy of this Department to have traffic accidents involving fatalities and serious personal injury with the likelihood of death investigated by both the detective division and the accident investigation technician. The Department does not perform such services in support of civil litigation, however, these services are performed in support of criminal prosecution as necessary and appropriate.

PROCEDURE

1. When the initial investigating member believes an auto accident may involve a fatality or serious physical injury with the likelihood of death, he/she shall immediately notify the patrol supervisor.
2. The initial investigating member should also record all information as required for the filing of the MV104-A Police Accident Report with a special emphasis on obtaining the following, required when filling out MV104D if accident results in a fatality:
 - a. Posted speed limit,
 - b. Roadway surface type (e.g., concrete, blacktop),
 - c. Number of lanes on the roadway,
 - d. Roadway flow, that is:
 - i. One way
 - ii. Two way, individual lanes
 - iii. Divided highway - median
 - iv. Divided highway - guide rail
 - v. Divided highway - other barrier



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- e. Emergency medical services:
 - i. Notification time
 - ii. Arrival time at scene
 - f. Initial point of impact of the vehicles.
 - g. Name and address of all involved.
 - h. Vehicle model (e.g., Mustang, Corvette).
 - i. Estimated speed of each vehicle. (May require determination by the accident investigator.)
3. Upon consultation with the accident investigation technician (AIT), a determination will be made as to who shall actually file the MV104-A.
 4. Prior to the AIT's arrival, patrol officers shall treat the accident location as a crime scene and
 - a. safeguard evidence;
 - b. identify and detain witnesses at the scene, if possible;
 - c. screen ALL DRIVERS for alcohol and/or illegal drug impairment;
 - d. obtain statements from all witnesses as soon as possible; if a detective is available he/she shall assume this responsibility; and
 - e. complete all required reports;
 - f. if a DWI/DWAI/DWAID arrest is made follow procedures as outlined in section 109-8 of this Manual.
 5. When it has been determined by the responding officers that a traffic accident requires investigation by an accident investigation technician, he/she shall immediately inform the desk officer and the patrol supervisor shall make the determination as to contact same.
 6. The desk officer shall immediately
 - a. Assign additional personnel to assist at the scene, if necessary.
 - b. Notify the Westchester County Police to request the Accident Investigation Unit respond to the scene and notify the department accident investigator so as they can work simultaneously.
 - c. Notify a Command Officer.
 - d. Make any notifications to outside agencies, if needed. Outside agencies include but are not limited to: the medical examiner, assistant district attorney or utility companies.



OPERATIONS PROCEDURE			Procedure No: 106-04
MOTOR VEHICLE ACCIDENTS – VILLAGE OWNED			
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PURPOSE

To clarify a reporting procedure when a Village owned vehicle is involved in a motor vehicle accident.

BACKGROUND

Due to inconsistencies, emotions and the need for objectivity, it is necessary that the reporting of accidents involving Village owned vehicles be completed by a police officer other than the involved employee, or a superior officer in the case of a police vehicle involved.

POLICY

Any member who becomes involved in an accident with a Department vehicle shall immediately notify the desk officer.

PROCEDURE

In addition to the procedures outlined in Manual sections 106-1, 106-2, and 106-3, Department personnel will respond accordingly as follows:

Village Owned Vehicle Other Than Police Vehicle

1. The desk officer, upon being informed of a Village owned vehicle involved in a motor vehicle accident, shall:
 - a. Assign the appropriate patrol to respond and investigate.
 - b. Notify the appropriate Village department head who shall determine his/her response.
 - c. If the accident involves major property damage or personal injury, notify the patrol supervisor.
2. The investigating officer shall file an MV104-A Police Accident Report, and follow all other procedures as outlined in section 106-1 of this Manual.

Note: If the accident is outside this jurisdiction, notify the appropriate jurisdiction and the appropriate department head. No further action by this Department shall be required.



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MOTOR VEHICLE ACCIDENTS – VILLAGE OWNED			
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Police Vehicle Involvement

3. The desk officer shall notify the patrol supervisor who shall conduct the investigation and complete the MV104-A Police Accident Report. The patrol supervisor shall also have the involved officer complete a Statement of Fact regarding the accident.
4. In the event a superior officer is involved in the accident, the following shall apply:
 - a. Sergeant - a Lieutenant shall assume responsibilities in sub. 3.
 - b. Lieutenant or Captain - the Chief or alternate command personnel shall assume responsibilities in sub. 3.
 - c. Chief - the executive officer shall assume responsibilities in sub. 3.
5. If the accident involves a fatality or serious physical injury with the likelihood of death, also follow procedures as outlined in section 106-3 of this Manual.
6. If the accident is outside this jurisdiction:
 - a. The desk officer shall notify the appropriate jurisdiction.
 - b. The patrol supervisor or other superior officer as described in section 106-4.4 of this Manual shall respond and file an incident report. The MV104-A or other accident report shall be the responsibility of the jurisdiction where the accident occurred.
 - c. Obtain a copy of the accident report from the department having jurisdiction to investigate the accident.
7. All Department vehicles shall be towed, if necessary, by the authorized tow service to either police headquarters or Village Yard as directed by the investigating or superior officer.



OPERATIONS PROCEDURE			Procedure No: 106-05
TRAFFIC STOPS			
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PURPOSE

To establish guidelines for members to follow in order to effectively and safely stop and approach vehicles and their occupants while on patrol.

BACKGROUND

Enforcing traffic laws is one of the more routine functions that law enforcement officers perform. All too frequently members are injured or killed in the process. Therefore, detailed guidelines for members to follow when making contact with violating motorists are necessary.

POLICY

Uniform traffic enforcement supports the ultimate goal of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. It is the policy of this Department to provide for the safe and orderly flow of traffic through its jurisdiction by public compliance with traffic laws. To this end, the Department shall enforce all state and local vehicle and traffic laws in a uniform manner, while allowing for the use of the member's discretion.

PROCEDURE

Emergency Equipment

1. The proper use of emergency equipment is essential to the safety of the police officer and other motorist(s). Members shall utilize emergency equipment when situations warrant such use, and shall exercise extreme caution while engaged in emergency operations.
2. Authorized emergency equipment contained in or on vehicles used for patrol includes emergency lights, emergency flashers, take-down lights, spotlight, siren and public address system. Emergency equipment shall be used in the following manner:
 - a. Emergency lights and flashers must be used to protect the patrol vehicle at hazardous locations, to signal traffic violators to the extreme right or left of the roadway as conditions may dictate, and while engaged in emergency operations.



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- b. Spotlights and take-down lights shall be used to protect members from hazardous conditions, i.e., illuminating the interior of a vehicle during a traffic stop, or in conjunction with emergency lights and flashers when making a traffic stop.
- c. Sirens shall be used when signaling violators to stop, when other means of attracting them have failed, and to expedite the member's arrival at a destination, based on existing traffic and roadway conditions. Discretion should be used because sirens can complicate traffic problems. Under extreme conditions, the siren should be actuated continuously.
- d. Sirens and emergency lights in combination shall be utilized during pursuit situations, and in response to an emergency, as appropriate.
- e. Public address systems can be used to give general information to the public, and to give instructions to motorists from a distance.

Location of Stop

- 3. The general location of the stop is predetermined by where the violation occurs. Regardless of location, traffic stops should be accomplished as soon after the violation as traffic and other conditions will permit. Stopping the motorist immediately, avoids confusion and arguments. Police officers should avoid any locations that create a hazard for themselves, the motorist, or other traffic.

Making the Stop

- 4. Prior to making the stop, the member should inform the desk officer of the license number and the location of the stop. If assistance may be required, he/she should request a backup unit. The desk officer will record this information and check the vehicle via computer if necessary. The member should use the safest and simplest maneuvers to bring a motorist to a stop.
- 5. When stopping behind the vehicle on the roadway shoulder, the member should park so that the patrol car is about 2- to 3-feet to the left and 10- to 12-feet to the rear of the violator's vehicle.

Approaching the Vehicle

- 6. The member should approach the vehicle in a direct line just inside the left of the driver's side. This approach allows the member to use the trunk of the vehicle for cover should an attack occur. It also enables the member to observe the driver and occupants without significantly exposing himself. The member should peer through



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the rear window and check the back seat, at no time should the member turn his back to the violator or passengers. The member should position himself slightly to the rear of the driver's door, from this position, the driver cannot suddenly open the door and knock the member off balance, nor can he assault the member with a weapon without making a very noticeable turning movement. The violator should be told to remain seated in his vehicle; never let the violator stand between the vehicles or in the roadway. The member should always remain aware of the violator's movements, especially when the violator is outside the vehicle and the member is seated in the patrol vehicle.

Contacting the Motorist

7. Once the motorist has been stopped and the member is about to communicate with the operator, the member shall
 - a. Maintain a professional image, dress, grooming, language, bearing and demeanor.
 - b. Be certain of the observations of the traffic violation.
 - c. Greet the motorist with appropriate title and in a courteous manner.
 - d. Inform the motorist why the stop is being made.
 - e. Request the motorist's driver's license, vehicle registration, insurance card and any other necessary identification.
 - f. Check for signs of physical impairment, emotional distress, or alcohol/drug abuse.
 - g. Explain the violation; if a summons is issued, advise the motorist of the
 - i. Date, time and location of the court appearance;
 - ii. Types of pleas (guilty/not guilty), and how the plea may be made via mail or in person;
 - iii. Procedure to follow if a plea of guilty is to be made by mail;
 - iv. Procedure to follow if an equipment defect form was issued in conjunction with the stop.
8. Upon completion of the traffic stop, the member should not leave before the motorist's vehicle leaves. If traffic is heavy, assist the motorist back into the flow of traffic.



OPERATIONS PROCEDURE			Procedure No: 107-01
MISSING PERSONS			
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PURPOSE

To establish operational guidelines for handling of incidents of reported missing persons, including abducted or missing children, and incidents of custodial interference.

BACKGROUND

A missing person is one who is absent for no apparent reason or under circumstances that may indicate involuntary disappearance. A missing child is a person who is less than 18 years of age and whose whereabouts are unknown to the person(s) or organization responsible for the child. In cases of custodial interference, the child must be less than 16 or be an incompetent person according to sections 135.45 and 135.50 of the N.Y.S. Penal Law.

POLICY

It is the policy of this Department to immediately accept and investigate any report of a missing person, including abducted or missing children, without delay and to promptly report all pertinent information to the Department of Criminal Justice Services (DCJS) and to the National Crime Information Center (NCIC).

PROCEDURE

Desk Officer

1. Upon receiving a complaint of a missing person or child who is lost, runaway or abducted by a non-relative, the desk officer shall immediately dispatch a member to the scene and the officer shall complete a detailed Incident Report and Missing Person Report.

Assigned Member

2. The responding member shall speak directly with the complainant or, if a child, with the person responsible for the care of the missing child at the time of the occurrence in order to obtain a description of the child and the circumstances of the disappearance.
3. The assigned member shall, as soon as possible, advise the desk officer of the person's or child's name, description, and any other pertinent information so that this information can be broadcast to other patrol units.



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4. If possible, a picture of the missing person should be obtained for attachment to the original Incident Report.
5. The desk officer shall advise the patrol supervisor of the incident, and if warranted, advise the detective division.
6. If suspicious circumstances or age of the victim requires it, patrol and the detective division shall conduct an immediate search of the surrounding area, documenting the names and addresses of those interviewed.
7. The residents of neighboring homes shall be interviewed in a door to door canvass for potential witnesses and leads.
8. While at the scene, the assigned member shall complete form NYSP-CB-7/DCJS-1508, State of New York Missing Person Data Collection Guide, with information on the missing person or child.

Desk Officer

9. The desk officer, upon receipt of this completed guide, shall immediately file a report by teletype to DCJS and NCIC via NYSPIN, using the instructions in the guide.

Assigned Detective

10. Obtain from the family the missing person's or child's records (i.e. birth certificate and medical, dental and school records) should they be needed during the investigation.
11. Request the family to provide the Police Department with a photograph and a copy of the missing person's fingerprints.
12. Parents may already have copies of their child's fingerprints from Operation Safe Kids and fingerprints of adults may be obtained from the missing person's place of employment
13. Instruct the family to notify all relatives, particularly those who live out of state, of the person's disappearance, providing them with the name of the detective assigned to the investigation and the phone number of this Department.



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14. Interview both parents, spouse, and other family members, checking for unusual circumstances regarding the missing person or child, such as:
 - a. Recent deviation from normal behavior;
 - b. Recent difficulty at work, in school or with friends;
 - c. Recent friendships with new people; and
 - d. Recent involvement or prolonged use of alcohol and drugs.
15. After obtaining written consent from the spouse or the parents, search the missing person's or child's room for leads, and the names and addresses of acquaintances.
16. Interview the missing person's friends, neighbors, school teachers, fellow employees and witnesses for leads and, if a child, check the child's school locker for leads after seeking permission from school authorities.
17. Disseminate appropriate information to patrol.
18. Advise adjoining departments and the Westchester County Crime Analysis Unit, which will assist in the distribution of information to other departments.
19. Check Department records for prior contact between the missing person or child and the police.
20. Update case narrative with all facets of the investigation.
21. Detectives assigned to a prolonged investigation of a missing person or child who has not been found after 30 days shall:
 - a. Forward the person's dental records and fingerprints to DCJS.
 - b. Continue to update new information, as it surfaces, with NCIC and DCJS
 - c. Continue to maintain contact with the person's family, keeping them abreast of new developments during the ongoing investigation.
 - d. Cause entry to H.A.L.T. and VICAP.
22. Should the missing person or child be found, the detective assigned to the investigation shall attempt to determine the circumstances surrounding the disappearance or abduction, why the child may have run away, and what happened during the disappearance.
23. The detective division shall advise the Missing Person/Children Register that the person or child has been found and shall cancel the File 6 with DCJS and NCIC by teletype.



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Procedure for Custodial Interference or Parental Abduction

Assigned Member

24. Incidents of parental abduction and custodial interference often originate as a civil matter that may escalate into a crime. Upon receiving a report of such an incident, the desk officer shall immediately notify the patrol supervisor, the detective sergeant, or the on-duty detective, and shall dispatch a member to the scene or the home of the non-abducting parent to complete an Incident Report. Care should be taken to determine if an abduction has occurred as opposed to the non-custodial parent exercising unauthorized extended visitation. Deviations or disputes, absent abduction, in visitation are civil in nature and if not substantial should result in referral to the appropriate Court through the parties themselves or their respective attorneys.
25. If an initial determination is made that abduction has occurred, the responding member shall
26. Verify the non-abducting parent's custody decree with any visitation provisions for the other parent and obtain a copy of the court document.
27. Obtain a photograph and fingerprints of the child and a photograph of the abducting parent.
28. Obtain information about the abducting parent, such as the name, address, description, employment, social security number, vehicle information and criminal history, if any.
29. Advise the desk officer of the descriptions of the child and abducting parent, and all pertinent information in order that this information can be broadcast to other patrol units.
30. Conduct a search of the surrounding area, checking with neighbors for potential witnesses to the abduction and for additional leads.
31. While at the scene or child's home, the member shall complete form NYSP-CB-7/DCJS-1508, State of New York Missing Person Data Collection Guide with information about the missing child.



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Desk Officer

32. Upon receipt of the completed guide, the desk officer shall immediately file a report by teletype to DCJS and NCIC via NYSPIN, using the instructions contained in the guide.

33. Completed guides shall be forwarded to the detective division.

Assigned Detective

34. Initiate a full investigation in order to locate and reunite the abducted child with the custodial parent.

35. Request the non-abducting parent gather the missing child's records should they be needed during the investigation.

36. Request the non-abducting parent secure a certified copy of the custodial decree containing the raised seal of the issuing court, which will be necessary should the child be taken to another state or country.

37. Utilize the services of the Federal Parent Locator Service of the United States Department of Health and Human Services at (202) 245-1647.

38. Notify the State Department in Washington, D.C. should the investigation reveal that the child may have been taken out of the country.

39. Obtain a subpoena for the abducting parent's records (i.e., telephone bills, bank records and credit card charges).

40. Obtain a search warrant for the abducting parent's residence and, if possible, an arrest warrant for the abducting parent.

41. If the abducting parent and child are located, pre-plan the pick up of the child; a Family Court order may be necessary.

42. Arrest the abducting parent out of sight of the child, if possible.

43. Interview the abducted child to determine the circumstances of the abduction, checking for abuse and neglect.



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44. Update the DCJS Missing Children/Person Register with information regarding the return of the child at (518) 457-6326 or 1-800-346-3543, and cancel the File 6 with DCJS/NCIC by teletype.



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CHILD ABUSE CASES			
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PURPOSE

To establish operational guidelines for the detection and mandated reporting by members of this Department of incidents of suspected child abuse or maltreatment.

BACKGROUND

The abuse or maltreatment of children is a nationwide problem and is a crime in the State of New York as defined in section 260.10 of the Penal Law entitled "Endangering the Welfare of a Child." Abused children are usually too young or too frightened to seek help on their own, therefore, police and others are mandated under sections 413 through 420 and section 422.4 (a) (b) of the New York State Central Register of Child Abuse and Maltreatment SCR).

POLICY

It is the policy of this Department to actively investigate all reports of suspected child abuse and maltreatment in an effort to protect any victims, ensure medical and psychological assistance is available to victims, and arrest, when appropriate, anyone who commits an act of child abuse or maltreatment.

Definitions: See sections 1012(e) and 1012(f) of NYS Family Court Act.

An "**abused child**" is a child under 18 years of age whose parent(s) or other person(s) legally responsible for his/her care

Inflicts or allows to be inflicted upon the child serious physical injury, or creates or allows to be created a substantial risk of physical injury, or commits or allows to be committed against the child a sexual offense as defined in the Penal Law.

A "**maltreated child**" is a child under 18 years of age who has had serious physical injury inflicted upon him/her by other than accidental means. A "maltreated child" is also a child under 18 years of age whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his/her parent or other person legally responsible for his/her care to exercise a minimum degree of care in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so, or in providing the child with the proper supervision or guardianship, or



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- By unreasonably inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment, or
- By using a drug or drugs, or
- By using alcoholic beverages to the extent that he/she loses self-control of his/her actions, or
- By any other act of a similarly serious nature requiring the aid of the Family Court.

Responsibilities:

It is the responsibility of the investigating member to

1. Report known and suspected cases of child abuse or maltreatment to the Child Protective Services.
2. Investigate suspected cases of child abuse or maltreatment that are initiated by the officer or reported to the officer by another party.
3. Provide emergency services necessary to protect the child-victim, if the situation so requires.
4. Arrest the perpetrator if his actions were of a serious nature and the facts would support a criminal prosecution.

PROCEDURE

The following sections of the New York State Social Services Law embody the procedures that Larchmont Police Department members will use to follow departmental policy regarding the handling of child abuse and maltreatment cases:

5. Section 413 of the Social Services Law lists those officials and persons who are required to report suspected cases of child abuse and maltreatment to the Child Protective Services. This list of "mandated reporters" includes police officers, as well as physicians, medical examiners, registered nurses, school officials, district attorneys, and certain other categories of professionals. This section of law further states that mandated reporters are required to report a case to the Child Protective Services when they have reasonable cause to suspect that a child coming before them in their capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian, or other person legally responsible for such child comes



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before them in their official capacity and states, from personal knowledge, facts, conditions, or circumstances that if correct, would render the child an abused or maltreated child.

6. Section 415 of the Social Services Law states that reports of child abuse or maltreatment, made by mandated reporters, are to be made immediately by telephone to the Statewide Central Registry at 800-635-1522, which is the phone number for mandated reporters only and is the one police officers should use. Additionally, the investigating officer must complete a DSS-2221-A form and submit it with his/her incident report. The form (DSS-2221-A) must be mailed to the local officer of the Child Protective Services within 48hrs. The responsibility for mailing the form rests with the police clerk. The address for Child Protective Services is 100 East First Street, Mt. Vernon, N.Y., 10550. The detective sergeant will also notify the Westchester County District attorney's Office Special Prosecution & Child Abuse Unit.
7. Section 416 of the Social Services Law states that anyone required to report cases of suspected child abuse or maltreatment, including police officers, may take or cause to be taken, at public expense, color photographs of the areas of trauma visible on the child who is the subject of the report and, if medically indicated, cause to be performed a radiological examination on the child. Any photographs or X-rays taken shall be sent to the local Child Protective Services office at the time the written report is sent or as soon thereafter as possible.

Note: Photographs depicting the conditions within the home shall also be taken if necessary.

8. 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 or 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 sentence are the words "**imminent danger**." This phrase, according to the dictionary definition, means "danger which is ready to take place." Therefore, before a police officer removes a child from his/her residence, he/she must determine if a child's life or health is in "imminent danger" if left at his/her residence. In



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addition to the mandates of section 417, any member who takes a child into protective custody, shall:

- a. Immediately notify the patrol sergeant and detective sergeant.
 - b. Transport the child-victim to a hospital for an examination and or treatment.
 - c. Immediately notify the Child Protective Services and request that a CPS worker meet the member at the hospital. In this circumstance, the Child Protective worker can be reached at:
 - i. 664-1386 9:00 AM to 5:00 PM on weekdays
 - ii. 592-3791 5:00 PM to 9:00 AM on weekdays, weekends, and holidays
 - d. Comply with other provisions of the Family Court Act, the Social Services Law, and Department policy.
 - e. Completely investigate the incident, prepare a Incident Report, notify the Central Registry, prepare the DSS-2221-A form and forward it to the tour supervisor along with all investigative reports.
9. 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 or her findings to the police, the district attorney and the Child Protective Services.
10. 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 their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person or official.
11. 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.



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12. 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 (a police officer) when such person has before him/her a child whom he/she 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.



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BIAS CASES			
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PURPOSE

To institute policy and procedures for the investigation of bias incidents.

BACKGROUND

Bias crime, whether violent or non-violent, has no place in our society. Criminal acts motivated by prejudice, create fear and anger and suspicion in the mind of the victim towards a community.

POLICY

This Department has established a firm policy in response to these crimes, one that is essentially twofold in nature. Specifically, we support the premise of prevention through education. If this fails, we believe in strict enforcement of the applicable laws with arrests where indicated. The Department response should be as follows:

PROCEDURE

1. The member taking the initial report shall be attentive in that the incident may be motivated by a prejudice or bias view towards a specific religious, ethnic group or classes of individuals of different lifestyles. When identified as such, the incident will be treated as a bias crime.
2. The responsibility for such criminal or non-criminal investigation belongs to the detective division, which will investigate all bias crime reported to this Department.
3. In addition to the specific processing requirements at the crime scene and the potential damage or disruptive effect this has on the victim or the complainant, the patrol supervisor will take into account whether immediate response is required.
4. Copies of all Bias Crime Reports shall be forwarded to the Westchester County Crime Analysis Unit so that they may be compared with similar incidents reported by other departments, and shall also be referred to the Westchester County District Attorney's Office Bias Crime Investigation Unit
5. Listed below are bias crime categories identified by law enforcement agencies:
 - a. Anti-Semitic
 - b. Blacks
 - c. Hispanic
 - d. White



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BIAS CASES			
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- e. Gay/Lesbian
- f. Asian/Pacific Islander
- g. Church - Religion - Cemetery
- h. Ethnic
- i. Other



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ANIMAL COMPLAINTS			
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PURPOSE

The purpose of this section is to establish a safe and effective means of handling sick and injured animals, dog and other animal bites, dog impoundment by department members or the Human Society, and removal of dead animals.

BACKGROUND

Proper handling of sick or injured animals is essential to protect members and the public from the spread of rabies and other diseases. Rabies is a disease of warm blooded mammals. In New York state, raccoons, skunks, bats, foxes and others are carriers of the rabies disease. Rabies is a viral infection that affects the nervous system. The rabies virus is carried in an infected animal's saliva, spinal fluid and brain matter. Rabies is usually transmitted by an infected animal's bite, however it can enter the body through scratches, scrapes and open cuts.

POLICY

It shall be the policy of this department to handle animal related calls as humanely as possible, enforce the Village code and other applicable laws relating to animals, and protect the safety of the public when threatened by vicious, dangerous or diseased animals.

PROCEDURE

General

1. The primary service available to this department in dealing with animal complaints is The New Rochelle Humane Society and a private trapper contracted by this department.
2. The main purpose of The New Rochelle Humane Society is to deal with animal complaints involving domesticated animals particularly dogs and cats, and can also be used to:
 - a. Capture, remove or trap domestic animals which are causing a nuisance or are dangerous to the public.
 - b. Remove and take possession and responsibility for all domestic animals that are impounded by department members.
 - c. Transport injured domestic animals to a veterinarian if no other means are available (i.e. dog's owner).



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Note: Certain wild animals such as raccoons, squirrels, rats and other vermin are common to this area. When it is determined that a complaint is due to these animals simply creating a nuisance or that the issue is an infestation on private property, the complainant should be advised to contact a private licensed trapper or pest control company.

3. When a member is assigned to investigate a dangerous animal, every effort shall be made to secure the animal in an area where it can be contained until the arrival of the Humane Society, a licensed trapper or other individual licensed properly trained and qualified to handle such animals. Use of firearms shall be permitted after consultation with command personnel or the tour supervisor.
4. When a member discovers a stray animal, he /she shall make every attempt to identify the owner. If the owner cannot be contacted or is not known, the animal shall be impounded to the police garage cage and the Humane Society shall be contacted.
5. If a member observes a dog at large, in violation of the Village ordinance, he/she shall attempt to notify the owner of the dog, and may issue a summons to the owner. If the owner cannot be located, the dog shall be impounded as above.

Sick or Injured Animals

6. Whenever a member is detailed to a call for service involving a sick or injured animal, he/she shall determine if the animal is indeed sick or injured. If the situation warrants removal of the animal, and it is on public property, the desk officer shall notify Ace Trapping or the Village contracted trapper to assist in the removal and disposal of the injured animal.
7. If a sick or injured animal is inside a private residence then the homeowner shall be advised that the cost of trapping and removing the animal will be his/her expense.
8. Destruction of sick or injured animals by the use of firearms shall be determined by the tour supervisor or command personnel to those rare instances when an immediate danger exists to members of the department and/or the public, or for humane or health reasons. Care should be given to prevent any body fluids from contaminating members or others. Members should take care not to damage the head or brain matter of any animal which will be tested for rabies.



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9. Bat exposures and incidents should be reported to, and advice for the handling of such cases should be obtained from, the Westchester County department of health at 637-4924 during regular business hours, or at 637-4700 for after hours. The department of health shall be notified even if the bat has not bitten anyone or appears sick, and the Health Department recommends capturing and testing the bat if:
- a. the bat had contact with any person or pet
 - b. if a bite or scratch cannot be ruled out
 - c. the bat had access to an unattended child, sleeping person, or a person who is otherwise impaired

Animal Bites

10. When a member receives a complainant of an animal bite, he/she shall determine the nature of the injuries and follow normal aided case procedures outlined in section 105-1.
11. The investigating member shall attempt to ascertain the identity of the owner of the animal. If the owner is unknown, obtain a description of the animal an attempt to locate it. If the animal is located and the owner is unknown refer to sub-division 4 of this section for handling of the animal.
12. If the bite was caused by a dog or cat, the owner shall be notified confine the animal for a period of ten days as per the public health law. The member shall fill out and mail a "Report of Animal Bites".

Rabies Related Bites/Complaints

13. If the bite was caused by an animal other than a dog or cat, the animal may have to be destroyed, due to the possibility of rabies. If an animal has to be destroyed, care should be taken not to damage or destroy the head of the animal.
14. Rabies is a viral infection that effects the central nervous system of animals. It is usually transmitted from animal to animal by means of a bite that introduces the virus bearing saliva into the recipient animal's blood system. Upon rare occasions, it has also been known to have been transmitted by exposure to open wounds. Animals that typically have been found to carry the virus include dogs, cats, bats, raccoons and skunks. Officers who come in contact with the saliva of any of these animals should follow the procedure below if either the animal is suspected of having rabies or, if domestic, has not been properly vaccinated. Even though an



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animal has not manifested symptoms consistent with a rabid animal, it is still possible for the virus to be transmitted if present in its system but dormant.

15. SYMPTOMS: Animals infected with the rabies virus vary in regards to when they will manifest symptoms. Once introduced into the body, the virus usually will replicate at the site and stay in a period of incubation. It is during this time frame that the disease is treatable. The disease then makes its way into the central nervous system of the animal within 30 days and is accompanied by the following symptoms. Bats on the other hand may remain infected for pro- longed periods without signs of the disease. ONCE THE SYMPTOMS HAVE MANIFESTED THEMSELVES THE DISEASE BECOMES UNTREATABLE AND FATAL.
16. The clinical course displayed by rabid animals can usually be divided into three phases. At the first stage, the first sign is a change in behavior which may be indistinguishable from a digestive disorder or a common virus. It may be accompanied by a lack of thirst or hunger. This phase normally progresses to the second stage within 1 - 3 days.
17. At the second or "excitative" phase, the animal may become vicious and act aggressive and irrational. Such animals lose all fear of their natural enemies and attack suddenly by biting or scratching. There is yet no evidence of paralysis. Dogs at this stage frequently roam the streets and highways biting any moving animal, person or object. Dogs rarely live more than 10 days past the onset of these signs.
18. It is during the third or "paralytic" phase that the typical "foaming of the mouth" occurs. Contrary to popular belief, at this stage the animal usually poses the least threat. This is because the foaming results from paralyzed throat glands and the animals' inability to swallow his own saliva. Here the animal loses its vicious tendencies and rarely attempt to bite. Afflicted animals are often seen dragging their hind legs which also become paralyzed. The paralysis progresses rapidly to all parts of the body and death follows within several hours.

RABIES RELATED PROCEDURES AND PRECAUTIONS

19. When responding to a call of an animal bite, the officer will have to make a summary judgment at the scene as to whether or not the animal could be infected. This can be done by routine investigation into the animals current behavior and verification of vaccination WITHIN THE PAST 3 YEARS. This applies to both cats and dogs. If the animal has not had proper vaccination or is suspected of being rabid, the officer should notify the County Department of Health (285-5100) and notify them as to the particulars. The non-vaccinated animal normally will have to be either confined for



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a period of ten days in a place determined by the Commissioner of Health or, if unable to be confined, destroyed. The cost of the confinement and euthanasia of the animal will be borne by the owner.

20. In the case of wild animals, bats must be killed pursuant to State and County law. NYCRR Chap I, Title 10, Sect. 2.14(e), Laws of Westchester County, Art XVII, Sect. 873.1701-2(b). Bats are presumed to be carriers in light of their prolonged incubation period without external symptoms. It is highly suggested that all officers also take this approach with all raccoons bitings as they are also known to be high incident carriers.

21. When it becomes necessary to destroy an animal DO NOT SHOOT OR DAMAGE THE HEAD. The brain of the animal is the only organ that can be tested for the virus. It must be intact for transportation to the state laboratory in Albany for testing. This is the only facility authorized under law for such testing. Once dead, do not touch the animal with your bare hands as the virus could be transmitted from the animals saliva through an open sore. Wear plastic gloves at all times. Once safeguarded, the County Board of Health will instruct you on where to store the carcass until their arrival.

DOMESTIC ANIMALS BITTEN BY WILD ANIMALS

22. Pets bitten by a wild animal suspected of having rabies will be given a booster inoculation for rabies within five days if it had been previously immunized. Otherwise, the pet must be confined for a period of 4 months in an authorized veterinary hospital or destroyed, both at the expense of the owner. NYCRR Chap I, Title 10, Sect. 2.14(f).



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UNIFORM TRAFFIC TICKETS PROCEDURES			
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PURPOSE

To establish guidelines for members in the use and issuance of Uniform Traffic Tickets.

BACKGROUND

The Uniform Traffic Ticket (UTT) is a multipurpose document that expedites the processing of traffic law violators.

POLICY

The Uniform Traffic Ticket shall be used in charging persons for offenses classified in the New York State Vehicle and Traffic Law and Village Ordinance Moving Violations.

PROCEDURE

Distribution

1. All members assigned to the patrol division shall maintain a supply of Uniform Traffic Tickets and carry them while performing patrol and or traffic duty.
2. Members shall draw a book of 20 Uniform Traffic Tickets from the desk officer and file one copy of the attached "Receipt for Uniform Traffic Tickets" with the traffic police clerk and keep the other copy for their records.

Use

3. Members shall be familiar with the NYS Vehicle and Traffic Law as it relates to vehicles and operators.
4. Members shall utilize the Uniform Traffic Tickets provided to this agency by the New York State Department of Motor Vehicles (DMV) when charging persons with moving traffic violations.
5. Members shall complete Uniform Traffic Tickets using only black ink. Note: The location code for Larchmont is 6029.



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6. Members may issue Uniform Traffic Tickets for any violation of the New York State Vehicle and Traffic Law and/or the Larchmont Village Ordinance as it relates to moving vehicles.
7. If a violation is covered in the Village Code and the Vehicle and Traffic Law, members should cite the Vehicle and Traffic Law section only on the UTT.
8. No person under the age of 16 can be issued a Uniform Traffic Ticket. Follow procedures for juveniles as outlined in section 109-4, subs. 25 through 30 of this Manual.
9. In the event the defendant has diplomatic/consular privileges and/or immunities, handle as outlined in section 109-7 of this Manual.
10. Pursuant to the Constitution of the United States, if the violator is a member of the United States Senate or House of Representatives, he/she shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during his/her attendance at the session of his/her respective House or in going to and returning from the same; and for any speech or debate in either House.
11. All other motorists shall be treated in the normal manner, pursuant to existing vehicle and traffic laws.
12. Uniform Traffic Tickets should be made returnable to the Village Court, Village of Larchmont, 120 Larchmont Avenue, Larchmont, N.Y. 10538, and the return date should be on a date when court is in session and no less than one week from the date of violation. A list of available court dates and times shall be posted in the squad room.
13. Uniform Traffic Tickets, or simplified traffic informations, cannot be used to charge a person with a felony, in such a case a long form Information must be filed. However, for tracking purposes, a UTT shall be filed with the case. Do not give the defendant the violator's copy, instead a Standard Appearance Ticket should be issued.



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Arrest in Lieu of Issuance on Scene

14. The vast majority of traffic offenses can and should be processed at the scene of the traffic stop through the issuance of a UTT to the defendant. However, in certain cases the physical arrest and processing at Headquarters may be necessary using the following Department guidelines:

Must Arrest

- a. Any Felony.
- b. DWI/DWAI/DWAID violations.
- c. Aggravated Unlicensed Operation - All subsections. If the defendant is a flight risk, bail should be taken.

May Arrest

- a. Aggravated Unlicensed Operation

Note: This relates to New York State licenses only. If an operator is suspended or revoked only in another state, he is considered unlicensed in this state.

- a. Any other traffic offense classified as a misdemeanor.
- b. When the defendant has no identification and identity cannot be verified from another source.
- c. Bail is not to be taken on the street.
- d. If any of the above "may arrest" situations are going to be handled without a custodial arrest, permission must be received from the tour supervisor.

Seizure of Driver's License and/or Registration Items

15. The New York State Vehicle and Traffic Law (section 510, sub. 7) empowers police officers to seize driver's licenses and registration items that have been suspended or revoked.

16. Members should inform drivers whose New York licenses and/or registration items have been revoked or suspended of their duty to comply with the suspension/revocation by surrendering the license or registration items in question to the Department of Motor Vehicles.

17. In no event shall a member confiscate a driver's license in cases where a defendant refuses a chemical test and possesses a valid New York State license. This is a function performed by the court during arraignments.



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Disposition/Logging

18. If the Uniform Traffic Ticket involves a registration or license status that is invalid or improper and verified by a DMV computer inquiry; the printout should be either attached to the incident report if there is one or kept by the issuing officer.
19. All completed Uniform Traffic Tickets shall be turned into the desk officer at the completion of his tour of duty and the officer's copy should be retained by the issuing officer for his records.
20. If the Uniform Traffic Ticket is related to an arrest, a photocopy should be made of each UTT and enclosed in the associated case file to be forwarded to the police clerk.

Voided/Lost/Mutilated

21. Members are personally responsible for all tickets issued to them, and they shall not exchange or transfer any without the permission of a supervisor.
22. At times, Uniform Traffic Tickets require voiding because of mutilation, erroneous entries, or other extenuating circumstances. These incidents must be held to an absolute minimum. All lost or voided tickets will be processed in accordance with procedures outlined below.
23. When a Uniform Traffic Ticket must be voided prior to it being processed by the Larchmont Justice Court, all parts and carbons, and copies shall be forwarded to the highest ranking on-duty supervisor as soon as possible with a written explanation of why the document must be voided. Upon receipt of the ticket and satisfactory examination of the facts, the tour supervisor officer shall print the word "VOID" and a brief explanation diagonally across all copies of the ticket and sign his name with the date. The VOIDED UTT will be delivered to the patrol commander by the voiding supervisor and explain to him the reasons therefore. The patrol commander shall then forward the summons to the police clerk to make the appropriate TSLE&D reports.
24. When a Uniform Traffic Ticket must be voided after it being processed by the Larchmont Justice Court, the issuing officer shall contact the Village Prosecutor assigned to the case and present his reason for having the summons voided. A Uniform Traffic Ticket already processed by the Larchmont Justice Court shall not be disposed of in any other manner and must be voided either by the Village Prosecutor or dismissed by the Village Court in the interest of justice.



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25. When a UTT is lost, the responsible officer must immediately report the loss, utilizing an Administrative Report, to the tour supervisor. This report will have original signatures appearing on all copies.
26. The tour supervisor, after completing the supervisor section, shall forward the administrative report to the patrol commander for investigation. The patrol commander shall then forward a copy of the report to the police clerk who shall file the appropriate TSLE&D report(s).



OPERATIONS PROCEDURE		Procedure No: 108-02	
APPEARANCE TICKETS			
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PURPOSE

To establish guidelines for members in the use and issuance of Village Appearance Tickets.

BACKGROUND

An Appearance Ticket is a written notice issued and subscribed by a police officer or other public servant authorized by state law or local law enacted pursuant to the provisions of the Municipal Home Rule Law to issue the same, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his/her alleged commission of a designated offense. A notice conforming to such definition constitutes an Appearance Ticket regardless of whether it is referred to in some other provision of law as a summons or by any other name or title.

POLICY

It shall be the policy of this Department to utilize Village Appearance Tickets for certain offenses as authorized by the New York State Criminal Procedure Law.

PROCEDURE

Distribution

1. All members assigned to the patrol division shall maintain a supply of Village Appearance Tickets and carry them while performing patrol and/or traffic duty.
2. Members shall request and receive 3 individual Village Appearance Tickets, from the desk officer.

Use

3. Village Appearance Tickets shall be used for all violations and misdemeanors not relating to traffic. Only traffic related offenses shall be placed on UTT s and parking summonses.
4. A member of the Department is authorized to issue a Village Appearance Ticket, instead of arresting the violator, when the violator is 16 years old or more (except



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when the violator is unable to care for him/herself due to illness, injury or intoxication), for the following:

- a. Any violation of the Larchmont Village Code.
 - b. Any violation or misdemeanor of a state or county law except the Penal Law that does not escalate to a felony for a prior conviction.
5. A member may under certain circumstances and with the approval of the tour supervisor, issue a Village Appearance Ticket instead of arresting the violator when the violator is 16 years old or more (except when the violator is unable to care for him/herself due to illness, injury or intoxication), for the following:
- a. Violations in the Penal Law, except:
 - i. Section 100 - Criminal Solicitation
 - ii. Section 215.58 - Failure to Respond to Appearance Ticket
 - iii. Section 240.40 - Appearance in Public Under the Influence of Narcotics or a Drug Other Than Alcohol
 - b. Misdemeanor in mass arrest situations or when the defendant is hospitalized and an arrest process is impractical.
6. All Village Appearance Tickets must be personally served unless used as a parking ticket as outlined in the Criminal Procedure Law.
7. All Village Appearance Tickets issued for Penal Law violations and all misdemeanors shall be accompanied by an Information, filed by the issuing member, which serves as the accusatory instrument.
8. Conditions of issuance:
- a. Defendant must be properly identified.
 - b. Defendant must not be wanted by another law enforcement agency.

Bail/Return

9. Bail may be the condition of a Village Appearance Ticket as outlined in section 109-3, sub. 21 and it will be necessary to post bail at Headquarters. In no event shall bail be taken on the street.
10. Return dates should be made for an appropriate time for the next available court date according to the court calendar.



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Disposition/Logging

11. All completed Village Appearance Tickets shall be attached to the incident report of put into the arrest folder.
12. The police clerk shall forward deposit the Village Appearance tickets issued to the court clerk in a reasonable time period.

Voided/Lost/Mutilated

13. Members are personally responsible for all tickets issued to them, and they shall not exchange or transfer any without the permission of a ranking officer.
14. At times, Village Appearance Tickets require voiding because of mutilation, erroneous entries, or other extenuating circumstances. These incidents must be held to an absolute minimum. All lost or voided tickets will be processed in accordance with procedures outlined below.
15. When an Appearance Ticket must be voided, all parts and carbons, and copies shall be forwarded to the patrol commander as soon as possible with a written explanation of why the document must be voided. Upon receipt of the ticket and satisfactory examination of the facts, the patrol commander shall print the word "VOID" diagonally across all copies of the ticket and sign his/her name with the date.
16. When a Village Appearance Ticket is lost, the responsible member must immediately report the loss in a memo to the patrol commander



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PARKING TICKETS			
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PURPOSE

To establish guidelines for members in the use and issuance of Parking Tickets.

POLICY

Parking enforcement is the responsibility of the police department utilizing all sworn personnel and civilian parking enforcement officers. All parking regulations shall be enforced with reasonableness and impartiality in all areas of the Village. Officers shall enforce all parking regulations pursuant to state laws, local laws and village ordinances; and shall utilize the Department's sequentially serialized Parking Tickets to do same.

PROCEDURE

Distribution

1. All members assigned to the Patrol Division shall maintain an adequate supply of Parking Tickets and carry them while performing patrol and/or traffic duty.
2. Members (including parking enforcement officers) shall request and receive a book of 25 parking violation tickets from the desk officer. Tickets are numbered sequentially. Upon issuing a book of parking tickets, desk officers shall enter them in the Parking Ticket log book, which indicates the member's name, the date, and the starting and ending serial number of the tickets book issued. Parking Enforcement Officers shall utilize the Department's hand-held computers for issuing tickets whenever possible.

Note: It is recommended that a member obtain a new book of Parking Tickets when down to a supply of five.

Use

3. Members shall be familiar with the Larchmont Village Code and the New York State Vehicle and Traffic Law as it relates to parking offenses.
4. Members may issue Parking Tickets for parking violations on any public street or area and in certain circumstances on private property, i.e., fire zone, fire hydrant and handicapped violations.



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5. Members shall complete Parking Tickets as outlined below:
- Violation Code – if specific, the violation does not have to be further written out.
 - Street location
 - Street name and building number, if any, the violating vehicle is in front of.
 - Meter number - marked on parking meter (if applicable).
 - Law, Chapter, Section and Violation written out if not pre-printed and selected from top.
 - Date and Time of violation
 - License Plate Number
 - State of Registration and expiration
 - Type of Registration and Check Digit
 - Vehicle Make - use check boxes if possible
 - Return Date – should be on next parking court date at least 7 days after summons issuance.
 - Issuing officer - sign rank and name.
 - Shield Number - badge number.
6. When completed, the copy portion (second page) of the Parking Ticket should be placed under the windshield wiper on the left side of the vehicle in violation.

Disposition/Logging

7. All first page portions of completed Parking Tickets shall be delivered, by the issuing member, to the desk officer at the completion of his/ her tour of duty. The police clerk's office shall process all Parking Tickets and deliver same in a timely manner to the Parking Violations Bureau. Tickets written or completed by P.E.O.s on automated hand-held computers shall be brought directly to the Parking Violations Bureau for processing and the hand-held computer stored information shall be downloaded by Parking Violations Bureau.

Voided/Lost/Mutilated

8. Members are personally responsible for all tickets issued to them, and they shall not transfer any without the permission of a supervisor.
9. At times Parking Tickets require voiding because of mutilation, erroneous entries, or other extenuating circumstances. These incidents must be held to a minimum. All lost or voided tickets will be processed in accordance with procedures outlined below.



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10. When a parking ticket must be voided prior to being processed by the Parking Violations Bureau, all parts shall be forwarded to the highest ranking on-duty supervisor, as soon as possible, with a written and signed explanation of why the document must be voided. If after an investigation the aforementioned supervisor is satisfied the summons should be voided, said supervisor shall print the word "VOID" diagonally and a brief explanation across all copies of the ticket and sign his name with the date.
11. When a parking ticket must be voided after it was processed by the Parking Violations Bureau, the receiving officer shall obtain information and forward same to the highest ranking on-duty officer to investigate. If the summons was issued for an overnight parking violation and the recipient had a valid Night Permit, a copy of said Night Permit shall be attached to the summons. If the summons was issued for a Village Parking Permit violation and the recipient in fact had a valid Village Parking Permit, the investigating supervisor will write the Village Parking Permit number across the summons. If the summons was issued for a violation other than the aforementioned permit violations, the on-duty supervisor shall investigate and forward the summons and investigation results to a Command Officer for voidance.
12. When a Parking Ticket is lost, the responsible member must report the loss in writing to the tour supervisor. The report will have original signatures on all copies.
13. The tour supervisor, after completing the supervisor section, shall the forward the Report to the Patrol Commander for investigation.



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GENERAL ARREST PROCEDURES			
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PURPOSE

To specify the conditions under which a member of the Department may make an arrest.

LEGAL REFERENCES

Article 120, Criminal Procedure Law
Article 140, Criminal Procedure Law
Section 35.30, Penal Law

PROCEDURE

Arrest with Warrant

1. Arrest at any time, and anywhere within the state when the warrant is addressed to a member of the Department or to the Department of which he/she is a member, and,
 - a. Warrant is issued by
 - i. New York City Criminal Court, or
 - ii. District court, or
 - iii. Superior court judge sitting on lower criminal court.
 - b. Arrest at any time within the county of court of issuance, or within adjoining county when the warrant is issued by:
 - i. City court, or
 - ii. Town court, or
 - iii. Village court.
2. When delegated by a police officer to whom warrant is addressed and;
 - a. Warrant may be legally executed as indicated above, and within arresting officer's territorial jurisdiction, or
 - b. The defendant is in a county other than one in which warrant is returnable.

Arrest without a Warrant

3. For an offense when reasonable cause to believe offense committed in his presence, or
4. For a crime, committed in his presence or not, and reasonable cause exists that arrested person committed the crime.
5. For a petty offense in his presence (violations and traffic infractions) and



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It is believed to have been committed within arresting officer's geographical area of employment, and

6. The arrest is made in the county of occurrence or an adjoining county.
7. In both arrests with or without a warrant, it is permissible when necessary, to break and enter or use reasonable force.
8. In close pursuit cases relating to petty offenses or traffic infractions, a police officer may pursue to any part of the state and make an arrest or issue a summons, if authorized by law to do so in his/her own geographical area of employment.
9. In close pursuit cases relating to crimes, police officer may pursue outside state to effect the arrest.



OPERATIONS PROCEDURE			Procedure No: 109-02
CONSTITUTIONAL GUIDELINES – RIGHTS OF ACCUSED			
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PURPOSE

To ensure that all members of this Department comply with all constitutional and statutory requirements while conducting criminal investigations.

GUIDELINES

Confessions

1. Only a voluntary confession, freely and intelligently made, can be used as evidence against a defendant.
2. Failure to advise a suspect of his Miranda warnings is not permissible, even if it can be established that the suspect already knew his constitutional rights.
3. Once a suspect indicates he does not wish to speak with police, or wants to consult with an attorney, all questioning must stop. Officers may not begin questioning the suspect again until he has been given an opportunity to consult with an attorney, even if his constitutional rights are repeated and the suspect changes his mind and again agrees to answer questions.

Executing the Constitutional Rights Form

4. Each constitutional right shall be read to the suspect, and read by the suspect if he is able.
5. After reading the entire form, and having it read to him, the suspect shall be asked to sign the form, acknowledging that he fully understands his constitutional rights
6. The member advising the suspect of his rights shall also sign the form, documenting the date and time.
7. Whenever possible, a second member shall be present and sign the form as a witness.
8. In serious offenses where a confession or admission is desired or sought, the constitutional warnings and the suspect's subsequent statement can be electronically recorded (audio or video).



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NOTE: Where a confession is sought in a serious offense, a properly trained officer assigned to the Detective Division shall be utilized

Constitutional Rights - Miranda Warnings

Officers must advise a criminal suspect of his constitutional rights before questioning him about a crime when:

9. The suspect is arrested and police wish to interrogate him.
10. The suspect appears for interrogation at any police facility.
11. During custodial questioning, *i.e.*, where the suspect's freedom of movement is restricted in any significant way.
12. When the questioning occurs in a police-dominated atmosphere.
13. When fact-finding questioning becomes accusatorial.
14. Although not mandated to do so by the Constitution, it shall be policy of this Department to administer Miranda Warnings to any person placed under custodial arrest whether interrogation or questioning occurs or not.

Constitutional Rights – Miranda Warnings are not required

15. During a typical traffic stop.
16. Prior to conducting a field sobriety test.
17. When a subject freely approaches a police officer and voluntarily confesses to a crime in the absence of questioning. Once probable cause has been established by the suspect's voluntary statement, he must be given appropriate constitutional warnings prior to any questioning by the police officer.
18. During general on-the-scene interviewing to determine the basic facts surrounding a crime, or during other general interviewing of citizens as part of the fact- finding process.
19. During stop and frisk situations where there is insufficient probable cause to effect an arrest. Questioning must be limited to ascertaining the subject's identity and reason for being in the area. If the officer determines that probable cause for arrest



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exists, appropriate constitutional warnings must be given prior to any further questioning.

Invocation of Constitutional Rights

20. If a suspect indicates in any manner at any stage of questioning that he wishes to consult with an attorney, the interrogation will cease and further questioning will not be attempted



OPERATIONS PROCEDURE			Procedure No: 109-03
ARREST PROCESSING			
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PURPOSE

To establish the policy of the Larchmont Police Department and to clearly define responsibilities and procedures for its members to follow when involved with the processing of arrested persons.

BACKGROUND

The arrest and detention of individuals is one of the most important and complex responsibilities a police officer performs. However, this responsibility does not end with the taking into custody of the individual. The subsequent procedures and filing of paperwork all serve as formalization process with respect to the arrest, and generate other components of the criminal justice system. Some of these functions are constitutionally mandated and others are administrative in nature. These combined functions have as their goal the successful prosecution and conviction of the individual.

POLICY

It shall be the policy of this Department that all necessary paperwork and procedures incidental to an arrest be prepared or performed in a proper and timely manner.

PROCEDURE

1. Upon arrival at Headquarters, the defendant shall be immediately taken to the detention room, after advising the tour supervisor of the nature and circumstances surrounding the arrest, where he is to be searched. Any contraband or personal property, including shoelaces, belts, chains, etc. that is taken from the defendant shall be inventoried and secured pursuant to Manual sections 110-1 and 110-2.
2. After the defendant has been searched, the arresting officer shall give the defendant his Miranda Warnings, as described in section 109-2, and have the defendant sign the appropriate form. The desk officer shall then record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information.
3. If the arrest is for a crime, felony or misdemeanor, the desk officer shall then send a "File 15 HINQ" to the eJustice Portal to determine if the defendant is wanted by other agencies.



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4. If the defendant is to be interviewed beyond pedigree information, it shall be conducted by members of the detective division who are specifically trained in techniques utilized for interviewing arrestees.
5. The arresting officer shall then cause the following forms to be generated, through the Department's computer system, when appropriate. These forms shall include, but not be limited to:
 - a. An Incident Report (Previously initiated by the desk officer).
 - b. An Arrest Report.
 - c. Appropriate information/complaint, accusatory instrument or simplified traffic information.
 - d. Appropriate depositions and or written statements from witnesses and or victim/complainant(s).
 - e. A Westchester county D.A.'s Office Crime Report for crimes
 - f. Statements or admissions (if applicable).
 - g. Prisoner log (if applicable).
 - h. Appearance ticket (if applicable).
6. The tour supervisor shall ensure that all appropriate follow-up reports are generated, e.g., medical aided, impound, P.A.R., etc.
7. The desk officer shall ensure that a File 13 is entered in the eJustice Portal.

Fingerprinting and Photographing

8. Defendants shall be fingerprinted and photographed at the time of arrest.
9. Members shall photograph and fingerprint the defendant by means of the Live Scan system. The digitized fingerprints shall be submitted by Live Scan to DCJS.
10. Fingerprints and photographs shall be taken of arrested persons over 16 years of age if charged with:
 - a. Any Felony
 - b. Any Misdemeanor as defined in Penal Law
 - c. Misdemeanor defined outside the Penal Law that would constitute a felony if such person were previously convicted of a crime.
 - d. Loitering for the purpose of engaging in prostitution (section 240.37, sub. 2, NYS Penal Law)



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11. Fingerprints and photographs may be taken of arrested persons over 16 years of age for any offense, with the approval of the patrol supervisor, if the officer:
- Is unable to ascertain the defendant's identity.
 - Reasonably suspects that the identification of the defendant is not accurate.
 - Reasonably suspects that the defendant is being sought by law enforcement officials for the commission of some other offense.
 - Reasonably suspects that the defendant is being sought by law enforcement officials for the commission of some other offense.

Arraignments and Appearance Tickets

12. An Appearance Ticket or bail in lieu of prolonged detention shall be at the direction of the tour supervisor. A desk appearance ticket or bail without arraignment will not be acceptable under the following circumstances:
- Arrest on a warrant.
 - Any felony other than Class E felony where the C.P.L. authorizes pre-arraignment bail.
 - Defendant under the influence of drugs or alcohol to the degree he may endanger himself or another.
 - In Felony or Misdemeanor DWI arrests where the chemical test is refused.
 - Family offenses - Complainant/victim and offender are members of the same family household as defined in the Family Court Act or as defined in the expanded definition of a family household in section 113-23 of this Manual and:
 - Offender has violated an Order of Protection.
 - Offense charged is disorderly conduct (including acts amounting to disorderly conduct NOT committed in a public place), harassment, aggravated harassment, menacing, reckless endangerment 2nd degree, assault 3rd degree, or attempted assault.
 - Complainant/victim requests opportunity to obtain a Temporary Order of Protection, or facts of the case indicate the immediate need of a Temporary Order of Protection because a strong possibility of recurrence of violence against complainant/victim (e.g., past history of assaults against complainant/victim, statements made by the defendant, active present hostility against complainant/victim, etc.).
13. Appearance tickets should be made returnable on the date of the next scheduled court session.



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14. If a defendant is to be arraigned, the local criminal court justice shall be contacted and arrangements made as directed by the judge. If local criminal court justice or acting justice are unavailable, consider the following:
- Town of Mamaroneck local criminal court justice
 - Village of Mamaroneck local criminal court justice
15. Prior to the above, on all felony cases the on-duty assistant district attorney shall be contacted to discuss the particular case and obtain a bail recommendation. During business hours, contact the Rye Branch of the district attorney's office at 813-7257. During off-business hours and weekends, contact can be made with the duty ADA through the Westchester County Department of Public Safety at 864-7700.

Arrest F.O.A. (For Other Authority)

16. After performing all recording and other preliminary police duties required in the particular case, the defendant shall be released to the custody of the wanting agency.
17. If the arrest is on an FOA warrant issued by a court located in a county outside of this county or adjoining this county, release and or arraignment of the defendant shall be in conformance with C.P.L. 120.90.

Disposition of Pre-Arraignment Bail

18. Only cash bail, in United States currency, may be accepted by desk officers. Money orders, traveler's checks, certified checks, letters of credit, etc., are NOT acceptable. Whenever cash bail is received by a desk officer in accordance with the New York State Criminal Procedure Law, the desk officer accepting the cash bail shall proceed as follows:
- Prepare a numbered Appearance Ticket, entering all of the required information including the amount received, the defendant's name, the charge(s), the date received, the return date, and then sign the receipt.
 - Deliver a copy of the receipt to the defendant posting the cash bail.
 - If the Larchmont Village Court is open, forward the cash bail and the original numbered receipt to the court or police clerk. The original receipt shall be given to the defendant, the yellow copy shall be kept with the actual bail, and the pink copy shall be placed in the arrest folder.
 - If the court is not open, the desk officer shall place the cash bail and yellow copy of the Appearance Ticket in the petty cash box located in the desk area.
 - The police clerk shall then deliver the bail from the petty cash box to the court, during normal court hours, as soon as practical.



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Tour Supervisor

19. It shall be tour supervisor's responsibility to see that all of the above procedures are adhered to following and arrest and to personally review all reports and documents prepared under this section prior to expiration of his/her tour of duty.



OPERATIONS PROCEDURE			Procedure No: 109-04
JUVENILE ARREST PROCESSING			
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PURPOSE

To establish procedures for the handling of juveniles by all members of this Department.

BACKGROUND

New York State law directs that juveniles be dealt with differently than adult offenders but in a manner that is consistent with guidelines in the Family Court Act of the State of New York.

POLICY

1. It shall be Department policy to deal with juveniles in accordance with New York State law and to attempt to prevent antisocial behavior by juveniles.
2. The handling of juveniles and the promotion of delinquency prevention efforts by the Department shall not be limited solely to the youth officer. Members of the Department, in particular, patrol officers who may come in contact with juveniles more frequently, are to be familiar with procedures for handling juvenile incidents in the criminal and non-criminal arenas.
3. Juvenile records are kept separate from adult records and shall not be disposed of when a juvenile reaches adult age. Records shall only be expunged or sealed upon court order. It shall be the responsibility of the Detective Sergeant to oversee the orderly collection, dissemination and retention of juvenile records. Access to these records shall be governed by article 381 of the N.Y.S. Family Court Act.
4. Juveniles may be dealt with by members of the Department in one of six ways:
 - a. Outright release of the juvenile, after completing a S.J.S. Incident Report and a Youth Bureau Referral Report.
 - b. Simple treatment by the Department youth officer in cooperation with the juvenile's parents.
 - c. Referral to another social service agency or agencies which may result in a relatively prolonged program of treatment on
 - d. Referral to the Department of Probation, which may result in a review of the case by the County Attorney's Office, which may result in further referral of the case to Family Court.
 - e. Consulting with and arranging for corrective action by parents or school authorities.



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- f. Determining that the incident was unfounded.
5. In every case where a member of the Department comes in contact with a juvenile delinquent, over the age 7 and under 16, an Incident Report and a Youth Bureau Referral Report shall be completed and forwarded to the Youth Officer. Public access to said Incident Report and youth Bureau Referral shall be restricted.
6. In most incidents dealing with juveniles, formal or legal proceedings may be inappropriate and against the wishes of a complainant or victim. The use of other resources available to the Department and community may be more effective in dealing with the juvenile. The following factors are to be taken into account when a decision is considered by a member of the youth division to divert a juvenile away from the criminal justice system:
- a. The nature and circumstances of the alleged offense.
 - b. The age and circumstances of the alleged offender.
 - c. The alleged offender's record, if any.
 - d. The availability for referral to another social service agency within the community.
 - e. Any recommendations made by the complainant or victim.
7. In addition to the referral of a juvenile to a social service agency, other remedies exist where action can be taken within the Department or community, such as:
- a. Informal referrals,
 - b. Warnings,
 - c. The dropping of charges by the complainant.

Referrals

8. The youth officer shall refer to the Westchester County Department of Probation for formal legal proceedings any juvenile accused of a serious criminal act or repeated criminal violations. In general, referrals to the Family Court system shall be made for but not limited to:
- a. All delinquent acts, which if committed by an adult, would constitute a felony or misdemeanor.
 - b. All delinquent acts involving gang activity.
 - c. All delinquent acts involving weapons or where a weapon was used.
 - d. All delinquent acts constituting assault in the second or the first degree.
 - e. All bias related incidents, as defined in section 240.30, sub. 3 and section 240.31 of the N.Y.S. Penal Law, and this Department's Manual.
 - f. All delinquent acts committed by juveniles on probation, parole or with a case pending in Family Court.



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- g. All repeated delinquent acts within the preceding 12 months.
- h. All delinquent acts committed by a Person in Need of Supervision (PINS).
- i. Cases where a juvenile has refused to participate in or cooperate with a diversion program.

Family Court Appearance Ticket

- 9. In keeping with the overall philosophy of using the least coercive among reasonable alternatives consistent with the proper execution of law enforcement responsibilities, Family Court Appearance Tickets shall be used by this Department in all cases where a juvenile is referred to the Family Court system, in lieu of keeping the juvenile in custody.
- 10. A Family Court Appearance Ticket is defined as a written notice issued and subscribed by a police officer directing a child and his parent or other person legally responsible for his care to appear without security at a designated probation service on a specified return date in connection with the juvenile's alleged commission of the crime(s) specified on the Appearance Ticket.
 - a. If the crime alleged to have been committed by the juvenile is a designated felony, as defined in subdivision 8 of article 301.2 of the Family Court Act, the return date on the Appearance Ticket shall not be later than 72 hours after issuance, excluding Saturdays, Sundays and public holidays.
 - b. If the crime alleged to have been committed by the juvenile is not a designated felony, the return date shall be no later than 14 days after issuance.
 - c. A copy of the Appearance Ticket shall be forwarded by the issuing officer or department to the complainant or victim, the respondent or juvenile, the respondent's parent and the Westchester County Department of Probation within 24 hours after issuance. A copy shall also be kept on file in the youth office.
 - d. When releasing a juvenile to the custody of the parents on a Family Court Appearance Ticket, the Youth Officer shall also issue the parents a Recognizance to Produce Child Form.

Taking a Youth into Custody

- 11. A member may take a youth under the age of 16 into custody if the youth commits an act that if committed by an adult would constitute a crime, if the youth is a runaway, if the youth is an abused or neglected child, or if the youth has been taken into custody by a private person who delivers the youth to a police officer.



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12. A member, after taking a youth into custody for committing a crime or upon accepting delivery by a private person, shall adhere to the following guidelines.
13. Immediately advise the youth of his constitutional rights and notify the parents or other person legally responsible for his care, or the person with whom he is domiciled, that he has been taken into custody.
 - a. The youth shall be re-advised of his constitutional rights in the presence of his parents. After making every reasonable effort to give notice per paragraph above, the member shall
14. Release the child to the custody of his parent or other person legally responsible for his care with a completed Youth Appearance Request. This form is at the bottom of the Youth Bureau Referral.
15. Notify the youth officer as in his prolonged absence a designee, who will forthwith and with all reasonable speed, take the child directly, and without his first being taken to Police Headquarters, to the Family Court, if in session, located at 111 Dr. Martin Luther King Jr. Boulevard, White Plains, NY, unless the youth officer determines that it is necessary to question the child, in which case he may take the child to the youth officer's office, which has been designated by the Chief Administrative Justice of the supreme court as a suitable place for the questioning of children.
16. The questioning shall be conducted solely by the youth officer, or his designee, absent extreme exigent circumstances. Said questioning shall last for only a reasonable amount of time, with a minimum of police personnel present and only after conferring with the child's parent(s) or guardian(s) and after advising the child in their presence of his constitutional rights.
17. A warning as to Miranda Rights, shall be completed, signed by the child and co-signed by the parent beneath the child's signature. During this procedure, member shall explain to the child and his parent(s) how the Department will proceed in the investigation and the Family Court procedure; or
18. Take the child to a place certified by the State Division for Youth as a juvenile detention facility for the reception of children, specifically Woodfield Cottage, located at 20 Hammond House Rd Valhalla, NY 10595 on the Grasslands



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Reservation, in Valhalla. Before delivery of a youth to Woodfield Cottage, certain guidelines should be considered.

19. Every effort should be made to contact a parent, brother or sister over 18 years of age, or other responsible adult who will accept responsibility for the youth.
20. It must be felt by the youth officer designee that the child, if released, would not appear for a court hearing, or the child, if released, might commit another crime.
21. Having knowledge that the youth is on probation from the Family Court or that another petition has been filed against the youth can be considered justification for assuming that he will commit other crimes if released.
22. If after applying the criteria listed above it is felt that the person should be placed in Woodfield Cottage, member shall Call Woodfield Cottage, 231-1103 (24 hour), and explain to the person on duty the facts of the case and advise him of the reasons for wanting to place the child in their custody. Should he refuse to accept the child, member should ask to speak to a supervisor, and be guided by his assistance in determining a facility that would accept the child.
23. If unable to place the youth in a facility, he shall be released in accordance with subsection 14 of this section.

Fingerprinting of Juveniles

24. Fingerprints shall be taken of juveniles pursuant to an arrest only if the child is 11 years of age or older and is charged with an A or B felony, or if the juvenile is 13 years of age or older and is charged with any felony. Only one Fingerprint Card can be taken. Digital fingerprints will be taken using the Live Scan System, ensuring that the appropriate Booking Type of either 'Juvenile Delinquent' or 'Juvenile Offender' is selected.

Detention

25. When juveniles are being detained at the Larchmont Police Department facility awaiting their parent, or waiting to be transported to Family Court, or to a detention facility, they are to be kept in the youth officer's office. Only in extreme cases, i.e., violent or special escape risk should a juvenile to be held in the squad room or detention room near the desk area.



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Determining Age and Identity of Arrested Juvenile

26. In those cases where an arrested youth states that he is a juvenile and is not able to prove his identity or age, and is not obviously well over 16 years of age, he 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, and 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 become responsible for determining the age and identity of the person.

Juvenile Traffic Violations

27. In most cases of juveniles driving vehicles on public roads, the youth will be taken home and his parents advised of the conduct.
28. As a rule, violations of the traffic law are not sufficient to petition a youth to Family Court. Repeated conduct, however, may be grounds for a PINS action.
29. Traffic offenses that are classified as misdemeanors may be sent to Family Court after investigation.
30. Members are reminded that parents or guardians are chargeable under the traffic laws if they knowingly permit unlicensed youngsters to drive on the road.
31. If a member cannot contact a parent, guardian, or responsible adult, he/she should have the desk officer contact the youth officer for assistance.
32. All members will file an Incident Report and Youth Bureau Referral whenever they come in contact with a juvenile whose actions would amount to juvenile delinquency. Members are reminded that the Family Court Act, Article 7, Section 721 empowers a peace of police officer to take a juvenile into custody without a warrant for an act which if committed by an adult would be a crime.

Tour Supervisor



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33. It shall be tour supervisor's responsibility to see that all of the above procedures are adhered to following an incident involving a juvenile and to personally review all reports and documents prepared by patrol officers prior to expiration of his tour of duty.

Dissemination of Information

34. No information regarding a juvenile shall be disseminated without the express permission of the Detective Sergeant, Lieutenant or Captain. Dissemination will only be permissible once the incident report and associated paperwork are reviewed and appropriately redacted.

35. No information regarding any individual under the age of 16 taken into custody shall not be made public or released in any way.

36. No information regarding any individual taken into custody that is more than sixteen but less than nineteen years of age, and has the prospect of being adjudicated a youthful offender pursuant to Article 720 of the Criminal Procedure Law, shall not be made public in any way.



OPERATIONS PROCEDURE			Procedure No: 109-05
VOIDING ARRESTS			
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PURPOSE

To delineate policy and procedures for screening arrests and ascertaining that the arrest is supported by probable cause; and if not, prescribing actions to be taken to release the citizen from police custody.

BACKGROUND

Citizens may, from time to time, be arrested and taken into police custody, and thereafter the probable cause initially used for the basis of the arrest is or becomes defective. As infrequently as these cases may occur procedures must be in place to readily identify these flawed arrests and expeditiously release the arrested citizens and restore to them their freedom.

POLICY

It is the policy of this Department that all possible care and consideration will be used by arresting officers and supervisors while booking defendants, to ensure that the facts of the circumstances surrounding an arrest support the probable cause for that arrest.

PROCEDURE

Summary Arrests

1. All summary arrests made by members of the Larchmont Police Department will be made in accordance with the Penal Law, Criminal Procedure Law and other relative statutes of the State of New York. The responsibility for ensuring the appropriateness of the arrest rests with the arresting officer and the tour supervisor, who screens the arrest.

Warrant Arrests

2. Although warrant arrests possess previous judicial approval as to the sufficiency of probable cause for the arrest, it remains incumbent upon the arresting officer and supervisor who perform the screening to positively identify the person who is taken into custody is in fact determine the person who is so named as the subject of the warrant.



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Patrol Supervisor's Duties

3. The tour supervisor will screen all arrests by examining the incident report and questioning the arresting officer as to the facts surrounding the arrest.
4. If the tour supervisor is not satisfied that the facts support any charge, he shall consult with a member of the Westchester County District Attorney's Office for a legal opinion.
5. If after consultation with an assistant district attorney, it is still determined that there is insufficient probable cause to arrest the subject, he will be released immediately.
6. The tour supervisor must also be aware that there may be instances where sufficient probable cause may have existed to make the original arrest, but the passage of time, investigation, explanations, etc. may make the probable cause dissipate, making the release of the citizen proper.

Procedure for Releasing a Citizen in Custody

7. When it has been determined by the tour supervisor that a citizen has been wrongly arrested and detained by this Department, the citizen shall be released immediately and
8. He shall be fully informed as to the reasons for the arrest and detention. The tour supervisor, by utilizing a generic statement form, should obtain a written acknowledgment from the citizen that he has been given these facts.
9. He will be provided immediate transportation to a safe place of his choosing.
10. The arresting officer and tour supervisor shall complete an Incident report detailing the events of the arrest, detention and release. All other members involved in the arrest and detention process will submit detailed written accounts of the incident.



OPERATIONS PROCEDURE			Procedure No: 109-06
DIPLOMATIC IMMUNITY			
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PURPOSE

To establish the policy and procedure of this Department and for its members to follow when dealing with diplomatic and consular officials involved in incidents within our jurisdiction.

BACKGROUND

Diplomatic immunity is defined as the freedom from local jurisdiction accorded duly accredited diplomatic agents and members of their immediate household. Diplomatic agents and members of their families who are not nationals of the United States, have full immunity from arrest, detention, or prosecution for any criminal offense, unless such immunity is expressly waived by the country they represent.

Numerous diplomatic representatives live in and about the Westchester area. Various categories of diplomats are afforded different levels of immunity from arrest, detention, prosecution.

POLICY

Diplomatic and consular officers should be afforded their respective privileges, rights and immunities as directed by international law and federal statute. These officials should be treated with courtesy and respect that befits their distinguished positions.

Immunity shall be afforded only after clearly establishing that the person is one of the diplomats whose category entitles him/her to such protection.

PROCEDURE

1. The Tour Supervisor is to be notified as soon as possible after any official contact is made with a subject claiming diplomatic immunity.
2. If the subject is willing to proceed to Headquarters and conditions are such that it would be prudent to do so, the member should proceed to Headquarters.
3. If not, the tour supervisor will respond to the scene to assist in verifying the subject's status,



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Diplomatic Categories and Immunity

4. Persons qualified for immunity (see attachment to section 109-7).

Special Situations

5. Additional immunities may apply by virtue of treaties or other international agreements. For example, all official members of the embassies of the former USSR and the People's Republic of China in Washington, D.C. and the members of their families, enjoy full immunity from arrest, detention and prosecution, regardless of status. When in doubt, verification should be sought from one of the telephone numbers provided in this procedure.

Diplomatic Premises and Property

6. Associated with personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the foreign country and the private residence of a diplomatic agent or members of the administrative or technical staff. Such inviolability extends to his/her property/papers and correspondence.
7. Contacts for Identification Verification
8. Command Center of the Office of Security
Department of State (24 hours) (202) 632-6173/632-2412
9. United Nations Security (212) 754-1234
After business hours (212) 826-4449
10. Missions by countries (see section 109-7 and attachment)
11. New York City Police Department
17th Precinct - 24 hours (212) 826-3211



OPERATIONS PROCEDURE			Procedure No: 109-07
ARREST/DETENTION OF FOREIGN NATIONALS			
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PURPOSE

To clearly define responsibilities and procedures for members of this Department relative to the detention or arrest of foreign nationals. A foreign national is any person other than a United States citizen. Persons possessing joint citizenship, U.S. and any other country, are entitled to the following provisions.

BACKGROUND

Local law enforcement officials are legally bound to comply with United States treaty obligations concerning the arrest and or detention of foreign nationals in this country. These obligations include:

- a. Immediately informing the detainee of the right to have his/her government informed of the event.
- b. Upon request, making such notifications without delay to the nearest consulate or embassy.
- c. Fulfilling the mandatory notification requirements that apply to certain countries.
- d. Providing access to detained persons by assuring the visitation and communication rights of consular officers.

Compliance with these obligations effectively ensures that Americans arrested or detained abroad obtain the same treatment.

POLICY

1. Whenever a member arrests, incarcerates and/or otherwise detains for lengthy investigation, a foreign national, such member will promptly inform the detainee of the right to have his/her government informed of such event.
2. Whenever the above arrest/detention situation exists, such member shall also immediately advise the tour supervisor of such situation.
3. If the detainee asks to exercise that right, the arresting officer will promptly notify the appropriate foreign consulate or embassy. A written record of this notification shall be made in the arrest narrative, which cites the name of the detainee, nationality, reason for notification and person so notified and his/her official capacity. (A list of telephone numbers for all foreign consulates and/or embassies is attached to this procedure.)



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4. If, after being advised of that right, the detainee expresses a desire not to have his/her government notified, the arresting officer will attempt to have the detainee state that in writing, or if that is not possible, such officer will document the detainee's preference by noting same in the arrest narrative.
5. There are instances when, due to special agreements that the United States has with some countries, it is MANDATORY for the arresting officer to notify the government of a foreign national detainee, regardless of whether the detainee asks to invoke the right or not. However, the detainee shall also be advised by such officer that his/her government was notified of this detention.
6. THE COUNTRIES THAT REQUIRE MANDATORY NOTIFICATION ARE:

Albania (a)	Guyana	Slovakia Republic
Antigua	Hungary	South Korea
Bahamas	Jamaica	St. Lucia
Barbados	Kiribati	St. Vincent
Belize	Malta	Grenadines
Bulgaria	Mauritius	Tanzania
Czech Republic	Mongolia (a)	Tonga
China (Peoples's	Nigeria	Trinidad and
Rep.) (b)	Philippines	Tobago
Costa Rica	Poland	Tuvalu
Dominica	Romania	U.S.S.R. (c)
Fiji	St. Christopher	United Kingdom
Gambia	St. Kitts/Nevis	(d)
Ghana	Seychelles	Zambia
Grenada	Sierra Leone	
Grenadines	St. Christopher	

(a) Arrangements with these countries provide that U.S. authorities shall notify responsible representatives within 72 hours of the arrest or detention of one of their nationals.

(b) 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 interest in the United States.

(c) All U.S.S.R. successor states are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia,

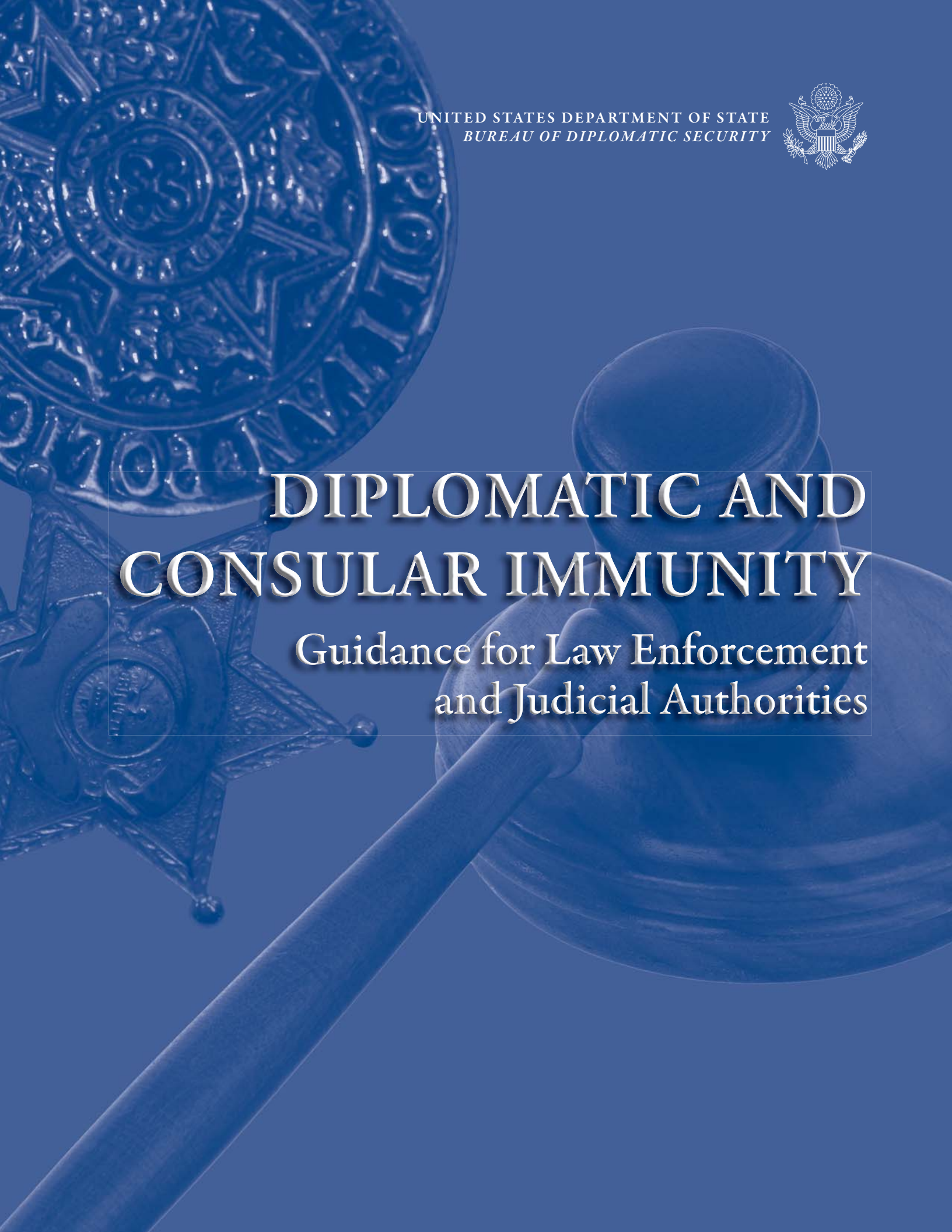


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Lithuania, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

(d) British dependencies are also covered by this agreement. They are: Anguilla, British Virgin Islands, Hong Kong, Bermuda, Montserrat and the Turks and Caicos Islands. Their residents carry British passports.

7. Subject to prevailing laws and departmental rules and procedures, the consular officials of foreign governments will be entitled to:
 - a. Visit their nationals who may be arrested, jailed and or otherwise detained.
 - b. Converse and or correspond with detained nationals.
 - c. Arrange for their legal representation.
 - d. A foreign consular official will not be entitled to take these actions if the national who is detained expressly opposes these actions. In this instance, the arresting officer will also attempt to obtain a written waiver from the detainee as to his/her preference. If this is not possible, such officer will document the detainee's preference in the arrest narrative.
 - e. After the notification procedure is addressed, member should proceed with normal arrest and booking procedures.
 - f. Any additional requests for information concerning this procedure can be addressed by contacting the U. S. State Department, Security Division, the contact information is contained in the following pages.



UNITED STATES DEPARTMENT OF STATE
BUREAU OF DIPLOMATIC SECURITY



DIPLOMATIC AND CONSULAR IMMUNITY

Guidance for Law Enforcement
and Judicial Authorities

This booklet provides a guide to the categories of foreign mission personnel and the privileges and immunities to which each is entitled.

For information on the obligation to notify consular officers of the arrest and detention of a foreign national in the United States, please refer to Department of State Publication:

***Consular Notification and Access:
Instructions for Federal, State, and Local Law Enforcement
and Other Officials Regarding Foreign Nationals in the United States
and the Rights of Consular Officials to Assist Them***

http://travel.state.gov/pdf/cna/CNA_Manual_3d_Edition.pdf

Office of Policy Coordination and Public Affairs (CA/P)

Bureau of Consular Affairs

U.S. Department of State

2100 C St. NW, Room 4800

Washington, D.C. 20520

Telephone: (202) 647-4415

Fax: (202) 736-7559

Email: consnot@state.gov

Website: www.travel.state.gov/consularnotification

Twitter: @ConsularNotify

For urgent telephone inquiries outside normal business hours,
you may call the Department of State Operations Center at (202) 647-1512



DEPARTMENT OF STATE PUBLICATION 10524

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Useful Telephone Numbers

FOR INFORMATION ON DIPLOMATIC AND CONSULAR PERSONNEL AND PERSONNEL OF INTERNATIONAL ORGANIZATIONS OTHER THAN THE UNITED NATIONS

DURING BUSINESS HOURS (8 A.M. – 5 P.M. EST)

Current status of U.S. Department of State driver licenses, diplomatic license plates, registrations, or other diplomatic motor vehicle information:	(202) 895-3521 Fax: (202) 895-3646
For reporting traffic incidents or accidents, issuance of citations, etc., involving foreign missions personnel:	(202) 895-3521
Send all citations and/or reports to:	Fax: (202) 895-3646
To verify immunity status:	(202) 647-1985 or (202) 647-1727

PLEASE SEND COPIES OF CRIMINAL INCIDENT REPORTS AND CITATIONS TO:

The Office of the Chief of Protocol	Fax: (202) 647-1198
Diplomatic Security Service Protective Liaison Division	Fax: (202) 895-3613

AFTER BUSINESS HOURS

After business hours, all inquiries should be made to the U.S. Department of State Diplomatic Security Command Center (operates 24-hours daily):	(571) 345-3146 or toll free 1-866-217-2089
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TO VERIFY THE IMMUNITY STATUS OF UNITED NATIONS PERSONNEL

DURING BUSINESS HOURS (8 A.M. – 5 P.M. EST)

Diplomatic agents and family members, UN Mission staff and family members, and UN Secretariat employees	(212) 415-4168 or (212) 415-4407 or (212) 415-4131
U.S. Department of State license tags, registration, or other motor vehicle information:	(646) 282-2825 or (646) 282-2812

AFTER BUSINESS HOURS

Information is available from the Communications Section of the U.S. Mission to the United Nations (USUN - operates 24-hours daily)	(212) 415-4444
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Preface

INTERNATIONAL LAW, TO WHICH THE UNITED STATES is firmly committed, requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. Most of these privileges and immunities are not absolute, and law enforcement officers retain their fundamental responsibility to protect and police the orderly conduct of persons in the United States. This booklet provides a guide to the categories of foreign mission personnel and the privileges and immunities to which each is entitled. It explains how to identify (and verify the identity of) such persons and furnishes guidance to assist law enforcement officers in the handling of incidents involving foreign diplomatic and consular personnel.

I

Introduction

WHAT IS DIPLOMATIC IMMUNITY? Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

The principle of diplomatic immunity is one of the oldest elements of foreign relations. Ancient Greek and Roman governments, for example, accorded special status to envoys, and the basic concept has evolved and endured until the present. As a matter of international law, diplomatic immunity was primarily based on custom and international practice until quite recently. In the period since World War II, a number of international conventions (most noteworthy, the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations) have been concluded. These conventions have formalized the customary rules and made their application more uniform.

Notwithstanding the antiquity of the concept of diplomatic immunity, its purpose is often misunderstood by the citizens of this and other countries. Occasional abuses of diplomatic immunity, which are brought to public attention, have also served to prejudice public attitudes toward this practice. Dealing with the concept of immunity poses particular problems for law enforcement officers who, by virtue of their oath and training, are unaccustomed to granting special privileges or concessions to individuals who break the law. On the other hand, police officers who understand the importance of diplomatic immunity may be inclined to be overly generous in its application if they do not have a full understanding of its parameters. It is the purpose of this booklet to familiarize police officers with the general rules of diplomatic and consular immunity and to provide them with specific guidance regarding the handling of difficult situations.

The term diplomatic immunity is popularly, and erroneously, understood to refer to special protections afforded all employees of foreign governments who are present in the United States as official representatives of their home governments. Law enforcement officials, however, must have a more sophisticated understanding of the concept. There are over 100,000 representatives of foreign governments, including dependents, in the United States. Many of these persons may be entitled to some degree of immunity under international law. Some of these persons are members of diplomatic missions, others are assigned to consular posts, and still others are employees of international organizations or members of national missions to such international organizations. For each of these categories of persons, particular rules apply and, even within these categories, different levels of immunity may be accorded to different classes of persons. Most of these persons are assigned to Washington, D.C., and New York City, but large numbers are assigned in other major cities around the country. Moreover, nearly all of these persons are free to travel around the country either on official business or for pleasure.

II

Legal and Practical Basis of Immunity

THE SPECIAL PRIVILEGES AND IMMUNITIES accorded foreign diplomatic and consular representatives assigned to the United States reflect rules developed among the nations of the world regarding the manner in which civilized international relations must be conducted. The underlying concept is that foreign representatives can carry out their duties effectively only if they are accorded a certain degree of insulation from the application of standard law enforcement practices of the host country. The United States benefits greatly from the concept as it protects US. diplomats assigned to countries with judicial systems far different than our own.

The various categories of immunity are explained below (and a table is provided to summarize elements of paramount concern to law enforcement officials (on Page 27)), but all have a common legal foundation. While customary international law continues to refine the concepts of diplomatic and consular immunity, the basic rules are currently embodied in international treaties. These treaties have been formally adopted by the United States and are, therefore, pursuant to the US. Constitution, “the supreme law of the land.” The U.S. Government is legally bound to ensure that such privileges and immunities are respected by its states and municipalities.

US. law regarding diplomatic immunity has its roots in England. In 1708 the British Parliament formally recognized diplomatic immunity and banned the arrest of foreign envoys. In 1790 the United States passed similar legislation which provided absolute immunity for diplomats, their families and servants, as well as for lower ranking diplomatic mission personnel. This 1790 law remained in force until 1978, when the present Diplomatic Relations Act (22 U.S.C. 254) was enacted to replace it.

The principal purpose of the 1978 Act was to bring U.S. law into line with the 1961 Vienna Convention on Diplomatic Relations (which entered into force for the United States in 1972). The 1978 Act imposed a more precise regime and reduced the degree of immunity enjoyed by many persons at diplomatic missions.

On a practical level, failure of the authorities of the United States to respect fully the immunities of foreign diplomatic and consular personnel may complicate diplomatic relations between the United States and the other country concerned. It may also lead to harsher treatment of U.S. personnel abroad, since the principle of reciprocity has, from the most ancient times, been integral to diplomatic and consular relations.

It should be emphasized that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations. Diplomatic immunity is not intended to serve as a license for persons to flout the law and purposely avoid liability for their actions. The purpose of these privileges and immunities is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments. This is a crucial point for law enforcement officers to understand in their dealings with foreign diplomatic and consular personnel. While police officers are obliged, under international customary and treaty law, to recognize the immunity of the envoy, they must not ignore or condone the commission of crimes. As is explained in greater detail below, adherence to police procedures in such cases is often essential in order for the United States to formulate appropriate measures through diplomatic channels to deal with such offenders.

III

Categories of Persons Entitled to Privileges and Immunities

MEMBERS OF DIPLOMATIC MISSIONS

Diplomatic missions are traditionally the principal communication link between the country that sends them and the host country. Accordingly, the staffs of diplomatic missions (embassies) are afforded the highest level of privileges and immunities in the host country in order that they may effectively perform their important duties. Under modern international law (reflected in the Vienna Convention on Diplomatic Relations), however, there are different categories of persons within each diplomatic mission, some of whom enjoy greater immunities than others.

The categories of diplomatic mission personnel are defined primarily with reference to the functions performed.¹ Diplomatic agent is the term for ambassadors and the other diplomatic officers who generally have the function of dealing directly with host country officials. This category enjoys the highest degree of immunity. The next category is “members of the administrative and technical staff” of the mission, which includes those persons who support the activities of diplomatic agents. This category includes secretaries, certain clerical personnel, office managers, and certain professional security personnel. Members of the administrative and technical staff enjoy privileges and immunities which in some respects are less than diplomatic agents. Finally, there are the “members of the service staff” of the diplomatic mission who perform tasks such as driving, cleaning, and/or grounds maintenance. These persons are afforded significantly less in the way of privileges and immunities. The privileges and immunities of each of these groups is explained in more detail below, and a table is provided to summarize the privileges and immunities of greatest interest to law enforcement personnel.² Also provided is an explanation of important exceptions to the general rules. (A discussion of tax and customs duty exemptions and other privileges not of immediate concern to law enforcement and judicial authorities is not included in this booklet.)

Diplomatic Agents. Diplomatic agents enjoy the highest degree of privileges and immunities. They enjoy complete personal inviolability, which means that they may not be handcuffed (except in extraordinary circumstances), arrested, or detained; and neither their property (including vehicles) nor residences may be entered or searched. Diplomatic agents also enjoy complete immunity from the criminal jurisdiction of the host country’s courts and thus cannot be prosecuted no matter how serious the offense unless their immunity is waived by the sending state (see discussion below). While it is not ordinarily of concern to police authorities, they also have immunity from civil suit except in four very limited circumstances: (a) in connection with real property transactions not conducted on behalf of the mission; (b) in connection with any role they may play as executor for or heir to an estate being distributed in the host country; (c) in connection with the performance of professional or commercial activities outside the scope of their official duties; or (d) in respect of counterclaims on the same subject matter when they have been the initiating party in a suit. Finally, they enjoy complete immunity from the obligation to provide evidence as witnesses and cannot be required to testify even, for example, if they have been the victim of a crime.

Family members forming part of the household of diplomatic agents enjoy precisely the same privileges and immunities as do the sponsoring diplomatic agents.³

Members of Administrative and Technical Staff. Members of the administrative and technical staff of a diplomatic mission perform tasks critical to the inner workings of the embassy. Accordingly, they enjoy privileges and immunities identical to those of diplomatic agents in respect of personal inviolability, immunity from criminal jurisdiction, and immunity from the obligation to provide evidence as witnesses. Their immunity from civil jurisdiction, however, is quite different. Members of the administrative and technical staff enjoy immunity from civil jurisdiction only in connection with the performance of their official duties. This is commonly known as official acts or functional immunity and is explained in more detail in the section below addressing consular privileges and immunities.

Like those of diplomatic agents, the recognized family members of administrative and technical staff enjoy the same privileges and immunities from the host country's criminal jurisdiction as their sponsors. Since these family members have no official duties to perform, they enjoy no immunity from civil jurisdiction.

Members of Service Staff. Members of the service staff of diplomatic missions perform less critical support tasks for the missions and are accorded much less in the way of privileges and immunities than are those in the other categories. Service staff members have official acts immunity only (see further explanation below) and they enjoy no personal inviolability, no inviolability of property, and no immunity from the obligation to provide evidence as witnesses. The families of service staff members enjoy no privileges or immunities.

Nationals or Permanent Residents of the United States. The general rules set forth above assume that the staff members of the diplomatic mission are nationals of the sending country or some third country. The United States, as a matter of policy, does not normally accept as diplomatic agents its own nationals, legal permanent residents of the United States, or others who are "permanently resident in" the United States.⁴ The family members of diplomatic agents enjoy no privileges or immunities if they are nationals of the United States. Members of the administrative and technical staff (including their families) and members of the service staff enjoy no privileges and immunities if they are U.S. nationals, legal permanent residents, or foreign nationals "permanently resident in" the United States.

Police officers should not have to deal with this distinction since the U.S. Department of State issues identification cards (see further discussion below) with the nationality principle in mind. However, it is important for law enforcement officials to understand these principles generally, because they could confront a situation wherein a U.S. citizen spouse of a foreign national diplomatic agent (who lacks the correct identity documents) attempts to establish his or her immunity solely on the basis of proving a relationship with the diplomatic agent.

Special Bilateral Agreements. There are some countries with which the United States has concluded bilateral agreements which grant to all members of the staff of their respective embassies (provided that they are nationals of the sending country) the privileges and immunities to which only diplomatic agents are normally entitled. Identification cards will reflect this status but police officers should be aware of this distinction because they may have to confront situations where a chauffeur or mechanic from the embassy of one of these countries asserts a right to full diplomatic privileges and immunities.

Temporary Duty. Persons sent to the United States on short-term official duty with diplomatic missions ordinarily do not enjoy any privileges and immunities (law enforcement authorities should nonetheless always seek prompt verification from the U.S. Department of State in particular cases involving such individuals).

Waiver. Always keep in mind that privileges and immunities are extended from one country to another in order to permit their respective representatives to perform their duties effectively; in a sense, it may be said the sending countries "own" these privileges and immunities. Therefore, while the individual enjoying such immunities may not waive them, the sending states can, and do. Police authorities should never address the alleged commission of a crime by a person enjoying full criminal immunity with the belief that there is no possibility that a prosecution could result.

The U.S. Department of State requests waivers of immunity in every case where the prosecutor advises that, but for the immunity, charges would be pursued. In serious cases, if a waiver is refused, the offender will be expelled from the United States and the U.S. Department of State will request that a warrant be issued and appropriate entries to the National Crime Information Center (NCIC) database be made by the responsible jurisdiction. The seeking of waiver of immunity is handled entirely via diplomatic channels, but effective and informed police work becomes the basis of the prosecutor's decision and the foundation for the U.S. Department of State's waiver requests and any subsequent prosecutions or expulsions.

MEMBERS OF CONSULAR POSTS (NORMAL AND SPECIAL BILATERAL)

Consular personnel perform a variety of functions of principal interest to their respective sending countries (e.g., issuance of travel documents, attending to the difficulties of their own nationals who are in the host country, and generally promoting the commerce of the sending country). Countries have long recognized the importance of consular functions to their overall relations, but consular personnel generally do not have the principal role of providing communication between the two countries—that function is performed by diplomatic agents at embassies in capitals. The 1963 Vienna Convention on Consular Relations grants a very limited level of privileges and immunities to consular personnel assigned to consulates that are located outside capitals.

There is a common misunderstanding that consular personnel have diplomatic status and are entitled to diplomatic immunity.

Consular Officers. Consular officers are those members of consular posts who are recognized by both the sending and the host country as fully authorized to perform the broad array of formal consular functions. They have only official acts or functional immunity in respect of both criminal and civil matters and their personal inviolability is quite limited. Consular officers may be arrested or detained pending trial only if the offense is a felony and that the arrest is made pursuant to a decision by a competent judicial authority (e.g., a warrant issued by an appropriate court).⁵ They can be prosecuted for misdemeanors, but remain at liberty pending trial or other disposition of charges. Property of consular officers is not inviolable. Consular officers are not obliged to provide evidence as witnesses in connection with matters involving their official duties, to produce official documents, or to provide expert witness testimony on the laws of the sending country. Absent a bilateral agreement, the family members of consular officers enjoy no personal inviolability and no jurisdictional immunity of any kind.

As indicated, official acts immunity pertains in numerous different circumstances. No law enforcement officer, State Department officer, diplomatic mission, or consulate is authorized to determine whether a given set of circumstances constitutes an official act. This is an issue which may only be resolved by the court with subject matter jurisdiction over the alleged crime. Thus, a person enjoying official acts immunity from criminal jurisdiction may be charged with a crime and may, in this connection, always be required to appear in court (in person or through counsel). At this point, however, such person may assert as an affirmative defense that the actions complained of arose in connection with the performance of official acts. If, upon examination of the circumstances complained of, the court agrees, then the court is without jurisdiction to proceed and the case must be dismissed. Law enforcement officers are requested to contact the Department of State before arresting a consular officer, or, if not possible, immediately after arrest.

Consular officers who are full-time practitioners of consular functions are referred to as “career” consular officers. These officers are normally nationals of the sending country who are sent to the United States to perform these functions for a specific period and then are transferred to a further assignment. Career consular officers are prohibited by international law from engaging in professional or commercial activities outside the scope of their official consular functions.

Consular Employees. Consular employees perform the administrative and technical support services for the consular post. They have no personal inviolability, only official acts immunity, and enjoy immunity from the obligation to provide evidence as witnesses only in respect of official acts. Their family members enjoy no personal inviolability or jurisdictional immunities of any kind.

Consular Service Staff. Consular service staff do not enjoy personal inviolability or jurisdictional immunity of any kind, but they do have immunity from the obligation to provide evidence as witnesses in respect of official acts. Their family members enjoy no personal inviolability or jurisdictional immunity of any kind.

Nationals or Permanent Residents of the United States. Consular employees and consular service staff who are U.S. nationals, legal permanent residents, or who are permanently resident in the United States enjoy no personal inviolability or jurisdictional immunity in the United States. (See endnote 4)

Honorary Consuls. Honorary consuls are American citizens or permanent resident aliens who perform consular services on a part-time basis. Honorary consuls, unlike career consuls, are permitted to carry on another business. These persons have “official acts” immunity only and immunity from the obligation to provide evidence as witnesses only in respect of official acts. They do not enjoy personal inviolability and may be arrested pending trial if circumstances should otherwise warrant. Family members enjoy no immunity or personal inviolability.

Honorary consuls are issued official identification cards by the Department of State.

Special Bilateral Agreements. In some cases, a country and the United States have concluded a bilateral consular agreement that grants to members of the staff of their consulates (provided they are not U.S. nationals, legal permanent residents, or permanently resident in the United States) privileges and immunities approximating those afforded diplomatic agents. Law enforcement officers should be aware that these arrangements are not uniform and the State Department identification cards issued to these persons reflect the appropriate level of immunity.

Temporary Duty. Persons sent to the United States on short-term official duty with diplomatic missions ordinarily do not enjoy any privileges and immunities (law enforcement authorities should nonetheless always seek prompt verification from the U.S. Department of State in particular cases involving such individuals).

Waiver. As is the case with members of the staffs of diplomatic missions, the sending country may always waive the privileges or immunities of members of its consular posts. This is less likely to be an issue for consular personnel, however, since their immunities are so limited.

INTERNATIONAL ORGANIZATION PERSONNEL AND NATIONAL MISSIONS TO SUCH ORGANIZATIONS

International organizations, such as the United Nations, are relatively modern entities. The privileges and immunities of the personnel of such organizations and the personnel of national missions to such organizations have a different basis than that of diplomatic and consular representatives. In the case of international organizations, the nations concerned have agreed that the important purposes of such organizations may be accomplished only if a certain measure of privileges and immunities are afforded to their participants. The nations concerned have concluded treaties embodying such grants of privileges and immunities. Some, including the United States, enacted domestic legislation granting specific privileges and immunities to certain categories of persons not covered by the treaties. In determining the degree of inviolability or immunity, law enforcement officers will be guided primarily by the identity documents that have been issued to such persons. The following, however, provides a general overview of the distribution of privileges and immunities in connection with international organizations.

Personnel of International Organizations. International organizations that have headquarters or other offices in the United States are staffed with administrative and executive employees, as necessary, to carry out their functions. The vast majority of these employees enjoy only official acts immunity as provided for in U.S. domestic legislation (the International Organizations Immunities Act, 22 U.S.C. 2881) and no personal inviolability. In certain cases, however, the most senior executives of such organizations have been accorded privileges and immunities equal to those afforded diplomatic agents. This is the case for the Secretary General of the United Nations and for all Assistant Secretaries-General of the United Nations, Principal Resident Representatives of the International Monetary Fund and the World Bank, as well as some senior officials of the Organization of American States secretariat.

Personnel of National Missions to International Organizations. The United Nations and the Organization of American States are headquartered in the United States, and most of their member States maintain permanent missions to the headquarters in the United States. The permanent representatives staffing these missions are accredited to the international organization concerned (not to the United States), but their privileges and immunities are nonetheless often defined by reference to the status of diplomatic personnel who are accredited to the United States.

As is the case with diplomatic missions, the assignment of privileges and immunities is differentiated generally on the basis of the functions performed. The most senior representatives in these missions to international organizations have privileges and immunities equivalent to those afforded diplomatic agents. The remainder of the staffs of these missions have only official acts immunity pursuant to the International Organizations Immunities Act and no personal inviolability.

Short-term official visitors from other States to the United Nations or to international conferences convened by the United Nations may enjoy full diplomatic immunity equivalent to that afforded diplomatic agents. Owing to the temporary nature of their visit, such officials will normally not have the usual official identity documents recognizable in the United States. Law enforcement officials (particularly in New York) should be sensitive to the existence of this situation and always coordinate with the U.S. authorities indicated in the list of Useful Phone Numbers if confronted with an apparent offender appearing to fall into this category.

¹ The definition of these categories is general since the category into which specific individuals fall may differ depending on reciprocal practices with the countries concerned. Law enforcement personnel, however, do not need to worry about these distinctions in operational situations. Their responsibility is to assure that the appropriate degree of immunity is afforded once the person concerned has been precisely identified.

² The private servants of diplomatic personnel enjoy no jurisdictional immunity or inviolability in the United States.

³ The United States defines members of the household to include: spouses, children until the age of 21 (until the age of 23 if they are full-time students at an institution of higher learning), and such other persons expressly agreed to by the U.S. Department of State in extraordinary circumstances.

⁴ A member of a mission, other than a diplomatic agent, “permanently resident in” the United States for purposes of Article 38(2) of the VCDR and Article 71(2) of the VCCR enjoys no privileges and immunities pursuant to the Vienna Conventions.

⁵ Police officers should note this distinction carefully. In connection with other categories discussed in this booklet, either a person is absolutely protected from arrest or, alternatively, he or she has no immunity from arrest whatsoever. In the case of career consular officers, such arrest may be carried out only if the police officer is operating under the authority of a warrant or similar judicial authorization. Note, however, the discussion below of the public safety prerogatives of police authorities.

IV

Identification of Persons Entitled to Privileges and Immunities in the United States

IT IS CRITICAL FOR A LAW ENFORCEMENT OFFICER to identify quickly and accurately the status of any person asserting immunity. Numerous documents are associated with foreign diplomats; only one provides an accurate indication of the status of the holder. This section endeavors to explain the array of documents and clarify for police officers which one may be relied upon.

IDENTIFICATION CARDS ISSUED BY THE U.S. DEPARTMENT OF STATE

The only authoritative identity document is the identity card issued by the U.S. Department of State's Office of Protocol, or by the U.S. Mission to the United Nations in the case of persons accredited to the United Nations. There are three types of identification cards (see sample cards beginning on page 23): Diplomatic (blue border for diplomats), Official (green border for embassy employees), and Consular (red border for consular personnel). The identification cards are 3⁷/₁₆" x 2³/₁₆" and contain a photograph of the bearer. The bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and a U.S. Department of State seal appear on the front of the card. A brief statement of the bearer's criminal immunity is printed on the reverse side. Space is provided for the bearer's signature. While this form of identification is generally to be relied upon, law enforcement authorities are nonetheless urged to immediately seek verification as indicated below in connection with any serious incident or in any case where they have reason to doubt the validity of the card. Police officers should be alert to the fact that newly arrived members of diplomatic and consular staffs may not yet have these official identity documents and should contact the U.S. Department of State's Office of Protocol for verification if confronted with such situations.

FOREIGN DIPLOMATIC PASSPORTS AND U.S. "DIPLOMATIC" VISAS: NOT CONCLUSIVE

Foreign diplomatic passports containing U.S. "A" or "G" visas are issued to a broad range of persons, including those who are not accredited to the United States or to international organizations and who therefore enjoy no privileges and immunities in the United States.⁶ This situation is often not fully understood, even by the bearers of such documents, so police officers must be alert to good faith, but erroneous, assertions of immunity by those not entitled to it.

The possession of these documents is an indication that the bearer might be entitled to privileges and immunities in the United States. As mentioned above, temporary duty visitors to the United Nations might have only such documents and might nonetheless be entitled to immunity in the United States. A similar situation could arise in connection with the foreign officer who has just joined a diplomatic mission or consular post and has not yet received the appropriate U.S. identity documents. In cases of doubt, police officers should always coordinate with U.S. authorities on the list of Useful Phone Numbers.

TAX EXEMPTION CARDS: NOT CONCLUSIVE

Under international law, many members of diplomatic missions and consular posts and certain people associated with international organizations would normally be entitled to exemption from sales taxation in the United States. However, significant numbers of these individuals do not enjoy this privilege owing to considerations based on reciprocity. The U.S. Department of State issues tax exemption cards to all those entitled to such exemptions, but tax cards do not give a definitive indication of the degree of immunity of the bearer. (See sample tax exemption cards on page 25.) Accordingly, tax exemption cards should not be relied upon for immunity purposes and should be considered only as an indication that the bearer may enjoy some degree of immunity.

AUTOMOBILE REGISTRATION, LICENSE PLATES, AND DRIVER LICENSES: NOT CONCLUSIVE

The U.S. Department of State, through its Office of Foreign Missions' Diplomatic Motor Vehicle Office, has jurisdiction over the registration of vehicles, the issuance of distinctive license plates for those vehicles, and the issuance of operator permits for individuals who enjoy privileges and immunities in the United States. (See sample Non-Driver ID and Driver License cards on page 26.) As is the case with tax exemption cards, these federal registration documents and driver licenses do not definitively reflect the degree of privileges and immunities of the bearer. They should be relied upon only as an indication that the bearer may enjoy some degree of immunity. Vehicle license plates issued by the U.S. Department of State must be understood properly by law enforcement authorities in order to avoid confusion. The plates are coded to reflect the degree of immunity which the registered owner of the vehicle enjoys:

- Plates with a “D” prefix or suffix are issued to diplomatic missions and those members who hold diplomatic rank.
- Plates with a “C” prefix are issued to consular missions and career consular officers.
- Plates with a “S” prefix are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.
- Plates with an “A” prefix or suffix are issued to official vehicles of the Secretariats of the United Nations and the Organization of American States and the personally owned vehicles of those staff members who have diplomatic status.

The U.S. Department of State's distinctive license plates are designed to assist officers in identifying vehicles that belong to foreign missions and those mission members who may enjoy some degree of immunity. However, those plates alone should not be considered verification of the status of the vehicle's operator. For example, police officers should bear in mind that a diplomatic agent who is visiting a consulate may be driving a car with “C” plates. Or a U.S. citizen who is the spouse of a diplomat may be driving a car with “D” plates even though he or she does not have immunity. (Conversely, a diplomatic agent or consular officer may be driving a rented or borrowed car that does not have any type of U.S. Department of State license plate.) These examples serve to emphasize that, whatever kind of license plate is on a vehicle, police officers need to verify with the Department of State's Office of Protocol a driver's claim of diplomatic or consular status.

A vehicle registration card is issued at the time of initial registration and registration renewal. It contains the following information: name and address of the registered owner, license plate number, vehicle identification number, vehicle make, vehicle model, vehicle color, date of initial registration, and expiration date of the current registration. Decals with the month and year reflecting the expiration date of the current registration period are issued with the card and must be displayed on the vehicle's rear license plate.

The U.S. Department of State's vehicle registration and driver license status records are available to law enforcement agencies through the National Law Enforcement Telecommunications System (NLETS). Agencies may access these records using the standard NLETS registration and driver query formats. NLETS has assigned state code (destination ORI) "US" to this data base. If an agency requires additional motor vehicle information, it can be obtained telephonically (see list of Useful Phone Numbers, page v) or by sending an administrative message to "DCDOS015V."

TELEPHONIC INFORMATION/VERIFICATION

In all cases, including those in which the individual provides a U.S. Department of State-issued identification card, the law enforcement officer should verify the immunity status with the U.S. Department of State.

Department of State representatives are available 24-hours daily to assist in emergency situations and when immediate confirmation of a person's status is required. The telephone numbers provided on page v are for use in such instances.

⁶ All foreign personnel assigned to official duty at bilateral diplomatic or consular missions in the United States would have A-category visas. G-category visas are issued to foreigners assigned to duty at an international organization in the United States or at a foreign country's mission to such organization.

V

Terms and Procedures

CORRECT UNDERSTANDING OF IMMUNITY

Frequently (and erroneously), immunity is understood to mean pardon, total exoneration, or total release from the responsibility to comply with the law. In actuality, immunity is simply a legal barrier which precludes U.S. courts from exercising jurisdiction over cases against persons who enjoy it and in no way releases such persons from the duty, embodied in international law, to respect the laws and regulations of the United States. Even those who properly understand the concept of immunity sometimes erroneously believe that it is senseless to waste valuable police time in the investigation and paperwork essential to building a legal case on the assumption that there is no possibility that a conviction will result. However, there are diplomatic remedies available to deal with such persons even when immunity bars prosecution and conviction. As explained below, there are a number of important reasons for police authorities to give careful attention to the documentation of incidents involving persons enjoying privileges and immunities. Such incidents should always be promptly reported to the U.S. Department of State.

PERSONAL INVIOABILITY VS. PUBLIC SAFETY

Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic and consular personnel. This inviolability generally precludes handcuffing, arrest, or detention in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Personal inviolability is, however, qualified by the understanding, well established in international practice, that the host country does not give up its right to protect the safety and welfare of its populace and retains the right, in extraordinary circumstances, to prevent the commission of a crime.

Thus, in circumstances where public safety is in imminent danger or it is apparent that a grave crime may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity. This naturally includes the power of the police to defend themselves from personal harm.

WAIVER OF IMMUNITY

Diplomatic and consular immunity are not intended to benefit the individual; they are intended to benefit the mission of the foreign government or international organization. Thus an individual does not “own” his or her immunity and it may be waived, in whole or in part, by the mission member’s government. The U.S. Department of State will request a waiver of immunity in every case in which the prosecutor advises that he or she would prosecute but for immunity. The U.S. Department of State’s ability to secure such waiver may depend to a large degree on the strength (and documentation) of the case at issue. Similarly, it is of little avail for the U.S. Department of State to secure a waiver of immunity in a particular case, if the case has not been developed with sufficient care and completeness to permit a successful subsequent prosecution. Proper documentation and reporting by law enforcement authorities plays a critical role in both of these respects.

EXPULSION PROCEDURE

The criminal immunity that foreign diplomatic and some consular personnel enjoy protects them from the normal jurisdiction of the courts with respect to alleged criminal activity. However, in those instances in which a person with immunity is believed to have committed a serious offense (any felony or crime of violence) and the sending country has not acceded to the U.S. Department of State's request for a waiver of immunity, it is the Department's policy to require the departure of that individual from the United States. Requiring the departure of a person who enjoys immunity is an extreme diplomatic tool, and it is used only after the most careful consideration to ensure that the United States is not perceived as having acted in an arbitrary, capricious, or prejudiced manner. A high standard of police investigation, records, and reporting in diplomatic incident cases is therefore essential to permit the Department to make the appropriate decision.

OFFICIAL ACTS IMMUNITY

As explained in Section III, official acts immunity is not a *prima facie* bar to the exercise of jurisdiction by U.S. courts. Rather, it is an affirmative defense to be raised before the U.S. court with subject matter jurisdiction over the alleged crime. Only such court, in the full light of all the relevant facts, determines whether the action complained of was an official act. Should the court determine that official acts immunity applies in a certain case, international law precludes the further exercise of jurisdiction by the United States. Judicial determination in a case of this type is very much dependent on the facts surrounding the incident; therefore, a full and complete police report may be critical in permitting the court to make a just decision.

TERMINATION OF IMMUNITY

Criminal immunity precludes the exercise of jurisdiction by the courts over an individual whether the incident occurred prior to or during the period in which such immunity exists. This jurisdictional bar is, however, not a perpetual benefit. With the exception of immunity for official acts (which exists indefinitely), criminal immunity expires upon the termination of the diplomatic or consular tour of the individual enjoying immunity. Therefore, obtaining an indictment, information, or arrest warrant could lay the basis for a prosecution at a later date, e.g., if the diplomat returns to the United States at a later date in a private capacity. Moreover, the existence of an outstanding arrest warrant may be entered into the records of the National Crime Information Center (NCIC) and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to enter the United States.

ARCHIVES

The archives and official documents of a diplomatic or consular post are inviolable at all times and wherever they may be. The consular archives and documents of a consular post headed by an honorary consular officer are inviolable provided they are kept separate from other papers and documents of a private or commercial nature relating to other activities of an honorary consular officer or persons working with that consular officer.

VI

Handling Incidents

U.S. DEPARTMENT OF STATE POLICY

It is the policy of the U.S. Department of State with respect to alleged criminal violations by persons with immunity from criminal jurisdiction to encourage law enforcement authorities to pursue investigations vigorously, to prepare cases carefully and completely, and to document properly each incident so that charges may be pursued as far as possible in the U.S. judicial system.

The U.S. Department of State will, in all incidents involving persons with immunity from criminal jurisdiction, request a waiver of that immunity from the sending country if the prosecutor advises that but for such immunity he or she would prosecute or otherwise pursue the criminal charge. If the charge is a felony or any crime of violence, and the sending country does not waive immunity, the U.S. Department of State will require that person to depart the United States and not return unless he or she does so to submit to the jurisdiction of the court with subject matter jurisdiction over the offense. Upon departure, the Department will request that law enforcement issue a warrant for the person's arrest so that the name will be entered in NCIC.

GENERAL PROCEDURES

The vast majority of persons entitled to privileges and immunities in the United States are judicious in their actions and keenly aware of the significance attached to their actions as representatives of their sending country. On occasion, however, one of them may become involved in criminal misconduct. The more common violations are traffic (illegal parking, speeding, reckless driving, and DWI), shoplifting, and assault.

Whatever the offense or circumstances of contact, law enforcement officers should keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances. It is not an exaggeration to say that police handling of incidents in this country may have a direct effect on the treatment of U.S. diplomatic or consular personnel abroad.

When a law enforcement officer is called to the scene of a criminal incident involving a person who claims diplomatic or consular immunity, the first step should be to verify the status of the suspect. Should the person be unable to produce satisfactory identification and the situation be one that would normally warrant arrest or detention, the officer should inform the individual that he or she will be detained until his or her identity can be confirmed. In all cases, including those in which the suspect provides a U.S. Department of State-issued identification card, the law enforcement officer should verify the status with the U.S. Department of State or, in the case of the UN community, with the U.S. Mission to the United Nations. Once the status is verified, the officer should prepare his or her report, fully describing the details and circumstances of the incident in accordance with normal police procedures. If the suspect enjoys personal inviolability, he or she may not be handcuffed, except when that individual poses an immediate threat to safety, and may not be arrested or detained. Once all pertinent information is obtained, that person must be released. A copy of the incident report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C., or to the U.S. Mission to the UN in New York in cases involving the UN community. Detailed documentation of incidents is essential to enable the U.S. Department of State to carry out its policies.

TRAFFIC ENFORCEMENT

Stopping a mission member or dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted. However, the subject may not be compelled to sign the citation. In all cases, officers should follow their departmental guidelines and document the facts of the case fully. A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible. For “must appear” offenses, the Department uses the citation and any report as the basis for requesting an “express waiver of immunity.” Individuals cited for pre-payable offenses are given the option of paying the fine or obtaining a waiver in order to contest the charge.

In serious cases, e.g., DWI, DUI, personal injury, and accidents, telephonic notification to the U.S. Department of State is urged. The officer should follow his or her department’s guidelines with respect to the conduct of a field sobriety investigation. If appropriate, standardized field sobriety testing should be offered and the results fully documented. The taking of these tests may not be compelled. If the officer judges the individual too impaired to drive safely, the officer should not permit the individual to continue to drive (even in the case of diplomatic agents). Depending on the circumstances, there are several options. The officer may, with the individual’s permission, take the individual to the police station or other location where he or she may recover sufficiently to drive. The officer may summon, or allow the individual to summon, a friend or relative to drive; or the police officer may call a taxi for the individual. If appropriate, the police may choose to provide the individual with transportation.

The U.S. Department of State’s Diplomatic Motor Vehicle Office maintains driver histories on all its licensees and assesses points for moving violations. Drivers who demonstrate a pattern of bad driving habits or who commit an egregious offense such as DWI are subject to having their licenses suspended or revoked as appropriate. This policy can be enforced effectively only if all driving infractions (DWI, DUI, reckless driving, etc.) are reported promptly to the U.S. Department of State. It is U.S. Department of State policy to assign “points” for driving infractions and to suspend the operator license of foreign mission personnel who abuse the privilege of driving in the United States by repeatedly committing traffic violations and demonstrating unsafe driving practices.

The property of a person enjoying full criminal immunity, including his or her vehicle, may not be searched or seized. Such vehicles may not be impounded or “booted” but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If a vehicle that is owned by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit police verification of the vehicle’s status through standard access to NLETS (use access code US). Should the vehicle prove to have been stolen or to have been used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible.

Vehicles registered to consular officials, including those with full criminal immunity, and consulates are not inviolable and may be towed, impounded, or booted in accordance with local procedures. The U.S. Department of State should be notified if a consular vehicle has been detained or impounded so that its Office of Foreign Missions can follow up with the proper consular official or mission.

Federal license plates issued by the U.S. Department of State are not the property of the diplomat or of a diplomatic mission and remain the property of the Department at all times. As such, they must be surrendered to the U.S. Department of State when recalled. Similarly, these license plates may not be transferred from the vehicle to which they were assigned by the U.S. Department of State without the authorization of its Office of Foreign Missions.

In cases where the officer at the scene has determined that the vehicle is being operated without insurance and/or has verified with the U.S. Department of State that the vehicle bearing U.S. Department of State license plates is not the vehicle for which those plates were intended, the Department may request that the local law enforcement agency impound the plates and return them to the Department. Such impoundment should only be upon the request of the U.S. Department of State. Subsequent detention of the vehicle must conform to the guidelines above.

VII

Conclusion

IT IS IMPORTANT THAT LAW ENFORCEMENT and judicial authorities of the United States always treat foreign diplomatic and consular personnel with respect and with due regard for the privileges and immunities to which they are entitled under international law. Any failure to do so has the potential of casting doubt on the commitment of the United States to carry out its international obligations or of negatively influencing larger foreign policy interests. As stated above, however, appropriate caution should not become a total “hands off” attitude in connection with criminal law enforcement actions involving diplomats.

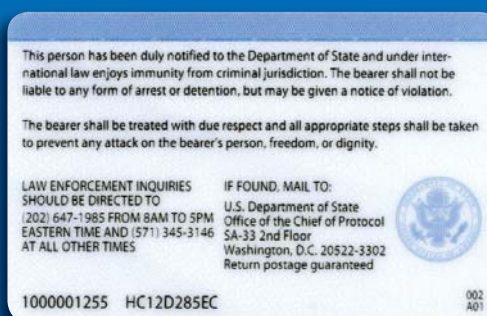
Foreign diplomats who violate traffic laws should be cited. Allegations of serious crimes should be fully investigated, promptly reported to the U.S. Department of State, and procedurally developed to the maximum permissible extent. Local law enforcement authorities should never be inhibited in their efforts to protect the public welfare in extreme situations. The U.S. Department of State should be advised promptly of any serious difficulties arising in connection with diplomatic or consular personnel. Law enforcement and judicial authorities should feel free to contact the U.S. Department of State for general advice on any matter concerning diplomatic or consular personnel.

VIII

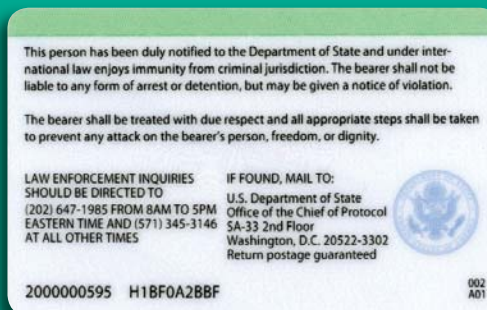
Examples: Identifying Documents

U.S. DEPARTMENT OF STATE IDENTIFICATION CARDS

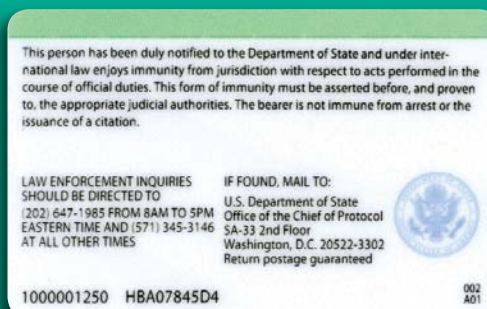
The United States Department of State's Office of the Chief of Protocol, issues identification documents to foreign government personnel who are entitled to immunity. Samples of the identification cards are provided here. Because there are different degrees of immunity, law enforcement officers should read carefully identification cards presented to them. During business hours (8 a.m. – 5 p.m. EST) questions regarding an individual's status or immunity should be referred to the Office of Protocol at (202) 647-1985. After business hours, please contact the Diplomatic Security Command Center at (571) 345-3146 or toll-free at 1-866-217-2089.



BLUE bordered cards are issued to diplomatic officers and their families. They are entitled to full criminal immunity and may not be arrested or detained.



GREEN bordered cards are issued to embassy administrative and technical staff employees and their families. This card signifies that the bearer is entitled to full criminal immunity and may not be arrested or detained.



GREEN bordered cards are issued to embassy service staff employees. This card signifies that the bearer is entitled to immunity for official acts only.

U.S. DEPARTMENT OF STATE IDENTIFICATION CARDS-CONTINUED

RED bordered cards are issued to career consular officers. This card signifies that the bearer is entitled to immunity for official acts only.



This person has been duly recognized by the Department of State and under international law shall not be amenable to jurisdiction with respect to acts performed in the exercise of consular functions. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer shall not be liable to arrest or detention pending trial except on a warrant for a felony offense.

The bearer shall be treated with due respect and a notice of violation may be issued.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
 U.S. Department of State
 Office of the Chief of Protocol
 SA-33 2nd Floor
 Washington, D.C. 20522-3302
 Return postage guaranteed

1000001239 H2D860F76A 002 A01

RED bordered cards are issued to career consular employees. This card signifies that the bearer is entitled to immunity for official acts only.



This person is registered with the Department of State and under international law shall not be amenable to jurisdiction with respect to acts performed in the exercise of consular functions. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer is not immune from arrest or the issuance of a citation.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
 U.S. Department of State
 Office of the Chief of Protocol
 SA-33 2nd Floor
 Washington, D.C. 20522-3302
 Return postage guaranteed

1000001235 HB98791D46 002 A01

RED bordered cards are issued to consular officers/employees and their families from countries with which the U.S. has special agreements. They are entitled to full criminal immunity and may not be arrested or detained.



In accordance with a special agreement, this person enjoys immunity from criminal jurisdiction. The bearer shall not be liable to any form of arrest or detention, but may be given a notice of violation.

The bearer shall be treated with due respect and all appropriate steps shall be taken to prevent any attack on the bearer's person, freedom, or dignity.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
 U.S. Department of State
 Office of the Chief of Protocol
 SA-33 2nd Floor
 Washington, D.C. 20522-3302
 Return postage guaranteed

1000001241 HFB8EAA57F 002 A01

RED bordered cards are issued to honorary consular officers. This card signifies that the bearer is entitled to limited immunity for official acts only.



This person has been duly recognized by the Department of State and under international law shall not be amenable to jurisdiction with respect to official acts performed in the exercise of consular functions. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer is not immune from arrest or the issuance of a citation. The bearer shall be treated with due respect.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
 U.S. Department of State
 Office of the Chief of Protocol
 SA-33 2nd Floor
 Washington, D.C. 20522-3302
 Return postage guaranteed

1000001245 H197D99B1A 002 A01

U.S. DEPARTMENT OF STATE TAX EXEMPTION CARD

Diplomatic Tax Exemption Cards are designed with state of the art security features that are intended to defeat any attempts to manufacture counterfeit versions of these cards. These features include, but are not limited to, the use of laser-engraved personalization of data, the inclusion of an optically variable device or Kinegram, and tactile micro-text (small raised text).



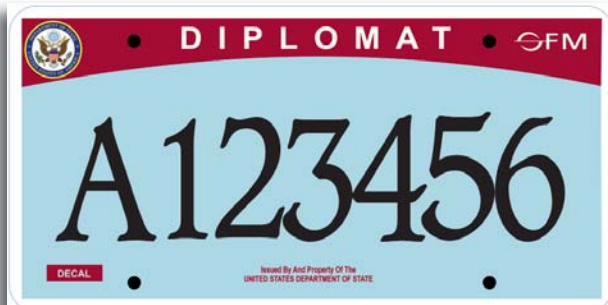
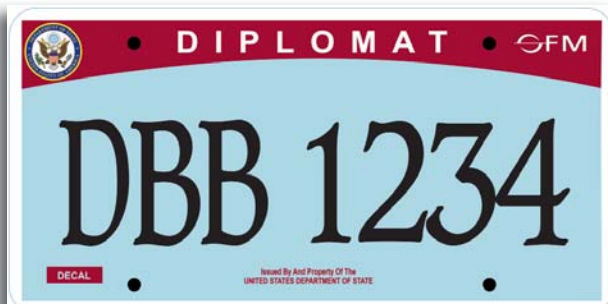
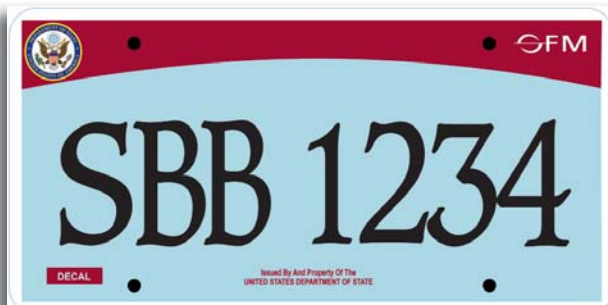
U.S. DEPARTMENT OF STATE DRIVER LICENSE AND NON-DRIVER ID

Description: Background colors on the front are powder blue fading to pink image of Lincoln Memorial interior; lettering is black, with gold OFM logo in bottom right corner. U.S. Department of State driver licenses are designed with state of the art security features that are intended to defeat any attempts to manufacture counterfeit versions of these cards. These features include, but are not limited to, the use of laser-engraved personalization of data, the inclusion of an optically variable device or Kinegram, and tactile micro-text (small raised text).

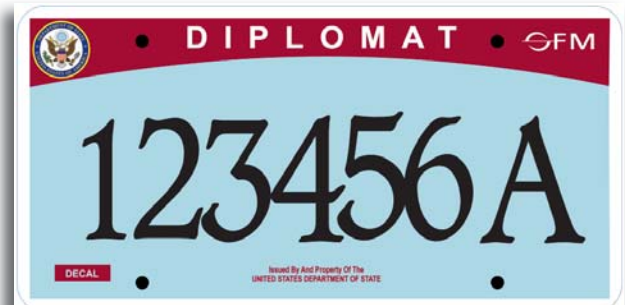
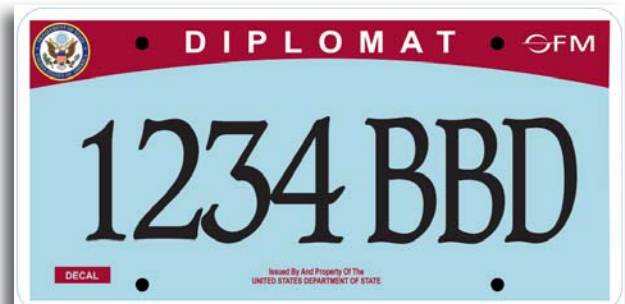
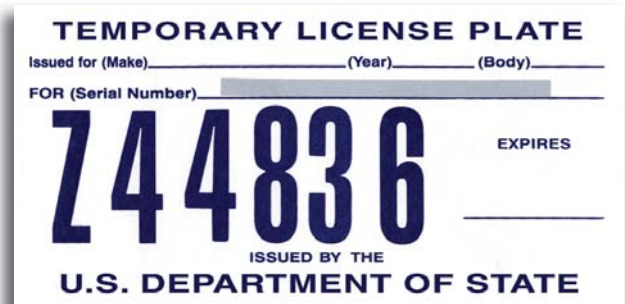


SAMPLES OF U.S. DEPARTMENT OF STATE-ISSUED DIPLOMATIC AND UNITED NATIONS MISSIONS LICENSE PLATES

DIPLOMATIC MISSIONS



UNITED NATIONS





DIPLOMATIC AND CONSULAR PRIVILEGES & IMMUNITIES FROM CRIMINAL JURISDICTION

LAW ENFORCEMENT ASPECTS SUMMARY

Category	Arrested or Detained?	Enter Residence Subject to Ordinary Procedures?	Issued Traffic Citation?	Subpoenaed as Witness?	Prosecuted?	Recognized Family Member?
International Organizations	International Organization Staff ³	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Diplomatic	Diplomatic Agent	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff ²	Yes	Yes	Yes	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Consular	Career Consular Officers ²	No, except in the case of a felony and pursuant to a warrant.	Yes ⁴	No—for official acts. Testimony may not be compelled in any case.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Honorary Consular Officers	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Consular Employees ²	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.

¹ Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

² This table presents general rules. The employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

³ A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

⁴ Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

Direct questions or inquiries to the
Diplomatic Security Command Center.

Call **571-345-3146** or
Toll free to **1-866-217-2089**

Available 24 hours daily

CONSULAR NOTIFICATION

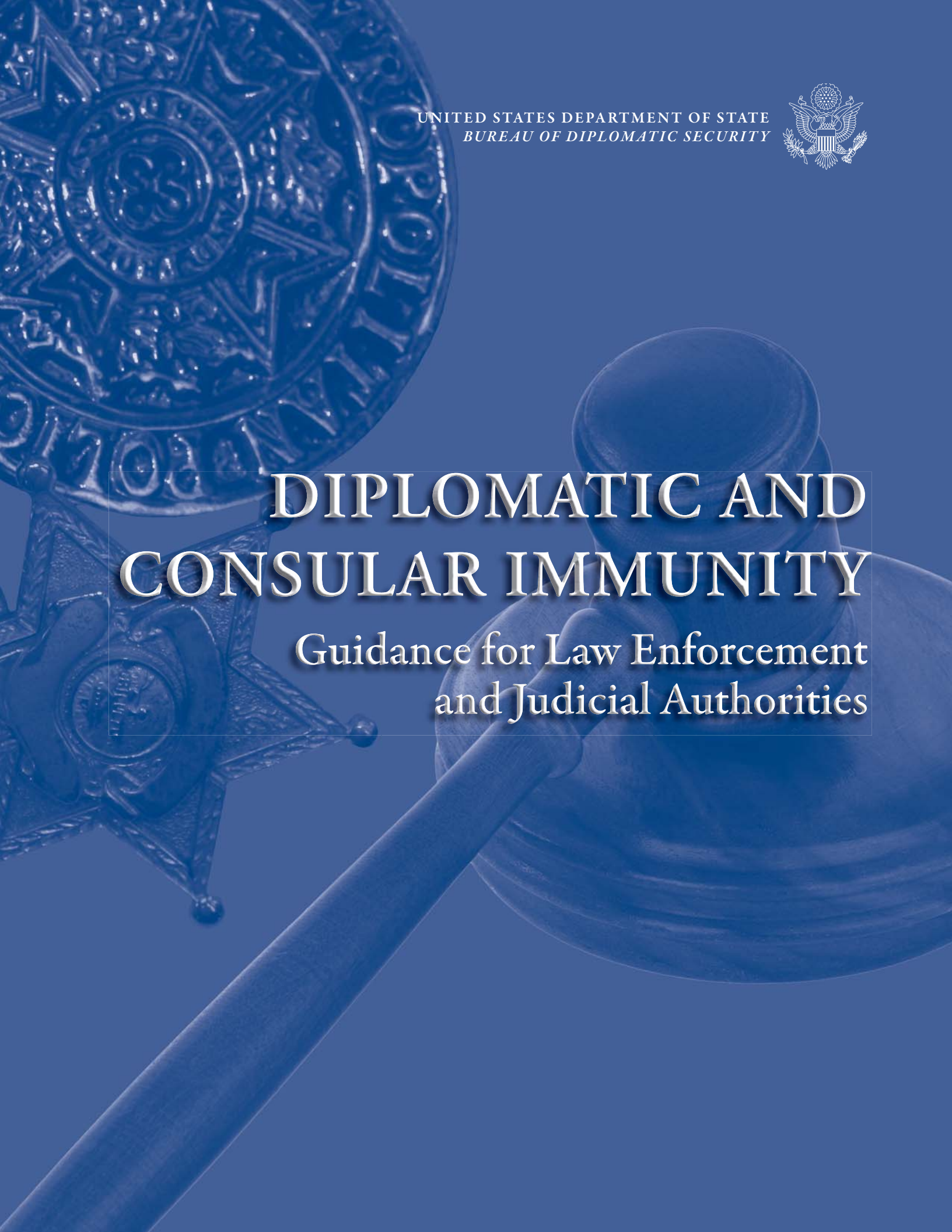
Assistance with consular notification procedures
following the arrest or detention of a foreign national.

Business hours:	202-647-4415
After-hours:	202-647-1512
Fax Number:	202-647-7559

IMMUNITY ISSUES

Contact the Office of Protocol: Diplomatic Affairs

202-647-1727



UNITED STATES DEPARTMENT OF STATE
BUREAU OF DIPLOMATIC SECURITY



DIPLOMATIC AND CONSULAR IMMUNITY

Guidance for Law Enforcement
and Judicial Authorities

This booklet provides a guide to the categories of foreign mission personnel and the privileges and immunities to which each is entitled.

For information on the obligation to notify consular officers of the arrest and detention of a foreign national in the United States, please refer to Department of State Publication:

***Consular Notification and Access:
Instructions for Federal, State, and Local Law Enforcement
and Other Officials Regarding Foreign Nationals in the United States
and the Rights of Consular Officials to Assist Them***

http://travel.state.gov/pdf/cna/CNA_Manual_3d_Edition.pdf

Office of Policy Coordination and Public Affairs (CA/P)
Bureau of Consular Affairs
U.S. Department of State
2100 C St. NW, Room 4800
Washington, D.C. 20520
Telephone: (202) 647-4415
Fax: (202) 736-7559
Email: consnot@state.gov
Website: www.travel.state.gov/consularnotification
Twitter: @ConsularNotify

For urgent telephone inquiries outside normal business hours,
you may call the Department of State Operations Center at (202) 647-1512



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Useful Telephone Numbers

FOR INFORMATION ON DIPLOMATIC AND CONSULAR PERSONNEL AND PERSONNEL OF INTERNATIONAL ORGANIZATIONS OTHER THAN THE UNITED NATIONS

DURING BUSINESS HOURS (8 A.M. – 5 P.M. EST)

Current status of U.S. Department of State driver licenses, diplomatic license plates, registrations, or other diplomatic motor vehicle information:	(202) 895-3521 Fax: (202) 895-3646
For reporting traffic incidents or accidents, issuance of citations, etc., involving foreign missions personnel:	(202) 895-3521
Send all citations and/or reports to:	Fax: (202) 895-3646
To verify immunity status:	(202) 647-1985 or (202) 647-1727

PLEASE SEND COPIES OF CRIMINAL INCIDENT REPORTS AND CITATIONS TO:

The Office of the Chief of Protocol	Fax: (202) 647-1198
Diplomatic Security Service Protective Liaison Division	Fax: (202) 895-3613

AFTER BUSINESS HOURS

After business hours, all inquiries should be made to the U.S. Department of State Diplomatic Security Command Center (operates 24-hours daily):	(571) 345-3146 or toll free 1-866-217-2089
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TO VERIFY THE IMMUNITY STATUS OF UNITED NATIONS PERSONNEL

DURING BUSINESS HOURS (8 A.M. – 5 P.M. EST)

Diplomatic agents and family members, UN Mission staff and family members, and UN Secretariat employees	(212) 415-4168 or (212) 415-4407 or (212) 415-4131
U.S. Department of State license tags, registration, or other motor vehicle information:	(646) 282-2825 or (646) 282-2812

AFTER BUSINESS HOURS

Information is available from the Communications Section of the U.S. Mission to the United Nations (USUN - operates 24-hours daily)	(212) 415-4444
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Preface

INTERNATIONAL LAW, TO WHICH THE UNITED STATES is firmly committed, requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. Most of these privileges and immunities are not absolute, and law enforcement officers retain their fundamental responsibility to protect and police the orderly conduct of persons in the United States. This booklet provides a guide to the categories of foreign mission personnel and the privileges and immunities to which each is entitled. It explains how to identify (and verify the identity of) such persons and furnishes guidance to assist law enforcement officers in the handling of incidents involving foreign diplomatic and consular personnel.

I

Introduction

WHAT IS DIPLOMATIC IMMUNITY? Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

The principle of diplomatic immunity is one of the oldest elements of foreign relations. Ancient Greek and Roman governments, for example, accorded special status to envoys, and the basic concept has evolved and endured until the present. As a matter of international law, diplomatic immunity was primarily based on custom and international practice until quite recently. In the period since World War II, a number of international conventions (most noteworthy, the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations) have been concluded. These conventions have formalized the customary rules and made their application more uniform.

Notwithstanding the antiquity of the concept of diplomatic immunity, its purpose is often misunderstood by the citizens of this and other countries. Occasional abuses of diplomatic immunity, which are brought to public attention, have also served to prejudice public attitudes toward this practice. Dealing with the concept of immunity poses particular problems for law enforcement officers who, by virtue of their oath and training, are unaccustomed to granting special privileges or concessions to individuals who break the law. On the other hand, police officers who understand the importance of diplomatic immunity may be inclined to be overly generous in its application if they do not have a full understanding of its parameters. It is the purpose of this booklet to familiarize police officers with the general rules of diplomatic and consular immunity and to provide them with specific guidance regarding the handling of difficult situations.

The term diplomatic immunity is popularly, and erroneously, understood to refer to special protections afforded all employees of foreign governments who are present in the United States as official representatives of their home governments. Law enforcement officials, however, must have a more sophisticated understanding of the concept. There are over 100,000 representatives of foreign governments, including dependents, in the United States. Many of these persons may be entitled to some degree of immunity under international law. Some of these persons are members of diplomatic missions, others are assigned to consular posts, and still others are employees of international organizations or members of national missions to such international organizations. For each of these categories of persons, particular rules apply and, even within these categories, different levels of immunity may be accorded to different classes of persons. Most of these persons are assigned to Washington, D.C., and New York City, but large numbers are assigned in other major cities around the country. Moreover, nearly all of these persons are free to travel around the country either on official business or for pleasure.

II

Legal and Practical Basis of Immunity

THE SPECIAL PRIVILEGES AND IMMUNITIES accorded foreign diplomatic and consular representatives assigned to the United States reflect rules developed among the nations of the world regarding the manner in which civilized international relations must be conducted. The underlying concept is that foreign representatives can carry out their duties effectively only if they are accorded a certain degree of insulation from the application of standard law enforcement practices of the host country. The United States benefits greatly from the concept as it protects US. diplomats assigned to countries with judicial systems far different than our own.

The various categories of immunity are explained below (and a table is provided to summarize elements of paramount concern to law enforcement officials (on Page 27)), but all have a common legal foundation. While customary international law continues to refine the concepts of diplomatic and consular immunity, the basic rules are currently embodied in international treaties. These treaties have been formally adopted by the United States and are, therefore, pursuant to the US. Constitution, “the supreme law of the land.” The U.S. Government is legally bound to ensure that such privileges and immunities are respected by its states and municipalities.

US. law regarding diplomatic immunity has its roots in England. In 1708 the British Parliament formally recognized diplomatic immunity and banned the arrest of foreign envoys. In 1790 the United States passed similar legislation which provided absolute immunity for diplomats, their families and servants, as well as for lower ranking diplomatic mission personnel. This 1790 law remained in force until 1978, when the present Diplomatic Relations Act (22 U.S.C. 254) was enacted to replace it.

The principal purpose of the 1978 Act was to bring U.S. law into line with the 1961 Vienna Convention on Diplomatic Relations (which entered into force for the United States in 1972). The 1978 Act imposed a more precise regime and reduced the degree of immunity enjoyed by many persons at diplomatic missions.

On a practical level, failure of the authorities of the United States to respect fully the immunities of foreign diplomatic and consular personnel may complicate diplomatic relations between the United States and the other country concerned. It may also lead to harsher treatment of U.S. personnel abroad, since the principle of reciprocity has, from the most ancient times, been integral to diplomatic and consular relations.

It should be emphasized that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations. Diplomatic immunity is not intended to serve as a license for persons to flout the law and purposely avoid liability for their actions. The purpose of these privileges and immunities is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments. This is a crucial point for law enforcement officers to understand in their dealings with foreign diplomatic and consular personnel. While police officers are obliged, under international customary and treaty law, to recognize the immunity of the envoy, they must not ignore or condone the commission of crimes. As is explained in greater detail below, adherence to police procedures in such cases is often essential in order for the United States to formulate appropriate measures through diplomatic channels to deal with such offenders.

III

Categories of Persons Entitled to Privileges and Immunities

MEMBERS OF DIPLOMATIC MISSIONS

Diplomatic missions are traditionally the principal communication link between the country that sends them and the host country. Accordingly, the staffs of diplomatic missions (embassies) are afforded the highest level of privileges and immunities in the host country in order that they may effectively perform their important duties. Under modern international law (reflected in the Vienna Convention on Diplomatic Relations), however, there are different categories of persons within each diplomatic mission, some of whom enjoy greater immunities than others.

The categories of diplomatic mission personnel are defined primarily with reference to the functions performed.¹ Diplomatic agent is the term for ambassadors and the other diplomatic officers who generally have the function of dealing directly with host country officials. This category enjoys the highest degree of immunity. The next category is “members of the administrative and technical staff” of the mission, which includes those persons who support the activities of diplomatic agents. This category includes secretaries, certain clerical personnel, office managers, and certain professional security personnel. Members of the administrative and technical staff enjoy privileges and immunities which in some respects are less than diplomatic agents. Finally, there are the “members of the service staff” of the diplomatic mission who perform tasks such as driving, cleaning, and/or grounds maintenance. These persons are afforded significantly less in the way of privileges and immunities. The privileges and immunities of each of these groups is explained in more detail below, and a table is provided to summarize the privileges and immunities of greatest interest to law enforcement personnel.² Also provided is an explanation of important exceptions to the general rules. (A discussion of tax and customs duty exemptions and other privileges not of immediate concern to law enforcement and judicial authorities is not included in this booklet.)

Diplomatic Agents. Diplomatic agents enjoy the highest degree of privileges and immunities. They enjoy complete personal inviolability, which means that they may not be handcuffed (except in extraordinary circumstances), arrested, or detained; and neither their property (including vehicles) nor residences may be entered or searched. Diplomatic agents also enjoy complete immunity from the criminal jurisdiction of the host country’s courts and thus cannot be prosecuted no matter how serious the offense unless their immunity is waived by the sending state (see discussion below). While it is not ordinarily of concern to police authorities, they also have immunity from civil suit except in four very limited circumstances: (a) in connection with real property transactions not conducted on behalf of the mission; (b) in connection with any role they may play as executor for or heir to an estate being distributed in the host country; (c) in connection with the performance of professional or commercial activities outside the scope of their official duties; or (d) in respect of counterclaims on the same subject matter when they have been the initiating party in a suit. Finally, they enjoy complete immunity from the obligation to provide evidence as witnesses and cannot be required to testify even, for example, if they have been the victim of a crime.

Family members forming part of the household of diplomatic agents enjoy precisely the same privileges and immunities as do the sponsoring diplomatic agents.³

Members of Administrative and Technical Staff. Members of the administrative and technical staff of a diplomatic mission perform tasks critical to the inner workings of the embassy. Accordingly, they enjoy privileges and immunities identical to those of diplomatic agents in respect of personal inviolability, immunity from criminal jurisdiction, and immunity from the obligation to provide evidence as witnesses. Their immunity from civil jurisdiction, however, is quite different. Members of the administrative and technical staff enjoy immunity from civil jurisdiction only in connection with the performance of their official duties. This is commonly known as official acts or functional immunity and is explained in more detail in the section below addressing consular privileges and immunities.

Like those of diplomatic agents, the recognized family members of administrative and technical staff enjoy the same privileges and immunities from the host country's criminal jurisdiction as their sponsors. Since these family members have no official duties to perform, they enjoy no immunity from civil jurisdiction.

Members of Service Staff. Members of the service staff of diplomatic missions perform less critical support tasks for the missions and are accorded much less in the way of privileges and immunities than are those in the other categories. Service staff members have official acts immunity only (see further explanation below) and they enjoy no personal inviolability, no inviolability of property, and no immunity from the obligation to provide evidence as witnesses. The families of service staff members enjoy no privileges or immunities.

Nationals or Permanent Residents of the United States. The general rules set forth above assume that the staff members of the diplomatic mission are nationals of the sending country or some third country. The United States, as a matter of policy, does not normally accept as diplomatic agents its own nationals, legal permanent residents of the United States, or others who are "permanently resident in" the United States.⁴ The family members of diplomatic agents enjoy no privileges or immunities if they are nationals of the United States. Members of the administrative and technical staff (including their families) and members of the service staff enjoy no privileges and immunities if they are U.S. nationals, legal permanent residents, or foreign nationals "permanently resident in" the United States.

Police officers should not have to deal with this distinction since the U.S. Department of State issues identification cards (see further discussion below) with the nationality principle in mind. However, it is important for law enforcement officials to understand these principles generally, because they could confront a situation wherein a U.S. citizen spouse of a foreign national diplomatic agent (who lacks the correct identity documents) attempts to establish his or her immunity solely on the basis of proving a relationship with the diplomatic agent.

Special Bilateral Agreements. There are some countries with which the United States has concluded bilateral agreements which grant to all members of the staff of their respective embassies (provided that they are nationals of the sending country) the privileges and immunities to which only diplomatic agents are normally entitled. Identification cards will reflect this status but police officers should be aware of this distinction because they may have to confront situations where a chauffeur or mechanic from the embassy of one of these countries asserts a right to full diplomatic privileges and immunities.

Temporary Duty. Persons sent to the United States on short-term official duty with diplomatic missions ordinarily do not enjoy any privileges and immunities (law enforcement authorities should nonetheless always seek prompt verification from the U.S. Department of State in particular cases involving such individuals).

Waiver. Always keep in mind that privileges and immunities are extended from one country to another in order to permit their respective representatives to perform their duties effectively; in a sense, it may be said the sending countries "own" these privileges and immunities. Therefore, while the individual enjoying such immunities may not waive them, the sending states can, and do. Police authorities should never address the alleged commission of a crime by a person enjoying full criminal immunity with the belief that there is no possibility that a prosecution could result.

The U.S. Department of State requests waivers of immunity in every case where the prosecutor advises that, but for the immunity, charges would be pursued. In serious cases, if a waiver is refused, the offender will be expelled from the United States and the U.S. Department of State will request that a warrant be issued and appropriate entries to the National Crime Information Center (NCIC) database be made by the responsible jurisdiction. The seeking of waiver of immunity is handled entirely via diplomatic channels, but effective and informed police work becomes the basis of the prosecutor's decision and the foundation for the U.S. Department of State's waiver requests and any subsequent prosecutions or expulsions.

MEMBERS OF CONSULAR POSTS (NORMAL AND SPECIAL BILATERAL)

Consular personnel perform a variety of functions of principal interest to their respective sending countries (e.g., issuance of travel documents, attending to the difficulties of their own nationals who are in the host country, and generally promoting the commerce of the sending country). Countries have long recognized the importance of consular functions to their overall relations, but consular personnel generally do not have the principal role of providing communication between the two countries—that function is performed by diplomatic agents at embassies in capitals. The 1963 Vienna Convention on Consular Relations grants a very limited level of privileges and immunities to consular personnel assigned to consulates that are located outside capitals.

There is a common misunderstanding that consular personnel have diplomatic status and are entitled to diplomatic immunity.

Consular Officers. Consular officers are those members of consular posts who are recognized by both the sending and the host country as fully authorized to perform the broad array of formal consular functions. They have only official acts or functional immunity in respect of both criminal and civil matters and their personal inviolability is quite limited. Consular officers may be arrested or detained pending trial only if the offense is a felony and that the arrest is made pursuant to a decision by a competent judicial authority (e.g., a warrant issued by an appropriate court).⁵ They can be prosecuted for misdemeanors, but remain at liberty pending trial or other disposition of charges. Property of consular officers is not inviolable. Consular officers are not obliged to provide evidence as witnesses in connection with matters involving their official duties, to produce official documents, or to provide expert witness testimony on the laws of the sending country. Absent a bilateral agreement, the family members of consular officers enjoy no personal inviolability and no jurisdictional immunity of any kind.

As indicated, official acts immunity pertains in numerous different circumstances. No law enforcement officer, State Department officer, diplomatic mission, or consulate is authorized to determine whether a given set of circumstances constitutes an official act. This is an issue which may only be resolved by the court with subject matter jurisdiction over the alleged crime. Thus, a person enjoying official acts immunity from criminal jurisdiction may be charged with a crime and may, in this connection, always be required to appear in court (in person or through counsel). At this point, however, such person may assert as an affirmative defense that the actions complained of arose in connection with the performance of official acts. If, upon examination of the circumstances complained of, the court agrees, then the court is without jurisdiction to proceed and the case must be dismissed. Law enforcement officers are requested to contact the Department of State before arresting a consular officer, or, if not possible, immediately after arrest.

Consular officers who are full-time practitioners of consular functions are referred to as “career” consular officers. These officers are normally nationals of the sending country who are sent to the United States to perform these functions for a specific period and then are transferred to a further assignment. Career consular officers are prohibited by international law from engaging in professional or commercial activities outside the scope of their official consular functions.

Consular Employees. Consular employees perform the administrative and technical support services for the consular post. They have no personal inviolability, only official acts immunity, and enjoy immunity from the obligation to provide evidence as witnesses only in respect of official acts. Their family members enjoy no personal inviolability or jurisdictional immunities of any kind.

Consular Service Staff. Consular service staff do not enjoy personal inviolability or jurisdictional immunity of any kind, but they do have immunity from the obligation to provide evidence as witnesses in respect of official acts. Their family members enjoy no personal inviolability or jurisdictional immunity of any kind.

Nationals or Permanent Residents of the United States. Consular employees and consular service staff who are U.S. nationals, legal permanent residents, or who are permanently resident in the United States enjoy no personal inviolability or jurisdictional immunity in the United States. (See endnote 4)

Honorary Consuls. Honorary consuls are American citizens or permanent resident aliens who perform consular services on a part-time basis. Honorary consuls, unlike career consuls, are permitted to carry on another business. These persons have “official acts” immunity only and immunity from the obligation to provide evidence as witnesses only in respect of official acts. They do not enjoy personal inviolability and may be arrested pending trial if circumstances should otherwise warrant. Family members enjoy no immunity or personal inviolability.

Honorary consuls are issued official identification cards by the Department of State.

Special Bilateral Agreements. In some cases, a country and the United States have concluded a bilateral consular agreement that grants to members of the staff of their consulates (provided they are not U.S. nationals, legal permanent residents, or permanently resident in the United States) privileges and immunities approximating those afforded diplomatic agents. Law enforcement officers should be aware that these arrangements are not uniform and the State Department identification cards issued to these persons reflect the appropriate level of immunity.

Temporary Duty. Persons sent to the United States on short-term official duty with diplomatic missions ordinarily do not enjoy any privileges and immunities (law enforcement authorities should nonetheless always seek prompt verification from the U.S. Department of State in particular cases involving such individuals).

Waiver. As is the case with members of the staffs of diplomatic missions, the sending country may always waive the privileges or immunities of members of its consular posts. This is less likely to be an issue for consular personnel, however, since their immunities are so limited.

INTERNATIONAL ORGANIZATION PERSONNEL AND NATIONAL MISSIONS TO SUCH ORGANIZATIONS

International organizations, such as the United Nations, are relatively modern entities. The privileges and immunities of the personnel of such organizations and the personnel of national missions to such organizations have a different basis than that of diplomatic and consular representatives. In the case of international organizations, the nations concerned have agreed that the important purposes of such organizations may be accomplished only if a certain measure of privileges and immunities are afforded to their participants. The nations concerned have concluded treaties embodying such grants of privileges and immunities. Some, including the United States, enacted domestic legislation granting specific privileges and immunities to certain categories of persons not covered by the treaties. In determining the degree of inviolability or immunity, law enforcement officers will be guided primarily by the identity documents that have been issued to such persons. The following, however, provides a general overview of the distribution of privileges and immunities in connection with international organizations.

Personnel of International Organizations. International organizations that have headquarters or other offices in the United States are staffed with administrative and executive employees, as necessary, to carry out their functions. The vast majority of these employees enjoy only official acts immunity as provided for in U.S. domestic legislation (the International Organizations Immunities Act, 22 U.S.C. 2881) and no personal inviolability. In certain cases, however, the most senior executives of such organizations have been accorded privileges and immunities equal to those afforded diplomatic agents. This is the case for the Secretary General of the United Nations and for all Assistant Secretaries-General of the United Nations, Principal Resident Representatives of the International Monetary Fund and the World Bank, as well as some senior officials of the Organization of American States secretariat.

Personnel of National Missions to International Organizations. The United Nations and the Organization of American States are headquartered in the United States, and most of their member States maintain permanent missions to the headquarters in the United States. The permanent representatives staffing these missions are accredited to the international organization concerned (not to the United States), but their privileges and immunities are nonetheless often defined by reference to the status of diplomatic personnel who are accredited to the United States.

As is the case with diplomatic missions, the assignment of privileges and immunities is differentiated generally on the basis of the functions performed. The most senior representatives in these missions to international organizations have privileges and immunities equivalent to those afforded diplomatic agents. The remainder of the staffs of these missions have only official acts immunity pursuant to the International Organizations Immunities Act and no personal inviolability.

Short-term official visitors from other States to the United Nations or to international conferences convened by the United Nations may enjoy full diplomatic immunity equivalent to that afforded diplomatic agents. Owing to the temporary nature of their visit, such officials will normally not have the usual official identity documents recognizable in the United States. Law enforcement officials (particularly in New York) should be sensitive to the existence of this situation and always coordinate with the U.S. authorities indicated in the list of Useful Phone Numbers if confronted with an apparent offender appearing to fall into this category.

¹ The definition of these categories is general since the category into which specific individuals fall may differ depending on reciprocal practices with the countries concerned. Law enforcement personnel, however, do not need to worry about these distinctions in operational situations. Their responsibility is to assure that the appropriate degree of immunity is afforded once the person concerned has been precisely identified.

² The private servants of diplomatic personnel enjoy no jurisdictional immunity or inviolability in the United States.

³ The United States defines members of the household to include: spouses, children until the age of 21 (until the age of 23 if they are full-time students at an institution of higher learning), and such other persons expressly agreed to by the U.S. Department of State in extraordinary circumstances.

⁴ A member of a mission, other than a diplomatic agent, “permanently resident in” the United States for purposes of Article 38(2) of the VCDR and Article 71(2) of the VCCR enjoys no privileges and immunities pursuant to the Vienna Conventions.

⁵ Police officers should note this distinction carefully. In connection with other categories discussed in this booklet, either a person is absolutely protected from arrest or, alternatively, he or she has no immunity from arrest whatsoever. In the case of career consular officers, such arrest may be carried out only if the police officer is operating under the authority of a warrant or similar judicial authorization. Note, however, the discussion below of the public safety prerogatives of police authorities.

IV

Identification of Persons Entitled to Privileges and Immunities in the United States

IT IS CRITICAL FOR A LAW ENFORCEMENT OFFICER to identify quickly and accurately the status of any person asserting immunity. Numerous documents are associated with foreign diplomats; only one provides an accurate indication of the status of the holder. This section endeavors to explain the array of documents and clarify for police officers which one may be relied upon.

IDENTIFICATION CARDS ISSUED BY THE U.S. DEPARTMENT OF STATE

The only authoritative identity document is the identity card issued by the U.S. Department of State's Office of Protocol, or by the U.S. Mission to the United Nations in the case of persons accredited to the United Nations. There are three types of identification cards (see sample cards beginning on page 23): Diplomatic (blue border for diplomats), Official (green border for embassy employees), and Consular (red border for consular personnel). The identification cards are 3⁷/₁₆" x 2³/₁₆" and contain a photograph of the bearer. The bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and a U.S. Department of State seal appear on the front of the card. A brief statement of the bearer's criminal immunity is printed on the reverse side. Space is provided for the bearer's signature. While this form of identification is generally to be relied upon, law enforcement authorities are nonetheless urged to immediately seek verification as indicated below in connection with any serious incident or in any case where they have reason to doubt the validity of the card. Police officers should be alert to the fact that newly arrived members of diplomatic and consular staffs may not yet have these official identity documents and should contact the U.S. Department of State's Office of Protocol for verification if confronted with such situations.

FOREIGN DIPLOMATIC PASSPORTS AND U.S. "DIPLOMATIC" VISAS: NOT CONCLUSIVE

Foreign diplomatic passports containing U.S. "A" or "G" visas are issued to a broad range of persons, including those who are not accredited to the United States or to international organizations and who therefore enjoy no privileges and immunities in the United States.⁶ This situation is often not fully understood, even by the bearers of such documents, so police officers must be alert to good faith, but erroneous, assertions of immunity by those not entitled to it.

The possession of these documents is an indication that the bearer might be entitled to privileges and immunities in the United States. As mentioned above, temporary duty visitors to the United Nations might have only such documents and might nonetheless be entitled to immunity in the United States. A similar situation could arise in connection with the foreign officer who has just joined a diplomatic mission or consular post and has not yet received the appropriate U.S. identity documents. In cases of doubt, police officers should always coordinate with U.S. authorities on the list of Useful Phone Numbers.

TAX EXEMPTION CARDS: NOT CONCLUSIVE

Under international law, many members of diplomatic missions and consular posts and certain people associated with international organizations would normally be entitled to exemption from sales taxation in the United States. However, significant numbers of these individuals do not enjoy this privilege owing to considerations based on reciprocity. The U.S. Department of State issues tax exemption cards to all those entitled to such exemptions, but tax cards do not give a definitive indication of the degree of immunity of the bearer. (See sample tax exemption cards on page 25.) Accordingly, tax exemption cards should not be relied upon for immunity purposes and should be considered only as an indication that the bearer may enjoy some degree of immunity.

AUTOMOBILE REGISTRATION, LICENSE PLATES, AND DRIVER LICENSES: NOT CONCLUSIVE

The U.S. Department of State, through its Office of Foreign Missions' Diplomatic Motor Vehicle Office, has jurisdiction over the registration of vehicles, the issuance of distinctive license plates for those vehicles, and the issuance of operator permits for individuals who enjoy privileges and immunities in the United States. (See sample Non-Driver ID and Driver License cards on page 26.) As is the case with tax exemption cards, these federal registration documents and driver licenses do not definitively reflect the degree of privileges and immunities of the bearer. They should be relied upon only as an indication that the bearer may enjoy some degree of immunity. Vehicle license plates issued by the U.S. Department of State must be understood properly by law enforcement authorities in order to avoid confusion. The plates are coded to reflect the degree of immunity which the registered owner of the vehicle enjoys:

- Plates with a “D” prefix or suffix are issued to diplomatic missions and those members who hold diplomatic rank.
- Plates with a “C” prefix are issued to consular missions and career consular officers.
- Plates with a “S” prefix are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.
- Plates with an “A” prefix or suffix are issued to official vehicles of the Secretariats of the United Nations and the Organization of American States and the personally owned vehicles of those staff members who have diplomatic status.

The U.S. Department of State's distinctive license plates are designed to assist officers in identifying vehicles that belong to foreign missions and those mission members who may enjoy some degree of immunity. However, those plates alone should not be considered verification of the status of the vehicle's operator. For example, police officers should bear in mind that a diplomatic agent who is visiting a consulate may be driving a car with “C” plates. Or a U.S. citizen who is the spouse of a diplomat may be driving a car with “D” plates even though he or she does not have immunity. (Conversely, a diplomatic agent or consular officer may be driving a rented or borrowed car that does not have any type of U.S. Department of State license plate.) These examples serve to emphasize that, whatever kind of license plate is on a vehicle, police officers need to verify with the Department of State's Office of Protocol a driver's claim of diplomatic or consular status.

A vehicle registration card is issued at the time of initial registration and registration renewal. It contains the following information: name and address of the registered owner, license plate number, vehicle identification number, vehicle make, vehicle model, vehicle color, date of initial registration, and expiration date of the current registration. Decals with the month and year reflecting the expiration date of the current registration period are issued with the card and must be displayed on the vehicle's rear license plate.

The U.S. Department of State's vehicle registration and driver license status records are available to law enforcement agencies through the National Law Enforcement Telecommunications System (NLETS). Agencies may access these records using the standard NLETS registration and driver query formats. NLETS has assigned state code (destination ORI) "US" to this data base. If an agency requires additional motor vehicle information, it can be obtained telephonically (see list of Useful Phone Numbers, page v) or by sending an administrative message to "DCDOS015V."

TELEPHONIC INFORMATION/VERIFICATION

In all cases, including those in which the individual provides a U.S. Department of State-issued identification card, the law enforcement officer should verify the immunity status with the U.S. Department of State.

Department of State representatives are available 24-hours daily to assist in emergency situations and when immediate confirmation of a person's status is required. The telephone numbers provided on page v are for use in such instances.

⁶ All foreign personnel assigned to official duty at bilateral diplomatic or consular missions in the United States would have A-category visas. G-category visas are issued to foreigners assigned to duty at an international organization in the United States or at a foreign country's mission to such organization.

V

Terms and Procedures

CORRECT UNDERSTANDING OF IMMUNITY

Frequently (and erroneously), immunity is understood to mean pardon, total exoneration, or total release from the responsibility to comply with the law. In actuality, immunity is simply a legal barrier which precludes U.S. courts from exercising jurisdiction over cases against persons who enjoy it and in no way releases such persons from the duty, embodied in international law, to respect the laws and regulations of the United States. Even those who properly understand the concept of immunity sometimes erroneously believe that it is senseless to waste valuable police time in the investigation and paperwork essential to building a legal case on the assumption that there is no possibility that a conviction will result. However, there are diplomatic remedies available to deal with such persons even when immunity bars prosecution and conviction. As explained below, there are a number of important reasons for police authorities to give careful attention to the documentation of incidents involving persons enjoying privileges and immunities. Such incidents should always be promptly reported to the U.S. Department of State.

PERSONAL INVIOABILITY VS. PUBLIC SAFETY

Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic and consular personnel. This inviolability generally precludes handcuffing, arrest, or detention in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Personal inviolability is, however, qualified by the understanding, well established in international practice, that the host country does not give up its right to protect the safety and welfare of its populace and retains the right, in extraordinary circumstances, to prevent the commission of a crime.

Thus, in circumstances where public safety is in imminent danger or it is apparent that a grave crime may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity. This naturally includes the power of the police to defend themselves from personal harm.

WAIVER OF IMMUNITY

Diplomatic and consular immunity are not intended to benefit the individual; they are intended to benefit the mission of the foreign government or international organization. Thus an individual does not “own” his or her immunity and it may be waived, in whole or in part, by the mission member’s government. The U.S. Department of State will request a waiver of immunity in every case in which the prosecutor advises that he or she would prosecute but for immunity. The U.S. Department of State’s ability to secure such waiver may depend to a large degree on the strength (and documentation) of the case at issue. Similarly, it is of little avail for the U.S. Department of State to secure a waiver of immunity in a particular case, if the case has not been developed with sufficient care and completeness to permit a successful subsequent prosecution. Proper documentation and reporting by law enforcement authorities plays a critical role in both of these respects.

EXPULSION PROCEDURE

The criminal immunity that foreign diplomatic and some consular personnel enjoy protects them from the normal jurisdiction of the courts with respect to alleged criminal activity. However, in those instances in which a person with immunity is believed to have committed a serious offense (any felony or crime of violence) and the sending country has not acceded to the U.S. Department of State's request for a waiver of immunity, it is the Department's policy to require the departure of that individual from the United States. Requiring the departure of a person who enjoys immunity is an extreme diplomatic tool, and it is used only after the most careful consideration to ensure that the United States is not perceived as having acted in an arbitrary, capricious, or prejudiced manner. A high standard of police investigation, records, and reporting in diplomatic incident cases is therefore essential to permit the Department to make the appropriate decision.

OFFICIAL ACTS IMMUNITY

As explained in Section III, official acts immunity is not a *prima facie* bar to the exercise of jurisdiction by U.S. courts. Rather, it is an affirmative defense to be raised before the U.S. court with subject matter jurisdiction over the alleged crime. Only such court, in the full light of all the relevant facts, determines whether the action complained of was an official act. Should the court determine that official acts immunity applies in a certain case, international law precludes the further exercise of jurisdiction by the United States. Judicial determination in a case of this type is very much dependent on the facts surrounding the incident; therefore, a full and complete police report may be critical in permitting the court to make a just decision.

TERMINATION OF IMMUNITY

Criminal immunity precludes the exercise of jurisdiction by the courts over an individual whether the incident occurred prior to or during the period in which such immunity exists. This jurisdictional bar is, however, not a perpetual benefit. With the exception of immunity for official acts (which exists indefinitely), criminal immunity expires upon the termination of the diplomatic or consular tour of the individual enjoying immunity. Therefore, obtaining an indictment, information, or arrest warrant could lay the basis for a prosecution at a later date, e.g., if the diplomat returns to the United States at a later date in a private capacity. Moreover, the existence of an outstanding arrest warrant may be entered into the records of the National Crime Information Center (NCIC) and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to enter the United States.

ARCHIVES

The archives and official documents of a diplomatic or consular post are inviolable at all times and wherever they may be. The consular archives and documents of a consular post headed by an honorary consular officer are inviolable provided they are kept separate from other papers and documents of a private or commercial nature relating to other activities of an honorary consular officer or persons working with that consular officer.

VI

Handling Incidents

U.S. DEPARTMENT OF STATE POLICY

It is the policy of the U.S. Department of State with respect to alleged criminal violations by persons with immunity from criminal jurisdiction to encourage law enforcement authorities to pursue investigations vigorously, to prepare cases carefully and completely, and to document properly each incident so that charges may be pursued as far as possible in the U.S. judicial system.

The U.S. Department of State will, in all incidents involving persons with immunity from criminal jurisdiction, request a waiver of that immunity from the sending country if the prosecutor advises that but for such immunity he or she would prosecute or otherwise pursue the criminal charge. If the charge is a felony or any crime of violence, and the sending country does not waive immunity, the U.S. Department of State will require that person to depart the United States and not return unless he or she does so to submit to the jurisdiction of the court with subject matter jurisdiction over the offense. Upon departure, the Department will request that law enforcement issue a warrant for the person's arrest so that the name will be entered in NCIC.

GENERAL PROCEDURES

The vast majority of persons entitled to privileges and immunities in the United States are judicious in their actions and keenly aware of the significance attached to their actions as representatives of their sending country. On occasion, however, one of them may become involved in criminal misconduct. The more common violations are traffic (illegal parking, speeding, reckless driving, and DWI), shoplifting, and assault.

Whatever the offense or circumstances of contact, law enforcement officers should keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances. It is not an exaggeration to say that police handling of incidents in this country may have a direct effect on the treatment of U.S. diplomatic or consular personnel abroad.

When a law enforcement officer is called to the scene of a criminal incident involving a person who claims diplomatic or consular immunity, the first step should be to verify the status of the suspect. Should the person be unable to produce satisfactory identification and the situation be one that would normally warrant arrest or detention, the officer should inform the individual that he or she will be detained until his or her identity can be confirmed. In all cases, including those in which the suspect provides a U.S. Department of State-issued identification card, the law enforcement officer should verify the status with the U.S. Department of State or, in the case of the UN community, with the U.S. Mission to the United Nations. Once the status is verified, the officer should prepare his or her report, fully describing the details and circumstances of the incident in accordance with normal police procedures. If the suspect enjoys personal inviolability, he or she may not be handcuffed, except when that individual poses an immediate threat to safety, and may not be arrested or detained. Once all pertinent information is obtained, that person must be released. A copy of the incident report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C., or to the U.S. Mission to the UN in New York in cases involving the UN community. Detailed documentation of incidents is essential to enable the U.S. Department of State to carry out its policies.

TRAFFIC ENFORCEMENT

Stopping a mission member or dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted. However, the subject may not be compelled to sign the citation. In all cases, officers should follow their departmental guidelines and document the facts of the case fully. A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible. For “must appear” offenses, the Department uses the citation and any report as the basis for requesting an “express waiver of immunity.” Individuals cited for pre-payable offenses are given the option of paying the fine or obtaining a waiver in order to contest the charge.

In serious cases, e.g., DWI, DUI, personal injury, and accidents, telephonic notification to the U.S. Department of State is urged. The officer should follow his or her department’s guidelines with respect to the conduct of a field sobriety investigation. If appropriate, standardized field sobriety testing should be offered and the results fully documented. The taking of these tests may not be compelled. If the officer judges the individual too impaired to drive safely, the officer should not permit the individual to continue to drive (even in the case of diplomatic agents). Depending on the circumstances, there are several options. The officer may, with the individual’s permission, take the individual to the police station or other location where he or she may recover sufficiently to drive. The officer may summon, or allow the individual to summon, a friend or relative to drive; or the police officer may call a taxi for the individual. If appropriate, the police may choose to provide the individual with transportation.

The U.S. Department of State’s Diplomatic Motor Vehicle Office maintains driver histories on all its licensees and assesses points for moving violations. Drivers who demonstrate a pattern of bad driving habits or who commit an egregious offense such as DWI are subject to having their licenses suspended or revoked as appropriate. This policy can be enforced effectively only if all driving infractions (DWI, DUI, reckless driving, etc.) are reported promptly to the U.S. Department of State. It is U.S. Department of State policy to assign “points” for driving infractions and to suspend the operator license of foreign mission personnel who abuse the privilege of driving in the United States by repeatedly committing traffic violations and demonstrating unsafe driving practices.

The property of a person enjoying full criminal immunity, including his or her vehicle, may not be searched or seized. Such vehicles may not be impounded or “booted” but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If a vehicle that is owned by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit police verification of the vehicle’s status through standard access to NLETS (use access code US). Should the vehicle prove to have been stolen or to have been used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible.

Vehicles registered to consular officials, including those with full criminal immunity, and consulates are not inviolable and may be towed, impounded, or booted in accordance with local procedures. The U.S. Department of State should be notified if a consular vehicle has been detained or impounded so that its Office of Foreign Missions can follow up with the proper consular official or mission.

Federal license plates issued by the U.S. Department of State are not the property of the diplomat or of a diplomatic mission and remain the property of the Department at all times. As such, they must be surrendered to the U.S. Department of State when recalled. Similarly, these license plates may not be transferred from the vehicle to which they were assigned by the U.S. Department of State without the authorization of its Office of Foreign Missions.

In cases where the officer at the scene has determined that the vehicle is being operated without insurance and/or has verified with the U.S. Department of State that the vehicle bearing U.S. Department of State license plates is not the vehicle for which those plates were intended, the Department may request that the local law enforcement agency impound the plates and return them to the Department. Such impoundment should only be upon the request of the U.S. Department of State. Subsequent detention of the vehicle must conform to the guidelines above.

VII

Conclusion

IT IS IMPORTANT THAT LAW ENFORCEMENT and judicial authorities of the United States always treat foreign diplomatic and consular personnel with respect and with due regard for the privileges and immunities to which they are entitled under international law. Any failure to do so has the potential of casting doubt on the commitment of the United States to carry out its international obligations or of negatively influencing larger foreign policy interests. As stated above, however, appropriate caution should not become a total “hands off” attitude in connection with criminal law enforcement actions involving diplomats.

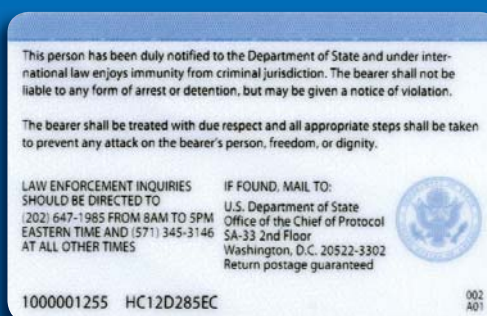
Foreign diplomats who violate traffic laws should be cited. Allegations of serious crimes should be fully investigated, promptly reported to the U.S. Department of State, and procedurally developed to the maximum permissible extent. Local law enforcement authorities should never be inhibited in their efforts to protect the public welfare in extreme situations. The U.S. Department of State should be advised promptly of any serious difficulties arising in connection with diplomatic or consular personnel. Law enforcement and judicial authorities should feel free to contact the U.S. Department of State for general advice on any matter concerning diplomatic or consular personnel.

VIII

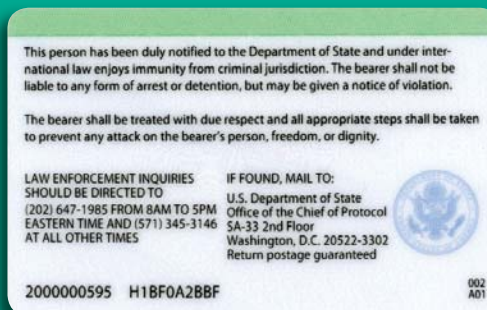
Examples: Identifying Documents

U.S. DEPARTMENT OF STATE IDENTIFICATION CARDS

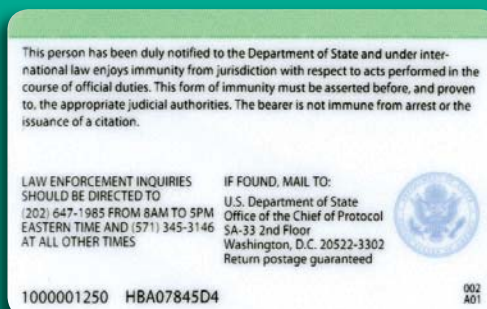
The United States Department of State's Office of the Chief of Protocol, issues identification documents to foreign government personnel who are entitled to immunity. Samples of the identification cards are provided here. Because there are different degrees of immunity, law enforcement officers should read carefully identification cards presented to them. During business hours (8 a.m. – 5 p.m. EST) questions regarding an individual's status or immunity should be referred to the Office of Protocol at (202) 647-1985. After business hours, please contact the Diplomatic Security Command Center at (571) 345-3146 or toll-free at 1-866-217-2089.



BLUE bordered cards are issued to diplomatic officers and their families. They are entitled to full criminal immunity and may not be arrested or detained.



GREEN bordered cards are issued to embassy administrative and technical staff employees and their families. This card signifies that the bearer is entitled to full criminal immunity and may not be arrested or detained.



GREEN bordered cards are issued to embassy service staff employees. This card signifies that the bearer is entitled to immunity for official acts only.

U.S. DEPARTMENT OF STATE IDENTIFICATION CARDS-CONTINUED

RED bordered cards are issued to career consular officers. This card signifies that the bearer is entitled to immunity for official acts only.



This person has been duly recognized by the Department of State and under international law shall not be amenable to jurisdiction with respect to acts performed in the exercise of consular functions. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer shall not be liable to arrest or detention pending trial except on a warrant for a felony offense.

The bearer shall be treated with due respect and a notice of violation may be issued.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO:
(202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
U.S. Department of State
Office of the Chief of Protocol
SA-33 2nd Floor
Washington, D.C. 20522-3302
Return postage guaranteed

1000001239 H2D860F76A

002 A01

RED bordered cards are issued to career consular employees. This card signifies that the bearer is entitled to immunity for official acts only.



This person is registered with the Department of State and under international law shall not be amenable to jurisdiction with respect to acts performed in the exercise of consular functions. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer is not immune from arrest or the issuance of a citation.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO:
(202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
U.S. Department of State
Office of the Chief of Protocol
SA-33 2nd Floor
Washington, D.C. 20522-3302
Return postage guaranteed

1000001235 HB98791D46

002 A01

RED bordered cards are issued to consular officers/employees and their families from countries with which the U.S. has special agreements. They are entitled to full criminal immunity and may not be arrested or detained.



In accordance with a special agreement, this person enjoys immunity from criminal jurisdiction. The bearer shall not be liable to any form of arrest or detention, but may be given a notice of violation.

The bearer shall be treated with due respect and all appropriate steps shall be taken to prevent any attack on the bearer's person, freedom, or dignity.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO:
(202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
U.S. Department of State
Office of the Chief of Protocol
SA-33 2nd Floor
Washington, D.C. 20522-3302
Return postage guaranteed

1000001241 HFB8EAA57F

002 A01

RED bordered cards are issued to honorary consular officers. This card signifies that the bearer is entitled to limited immunity for official acts only.



This person has been duly recognized by the Department of State and under international law shall not be amenable to jurisdiction with respect to official acts performed in the exercise of consular functions. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer is not immune from arrest or the issuance of a citation. The bearer shall be treated with due respect.

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO:
(202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES

IF FOUND, MAIL TO:
U.S. Department of State
Office of the Chief of Protocol
SA-33 2nd Floor
Washington, D.C. 20522-3302
Return postage guaranteed

1000001245 H197D99B1A

002 A01

U.S. DEPARTMENT OF STATE TAX EXEMPTION CARD

Diplomatic Tax Exemption Cards are designed with state of the art security features that are intended to defeat any attempts to manufacture counterfeit versions of these cards. These features include, but are not limited to, the use of laser-engraved personalization of data, the inclusion of an optically variable device or Kinegram, and tactile micro-text (small raised text).



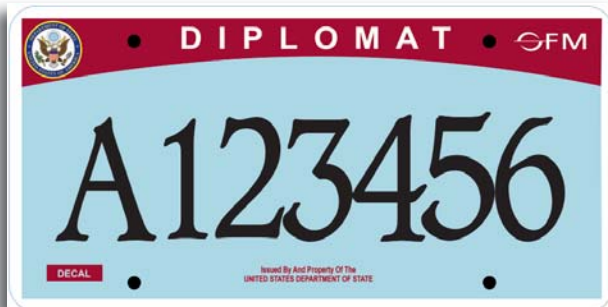
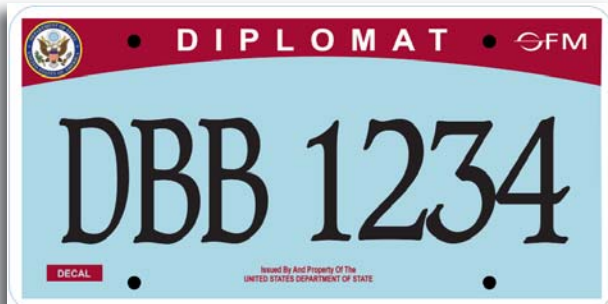
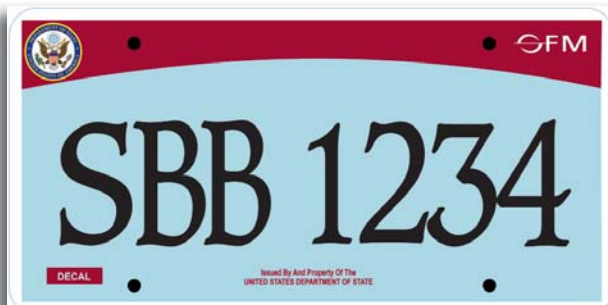
U.S. DEPARTMENT OF STATE DRIVER LICENSE AND NON-DRIVER ID

Description: Background colors on the front are powder blue fading to pink image of Lincoln Memorial interior; lettering is black, with gold OFM logo in bottom right corner. U.S. Department of State driver licenses are designed with state of the art security features that are intended to defeat any attempts to manufacture counterfeit versions of these cards. These features include, but are not limited to, the use of laser-engraved personalization of data, the inclusion of an optically variable device or Kinegram, and tactile micro-text (small raised text).

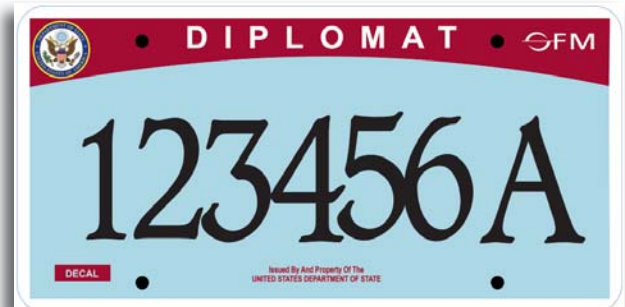
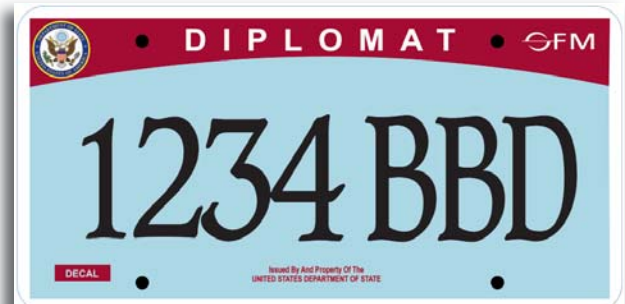
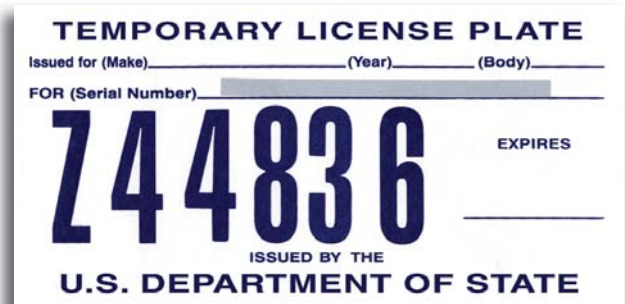


SAMPLES OF U.S. DEPARTMENT OF STATE-ISSUED DIPLOMATIC AND UNITED NATIONS MISSIONS LICENSE PLATES

DIPLOMATIC MISSIONS



UNITED NATIONS





DIPLOMATIC AND CONSULAR PRIVILEGES & IMMUNITIES FROM CRIMINAL JURISDICTION

LAW ENFORCEMENT ASPECTS SUMMARY

Category	Arrested or Detained?	Enter Residence Subject to Ordinary Procedures?	Issued Traffic Citation?	Subpoenaed as Witness?	Prosecuted?	Recognized Family Member?
International Organizations	International Organization Staff ³	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Diplomatic	Diplomatic Agent	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff ²	Yes	Yes	Yes	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Consular	Career Consular Officers ²	No, except in the case of a felony and pursuant to a warrant.	Yes ⁴	No—for official acts. Testimony may not be compelled in any case.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Honorary Consular Officers	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Consular Employees ²	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.

¹ Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

² This table presents general rules. The employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

³ A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

⁴ Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

Direct questions or inquiries to the
Diplomatic Security Command Center.

Call **571-345-3146** or
Toll free to **1-866-217-2089**

Available 24 hours daily

CONSULAR NOTIFICATION

Assistance with consular notification procedures
following the arrest or detention of a foreign national.

Business hours:	202-647-4415
After-hours:	202-647-1512
Fax Number:	202-647-7559

IMMUNITY ISSUES

Contact the Office of Protocol: Diplomatic Affairs

202-647-1727



OPERATIONS PROCEDURE			Procedure No: 109-08
DWI ARREST PROCESSING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 14

PURPOSE

To establish uniform procedures in cases of Driving While Intoxicated (DWI) or Driving While Ability Impaired (DWAI) by alcohol or drugs, including procedures governing testing of unconscious persons in both Vehicle and Traffic Law and Penal Law cases.

BACKGROUND

Each year, tens of thousands of people die in traffic accidents. Throughout the nation, alcohol is a major contributor to traffic fatalities. Alcohol-related accidents are about nine times more likely to result in death than are similar accidents that do not involve alcohol. Drivers who have been drinking are more likely to have slower reaction times and are more likely to take excessive risks such as speeding or turning abruptly. The U.S. Department of Transportation estimates that everyone has a 50% chance of being involved in an alcohol-related accident in their lifetime. New York State has an implied consent statute that defines "intoxicated" in terms of blood alcohol levels. This legislation includes provisions that affect an officer's authority and the procedures under which chemical tests are administered. Court decisions have established guidelines for the admissibility of blood alcohol evidence taken from unconscious subjects. Since a substantial portion of injury and fatality accidents are alcohol/drug related, officers must be fully cognizant of these laws and procedures.

POLICY

To decrease the number of motor vehicle accidents, injuries and deaths attributed to alcohol and/or drug consumption, officers on patrol shall vigorously enforce the laws relating to these offenses. Psychophysical tests will be used as the primary tests to establish probable cause for arrest for DWI or DWAI/Drugs. The Alco-Sensor, field breath screening device, shall be used as a secondary test if the officer needs additional evidence to establish probable cause to make an arrest for DWI or DWAI/Drugs.

PROCEDURE

DWI Arrest without a Warrant

1. Auto accidents and DWI violations not witnessed by the arresting officer. Section 1193 of the New York State Vehicle and Traffic Law states: "A police officer may,



OPERATIONS PROCEDURE			Procedure No: 109-08
DWI ARREST PROCESSING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 2 of 14

without a warrant, arrest a person, in case of a violation of subdivision 1 of section 1192, if such violation is coupled with an accident or collision in which such person is involved, which in fact has been committed, though not in the police officer's presence, when he has reasonable cause to believe that the violation was committed by such person." "Reasonable cause to believe" the person committed the violation can be obtained through the interviewing of witnesses, observations of the defendant at the scene, statements made by the defendant at the scene and other physical evidence that may be present.

Observations

2. To prepare a well-documented case against a person arrested for DWI or DWAI/Drugs, adequate notes are needed. It is possible that a person will refuse to submit to a chemical test, if so, this will create the need for a greater reliance upon a member's observations, investigation and conclusions. The moment a member witnesses a suspected intoxicated driver he/she should begin to collect pertinent information.
3. Members should observe and note the following:
 - a. The location where they first observed the vehicle in question.
 - b. The vehicle's direction of travel.
 - c. The distance they followed the vehicle.
 - d. The overall operation of the vehicle: fluctuations in speed, weaving, fast stops or starts, driving without lights, driving too slowly, etc.
 - e. The number of times and locations of each observed incident or violation.
 - f. The time they first observed the driver, the condition of his/her clothing, the type of clothing he/she was wearing, condition of eyes and overall general appearance.

Initial Stop

4. From the time a member observes a suspected DWI violator, he/she shall carefully note his/her initial observations of the actions of the vehicle and the motorist before, during and after the stop.
5. Prior to stopping the vehicle, member should radio the desk and advise of his/her location and plate number of suspect vehicle.
6. If there is a pursuit, due caution must be exercised and if necessary, assistance shall be requested. Proper pursuit protocol and procedures pursuant to Section 113-5 of



OPERATIONS PROCEDURE			Procedure No: 109-08
DWI ARREST PROCESSING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 3 of 14

this Manual must be adhered to. The stop must be made as quickly and as safely as possible.

7. The location of the stop must provide for maximum safety; if possible, members should stop the vehicle in a well-lighted area that will provide maximum safety for the operator to perform psycho-physical tests.
8. If the stop is at night, member should illuminate the suspect's vehicle with the patrol car's spotlight and takedown lights.
9. The suspect shall be approached with caution, making certain that he/she is not allowed to operate the vehicle in any manner. The vehicle shall be secured with the engine off and the brake set properly. Remember that the operator who has consumed alcohol or drugs has lost some of his/her inhibitions and may be belligerent or combative. Members shall approach the vehicle with their flashlight in their weak hand.

Interviewing the Operator

10. Members should ask the operator to produce his/her driver's license. Observe operator's eye/hand coordination and amount of time it takes to locate the items requested.
11. Advise the operator as to the reason for stopping his/her vehicle. Listen for any explanation offered by operator.
12. Engage the operator in a conversation, listening to the operator's statements. Make the following observations:
 - a. An odor of an alcoholic beverage on the operator's breath.
 - b. If the operator's speech is slurred or confused.
 - c. If the operator's eyes are bloodshot and watery.
 - d. If the operator's clothes are soiled or disheveled.
13. If a member believes that the operator may be intoxicated, he/she may administer behind the wheel psycho-physical tests as follows:
 - a. Ask for two things simultaneously, such as driver's license and registration. Observe operator and document if he/she (i) forgets to produce both documents; (ii) produces documents not requested; (iii) fails to see license and/or registration while searching through wallet or purse; (iv) fumbles or drops wallet; and/or (v) is unable to retrieve documents using fingertips.



OPERATIONS PROCEDURE			Procedure No: 109-08
DWI ARREST PROCESSING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 4 of 14

- b. Ask interrupting or distracting questions. As operator is looking for the documents requested, ask an unrelated question such as, "Without looking at your watch, can you tell me what time it is now?" Possible evidence of impairment can be any of the following: ignores the question and concentrates only on the document search; forgets to resume the search after answering the question, supplies grossly incorrect answer to the question.
 - c. Ask unusual questions. Ask the operator to recite the alphabet from the letter "F" as in Frank stopping at the letter "R" as in Robert. Ask the operator to count out loud backwards starting with the number 68 and ending with 53.
14. To judge the operator's balance and coordination, request that he/she step from his/her vehicle to a **safely lit area**, such as a sidewalk, between the patrol vehicle and his/her vehicle. This will give members the opportunity to observe and judge the operator's balance and body coordination. Members should observe and note any of the following:
- a. Shows angry or unusual actions.
 - b. Cannot follow instructions.
 - c. Cannot open door.
 - d. Leaves the vehicle in gear.
 - e. "Climbs" out of the vehicle.
 - f. Leans against vehicle.
 - g. Keeps hand on vehicle for balance.

Psycho-physical Tests

15. Psycho-physical tests are designed to assess an operator's mental and physical impairment. These tests focus precisely on the abilities needed for safe driving: balance, coordination and information processing.
16. A member should never ask an operator to perform a test that he/she cannot correctly perform him/herself.
17. Coordination tests will be given in an area suitable for standing or walking. The area will be free of stones and ruts, relatively flat and free from the dangers of traffic.
18. Members should never put themselves in an unsafe position with regard to a person being tested. This includes the position of firearms, flashlights and batons, and the proximity to the flow of traffic.



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19. An important part of these tests is determining the individual's ability to follow instructions. Instructions for the tests to be performed should be specific, clear, easy to follow and reasonable. Members should explain each test more than once and demonstrate its proper execution at least once.

20. Members should have an operator perform at least three of the following tests.

Procedures for Walk and Turn Testing

21. Instructions Stage: Initial Positioning and Verbal Instructions;
Have the suspect assume the heel-to-toe stance by giving the following verbal instructions, accompanied by demonstrations:

- a. "Place your foot on the line" [place your own left foot on the line to demonstrate].
- b. "Place your right foot on the line ahead of the left foot, with heel of right foot against toe of left foot" [demonstrate].
- c. "Keep this position until I tell you to start walking." "Do not start to walk until I tell you to do so."
- d. "Do you understand the instructions so far?" [Make sure suspect indicates he or she understands.]

22. Demonstrations and Instructions for the Walking Stage

Explain the test requirements, using the following verbal instructions, accompanied by demonstration:

- a. "When I tell you to start, you will take nine heel-to-toe steps down the line, turn around, and take nine heel-to-toe steps back up the line." [Demonstrate two or three heel-to-toe steps.]
- b. "When you turn, keep the front foot on the line, and turn by taking a series of small steps with the other foot, like this" [demonstrate].
- c. "While you are walking, keep your arms at your sides, watch your feet at all times, and count your steps out loud."
- d. "Once you start walking, don't stop until you have completed the test."
- e. "Do you understand the instructions?" [Make sure suspect indicates he/she understands.]
- f. "Begin, and count your first step from the heel-to-toe position as 'one.'"



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Test Interpretation

23. Member may observe a number of different behaviors when a suspect performs this test. Research, however, has demonstrated that the behaviors listed below are the most likely to be observed in someone with a BAC of 0.10% or more. Look for the following clues each time this test is given:

- a. Cannot keep balance while listening to the instructions. Two tasks are required at the beginning of this test. The suspect must balance heel-to-toe on the line, and at the same time, listen carefully to the instructions. Typically, the person who is intoxicated can do only one of these things. He/she may listen to the instructions, but not keep balance. Record this clue if the suspect does not maintain the heel-to-toe position throughout the instructions. Do not record this clue if the suspect sways or uses the arms to balance but maintains the heel-to-toe position.
- b. Starts before the instructions are finished. The intoxicated person may also keep balance, but not listen to the instructions. Since you specifically instructed the suspect not to start walking "until I tell you to begin," record this clue if the suspect does not wait.
- c. Stops while walking to steady self. The suspect pauses for several seconds after one step. Do not record this clue if the suspect is merely walking slowly.
- d. Does not touch heel-to-toe. The suspect leaves a space of one-half inch or more between the heel and toe on any step. Also record this clue if the suspect does not walk straight along the line.
- e. Steps off the line. The suspect steps so that one foot is entirely off the line.
- f. Uses arms to balance. The suspect raises one or both arms more than six inches from the sides in order to maintain balance.
- g. Loses balance while turning. The suspect removes the pivot foot from the line while turning. That is, record this clue if both feet are removed from the line. Also record this clue if the suspect clearly has not followed directions in turning; for example, he/she pivots in one movement instead of the several small steps movement that he/she was instructed to perform.
- h. Incorrect number of steps. Record this clue if the suspect takes more or fewer than nine steps in either direction.

Note: Cannot do the test. Record a failure to complete the test if the suspect steps off the line three or more times, is in danger of falling, or otherwise demonstrates that he/she cannot do the test.



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24. Should the suspect have difficulty with this test (for example, steps off the line), have him/her repeat the test from the point of difficulty, not from the beginning. This test tends to lose its sensitivity if it is repeated several times. Observe the suspect from three or four feet away and remain motionless while he/she performs the test. Being too close or excessive motion on member's part will make it more difficult for the suspect to perform, even if sober. If the suspect exhibits two or more distinct clues on this test or fails to complete it, classify the BAC as above 0.10%. Using this criterion, member will be able to classify correctly about 68% of suspect BAC's. So member's decision point on the Walk and Turn test is two.

Test Conditions

25. Walk and Turn requires a high, dry, level, non-slipping surface with sufficient room for the suspect to complete nine heel-to-toe steps. A straight line must be clearly visible on the surface. If no line is available, it is possible to conduct the test by directing the suspect to walk in a straight line parallel with a curb, guardrail, etc. Conditions must be such that the suspect would be in no danger if he/she were to fall.

Some people have difficulty with balance even when sober. People more than 60 years of age, over 50 pounds overweight, or with physical impairments that affect their ability to balance should not be given this test. Individuals wearing heels more than two inches high should be given the opportunity to remove their shoes. Individuals who cannot see out of one eye may also have trouble with this test because of poor depth perception.

Procedures for One-Leg-Stand Testing

26. Instructions Stage: Initial Positioning and Verbal Instructions

Initiate the test by giving the following verbal instructions, accompanied by demonstrations:

- a. "Please stand with your heels together and your arms down at the sides, like this" [demonstrate].
- b. "Do not start to perform the test until I tell you to do so."
- c. "Do you understand the instructions so far?" [Make sure the suspect indicates he/she understands.]



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27. Demonstrations and Instructions for the Balancing and Counting Stages. Explain the test requirements, using the following verbal instructions, accompanied by demonstrations.

- a. "When I tell you to start, you will stand on one leg, holding the other foot out in front, like this" [demonstrate one leg stance].
- b. "You may stand on either leg that you wish."
- c. "Keep the raised foot about six inches off the ground, like this" [demonstrate].
- d. "While you are standing, you will count out loud for 30 seconds, like this" [demonstrate a count, as follows: "one-one thousand, two-one thousand, and so on, all the way to thirty-one thousand"].
- e. "Throughout the entire test, keep your arms at the sides at all times, and keep watching the raised foot."
- f. "Do not hop or sway while you are standing."
- g. "Do you understand?" [Make sure suspect indicates he/she understands.]
- h. "Go ahead and perform the test."

Test Interpretation

28. You may observe a number of different behaviors when a suspect performs this test. Researchers, however, have found that those behaviors listed below are the most likely to be observed in someone with a BAC of 0.10% or higher. Look for the following clues each time the One-Leg-Stand test is given:

- a. The suspect sways while balancing. This refers to side-to-side or back-and-forth motion while the suspect maintains the one-leg-stand position.
- b. Uses arms for balance. He/she moves the arms six inches from the side of the body in order to keep balance.
- c. Hopping. He/she is able to keep one foot off the ground, but resorts to hopping on the anchor foot in order to maintain balance.
- d. Puts foot down. The suspect is not able to maintain the one-leg-stand position, putting the foot down one or more times during the 30-second count.
- e. Cannot do test. Record a failure to complete the test if the suspect puts the foot down three or more times during the 30-second count or otherwise demonstrates that he/she cannot do the test.

29. Remember that time is critical in this test. Research has shown that a person with a BAC of 0.10% can maintain his/her balance for up to 25 seconds, but seldom as long as 30.



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If an individual produces two or more clues or fails to complete the One Leg Stand, there is a good chance the BAC is 0.10% or higher. So member's decision point

Test Conditions

30. One-Leg-Stand requires a hard, dry, level, non-slippery surface. There should be adequate lighting for the suspect to have some visual frame of reference; in total darkness, One-Leg-Stand is difficult even for sober people. Conditions must be such that the suspect would be in no danger if he/she were to fall.

Finger to Nose

- a. Instruct subject to stand with feet together and arms down at his/her side. (Heels and toes together.)
- b. Instruct subject to make a fist with palm side out each hand and extend index finger. (Demonstrate.)
- c. Instruct subject to maintain that position, and not to move until told to do so.
- d. Ask subject if he/she understands.
- e. Instruct subject that when told to start, he/she will slightly tip their head back and close their eyes. (Demonstrate.)
- f. When instructed to do so, subject will touch the very tip of his/her index finger to the very tip of his/her nose. (Demonstrate what you mean by tip of finger.)
- g. Subject will be told which hand, left or right, to raise.
- h. Subject is to touch tip of nose and immediately return arm to starting position without being told. (Demonstrate.)
- i. Ask subject, "Do you understand?"
- j. Instruct subject to tilt head back and close eyes. Remember, we always begin with the LEFT hand.
- k. Officer will now proceed in the following manner: LEFT, RIGHT, LEFT, RIGHT, RIGHT, and LEFT.

Note the way in which subject performs the test, looking to see if subject actually touches tip of finger to tip of nose, brings arm down immediately and can follow command of which hand to use.



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Romberg Balance

- a. Position subject - feet together, hands down at sides.
- b. "Listen to the following instructions and do not begin until told to. Do you understand?"
- c. "When told to begin: Estimate 30 seconds with head tilted slightly back and eyes closed."
- d. "When you feel 30 seconds are up, open your eyes and say, 'now.'"
- e. ± 5 seconds is acceptable.
- f. Observe swaying.

Alco-Sensor Tests

31. After three psycho-physical tests a member may administer an Alco-Sensor test to a suspected intoxicated driver.
32. The results of the Alco-Sensor test must be contained in the incident report as above or below 0.08% B.A.C.

Taking Operator into Custody

33. If it is determined that the operator is indeed intoxicated or impaired, an arrest will be made. Probable cause for this type of arrest may result from the officer's observation or an accident, which he/she need not have witnessed, or both.
34. The arresting officer will advise the operator that he/she is under arrest for driving while intoxicated. Refer to section 110-1 for searching, handcuffing and transportation of prisoners.
35. The arresting officer will notify the desk officer of intent to transport the prisoner to Headquarters for processing.
36. All intoxicants will be confiscated. Unopened containers will be vouchered according to department guidelines. Open containers to be used as evidence will be photographed, by the detective division, emptied and then vouchered as described above. This evidence will be then be processed by the Property Control Officer.
37. Unless the prisoner's vehicle can be released to a competent operator, the vehicle involved is to be secured in accordance with the impound towing procedure. Other



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personal property will be secured as per departmental regulations. All necessary property reports will be filed.

Chemical Tests

38. Upon arrival at Headquarters, the arresting officer will secure the prisoner in the detention room.
39. Arresting officer will read the arrested operator the DWI Warning, and file the proper departmental form.
40. Arresting officer will advise the arrested operator of his Miranda Warning.
41. If the arrested operator agrees to submit to a chemical test, section 109-9 of this Manual will be followed.

DMV Refusal Form

42. The arrested operator shall be read the DWI Warning by the arresting officer in the detention room.
43. The arrested operator shall be given three separate opportunities to submit to a chemical test at approximately twenty minute intervals. The DWI Warning shall be read each time the form is read. Following each answer, he shall affix his signature to the DWI Warning Form along with the arresting officer and witness signatures.
44. If after three separate opportunities have afforded the arrested refuses to submit to a chemical test he continues to assert his refusal to submit, the arresting officer will file the DMV Refusal Form.

Unconscious Persons

45. An operator of a motor vehicle is deemed to have given his/her consent to a chemical test. Therefore, an arresting officer may request a doctor, nurse or other medical personnel specified in the Vehicle and Traffic Law to withdraw blood from an unconscious driver for use in a DWI Prosecution. (See paragraph b below.)
 - a. The evidence obtained through the procedure in the preceding paragraph regarding unconscious persons is admissible in DWI cases. In the case of an accident in which Penal Law criminal charges may result where the suspect



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operator is unconscious, a court order as described in section 1194 (a) should be obtained prior to blood withdrawal. In the event, and only in the event, that a court order cannot be obtained, blood should be withdrawn pursuant to the arrest for Driving While Intoxicated.

- b. Section 60.75 of the Criminal Procedure Law allows the introduction of a blood test result into evidence in support of criminal charges where those charges have been joined with the charge of Driving While Intoxicated or Driving While Under the Influence of Drugs. Where a person other than the defendant has suffered serious physical injury or death, the PREFERRED procedure is to obtain a court order pursuant to NYS V&T Law section 1194 (a).
- c. Every effort should be made to obtain the blood sample within two hours of the defendant's arrest. Because the law in regard to the two-hour limit is unsettled, blood should still be withdrawn even where the two-hour limit has been exceeded.

While CPL section 60.75 allows for the introduction of a blood test result from an unconscious defendant obtained without a court order, no blood may be withdrawn from a conscious defendant who refuses a chemical test UNLESS a compulsory chemical test order is obtained from the court.

Compulsory Court-Ordered Chemical Testing

- 46. Requests for court-ordered chemical testing can only be made when a person, other than the operator, has been killed or suffered serious personal injury as defined in section 10.00 of the Penal Law.

Section 1194 (a) of the NYS V&T Law states that no person who operates a motor vehicle may refuse to submit to a chemical test for the purpose of determining the alcohol or drug content of his/her blood when a court order for such chemical test has been issued in accordance with the law. The judge's oral approval is sufficient for the officer to place the judge's name upon the order.

- a. An ORAL REQUEST for a court order to take blood from a person who refused to submit to a chemical test or is unable to give his/her consent, may be communicated by a police officer or district attorney to a supreme court justice, county or district court judge by telephone, radio or other electronic means, or in person.
 - i. The police officer must identify him/herself and state the purpose of the communication.



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- ii. The judge shall place the police officer under oath.
 - iii. Having been duly sworn, the applicant must state that such person
 - iv. Has been lawfully arrested; and
 - v. After that arrest, refused the chemical test or is unable to give his/her consent; and
 - vi. Was the operator of a motor vehicle and in the course of such operation, a person, other than the operator, had been killed or suffered serious personal injury, as defined in section 10.00 of the Penal Law; and
 - vii. Either such person operated the vehicle in violation of any subdivision of section 1192 of the NYS V&T Law, or a breath test administered by a police officer in accordance with section 1193 (a) of the NYS V&T Law has indicated that alcohol has been consumed by such person.
- b. The police officer must make specific allegations of fact to support his/her statement. Any other person properly identified, may present sworn allegations of fact in support of the applicant's statement.
- c. After the order is orally granted, the officer will fill in the written order and read the order back to the judge. If the judge approves the order as read to him/her, the officer will fill in the judge's name as well as his/her own. No action shall be taken in regard to obtaining a blood sample until the officer has completed a written order. Failure to complete the written order will result in court suppression of any test result obtained. Following withdrawal of the blood sample, a copy of the written order as prepared by the police officer will be forwarded to the judge who granted it. It is not necessary that the judge's signature be obtained upon the order.
47. After a test with a positive result or a Refusal to Submit, the desk officer may set bail on the defendant. Generally, where no aggravating circumstances exist, the prisoner may be released to a competent friend or relative.
48. In the event bail is set on the prisoner and the prisoner is unable to post bail, the prisoner must be examined by a medical personnel before being lodged in a detention cell whenever her/she shows signs of drug/alcohol withdrawal, has a blood alcohol reading in excess of .20 hundreds of one per centum or the prisoner is adjudged to be physically incapacitated. A prisoner shall be found physically incapacitated when he/she is incoherent or has severely and obviously impaired motor skills, such as the inability to walk or communicate, etc.



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49. If a prisoner is released, whether on his/her own recognizance or by posting bail, the desk officer will make certain that the return date on the Appearance Ticket is the next available court date.

Reporting

50. Members will record all circumstances of the offense on the proper forms, document all evidentiary procedures, and assure all paperwork is forwarded to the Police Clerk for dissemination.



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DWI ARREST - CHEMICAL TESTING			
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PURPOSE

To establish uniform procedures for the testing of blood alcohol or drug content in cases involving defendants arrested for driving while intoxicated or impaired by drugs or alcohol.

BACKGROUND

Section 1192 of the Vehicle and Traffic Law of New York State defines intoxication in terms of blood alcohol levels. The drawing of a defendant's blood by a licensed medical practitioner is time consuming. The use of breath-testing instruments to measure the ratio of alcohol in the blood to that in the breath is a quicker and easier way to determine blood alcohol levels. A third means of testing a defendant for the presence of alcohol or drugs is the collection of urine. A properly obtained urine sample can be analyzed for a wide array of drugs.

POLICY

It shall be the policy of this Department to use breath testing as the preferred means of determining blood alcohol level of persons arrested for driving while intoxicated, unless determined to be ineffective or impractical.

PROCEDURE

1. Prior to the administering of a breath test, the breath test operator (BTO) will verify with the defendant that he/she has given permission to submit to a chemical test. The consent shall be documented on the DWI Warning to Submit to a Chemical Test form. Although the presence of an attorney is not required prior or during the test, if a defendant requests to speak to an attorney, he/she will be provided use of a phone and given reasonable time to contact an attorney.
2. Only members of the Department currently certified as breath test operators by the New York State Department of Health are authorized to operate the Datamaster.
3. Prior to a breath test being administered, defendants wearing dentures must be requested to remove them due to the fact that they may trap alcohol in the mouth. If a defendant refuses to remove his/her dentures, it shall constitute a refusal.
4. Breath test operators must follow instructions given through the Datamaster instrument and enter all information accurately.



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5. If a defendant requests the results of the breath test, the BTO or arresting officer shall inform the defendant of the results.

Datamaster

6. The Datamaster calibration shall be verified at least once a week with three consecutive tests being made. The results shall be recorded on the calibration test sheet.
7. The Datamaster shall be calibrated semi-annually by the Division of Criminal Justice Services. A copy of the certification shall be maintained in the files of this Department.

Blood Tests

8. Blood kits are located in the Squad Room at Headquarters.
9. A blood test should be administered if a defendant consents to a chemical test and has sustained injuries to the mouth or has been transported to a medical facility for treatment of injuries sustained in an accident.
10. No person, except a physician, registered professional nurse, medical laboratory technician or medical technologist as classified by civil service, phlebotomist, medical laboratory technician, medical technologist employed by a clinical laboratory approved under title 5 of article 5 of the Public Health Law and under the personal supervision and direction of a physician, or registered physician's assistant, acting at the request of a police officer shall be entitled to withdraw blood for the purpose of determining the alcohol or drug content therein.
11. The officer must make certain that no alcoholic preparation is used to sterilize the skin or is otherwise used on or near the defendant until after the blood specimen has been obtained. The officer shall witness the withdrawal of the blood and take control over the sample to preserve the chain of evidence.
12. The sample will be collected using the blood alcohol collection kit, making sure that both tubes are filled with blood.
13. The arresting officer shall retain possession of samples and voucher same, placing them into the departmental refrigerator, and notifying the Property Control Officer,



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via a voucher receipt, of the presence of the evidence. Upon receiving them, the Property Control Officer will transport the samples to the Westchester County toxicology lab.

Urine

14. Urine test kits are located in the Squad Room at Headquarters.
15. In a case of suspected driving under the influence of drugs, only one sample shall be taken. If samples are to be tested for alcohol, two samples are to be taken. Follow the explicit directions inside the evidence kit.
16. If two samples are taken, the first sample will be obtained as soon as possible after the arrest. The second will be obtained 30 minutes after the first.
17. The arresting officer, if of the same gender, shall witness the taking of the samples. The presence of a doctor, nurse or laboratory technician is not mandatory.
18. The arresting officer will place the forensic science labels on the sides of each urine sample. Each of the containers will be sealed tightly and the top secured with evidence seal tape. One sample will be labeled "1st sample," the other, "2nd sample." The containers will be placed inside the packing and secured. The requested information will be entered on the outside of the cardboard box. Urine samples do not need to be kept refrigerated.
19. The arresting officer shall take control of the samples and process them in accordance with section 111-1, notifying the Property Officer via receipt. The Property Officer shall then cause transport of the sample to the Westchester County Toxicology Lab.

Compulsory Court Ordered Chemical Testing

20. Requests for court-ordered chemical testing can only be made when a person, other than the operator, has been killed or suffered a serious physical injury as defined in section 10.00 in the Penal Law. Section 1194(a) of the NYS Vehicle and Traffic Law states that no person who operates a motor vehicle may refuse to submit to a chemical test for the purpose of determining the alcohol or drug content of his/her blood when a court order for such chemical test has been issued in accordance with law.



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21. An ORAL REQUEST for a court order to take blood from a person who refused to submit to a chemical test or is unable to give his/her consent, may be communicated by a police officer or district attorney to a supreme court justice, county or district court judge by telephone, radio or other electronic means, or in person.
22. The police officer must identify him/herself and state the purpose of his/her communication.
23. The judge shall place the police officer under oath.
24. Having been duly sworn, the applicant must state that such person:
 - a. Has been lawfully arrested.
 - b. After that arrest, refused the chemical test or is unable to give his/her consent.
 - c. Was the operator of a motor vehicle and in the course of such operation, a person, other than the operator, had been killed or suffered serious personal injury, as defined in section 10.00 of the Penal Law.
 - d. Either such person operated the vehicle in violation of any subdivision of section 1192 of the NYS V&T Law, or a breath test administered by a police officer in accordance with section 1193 (a) of the NYS V&T Law has indicated that alcohol has been consumed by such person.
25. The police officer must make specific allegations of fact to support his/her statement. Any other person properly identified, may present sworn allegations of fact in support of the applicant's statement.
26. After the order is orally granted, the officer will fill in the written order and read the order back to the judge. If the judge approves the order as read to him/her, the officer will fill in the judge's name as well as his/her own. No action shall be taken in regard to obtaining a blood sample until the officer has completed a written order. Failure to complete the written order will result in court suppression of any test result obtained. Following withdrawal of the blood sample, a copy of the written order as prepared by the police officer will be forwarded to the judge who granted it. It is not necessary that the judge's signature be obtained upon the order.
27. The judge's oral approval is sufficient for the officer to place the judge's name upon the order.



OPERATIONS PROCEDURE			Procedure No: 109-10
BOATING WHILE INTOXICATED			
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PURPOSE

To establish uniform guidelines for properly processing offenses for Boating While Intoxicated.

BACKGROUND

Boating While Intoxicated (BWI) is governed by Section 49-a of the New York Navigation Law which prohibits the operation of a Vessel while under the influence of alcohol or drugs. This law also provides for the penalties and sanctions for individuals convicted of BWI and other violations. Penalties may include suspension of a person's privilege to operate a vessel and possible suspension of the vessel registration. Additionally, Article 48 of the New York V.T.L. governs the registration of vessels owned and operated within New York State.

PROCEDURE

Boating While Intoxicated, Reporting and Processing

1. When deciding upon the appropriate charge, the following should serve as a reference guide:

Operating with Ability Impaired	Navigation Law 49-a(2)
Operating While Intoxicated	Navigation Law 49-a(2)(b)
Operating While Intoxicated	Navigation Law 49-a(2)(f)
Second Offense within 10 Years	
Chemical Test Refusal	Navigation Law 49(a)(7)(b)

2. Officers processing a BWI Arrest shall follow normal DWI arrest procedures, except that the Office of Parks, Recreation and Historic Preservation Uniform Appearance Ticket shall be used in lieu of a T-SLED summons. The information contained on this form shall serve as the basis for the conviction record. All information should be included and should be typed or printed legibly. These summonses are serialized and must be accounted for. On the upper left corner, the issuing officer must insert our Agency ID number, 04-2610. The top copy of the summons is to be given to the defendant. ALL REMAINING COPIES are to be forwarded to the Court. Prior to this, the arresting officer should make a photocopy of the summons and attach it to the Incident Report for our files. A Desk Appearance Ticket is only required if bail is taken as a condition of release.



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Refusal to Submit To a Chemical Test

3. When a suspected intoxicated operator refuses to submit to a chemical test and no compulsory test has been administered pursuant to Court order, the arresting officer shall complete a REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST - VESSEL (AA-134V) form. It is similar to the refusal report currently used for motor vehicle refusals. The white, goldenrod and pink copies of said report shall be forwarded to the court. The yellow copy shall remain with the arrest folder and shall be taken to the refusal hearing which will be held by a DMV Hearing Officer.

Vessel Operating Record

4. An officer may access the vessel license file through NYSPIN to ascertain whether or not the operator in custody has a prior record for any of the above violations. "Vessel Convictions" and "Vessel Privileges Suspended" will appear at the very end of the license record display.

Boating Registration

5. Boating registration is regulated by the V.T.L pursuant to Article 48. Any violations of its provisions also must be reported on the Uniform Appearance Ticket, as opposed to a T-SLED Summons.



OPERATIONS PROCEDURE			Procedure No: 109-11
INTOXICATED PERSONS			
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PURPOSE

To assist members in the handling and processing of persons under the influence of alcohol/intoxicants.

PROCEDURE

Public Intoxication, per se, is not a violation of law and an arrest cannot be made in such an instance. In the alternative, Section 35.33 of the Mental Hygiene Law indicates that the Department of Mental Hygiene Commissioner is empowered to make regulations for handling of intoxicated persons and or persons incapacitated by alcohol. Officers shall take the following action when confronted with investigations of intoxicated people in public places:

1. If the subject is not incapacitated to the degree that he may endanger himself or other persons or property and is not otherwise violating a law or ordinance, he should be left alone and if necessary observed from a distance.
2. If subject is incapacitated and needs care, every attempt should be made to return him to his home when practicable.
3. If it is not feasible to return the subject and he is incapacitated by alcohol, he should then be taken into custody, and:
 - a. Have subject examined by a physician.
 - b. With doctor's recommendation, contact Westchester County Medical Center, Psychiatric Admitting Unit and attempt to place subject in their care.
 - c. As an alternative, contact St. Vincent's Hospital in Harrison.
 - d. If the "a", "b" or "c" above cannot be accomplished, attempt to have subject treated at a Hospital Emergency Room as an aided case.
4. Transportation of intoxicated persons to and from any hospital should be accomplished by means of an ambulance with a police officer in attendance, whenever possible.
5. The fact that public intoxication does not constitute a violation of law does not mean that persons responsible for other crimes, through intoxication, are not held accountable for their acts. Officers may charge such persons with appropriate harassment, disorderly conduct, reckless endangerment, DWI charges, etc. as may be necessary.



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INTOXICATED PERSONS			
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Intoxicated Minors

6. Whenever a uniformed officer investigates or takes into custody a youth under the age of twenty-one who has in his possession an alcoholic beverage, said officer as a matter of policy must endeavor to:
 - a. Ascertain where the youngster obtained the beverage and under what circumstances. Charge the person under Section 65 of the A.B.C. Law for either (a) selling the alcoholic beverages to or (b) procuring the alcoholic beverages for the underage drinker when the evidence and circumstances support and warrant such action. If the facts and circumstances leave reasonable doubt in the mind of the investigating officer, gather all necessary and relevant information regarding the incident. In any event, the investigating officer shall gather at least the following information:
 - i. The names, addresses and ages of all persons having knowledge of the sale;
 - ii. The identity of the salesperson or bartender, including description;
 - iii. The liquor license number, the establishment's owners' names, and its business address ;
 - iv. The type of and amount of alcohol sold;
 - v. Whether or not identification was offered;
 - vi. Whether or not an adult third party obtained the beverages for the underage drinker;
 - vii. Whether or not the purchaser was already intoxicated at the time of the sale.
 - b. When a clerk, bartender or owner of a licensed premise is charged with the sale of an alcoholic beverage to an underage person, the charging officer shall complete a Division of Alcoholic Beverage Control POLICE REFERRAL FORM (P.D.1) including therein all essential facts. Additionally, this form shall be prepared whenever a clerk, bartender or owner of a licensed premise is charged with any violation of the Alcoholic Beverage Control Law, (i.e. serving after 4:00 a.m., permitting premises to become unruly, obstructing view from the street, failing to display license, etc.)
7. Underage persons procuring alcoholic beverages through fraudulent means should be charged with Section 65-b of the A.B.C. Law. The same general information as listed above should be obtained and appear in the Incident or a Supplementary Report. Written statements shall be obtained from the seller of the beverage listing



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the type of identification offered. If the described identification is still on the person of the offender at time of arrest, same shall be retained and processed as evidence. Officers are reminded that an affirmative defense is available for sellers of alcoholic beverages if the sale was premised on the presentation of a "photographic identification card apparently issued by a governmental entity and that the alcoholic beverage had been sold, delivered or given to such person in reasonable reliance upon such identification." Sect. 65(4).

8. Underage persons possessing alcoholic beverages with the intent to consume same should be charged under Section 65-c regardless of how procured. Once again, all information listed under paragraph "A" above should be obtained. When charging an underage drinker with Sect. 65-c only, no arrest is authorized. See Sect. 65-c(3). Officers should release the suspect at the scene on an Appearance Ticket without bail unless:
 - a. The suspect is charged with an additional arrestable offense; or
 - b. The suspect is intoxicated and may pose a threat to himself if released. In this instance, the offender is to be brought to headquarters only for the purpose of releasing him/her to a parent or guardian.
9. In all of the above cases, notify the parents of any youngster whenever there is reasonable suspicion that the youngster was involved with alcoholic beverages while either the operator or a passenger in a motor vehicle. (The purpose is to simply make the parents aware that the youngster might be participating in an activity that is unhealthy or is in the company of someone who may be placing others at risk or jeopardy.)
10. The Department's Youth Officer is charged with the responsibility of reviewing all departments' investigative and auto accident reports to ensure this practice and to conduct follow-up investigations as necessary.



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOL BEVERAGE CONTROL

ENFORCEMENT OFFICES

Albany 518-474-0385
Buffalo 716-847-3039
New York City 212-961-8376

POLICE REFERRAL FORM

IN ORDER FOR THE STATE LIQUOR AUTHORITY TO PROPERLY EVALUATE AND DETERMINE THE APPROPRIATE COURSE OF ACTION ON THIS REFERRAL IT IS NECESSARY THAT THE REPORTING OFFICER/AGENCY SUBMIT COPIES OF ALL ARREST REPORT/S; INCIDENT REPORTS; SUPPLEMENTAL REPORTS; WRITTEN STATEMENTS AND AFFIDAVITS; VERBAL ADMISSION FORMS; DRUG BUY SHEETS; LAB/FIELD TEST REPORTS; NAMES ADDRESSES AND PHONE NUMBERS OF WITNESSES; AND ANY OTHER PERTINENT DOCUMENT/S OR INFORMATION WITH THE REFERRAL

TO: DIVISION OF ALCOHOLIC BEVERAGE CONTROL
ATTN: COUNSEL'S OFFICE
80 SOUTH SWAN, SUITE 900
ALBANY, NY 12210

Date: _____

Information from License Certificate			
License Serial# (Upper left corner)			
Name of Licensee		DBA (Trade Name)	
Address of Premises		Certificate # (Lower Right corner)	
Date and Time of Violation	Name of Person in Charge and Title (Licensee, Manager, Bartender, Etc)		

Status of Investigation: ☐ Open ☐ Closed	Supporting Documents Attached? ☐ Yes ☐ No
	If no, explain why and date of approximate availability.
Department:	Officers directly involved:
Address:	
City, Town or Village	Phone # Fax #



OPERATIONS PROCEDURE		Procedure No: 109-12	
VILLAGE CODE VIOLATION PROCEDURES			
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PURPOSE

To inform members of service on the proper procedure for processing those individuals charged with violations of Larchmont Village Ordinances.

BACKGROUND

Village Code offenses typically are "violations" of law, as opposed to a "crime" (a misdemeanor or felony). As such, in order to charge for the violation, an officer needs personal knowledge or the violation has to have taken place in the officer's presence. Therefore, the action taken by the responding officer will vary depending upon the circumstances present.

PROCEDURE

Offenses Not Committed in the Officer's Presence

1. When investigating violations of the Village Code such as Dog at Large, Noise complaints, etc., the officer normally will not have the requisite personal knowledge and will be responding to a situation that has been witnessed by another.
2. In this situation, the officer should just assist the complainant at the time the complaint is lodged by preparing an Information. The person or complainant should not be referred to the court for this purpose. All such papers will be completed and signed by the complainant.
3. The appropriate paperwork shall then be placed at the police desk for processing by the Police Clerk who will then forward same to the court. If a court trial becomes necessary, the complainant will be notified by the court and or the complainant can obtain the disposition of the case through the Court Clerk.
4. If the complaint is a Dog at Large, a specific Accusatory Instrument Form is available and should be completed, instead of the standard Information, by the complainant. The complainant shall provide as much information as possible and then sign the affirmation at the bottom. The Police Clerk will complete the supporting deposition and include the number of previous convictions on her statement and on the information.



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Offenses Committed in Officer's Presence

5. Upon occasion, the officer him/herself will have witnessed the offense such as in the instance of Open Container, Solicitation without a Permit, etc. In these instances, the officer will detain the violator only long enough to verify his/her identity and any possible wanted status.
6. If satisfactory identification is proffered, the violator will be issued a Desk Appearance Ticket at the scene and released without bail.
7. If bail is required or the officer is not satisfied with the suspects' identity, the officer will process the violator according to the Operations Order pertaining to Arrest Procedure. Ordinary care and caution, along with departmental standard regulations will apply to transportation and booking.
8. The violator shall be searched, with the appropriate property voucher being prepared for his/her property and all evidence marked and safeguarded. If bail is to be taken, the desk officer shall record the amount taken on the Desk Appearance Ticket, provide the suspect with his/her copy and notify the suspect as to the return date.
9. Whether released at the scene or from custody at Headquarters, the arresting officer shall prepare an Arrest Sheet and an Accusatory Instrument. All completed paperwork, including the Incident Report, will be forwarded to the Police Clerk for proper processing.

NOTE: A Parking Summons SHOULD NOT BE USED in lieu of Desk Appearance Tickets.



OPERATIONS PROCEDURE			Procedure No: 109-13
ZERO TOLERANCE PROCEDURES			
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PURPOSE

To assist members in the handling and processing of persons violating the Zero Tolerance provisions of the Vehicle & Traffic Law.

BACKGROUND

Section 1192-a to the Vehicle & Traffic Law, known as the Zero Tolerance Law, was enacted on November 1, 1996. The law requires a six-month suspension of a driver license or privilege and payment of a civil penalty if it is determined, after a hearing conducted by the Department of Motor Vehicles (or a waiver of hearing by the motorist), that person under the age of 21 operated a motor vehicle after having consumed alcohol (that is, had a BAC of .02 to .07). After a guilty finding, a fee is required to terminate the license suspension for a first offense; a re-application fee is required for a second offense.

PROCEDURE

1. A chemical test must be administered within two hours of the time the motorist was stopped. If the motorist is younger than 21 years of age, and is believed to be operating a motor vehicle in violation of Section 1192, the police officer should follow current procedures. When the BAC reading, if .06 to .07, the officer must decide whether to charge the motorist with a violation of Section 1192(1) or 1192-a.

Detaining the Motorist

2. A motorist may be DETAINED on a Section 1192-a charge, but no arrest may be made. There is no suspension of the driver license pending the hearing, but a suspension will be imposed if a motorist fails to appear for the scheduled hearing.

Processing the Detained Motorist

3. Since 1192-a charges are adjudicated at DMV hearings, and not in criminal courts, a Uniform Traffic Ticket SHOULD NOT be issued. The police officer must schedule the hearing (by selecting the next available date from DMV hearing schedule). The officer must also complete the hearing notice, form AA- 137A.1 "Notice/Waiver of Hearing (Sections 1192-a & 1144-a)". The law provides that the hearing shall occur not less than 48 hours nor more than 30 days from the date the chemical test is administered. If no hearing scheduled is within this time frame, the officer has one of two options:
 - a. The officer can schedule a hearing that falls within the time frame in an



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adjoining county upon applying to a Command Officer for permission to testify in another jurisdiction, or

- b. The officer can schedule the next available hearing in Westchester County even if it falls outside of the specified time frame.
4. Included with the hearing information (date, time and location) is a hearing waiver (on the reverse side of the form); the officer must mail the completed AA-137A.1 to Albany (mailing instructions are included on the form). The actual mailing may be completed by the Police Clerk. The police officer should give the top copy to the motorist, keep the second copy for the police record and send the third copy to DMV within 24 hours from when the test results are available. Data on the BAC reading (result of breath/saliva/urine/blood test(s), date/time conducted and location) must also be entered on the form by the police officer.
5. When providing the operator with the hearing notice, also give the operator copies of the following reports, documents and materials: any written report or document concerning a physical examination, a scientific test or experiment (including the most recent record of inspection, or calibration or repair of instruments utilized to perform such scientific tests or experiments), which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity; and the certification certificates, if any, held by the operator of the instrument. The police officer should also bring a copy of these reports and documents to the hearing.
6. After detaining the motorist and scheduling the DMV hearing, the officer must appear at the hearing to testify (unless it is waived by the motorist). The officer must also bring copies of all forms to the hearing. The scope of the hearing is limited, to establishing the following issues:
 - a. the motorist operated the motor vehicle;
 - b. a valid request was made by the police officer to submit to a chemical test, as provided in Section 1194;
 - c. the test determined and displayed that the motorist had driven after having consumed alcohol, as defined in Section 1192-a;
 - d. the police officer lawfully stopped the motorist.

The burden of proof is on the police officer to provide clear and convincing evidence on each of these issues.



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Refusal of a Chemical Test

7. If the police officer believes that a motorist is in violation of Section 1192-a, but the motorist refuses to submit to a chemical test, then the motorist is entitled to a refusal hearing pursuant to new Section 1194-a of the Vehicle & Traffic Law. The police officer must report the refusal to DMV within 48 hours. The motorist's license is not suspended pending the hearing. Unlike a regular chemical test hearing, there is no arraignment in court; the proceeding is initiated when the police officer gives the motorist a Chemical Test Refusal Hearing Notice (DMV form AA137A). The police officer must include the place, date and time of the hearing on the notice. Schedule the refusal hearing by using the DMV schedule (in the same manner as for an 1192-a hearing).

The following issues must be addressed by the police officer at the chemical test refusal hearing:

- a. prior to the refusal, the motorist was given clear and sufficient warning, that refusal to submit to the chemical test (or any portion of it) would result in revocation of driver license or permit, or nonresident privilege;
 - b. the motorist refused to submit to the chemical test (or any portion of it);
 - c. the defendant was the operator of the motor vehicle; the motorist was younger than 21 years of age at the time of the incident;
 - d. the police officer made a lawful stop of the motorist.
8. Persons who are found to have refused a chemical test will be subject to a license revocation of at least one year and must pay a civil penalty; repeat offenders face enhanced penalties.

Additional Information

9. If the police officer fails to appear at the hearing or to bring copies of the forms, the ALJ may dismiss the charges.
10. A motorist may be charged with Section 511(2) of the Vehicle & Traffic law, Aggravated Unlicensed Operation in the Second Degree, if the person operates a motor vehicle when his or her license is suspended or revoked as the result of a Section 1192-a finding.



OPERATIONS PROCEDURE			Procedure No: 109-14
RECORDING OF CUSTODIAL INTERROGATIONS			
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PURPOSE

To establish guidelines for the electronic recording of suspects' statements during custodial interviews and the associated use, management, storage and retrieval of such recordings.

POLICY

It shall be the policy of the Larchmont Police Department to employ electronic recording devices when conducting custodial interrogations. It is expected that electronically recording custodial suspect interrogations will enhance the investigative process and assist in the investigation and prosecution of criminal cases. Critical evidence can be captured through the recording of interrogations. The recording will also preserve information needed regarding a person's right to counsel and the right against self-incrimination and it can be used to resolve a person's claim of innocence. Similarly, the electronic recording of custodial interrogations will assist in defending against civil litigation and allegations of officer misconduct.

Definitions

Custodial interrogation:

- a. *Custodial*: The objective standard for determining a suspect's custodial status is whether a reasonable person, innocent of any wrongdoing, would have believed that he or she was not free to leave.
- b. *Interrogation*: Interrogation refers not only to express questioning, but also to any words or actions on the part of the police (other than those normally associated with arrest and custody) that the police should know are reasonably likely to elicit an incriminating response.

Electronic recording: A digital, electronic video or other recording on electronic media.

Electronic media: Video signals recorded on any of several storage media, including, but not limited to, analog tape (VHS, S-VHS, Hi 8), digital recording (DVD) or other portable digital storage media (CD, MP3 player, hard drive, etc.).

Recording room: For the purpose of this policy, includes any designated room outfitted with audio-video recording equipment, and any police vehicle similarly equipped.



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Qualifying Offenses

1. Whenever possible and practicable, an electronic recording of a custodial interrogation should be made when the subject to be interviewed is reasonably suspected in the commission of the following, including but not limited to:
 - a. All A-I non-drug felonies;
 - b. All B violent felonies codified in Section 125 of the New York State Penal Law;
 - c. All B violent felonies codified in Section 130 of the New York State Penal Law.

Note: Nothing in this policy prohibits the use of electronic recording equipment for any other interview or offense at the discretion of the police department.

Exceptions

2. It is understood that recording may not always be possible. The following are some, but not all, of the practical reasons that may prevent an interrogation from being recorded:
 - a. Electronic recording equipment malfunctions.
 - b. Electronic recording equipment is not available, i.e.: it is already in use.
 - c. Statements are made in response to questions that are routinely asked during the process of arresting a person.
 - d. Spontaneous statements are made that are not in response to police questioning.
 - e. Statements are made by the suspect at the time of arrest.
 - f. Statements are given in response to a custodial interrogation at a time when the interviewer is unaware that a qualifying offense occurred.
 - g. Statements are made during a custodial interview that is conducted at another location not equipped with recording devices, and the reasons for using that location are not to undermine the intent of this policy.
 - h. Statements are made during a custodial interview at a location other than the recording room identified in these procedures because the defendant cannot be in the recording room, i.e.: the defendant is out of the state, in a hospital or is in a correctional facility.
 - i. Statements are made after a suspect has made a documented refusal to participate in the interrogation if it is recorded.
 - j. Inadvertent error or oversight occurs that was not the result of intentional conduct of law enforcement personnel.



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Field Interviews

3. This policy is not meant to discourage field interviews. Gathering “real time” information in the field can be critical for an investigation. For example, information is often immediately needed to locate a weapon, to find victims or accomplices, or to secure a crime scene. If information is gathered from the suspect in the field regarding a qualifying event, efforts should be made to memorialize the statements at the earliest practicable time.

Miranda Warnings

4. Any custodial interrogation must be preceded by the reading of Miranda Warnings. This does not preclude pre-interrogation discussions with the subject before Miranda Warnings are read and the actual interrogation commences. In cases involving qualifying offenses where the interrogation is to be recorded, all conversations that occur inside the recording room must be recorded, including pre-interrogation discussions and the administration of the Miranda Warnings.

PROCEDURE

Prior to Recording

5. **Record entire interview:** The recording equipment should be turned on prior to the subject being placed within the recording room and should only be turned off after the subject has left the room after the interrogation is completed. All discussions in the recording room, including any pre-interrogation discussions, even if they occur before the reading of Miranda Warnings, must be included in the recording. Should the need arise for either the subject or the interrogating officer to leave the recording room; recording devices should continue to operate without interruption. If the recording is temporarily stopped, the reason for stopping the recording and the duration should be documented.
6. **Suspect search:** Prior to the interview, the interviewing officer should be certain that the suspect, who is in custody, was searched for weapons, contraband, evidence, electronic devices or telephones and that all relevant items were removed.
7. **Covert Recording:** the electronic recording equipment shall be installed in a covert manner. The interviewing officer shall not inform the subject that the interrogation is being recorded, nor discuss the topic of recording. However, if the



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subject asks about the interview being recorded, the interviewing officer shall advise the subject of the existence of recording equipment.

8. **Eavesdropping:** Article 250 of the Penal Law must be followed to avoid any circumstance in which conversations are recorded in which no party thereto is aware of the recording. To legally record a conversation, at least one party must be aware of, and have consented to, the recording.
9. **Juveniles:** To ensure that juveniles, over seven and less than sixteen years of age, can be questioned in the recording room, the room may also be designated a juvenile room, where practical. To meet these criteria, the room shall be designated by the Chief Administrator of the Courts as a suitable place for the questioning of juveniles and it must comply with the requirements of 22 N.Y.C.R.R. 205.20.

Note: A juvenile room is not required for a person between thirteen and fifteen years of age who will be prosecuted as an adult in criminal court as a juvenile offender pursuant to section 1.20 (42) of the C.P.L.

When questioning a juvenile, who will be prosecuted as a juvenile delinquent under the Family Court Act (over seven and less than sixteen years old), the interview should take place in a designated juvenile room.

The officer should be aware of other considerations, including the parental notification requirements and the requirement that the parent or guardian of the child be given Miranda Warnings of Family Court Act Section 305.2, applicable to the questioning of juvenile delinquents, and Criminal Procedure Law Section 140.20(6) requiring the arresting officer to notify the parent or guardian of the arrest and the location where the juvenile is detained when the juvenile offender is arrested without a warrant. The officer may also consider using simplified Miranda Warnings when questioning a juvenile.

10. **Recording Device Responsibility:** At least one officer conducting the interrogation shall be responsible for operating the recording device used during the interrogation and should know the Department's electronic recording protocols.
11. **Recording Time and Date:** Date and time stamping of the electronic recording is mandatory, and if the recording equipment employed cannot digitally time stamp the video, the video camera should be positioned to also capture in frame an analog clock, preferably with a sweeping second hand to show the linear and



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uninterrupted passage of time. The clock should be positioned out of the suspect's line of sight so as not to serve as a distraction.

12. **Camera Position and Field of View:** To the extent practicable, the camera positioning and field of view should be set to capture as much of the room and occupants as possible while still maintaining a frontal high angle view of the interrogated subject.
13. **Recording Capacity:** Before the interrogation begins, the officer should make sure there is enough capacity to record the entirety of the interrogation.
14. **Document Equipment Challenges:** The time and nature of any irregularities that occur with the equipment should be documented by the officer in writing. Even if there is a problem with the electronic media, the electronic media must be preserved.

During Recording

15. **Attorney Visit:** If the subject of a recorded interrogation has an attorney visit, the subject and attorney shall be offered a separate, private area in which to confer if one is available. The recording of the empty room can continue during their absence to memorialize the event until such time that the interrogation is either resumed or terminated. Alternatively, a record can be made of when the recording was discontinued for the attorney visit. If the interrogation re-commences after the attorney visit, then there should be documentation of the attorney's agreement to allow the questioning to continue and the time that the recording began again. In no event shall the visit between the attorney and the suspect be recorded.
16. **Written Statements:** After the subject of the recorded custodial interrogation has provided all of the pertinent information, a written statement may be obtained from the subject. If the officer decides to obtain a written statement, that procedure should also be recorded.
17. **Identification of Parties:** All persons within the recording room should be identified on the recording, whether by the interviewing member or by the subjects themselves.
18. **Acknowledgement of Provisions to Subject:** Where possible, it should be made clear on the recording when a subject is or has previously been provided with food, drink, cigarettes, access to toilet facilities, etc.



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After Interview

19. **Label Recording Media:** After the custodial interrogation, the officer conducting the interrogation, shall label all applicable documents, recorded media and notes according to Department protocols.
20. **Avoid Altering Media:** No person shall alter the operation of the electronic recording equipment. No person shall, in any manner or for any purpose, alter the original "master" electronic recording of a custodial interrogation.
21. **Copies:** Reproductions of the recorded interrogation should be made according to Department protocols. Any defense request for a copy of the interrogation should be referred to the District Attorney's Office.
22. **Originals:** The original of the electronic media should be appropriately vouchered, and the original recording retained pursuant to section 111-01 of this manual. Electronic media may be utilized to create an original of the recording for systems that write and maintain the video file on a hard drive or server.
23. **Dissemination of Recordings:** Any dissemination of any recording shall be carried out according to documented Department policy and procedures.
24. **C.P.L.710.30 Notice:** Complete a 710.30 CPL Notice of Statement and indicate that an electronic recording was made, or conversely, was not made, of a custodial interrogation. The substance of all oral admissions must also be documented on the 710.30 CPL form from all involved members regardless of whether there was a subsequent recorded and/or written statement.

Note: Failure to notify the prosecutor of the recorded interview could prevent its use in court.



OPERATIONS PROCEDURE		Procedure No: 109-15	
UNLAWFUL IMMIGRATION STATUS PROCEDURE			
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PURPOSE

To establish procedures to be followed by Members of the Larchmont Police Department when encountering persons who actually have or are suspected to have entered or remained in the United States unlawfully.

POLICY

Members shall not engage in enforcement activities solely for the purpose of enforcing federal immigration law nor detain persons based solely upon the suspicion that such persons have entered or remained in the United States unlawfully except as provided for herein.

PROCEDURE

GENERAL

1. Except as otherwise provided herein, Members shall not stop, question, interrogate, investigate, or arrest an individual based solely on actual or suspected illegal immigration or citizenship status;
2. Members shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches them or other Member seeking assistance, unless necessary to investigate criminal activity by that individual.

ACTION UPON IMMIGRATION DETAINERS

3. Members may not detain an individual based solely on the existence of an Immigration Detainer, unless:
 - a. the individual has been taken into custody on local charges, and said charges constitute:
 - i. any Offense set forth in the statutes of the New York State Penal Law;
 - ii. any Misdemeanor or Felony set forth in the statutes of the New York State Vehicle and Traffic Law;
 - iii. any Misdemeanor or Felony of the Ancillary Statutes of the State of New York.
4. Members will not detain individuals who have committed Violations of the statutes set forth in the Vehicle and Traffic Law or Petty Offenses set forth in the



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Ancillary Statutes of the State of New York based on the existence of an Immigration Detainer. In such cases the individual will be made aware of the existence of the Immigration Detainer and advised to immediately contact Immigration and Customs Enforcement.

DETENTION FOLLOWING ARREST

5. Once an individual has been taken into custody the arresting officer shall adhere to the procedures set forth in the sections of chapter 109 of this Operations Manual.
6. Additionally, the arresting officer shall contact Immigration and Customs Enforcement and make notification that an individual is in the custody of the Larchmont Police Department and of the existence of an Immigration Detainer, and determine from ICE if it is their intention to respond and take custody of the individual, and if so, request a time frame.
7. The tour supervisor shall determine if the time requested by ICE to respond and take custody of the individual is reasonable, but should not exceed four hours beyond the posting of pre-arraignment bail.
8. If contact with ICE cannot be made or if the amount of time required by ICE is deemed unreasonable by the tour supervisor, the individual will be released after posting bail and will be made aware of the existence of the Immigration Detainer and advised to contact Immigration and Customs Enforcement.

DETENTION ABSENT LOCAL CHARGES

9. Individuals may be detained even if there are no local charges pending in response to an Immigration Detainer, for up to forty-eight hours, when:
 - a. the Immigration Detainer is accompanied by a judicial warrant;
 - b. there is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return as defined by 8 U.S.C. § 1326;
 - c. there is probable cause to believe that the individual has or is engaged in terrorist activity.

NOTE: An immigration detainer is a tool used by U.S. Immigration and Customs Enforcement (ICE) and other Department of Homeland Security (DHS) officials when the agency identifies potentially deportable individuals who are held in jails or prisons nationwide. They are only requests made by ICE; compliance is voluntary. Law Enforcement Agencies have discretion to decide which detainers to honor and under what circumstances.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law
Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____

Date of Birth: _____ Nationality: _____ Sex: _____

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

- ☐ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):
- ☐ has a prior a felony conviction or has been charged with a felony offense;
 - ☐ has three or more prior misdemeanor convictions;
 - ☐ has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;
 - ☐ has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
 - ☐ has illegally re-entered the country after a previous removal or return;
 - ☐ has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
 - ☐ otherwise poses a significant risk to national security, border security, or public safety; and/or
 - ☐ other (specify): _____
- ☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).
- ☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).
- ☐ Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

- ☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request derives from federal regulation 8 C.F.R. § 287.7. For purposes of this immigration detainer, you are not authorized to hold the subject beyond these 48 hours. As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- ☐ Provide a copy to the subject of this detainer.
- ☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- ☐ Consider this request for a detainer operative only upon the subject's conviction.
- ☐ Cancel the detainer previously placed by this Office on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking/Inmate #: _____ Latest criminal charge/conviction: _____ (date) Estimated release: _____ (date)

Last criminal charge/conviction: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

(Name and title of Officer)

(Signature of Officer)



OPERATIONS PROCEDURE			Procedure No: 109-16
EXTREME RISK PROTECTION ORDERS			
DATE ISSUED: 24AUG19	DATE EFFECTIVE: 24AUG19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish uniform procedures to deal with petitions for Extreme Risk Protection Order (ERPO).

BACKGROUND

Effective 24 August 19, pursuant to Article 63-A of the New York State Civil Practice Law & Rules, enumerated persons may file a petition with the Supreme Court to issue an order of protection prohibiting a person who is at a high risk of using firearms to hurt other people or themselves from purchasing, possessing, or attempting to purchase a firearm, rifle or shotgun.

Although the petition for Extreme Risk Protection Orders is a process of the Courts, and not a law enforcement matter until such time as the Order is issued by the Court, members of the public requesting such an order are most likely to turn to the Police Department for assistance.

POLICY

It is the policy of this Department to facilitate the petitioner in an Extreme Risk Protection Order in filing the application.

PROCEDURE

1. The following individuals may file a petition for an ERPO:
 - a. Police Officer or District Attorney,
 - b. Family or Household Member,
 - c. School Administrator or designee
2. Subsequent to interviewing the individual who is requesting to file an ERPO petition, the assigned member shall:
 - a. Provide to the petitioner the Request for Judicial Intervention form
 - b. Provide to the petitioner the instructions to compile the form
 - c. Generate an Incident Report
 - d. Direct the petitioner to Westchester Supreme County Court to file the ERPO Petition.
3. Background Investigation:



OPERATIONS PROCEDURE		Procedure No: 109-16	
EXTREME RISK PROTECTION ORDERS			
DATE ISSUED: 24AUG19	DATE EFFECTIVE: 24AUG19	REVISION NUMBER:	PAGE: 2 of 2

- a. When Court issues temporary order, it will direct that the law enforcement agency having jurisdiction conduct a background investigation and report to the court any of the following:
 - i. Does respondent have prior conviction for an offense involving domestic violence, use of weapon or other violation?
 - ii. Any current criminal charge pending.
 - iii. Is Respondent currently on parole or probation.
 - iv. Does Respondent possess any registered firearms, rifles or shotguns.
 - v. Has Respondent been the subject to any order of protection.
 - vi. Has Respondent violated or allegedly violated any order of protection.
4. Hearing:
 - a. must be held not less than 3 not more than 6 business days from issuance
 - b. if temporary order is not granted, a hearing must be held within 10 business days from date of application (if not withdrawn).
5. Burden of Proof:
 - a. At hearing, Petitioner must prove by "clear and convincing evidence" that Respondent is likely to engage in conduct that would result in serious harm to himself, herself or others.
6. After Hearing:
 - a. If ERPO is granted, all firearms, rifles or shotguns shall be surrendered by the Responded, or seized by this Department, and all firearms shall be retained by the Larchmont Police Department pursuant to the directives set forth in section 111-01 of this Manual.
 - b. Any firearm license possessed by Respondent shall be temporarily suspended by Supreme Court.
 - c. The ERPO shall extend for up to one year from date of issuance
 - d. Application to extend the ERPO can be made within 60 days of the expiration of the existing order.



REQUEST FOR JUDICIAL INTERVENTION

UCS-840
(rev. 07/29/2019)

_____ COURT, COUNTY OF _____

Index No: _____ Date Index Issued: _____

For Court Use Only:

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.		IAS Entry Date
-against-	Plaintiff(s)/Petitioner(s)	Judge Assigned
	Defendant(s)/Respondent(s)	RJI Filed Date

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

COMMERCIAL	MATRIMONIAL
☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) ☐ Contract ☐ Insurance (where insurance company is a party, except arbitration) ☐ UCC (includes sales and negotiable instruments) ☐ Other Commercial (specify): _____ NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C) .	☐ Contested NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M) . For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13). TORTS ☐ Asbestos ☐ Child Victims Act ☐ Environmental (specify): _____ ☐ Medical, Dental or Podiatric Malpractice ☐ Motor Vehicle ☐ Products Liability (specify): _____ ☐ Other Negligence (specify): _____ ☐ Other Professional Malpractice (specify): _____ ☐ Other Tort (specify): _____
REAL PROPERTY Specify how many properties the application includes: _____ ☐ Condemnation ☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial Property Address: _____ NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F) . ☐ Tax Certiorari ☐ Tax Foreclosure ☐ Other Real Property (specify): _____	SPECIAL PROCEEDINGS ☐ CPLR Article 75 (Arbitration) [see NOTE in COMMERCIAL section] ☐ CPLR Article 78 (Body or Officer) ☐ Election Law ☐ Extreme Risk Protective Order ☐ MHL Article 9.60 (Kendra's Law) ☐ MHL Article 10 (Sex Offender Confinement-Initial) ☐ MHL Article 10 (Sex Offender Confinement-Review) ☐ MHL Article 81 (Guardianship) ☐ Other Mental Hygiene (specify): _____ ☐ Other Special Proceeding (specify): _____
OTHER MATTERS ☐ Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section] ☐ Emergency Medical Treatment ☐ Habeas Corpus ☐ Local Court Appeal ☐ Mechanic's Lien ☐ Name Change ☐ Pistol Permit Revocation Hearing ☐ Sale or Finance of Religious/Not-for-Profit Property ☐ Other (specify): _____	

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

	YES	NO
Has a summons and complaint or summons with notice been filed?	☐	☐ If yes, date filed: ____/____/____
Has a summons and complaint or summons with notice been served?	☐	☐ If yes, date served: ____/____/____
Is this action/proceeding being filed post-judgment?	☐	☐ If yes, judgment date: ____/____/____

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

☐ Infant's Compromise	
☐ Extreme Risk Protective Order Application	
☐ Note of Issue/Certificate of Readiness	
☐ Notice of Medical, Dental or Podiatric Malpractice	Date Issue Joined: ____/____/____
☐ Notice of Motion	Relief Requested: _____
☐ Notice of Petition	Relief Requested: _____
☐ Order to Show Cause	Relief Requested: _____
☐ Other Ex Parte Application	Relief Requested: _____
☐ Poor Person Application	
☐ Request for Preliminary Conference	
☐ Residential Mortgage Foreclosure Settlement Conference	
☐ Writ of Habeas Corpus	
☐ Other (specify): _____	

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the RJI ADDENDUM (UCS-840A) .				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the RJI ADDENDUM (UCS-840A) .				
Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: ____/____/____

Signature

Attorney Registration Number

Print Name



1. Select "Supreme"

REQUEST FOR JUDICIAL INTERVENTION

2. Select the county where the respondent lives.

UCS-840

(rev. 07/29/2019)

SUPREME

COURT, COUNTY OF ALBANY

Index No: _____ Date Index Issued: _____

For Court Use Only:

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

IAS Entry Date

Jane Doe

3. Enter your full name.

Plaintiff(s)/Petitioner(s)

Judge Assigned

-aga inst-

John Doe

4. Enter the full name of the person you want the court to issue an ERPO against.

RJI Filed Date

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

COMMERCIAL

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
- ☐ Contract
- ☐ Insurance (where insurance company is a party, except arbitration)
- ☐ UCC (includes sales and negotiable instruments)
- ☐ Other Commercial (specify): _____

NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C).

REAL PROPERTY Specify how many properties the application includes: _____

- ☐ Condemnation
- ☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial

Property Address: _____

NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F).

- ☐ Tax Certiorari
- ☐ Tax Foreclosure
- ☐ Other Real Property (specify): _____

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section]
- ☐ Emergency Medical Treatment
- ☐ Habeas Corpus
- ☐ Local Court Appeal
- ☐ Mechanic's Lien
- ☐ Name Change
- ☐ Pistol Permit Revocation Hearing
- ☐ Sale or Finance of Religious/Not-for-Profit Property
- ☐ Other (specify): _____

MATRIMONIAL

- ☐ Contested
- NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M).*
- For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).*

TORTS

- ☐ Asbestos
- ☐ Child Victims Act
- ☐ Environmental (specify): _____
- ☐ Medical, Dental or Podiatric Malpractice
- ☐ Motor Vehicle
- ☐ Products Liability (specify): _____
- ☐ Other Negligence (specify): _____
- ☐ Other Professional Malpractice (specify): _____
- ☐ Other Tort (specify): _____

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE in COMMERCIAL section]
- ☐ CPLR Article 78 (Body or Officer)
- ☐ Election Law
- ☒ Extreme Risk Protective Order
- ☐ MHL Article 9.60 (Kendra's Law)
- ☐ MHL Article 10 (Sex Offender Confinement-Initial)
- ☐ MHL Article 10 (Sex Offender Confinement-Review)
- ☐ MHL Article 81 (Guardianship)
- ☐ Other Mental Hygiene (specify): _____
- ☐ Other Special Proceeding (specify): _____

5. Select "Extreme Risk Protective Order"

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

- | | YES | NO | |
|---|-----------------------|----------------------------------|------------------------------|
| Has a summons and complaint or summons with notice been filed? | ☐ | ☒ | If yes, date filed: _____ |
| Has a summons and complaint or summons with notice been served? | ☐ | ☒ | If yes, date served: _____ |
| Is this action/proceeding being filed post-judgment? | ☐ | ☒ | If yes, judgment date: _____ |

6. Select "NO" for all three questions

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise
- ☒ Extreme Risk Protective Order Application
- ☐ Note of Issue/Certificate of Readiness
- ☐ Notice of Medical, Dental or Podiatric Malpractice
- ☐ Notice of Motion
- ☐ Notice of Petition
- ☐ Order to Show Cause
- ☐ Other Ex Parte Application
- ☐ Poor Person Application
- ☐ Request for Preliminary Conference
- ☐ Residential Mortgage Foreclosure Settlement Conference
- ☐ Writ of Habeas Corpus
- ☐ Other (specify): _____

7. Select "Extreme Risk Protective Order Application"

Date Issue Joined: _____	Return Date: _____
Relief Requested: _____	Return Date: _____
Relief Requested: _____	Return Date: _____
Relief Requested: _____	Return Date: _____

RELATED CASES				
List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the RJI ADDENDUM (UCS-840A).				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES				
For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the RJI ADDENDUM (UCS-840A).				
Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
☒	Name: Jane Doe Role(s): Petitioner	123 Main Street, Albany, NY 12205	☐ YES ☐ NO	
☒	Name: John Doe Role(s): Respondent	456 Pine Street, Albany, NY 12205	☐ YES ☒ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 08/26/2019 15. Enter today's date

 Attorney Registration Number

 Signature
 Jane Doe
 Print Name

16. Enter your name 17. Sign the form



OPERATIONS PROCEDURE			Procedure No: 110-01
PRISONER HANDLING AND TRANSPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE

To establish the policy and procedure of this Department, to guide officers in the searching, handcuffing and transport of persons taken into custody.

POLICY

Safety and security are the main consideration in dealing with persons who have been taken into custody;

SAFETY - Of the officers, persons in custody, and the general public.

SECURITY - The prevention of escape. Officers must effectively neutralize any threat that the subject may pose, using only the minimum amount of restraint necessary to accomplish this purpose.

PROCEDURE

1. Generally, the person taken into custody shall be frisked immediately after apprehension, and handcuffed. When assistance arrives, a full search of the defendant shall be made.
2. As a contemporaneous incident of a lawful custodial arrest of the occupant of a vehicle, the passenger compartment thereof shall be checked for any possible weapons or devices that can be used to assault or otherwise facilitate escape.
3. The arresting member is fully responsible for his/her prisoner until that prisoner is lawfully turned over to another police officer, a legitimate detention facility or an agency that is empowered to accept responsibility for the prisoner. The arresting member will properly document such transfer of custody.
4. Whenever assuming responsibility for a prisoner in the field, the receiving officer shall re-search the prisoner.

Searching Female Prisoners

5. Prisoners will be searched by officers of the same sex whenever possible.
6. Reasonable grounds must exist to believe that the prisoner has in her possession property (weapons, drugs, other evidence) that may be hidden about the person and



OPERATIONS PROCEDURE			Procedure No: 110-01
PRISONER HANDLING AND TRANSPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 2 of 6

there is imminent danger that this property may be utilized, discarded, or otherwise destroyed.

7. Searches in such cases shall be conducted:
 - a. So as to scrupulously avoid any appearance of impropriety.
 - b. With the utmost regard to decency and privacy.
 - c. In the presence of a superior and or other witness (if possible).
8. Under no circumstances shall a male officer engage in a strip search or body cavity search of a female prisoner.

Handcuffing Prisoners

9. Generally, all prisoners transported in a police vehicle or detained in HQ detention cell or cellblock area shall be handcuffed; the exception being where the age, infirmity, injury or other specific condition of the defendant renders him/her relatively harmless.
10. Whenever possible, prisoners will be handcuffed with the hands behind the back, palms out, and the cuffs double locked. However, when a transport belt is used, the handcuffs will be placed through the ring on the belt and secured with the hands in front of the prisoner.
11. When applying handcuffs, the double locking pin should be accessible from the top.
12. The handcuffs shall be secured upon the wrists and adjusted so as to prevent the prisoner from slipping out, but not so tight as to cause injury.
13. When handcuffing a prisoner, the locking device, whenever possible, should be used. To lock the cuffs, insert the cuff key stem into the locking pin at the top of the handcuffs. This will prevent the need for further adjustments once they are properly set.
14. Prisoners will be secured with leg irons on long distance transports and/or violent-tempered.



OPERATIONS PROCEDURE			Procedure No: 110-01
PRISONER HANDLING AND TRANSPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 3 of 6

Transporting Prisoners

15. Whenever possible, prisoners shall be transported in the rear seat of a caged police vehicle.
16. When transporting prisoners of the opposite sex, immediately notify Headquarters of that fact; and
 - a. Obtain departure and arrival time checks.
 - b. Provide departure and arrival odometer readings.
17. Member will search the prisoner and the vehicle transporting the prisoner before and after each transport.
18. Members will not engage in any type of pursuit or emergency driving while transporting a prisoner. They will not respond to other calls for service unless there is a clear risk of grave injury to another person and the safety of the prisoner will not be at risk.

Transporting Prisoner by Common Carrier

19. Transporting officers will give advance notice to the carrier.
20. Officers will comply with the carrier's policy concerning prisoner transportation and the police officer carrying a firearm.

Escape of Prisoner - Reporting Procedure

In the event that a prisoner escapes from custody, the transporting member will:

21. Immediately notify the desk officer of the escape, providing the following information:
 - a. The exact location of the escape.
 - b. A full description of the circumstances surrounding the escape.
 - c. Direction and manner of escape, i.e., foot, vehicle, assisted by others, etc.
 - d. The charges for which the prisoner is in custody.
22. The desk officer shall notify the tour commander and the Chief of Police.



OPERATIONS PROCEDURE			Procedure No: 110-01
PRISONER HANDLING AND TRANSPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 4 of 6

23. Tour Commander/ Patrol Supervisor or shall:

- a. Dispatch sufficient personnel to cordon off and thoroughly search the area of escape.
- b. Cause a hot-line message to affected jurisdictions and request assistance as required.
- c. Notify jurisdiction in which escapee resides.
- d. Investigate circumstances surrounding the escape.
- e. Direct Incident Reports to be prepared.
- f. Complete an Administrative Report.

Out of County Jurisdiction

In the event a prisoner escapes while being transported through another jurisdiction, the transporting officer will:

24. Immediately notify the law enforcement agency of that jurisdiction.

PRISONER DETENTION LOG AND INSPECTIONS

25. Desk Officers are responsible for keeping the prisoner's detention record. Inspections shall be made in person at least once every half hour. During any prisoner confinement, the Desk Officer shall monitor the CCTV and intercom system when possible. If a prisoner is allowed a visitor, the intercom must be shut-off by the Desk Officer during the visit. A matron should be provided for all female prisoners. Desk Officers shall record every half-hour inspection, noting the condition of the prisoner in the Detention Log. This record shall be available for periodic inspection by the Department of Correction.

26. The Desk Officer shall not allow an unconscious prisoner to be lodged in a cell. He shall summon an ambulance and have the prisoner removed to a hospital under proper guard. A member of the force assigned to guard a prisoner shall do so until properly relieved. If assigned to guard a prisoner in a hospital, he shall give the relieving officer the criminal record of the prisoner, if any. Members of the Department shall promptly report to the Desk Officers a prisoner requiring medical attention. The Desk Officer shall summon a physician and if he so recommends, the prisoner shall be removed to a hospital under proper guard.



OPERATIONS PROCEDURE			Procedure No: 110-01
PRISONER HANDLING AND TRANSPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 5 of 6

Unusual Incidents Regarding Prisoners

27. The Desk Officer shall immediately notify the Chief of Police when a prisoner in a detention cell of this Department or in the custody of a member of the force:

- a. Dies of natural cause or by violence.
- b. Attempts to commit suicide.
- c. Attempts to escape or escapes.
- d. Seriously assaults a member of the Department.
- e. Is involved in any other unusual occurrence.

28. Whenever prisoners are being detained in the booking room or detention cells, no member of this Department or any other agency shall enter said area with their firearms on their person. Prisoner deaths in the detention cells must be reported within 6 hours of pronouncement to the State Commission of Correction. Such report may be made by fax at any time of day or night at 518-485-2467. The following criteria shall be observed in the reporting of such incidents:

- a. Any incident of an unusual nature which involves the life or physical welfare of a prisoner while detained or the physical well-being of a staff member during the discharge of official duties shall be promptly reported to the Commission's Albany office. This report must be made by mail within 24 hours of the incident to the Commission on their SCOC-501 Reportable Incident Form.
- b. Unusual incident Definition
 - i. Attempted suicides resulting in injuries.
 - ii. Assaults on employees resulting in injuries which require hospitalization.
 - iii. Injuries to inmates which require hospitalization.
 - iv. The following types of inmate disturbances:
 - v. The taking of hostages.
 - vi. The taking control of any portion of a facility.
 - vii. The major destruction of institutional property.
 - viii. Sit-down strikes.
 - ix. Escapes and attempted escapes.
 - x. Any other type of occurrence which threatens the good order, discipline and security of the facility and its occupants.



OPERATIONS PROCEDURE		Procedure No: 110-01	
PRISONER HANDLING AND TRANSPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 6 of 6

29. The Correction Law of New York Section 47sub. 2 mandates "every Administrator or a Correctional Facility shall immediately report to the Medical Review Board the death of an inmate." The Commission requires that each facility shall report the death via fax at 518-485-2467 within six hours of the pronouncement of death, regardless of the time of day or day of the week. The fax notification shall consist of a transmission of a completed Section One only, Form SCOC M187. In addition, said form with a fully completed Section One and Two should be forwarded to the Commission within 10 days. Mail to:

New York State Commission of Correction
Attention: Medical Review Board
80 Wolf Road, 4th floor
Albany, New York 12205-2670

Copies of the Death Certificate, Medical Examiner's report and other supportive information such as photograph's, signed statements, etc. shall be submitted with said form SCOC M187.

Contact Information for Commission of Correction

Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210

(518) 485-2346 Fax (518) 485-2467



OPERATIONS PROCEDURE			Procedure No: 110-02
PRISONER DETENTION PROCEDURES			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE

To establish procedures that will promote the safety and welfare of prisoners who are detained in detention room or cell area of the Larchmont Police Department, and the safety of members who bear custodial responsibilities.

BACKGROUND

Apart from the humane considerations involved, persons in custody who must be detained in the lockup are guaranteed certain rights and protection under the law. State Commission of Correction regulations clearly define standards for the care, custody, treatment, supervision and discipline of all persons confined in such lockup facilities (N.Y.S. Corrections Law parts 7500 through 7511).

POLICY

All prisoners shall be humanely treated and closely monitored while in official custody to protect their safety and welfare, and that of the Department personnel involved. All members shall make a diligent effort to identify prisoners who are in need of medical or mental health care, and take appropriate action dealing with said prisoners.

DEFINITIONS

Medical Emergency - Any situation in which a prisoner is:

- a) In danger of dying or sustaining serious bodily harm due to a physical problem, or injury (including self-inflicted injuries); or
- b) Incapacitated by drugs or alcohol to the degree that the prisoner may be a danger to self, others or property.

Mental Health Emergency - Any circumstance where, due to a mental illness, a person is at substantial and imminent danger to self or others.

Routine Supervision - A visual inspection of the prisoner a minimum of every fifteen minutes and a maximum of every thirty minutes



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Active Supervision - Means the immediate availability to prisoners of the department members responsible for the care and custody of such prisoner, including but not limited to:

- a. Supervisory visits to be conducted at fifteen 15 minute intervals; AND
- b. The uninterrupted ability of staff members to communicate orally with, and respond to each prisoner.

Constant Supervision - Means uninterrupted personal visual observation of prisoners by department members who are responsible for the care and custody of such prisoners.

PROCEDURE

Medical Condition of Prisoner

1. If a prisoner exhibits any signs of illness, injury or loss of consciousness or complains of such, medical attention will be provided prior to incarceration. If such signs develop while the subject is incarcerated, medical attention will be provided forthwith, regardless of whether or not the prisoner refuses medical assistance to our police department, the ambulance corps and fire department are to be summoned.

Particular attention will be paid to individuals who are apparently acutely intoxicated. These will be subjects who have a blood alcohol reading of greater than .20 or who display the symptoms of acute alcohol poisoning or confusion, stupor, coma and show signs of drug/alcohol withdrawal and/or physical incapacity.

2. If a required examination by competent medical personnel is delayed, constant supervision of the prisoner must be provided until such time as the examination can take place.
3. When a prisoner is received from other authorities and is in apparent need of medical attention, the desk officer will not accept custody of that prisoner until he/she has been afforded proper medical attention by that other authority.

Search of Prisoner before Incarceration

4. When a prisoner has been arrested and will be detained by incarceration at Headquarters, the desk officer shall instruct the officer to conduct a search. The



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searching officer shall remove from the possession of the prisoner all personal property, except essential clothing, with particular attention to:

- a. Items of contraband
- b. Evidentiary items
- c. Items that could be life-threatening
- d. Items that could facilitate an escape
- e. Items that can cause injury to self or others or damage property

Note: Strip searches shall be performed as outlined under section 110-3.

5. A prisoner's property will be inventoried and placed behind the police desk.
6. Firearms will not be worn or carried in and about the detention room and cell area when there are prisoners lodged therein, weapons should be secured in a gun depository locker located behind the police desk.
7. All doors must be kept locked whenever a prisoner is detained either the detention room or cell area. The inspecting member will physically check each door to ensure that all doors are in fact locked.
8. Desk officers shall be responsible for an in-person inspection of prisoners at the beginning of their tour of duty and every 15 minutes to 30 minutes thereafter, which shall be recorded on the Prisoner Log.
 - a. Active supervision - cell visits shall be made *at least* every 15 minutes.
 - b. Constant supervision - the prisoner shall be under *constant, uninterrupted* personal visual observation.
9. Each inspection shall be recorded, in ink, in the Prisoner Log book showing:
 - a. Time of inspection
 - b. Inspecting officer's signature
 - c. Apparent condition of the prisoner
 - d. Any necessary further remarks
10. The desk officer will make certain that detailed reports are submitted in a timely fashion, but no later than the time an officer secures from duty, in the event there is
 - a. A suicide or attempt
 - b. A death
 - c. An escape or attempt
 - d. An assault on an officer
 - e. Any unusual occurrence involving the life or physical welfare of a prisoner.



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11. A report of any of these occurrences must be made immediately, telephonically, by the desk officer to the State Commission of Correction. The telephone number is a 24-hour number: 518-485-2466. The desk officer shall obtain the file number assigned and the identification (title, name, etc.) of the person to whom it is reported. A follow-up written report is required by the state agency. It will be prepared and submitted by the Chief of Police.
12. In the event of any death or attempted suicide, in addition to all other required notifications, immediate notification shall be made to the highest ranking supervisor on duty and the Chief of Police.

Suicide Prevention/ Screening

It is the policy of the department that all personnel make a conscious effort to identify suicidal prisoners and/ or prisoners with serious mental health problems. Some detained persons may attempt suicide. A diligent effort must be exercised by all concerned members to prevent such acts by prisoners.

13. It is noteworthy that 65% of these suicide cases involve persons who have been drinking; they are found dead within a few hours after their arrest and detention.
14. Officers should be particularly attentive to the following symptoms of depression:
 - a. Sadness or crying
 - b. Withdrawal, silence
 - c. Lethargy - slowing of physical movements walking, talking
 - d. Rapid mood variation
 - e. Verbal cues: suicide threats, grossly unrealistic statements and feelings of persecution.
15. Not all suicidal persons will display signs of depression, but such signs are the best single indication of a potential suicide.
16. Persons with a history of suicide attempts and or a history of mental illness are prime subjects for careful observation.
17. The largest percentage of suicides occurs between the hours of midnight and 0800. An added degree of diligence must be exercised during that period.



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PRISONER DETENTION PROCEDURES			
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18. The arresting member while searching an arrested individual shall be alert to any references of past or current mental health problems or prescribed medication, which may indicate a possible suicide risk.
19. The arresting member shall make inquiry as to the mental health of arrested individuals and note observations and or statements which appear to be bizarre or unusual or any signs which would indicate a possible suicide risk.
20. The patrol supervisor shall screen all arrested prisoners prior to incarceration in the cell block area and that the prisoner is held within the direct sight and sound of a police officer until the screening has been conducted.
21. The patrol supervisor shall administer Suicide prevention Screening Guidelines by completing Form #330 ADM and take note if the prisoner meets any of the following criteria:
- Scores in the high risk or immediate referral category on form #330 ADM
 - Does not score high risk on form #330 ADM, but displays verbal or behavioral indications that he may be in need of medical or mental health attention.
 - Is in a semi-conscious or unconscious state.
 - Has prescribed medications within his/ her personal property.
22. If the above criteria is met the patrol supervisor will immediately:
- Interview and observe the prisoner to determine if emergency referral, medical or mental, is appropriate and initiate said referral if appropriate.
 - If prisoner is found to be a high suicide risk, and if applicable, contact a village justice for the purpose of issuing a commitment order to the Westchester County Jail Forensic Unit, for an evaluation under Section 730 of the Criminal procedure law.
 - If the prisoner does not require emergency referral and constant supervision is warranted assign an appropriate member or matron to constant supervision.
23. The screening shall be performed by a member who can communicate in the prisoner's own language.



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Patrol Supervisor's Responsibilities

24. Notify the patrol supervisor of the following tour that there is a prisoner in the detention cell and inform him/ her of any circumstances regarding the mental health of said prisoner.
25. At the beginning of each shift after being advised that there is a prisoner in the detention cell, inquire as to the mental health of the prisoner and check the Detention Log book for any entries concerning the mental health of prisoners.
26. Notify transporting members of any unusual precautions that should be taken during the transportation to the jail or medical facility.
27. If a prisoner is transported to the Westchester County Jail for the above commitment, or for incarceration purposes, a copy of form #330 ADM shall be transported with him/ her and turned over to the booking officer, along with all other information of any signs of suicide potential or mental health problems exhibited by the prisoner, and or any mental health medications found on or prescribed to the prisoner.

Suicide Prevention Training

28. All supervisory members who are supervising the intake and booking duties will receive training in the identification, safety and general welfare of prisoners who are suicidal or who have serious mental health problems.
29. All department supervisors will successfully complete training in the proper care of prisoners as deemed by The New York State Department of Corrections.

Food

30. Prisoners held over mealtimes will be provided with food that can and will be eaten in the cells.
31. Food for prisoners will be picked up by an officer on patrol. Retrieving member shall obtain a receipt, initial same, and note the petty cash book accordingly.



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PRISONER DETENTION PROCEDURES			
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Sanitation, Heat, Light and Ventilation

32. The desk officer will ensure that detention room and the cell block area are kept clean, and have proper heat, light and ventilation.



OPERATIONS PROCEDURE			Procedure No: 110-03
STRIP AND CAVITY SEARCH PROCEDURES			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish the policy and procedures of the Larchmont Police Department for its member to follow when conducting strip searches and body cavity searches of prisoners.

BACKGROUND

The United States Constitution protects citizens against improper body searches while they are in police custody. Police officers who conduct strip and body cavity searches of a prisoner must be aware of the laws and court decisions that have set limitations on these searches. This policy and procedure has been written to guide members of the Larchmont Police Department in conducting such searches.

POLICY

Members of the Department shall limit strip searches of defendants to the following situations:

1. When the circumstances surrounding the crime committed are such that the arresting officer has reasonable suspicion to believe that the arrestee is concealing a weapon or other contraband.
2. When the arresting officer can substantiate the search based upon reasonable suspicion, which is relative to the crime charged, the particular characteristics of the arrestee and or the circumstances of the arrest.

Note: Reasonable suspicion is not the same as reasonable or probable cause. It is something less than probable cause but more than a mere guess. In this case, the suspicion must be that the arrestee is concealing weapons and or other contraband.

3. The arresting officer shall discuss the justification for the search with a superior officer, and in doing so, state the facts that exist that lead the officer to believe that a strip or body cavity search of the defendant is necessary. The superior officer shall then either authorize or disallow the strip or cavity search. If a Command Officer is on-duty, he must be consulted prior to the conducting of the strip cavity search.
4. Every strip cavity search shall be documented in a written report that will be made a permanent part of the arrest records.



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STRIP AND CAVITY SEARCH PROCEDURES			
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PROCEDURE

Strip Search Requirements

5. When a strip or cavity search is required, it is always necessary to have more than one officer of the same sex as the defendant present, with one officer conducting the search and one officer witnessing the search.
6. Cavity searches shall be conducted in a private room or area. The area used shall be inspected by the officers conducting the search prior to and immediately after the search is completed. Such inspection is made to eradicate any doubt that the contraband was in the room prior to the search or was left behind afterwards.



OPERATIONS PROCEDURE			Procedure No: 110-04
PRISONERS: EMOTIONALLY DISTURBED, SICK, INJURED			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish the policy and procedure for the Larchmont Police Department for the members to follow to ensure that the necessary medical and/or psychiatric treatment is provided to prisoners in police custody.

POLICY

Prisoners who are apparently in need of medical and/or psychiatric care shall promptly receive first aid, if necessary, and then be transported to a proper treatment facility. All prisoners in need of psychiatric care will be kept under extremely close supervision to prevent them from harming themselves, others, or damaging property.

PROCEDURES

Arrested Persons - Medical Treatment

1. Prisoners in need of medical treatment shall be taken to the nearest medical facility either by patrol car or ambulance, as appropriate.
2. The member delivering or escorting the prisoner to the medical facility will remain with the prisoner until a preliminary diagnosis and medical treatment is rendered.
 - a. If the prisoner is not admitted, normal arrest processing procedure will be resumed.
 - b. If the prisoner is admitted, the officer will immediately notify the patrol supervisor to make the necessary security arrangements. Where the nature of the charges and other circumstances permit, a supervisor may direct that an Appearance Ticket be issued as alternative to maintaining guard.
 - c. If the prisoner is admitted and arraignment is necessary, the patrol supervisor will arrange for bedside arraignment as soon as possible.

Arrested Persons - Psychiatric Treatment

The Mental Hygiene Law section 9.41 gives police officers the authority to take into custody and remove or direct the removal of a 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."



OPERATIONS PROCEDURE			Procedure No: 110-04
PRISONERS: EMOTIONALLY DISTURBED, SICK, INJURED			
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“Likelihood to result in serious harm” is defined as follows:

- a. Substantial risk of physical harm to himself as manifested by threats of, or attempts at suicide or serious bodily harm, or other conduct demonstrating he/she is dangerous to him/ herself, OR
 - b. 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.
3. Members will attempt to identify prisoners who are in need of psychiatric care or that are suffering from serious mental health problems.
 4. Arrested persons who fit into the Mental Hygiene Law criteria for emergency removal shall be evaluated by a member of the Westchester County Crisis Team, or may be taken to a hospital which has the capability of performing a psychological evaluation.
 5. The Crisis team will not admit a patient for psychiatric care that is currently under arrest, therefore the arrested person may be released upon the issuance of an appearance ticket, where appropriate, if the case warrants admittance.
 6. If it is determined that an arrested person fits into the criteria for emergency removal he/she shall be kept under constant supervision until such person is turned over to medical authorities in accordance with the following sub-division.
 7. The arrested person may be transported by ambulance or a police vehicle, with an ambulance being the preferred method of transportation. When the ambulance is used a member must accompany the ambulance and stay with patient until he/ she is turned over to medical authorities.

REPORTING

All actions taken with regard to the provision of medical and or psychiatric care shall be documented on proper departmental forms, in accordance with existing procedures.

COMMUNICABLE DISEASES

If the prisoner is known to have, or is suspected of having, a communicable disease the member(s) should follow guidelines as described in this Manual, section 113-22.

EMERGENCY or C.P.E.P. EMERGENCY ADMISSION
(Sections 9.41, 9.45, 9.55 and 9.57 Mental Hygiene Law)**Custody/Transport Of A Person
Alleged To Be Mentally Ill To A Hospital Approved
To Receive Emergency or C.P.E.P. Emergency Admissions**

Person's Name (Last, First, M.I.)

"C" No.

Sex

Date of Birth

Address

I. § 9.41 Mental Hygiene Law**Custody/Transport By Certain Peace Officers and Police Officers**

I, _____, a Peace Officer/Police Officer of _____, hereby acknowledge that I have taken into custody _____, who appears to be mentally ill and is conducting him/herself in a manner which is likely to result in serious harm to him/herself or others.*

A. I have removed or directed the removal of this person to _____.

(Name of § 9.39 Hospital/C.P.E.P.**)

OR

B. I am temporarily detaining this person at _____, a safe and comfortable place, pending examination or admission to _____.

(Name of § 9.39 Hospital/C.P.E.P.**)

I am notifying _____

or _____ of _____ or _____

(Health Officer)

(City)

(County)

of this detention/removal.

(Signature of Peace Officer/Police Officer)

Title/Badge Number

Mo.

Day

Yr.

Hr.

Min.

☐ AM☐ PM**II. § 9.45 Mental Hygiene Law****Request By A Director of Community Services or Designee**

I, _____, am the Director of Community Services for _____.

(Name)

(City or County)

OR

I, _____, am the designee of the Director of Community Services for _____.

(Name)

(City or County)

It has been reported to me that _____ 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 him/herself or others.*

(Name of Person)

This information was reported to me by _____, who is:

(Name)

☐ a licensed physician☐ the health officer☐ the parent of the person☐ a licensed psychologist, a registered professional nurse, or certified social worker currently responsible for providing treatment services to the person☐ a peace or police officer☐ the adult sibling of the person☐ the spouse of the person☐ the committee of the person☐ the child of the person

I hereby direct, under the Mental Hygiene Law, that peace/police officers of _____ take this person into custody and transport him/her to _____.

(Department/Location)

(Name of § 9.39 Hospital/C.P.E.P.**)

OR

I hereby request, under the Mental Hygiene Law, that _____ transport this person to _____.

(Name of Ambulance Service)

(Name of § 9.39 Hospital/C.P.E.P.**)

Signature of Director of Community Services or Designee

Mo.

Day

Yr.

Hr.

Min.

☐ AM☐ PM

* "Likely to result in serious harm" means: (a) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself ("other conduct" shall include the person's refusal or inability to meet his or her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization), or (b) 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.

** A hospital approved by the Commissioner of OMH, under MHL Section 9.39, as maintaining adequate staff and facilities for admitting patients on an emergency basis; or, a C.P.E.P. licensed by OMH to provide psychiatric emergency services to patients admitted under MHL Section 9.40.

**Custody/Transport Of A Person
Alleged to be Mentally Ill To A Hospital
Approved to Receive Emergency Admissions**

Name (Last, First, M.I.)

III. § 9.55 Mental Hygiene Law**Request By A Qualified Psychiatrist**

I, _____, M.D., a qualified psychiatrist*, am supervising or providing treatment for _____ at _____, a facility licensed or operated by the Office of Mental Health which does not have an inpatient psychiatric service. I have examined this person and am of the opinion that s/he appears to have a mental illness for which immediate observation, care and treatment in a hospital is appropriate and which is likely to result in serious harm to him/herself or others.**

I hereby direct, under the Mental Hygiene Law, that peace/police officers of _____ (Department/Location) take into custody and transport this person to _____ (Name of §9.39 Hospital/ CPEP***)

—OR—

I hereby request, under the Mental Hygiene Law, that _____ (Name of Ambulance Service) transport this person to _____ (Name of §9.39 Hospital/ CPEP***)

Signature of Psychiatrist

								☐ AM
Mo.	Day	Yr.	Hr.	Min.				☐ PM

IV. § 9.57 Mental Hygiene Law**Request By An Emergency Room or C.P.E.P. Physician**

I, _____, M.D., am an emergency room physician or provide emergency medical services at _____ (Name of Hospital), a general hospital which does not have an inpatient psychiatric service.

—OR—

I, _____, M.D., am a physician at _____ (Name of C.P.E.P.)

It is my opinion, based on an examination of _____ (Name of Person), that s/he appears to have a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to him/herself or others.**

I hereby request that the hospital, program director, or the director's designee direct the removal of such person to a hospital approved by the Commissioner of OMH under MHL Section 9.39 or to a comprehensive psychiatric emergency program. ***

Signature of Examiner

								☐ AM
Mo.	Day	Yr.	Hr.	Min.				☐ PM

Based on the above request, I hereby direct under the Mental Hygiene Law that peace/police officers of _____

_____ (Department/Location) take into custody and transport this person to _____ (Name of §9.39 Hospital /CPEP***)

—OR—

Based on the above request, I hereby request under the Mental Hygiene Law that _____ (Name of Ambulance Service)

transport this person to _____ (Name of §9.39 Hospital /CPEP***)

Signature of Hospital Director/Designee

								☐ AM
Mo.	Day	Yr.	Hr.	Min.				☐ PM

* A qualified psychiatrist means a physician licensed to practice medicine in NY state, who: is a diplomate of the American Board of Psychiatry and Neurology or is eligible to be certified by that Board, or who is certified by the American Osteopathic Board of Neurology and Psychiatry or is eligible to be certified by that Board.

** "Likely to result in serious harm" means: (a) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself ("other conduct" shall include the person's refusal or inability to meet his or her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization), or (b) 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.

*** A hospital approved by the Commissioner of OMH, under MHL Section 9.39, as maintaining adequate staff and facilities for admitting patients on an emergency basis, or a CPEP licensed by OMH to provide psychiatric emergency services to patients admitted under MHL Section 9.40.



OPERATIONS PROCEDURE			Procedure No: 110-05
FEMALE PRISONERS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To clearly define the policy and procedures of this Department for searching, processing and transporting female prisoners.

BACKGROUND

Case law and the New York State Commission of Correction, through its Codes, Rules and Regulations (sections 7502.1 - 7504.1), dictates how a female prisoner should be searched and supervised. Rights of privacy must be respected. The observance of these rights should not be interpreted, however, as a restriction that prohibits a police officer from conducting a put-down search of a female prisoner at the time of arrest; or to remove weapons or evidence which can be destroyed or lost en route to Headquarters.

POLICY

The search and detention of female prisoners must be conducted and supervised, respectively, by a female police officer or police matron.

PROCEDURE

1. As soon as the supervisor is notified that a female prisoner is going to be detained in the lockup he/she shall:
 - a. Order a female officer, who is on duty, to conduct the search of the prisoner and assist in other required processing.
 - b. When a female officer is not on duty, the desk officer shall contact the department police matron and request that the matron respond to Headquarters to conduct the search and other processing as required.
2. When possible, female prisoners will be transported by a female member or matron. When a female member or matron is not available, TWO male members will be assigned to the transportation. In the case of transportation from the arrest scene to Headquarters, when a female member or matron is not present, it is recommended that another police vehicle follow directly behind the transporting vehicle until arrival at Headquarters.



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FEMALE PRISONERS			
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3. The transporting officer will transmit to the Desk Officer using Police F1, the starting location and beginning mileage, and upon arriving at headquarters he shall transmit the ending mileage. The Desk Officer will acknowledge both transmissions and respond with a time for each. The time and mileage shall be recorded in the dispatch notes in the initial computer entry.
4. When a female prisoner is to be placed in the Headquarters detention cell and no female member is on duty, the desk officer should call in a police matron.
5. Only female officers or matrons will monitor a female prisoner.
6. Absent extreme exigent circumstances, no male person shall be permitted to enter the area where female prisoners are detained unless accompanied by the matron.



OPERATIONS PROCEDURE		Procedure No: 110-06	
SUICIDE PREVENTION SCREENING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To establish guidelines to assure the safety of prisoners who are suicidal or have mental health problems, and assure that these prisoners will be handled accordingly.

POLICY

It is the policy of the Larchmont Police Department to ensure that all personnel make a diligent effort to identify highly suicidal prisoners and/ or prisoners with serious mental health problems, and that department personnel take appropriate precautions to prevent prisoner suicides, and insure the general safety of prisoners with mental health problems

BACKGROUND

Some detained persons may attempt suicide. 65% of prisoner suicides involve persons who have been drinking and they are found dead within a few hours after their arrest and detention. Officers should be aware of this and consider the mental health of all prisoners.

PROCEDURE

1. Officers should be particularly attentive to the following symptoms of depression:
 - a. Sadness or crying;
 - b. Withdrawal, silence, lethargy -slowing of physical movements, walking, talking;
 - c. Rapid mood variation;
 - d. Verbal cues such as suicide threats, grossly unrealistic statements and feelings of persecution.
2. Not all suicidal persons will display signs of depression, but such signs are the best single indication of a potential suicide. Persons with a history of suicide attempts and or a history of mental illness are prime suspects for careful observation. The largest percentage of suicide attempts occur between the hours of midnight and 0800. An added degree of diligence must be exercised during this period.



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SUICIDE PREVENTION SCREENING			
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Responsibility

The arresting officer shall:

3. Assure that prisoners have been searched in accordance with Section 110-1 of the Manual, and note any references in the prisoner's belongings to any past or current mental health problems, any prescribed medications, or any other indications that a prisoner may be suicidal.
4. Make inquiry as to the mental health of arrested individuals and note observations and/ or statements which appear to be bizarre or unusual, or any signs which would indicate a possible suicide risk.
5. Notify the tour supervisor immediately of any of the above indications.

The Tour Supervisor shall:

6. Ensure that all prisoners are screened prior to their incarceration in a department cell, and that prisoners are held within the direct sight and sound of the arresting officer until such screening has been conducted.
7. Administer Suicide Prevention Screening Guidelines by completing form #330 ADM and take note if the detainee fits any of the following criteria:
 - a. Scores high in the risk or immediate referral category on said form.
 - b. The detainee does not score high risk on the Suicide Prevention Form, but displays verbal or behavioral indications that he may be in need of medical or mental health attention.
 - c. Is in a semi-conscious or unconscious state.
 - d. Has prescribed medication within his personal property.
8. If the detainee fits one of the criteria above further interview him/ her to determine if he/ she warrants emergency referrals and, as appropriate initiate said referral , i.e. medical or mental.
9. If detainee is found to be a high suicide risk and if applicable, contact a Village Justice for the purpose of issuing a commitment order to the Westchester County Jail Forensic Unit, for a C.P.L. Section 730 evaluation.



OPERATIONS PROCEDURE		Procedure No: 110-06	
SUICIDE PREVENTION SCREENING			
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10. If the detainee is to be transported to the Westchester County jail for commitment, a copy of Form #330 ADM is also to be transported with him/ her and turned over to the booking officer along with all other information of any signs of suicide potential or mental health problems exhibited by detainee, and /or any mental health medications found on, or prescribed for detainee.



OPERATIONS PROCEDURE			Procedure No: 111-01
PROPERTY AND EVIDENCE MANAGEMENT			
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PURPOSE

To establish a property and evidence system within the Larchmont Police Department, to provide guidelines to members of the Department in the proper methods of entering and removing evidence or other property from the property and evidence system and for collecting, preserving and marking evidence or other property found at the scene of an incident.

BACKGROUND

Property and evidence coming into the custody of members of the Department must be safeguarded and handled in a uniform and consistent manner so as to preserve its integrity for possible use in court, as well as its return to its owner.

POLICY

It shall be the policy of the Larchmont Police Department to provide for the proper and lawful management and control of found, recovered and evidentiary property and any other property in the custody of the Department. Procedures with respect to handling, security and disposition of property will be strictly adhered to in conformance with local, state and federal regulations. All property taken into the custody of this Department shall be recorded on the Department's Property/Evidence Invoice form by the member vouchering the property with the following exceptions:

- a. Vehicles: Follow procedures as outlined in Section 111-2 of this manual.
- b. Photographs: All photographs taken in connection with an investigation by this agency shall be noted in the incident report and shall be filed in the related case folder. Photographs from negatives and Polaroid photographs shall be stored in the related case folder.
- c. Latent fingerprint lifts: Which are transferred from a crime scene or from evidence shall be recorded on a supplemental detective report and a latent fingerprint card and shall be stored in the related case folder. Any transfers IE: ID section - Westchester County Department of Public Safety shall be recorded on the supplemental detective report.
- d. Keys turned into the Department will not go into the Property/Evidence Management System, but will be handled as a lost and found and left at the Desk area.
- e. Nuisance Property: IE: perishable items, alcoholic beverages possessed by minors where no prosecution is anticipated and unsanitary items of no



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evidentiary value. Photos should be taken and put into the case folder as described above.

The Property/ Evidence Invoice is maintained as a database in the department's computer system, and enough copies shall be printed and distributed as follows:

- a. With the property
- b. Case folder copy
- c. Owner/ Finder's Receipt copy
- d. Property Clerk copy.

PROCEDURE

1. Members shall classify property, adding any other classification that is applicable, in one of the following categories:
 - a. Arrest Evidence - property held as evidence in arrest situations.
 - b. Decedent Property – held property of a decedent.
 - c. Found property - property held as found pending identification of the legal owner or claimed by the finder in accordance with state law.
 - d. Investigatory – property taken into custody and held as evidence if an arrest has not yet been made.
 - e. Other - categories of property not defined above. Example: property seized through the legal process.

Property Clerk

2. The assigned sergeant shall serve as the property clerk. The property clerk will be under direct supervision of the Administrative Officer. The Administrative Officer may designate, as needed, other members of the Department as an assistant property clerk.
3. The property clerk shall be responsible for all property received into the custody of this Department.
4. The property clerk shall be responsible for the returning of any property to the owner by the Department.
5. The property clerk will receive and log evidence returned from the forensic laboratory and the district attorney's office. Each package or envelope will be checked to ensure that it is properly sealed and identified before acceptance.



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6. The property clerk will secure all money, precious metals, jewelry, gem stones, narcotics, dangerous drugs, firearms, etc., in a locked and secure safe within the evidence/property room.
7. The property clerk will review all property entries to determine the proper time for destruction.

Vouchering and Storage of Property

8. To ensure that all evidence and property stored by the Department is properly controlled it must be stored in one of the following designated areas:
 - a. Evidence/Property Bin
 - b. Evidence/Property Room
 - c. Case folder
9. A member who takes possession of evidence or property shall secure same in the evidence/property bin.
10. Evidence or property of large quantity, bulk items or that of extenuating circumstance shall be secured in the desk area until properly processed by the property clerk.
11. Evidence or property too large to secure in the evidence/property room, such as motor vehicles or bicycles, shall be secured in the police garage, found bicycles shall be secured in the bicycle rack in the police garage.
12. Evidence or property that requires refrigeration shall be secured in the refrigerator located within the squad room.
13. Once the evidence or property has been vouchered and secured, the member shall immediately place the property clerk copy of the voucher in the property clerk's mail box.
14. Any evidence or property removed from a towed or impounded vehicle shall be recorded on a Property Voucher.
15. Motor vehicles seized as evidence and that require processing by the detective division or other agency, shall be secured in the police garage. Once the vehicle has been secured the vehicle shall be cordoned off and treated as a crime scene.



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16. All property received by this Department, for whatever reason, with the exceptions of vehicles, photos taken by law enforcement, found keys, and latent fingerprint lifts, shall be recorded on a Property Voucher.
17. A Property Voucher is required even though a physical transfer has not taken place. (E.G., when property, not including exceptions, is immediately returned to a known owner and is not transferred to the Property Clerk.)
18. As soon as practical, the property clerk or the assistant property clerk shall take custody of the evidence or property and verify the accuracy of the Property Voucher to the corresponding evidence or property. The receiving of property shall be recorded on the Property Voucher by the property clerk or the assistant property clerk.
19. The property clerk or assistant property clerk shall secure evidence or property in the evidence/property room located on the first floor of Headquarters or other designated area.
20. Access to the evidence/property room shall be limited solely to the property clerk, the assistant property clerk, and the Chief of Police.
21. The property clerk and the assistant property clerk shall have responsibility for maintaining all appropriate records that reflect the status of all evidence or property held by the Department in a secure area to prevent removal or record manipulation, and will be held accountable for control of all evidence or property accepted by or stored in the Department's storage area(s).

Inspection and Audits

22. During January of each year and whenever a new assigned sergeant, property clerk or assistant property clerk is assigned, the Administrative Officer shall assign the Detective Sergeant to perform an inventory and audit of evidence and property within the protective custody of the Department.
23. The inventory and audit shall be done by selecting 10 items within the evidence and property system for audit. The Detective Sergeant shall select items from various classifications, i.e., drugs, firearms, found property, etc. and verify their existence and location within the evidence and property system.



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24. The Detective Sergeant shall prepare and transmit a memorandum to the property clerk sergeant detailing the items selected for the audit, as well as the results of the audit.
25. The original memorandum shall be maintained by the Chief of Police in the regular course of business. A copy of the memorandum may be maintained by the property clerk.

Release of Evidence to Police Personnel

26. The property clerk or assistant property clerk will only release evidence or property to the member(s) listed in the related case as assigned member(s) with the following exceptions:
27. The detective sergeant or youth officer or another member designated by them may sign out evidence or property in conjunction with a criminal investigation.
28. Evidence or property that has been authorized for release to a victim by the assigned member, the court and/or the prosecuting attorney or evidence that has been authorized by the district attorney for return to its rightful owner shall be returned only after photo(s) have been taken of said evidence.
29. When evidence or property is removed from the department, e.g.: lab, forensics, etc. the property clerk, assistant property clerk, or the assigned member must make an entry on the Property Voucher and a supplemental incident report shall be made.
30. When evidence or property is removed from the evidence/property room and the seal on the evidence container must be broken, the member must
- Complete a new evidence container;
 - Secure the evidence and the original container within the new evidence container;
 - Seal the evidence container.

Transfer of Evidence

31. Any time evidence or property is transferred by a member to another law enforcement agency, prosecutorial or analytical agency or to the owner or other person having interest, the property clerk or assistant property clerk must make an entry on the Property/ Evidence Invoice and a supplemental S.J.S. report shall be made.

Seized Evidence or Property



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32. When evidence or property is seized as a result of a crime, arrest, search warrant, etc., and a criminal prosecution is anticipated, the detective sergeant or a member designated by the detective sergeant shall examine the evidence to determine if forensic analysis is required.
33. Evidence or property that requires forensic analysis shall be delivered to the Westchester County Forensic Unit. The transporting member must make an entry on the Property/ Evidence Invoice and an addition shall be made on the supplemental detective report.
34. If a blood sample is to be analyzed for drug content (not alcohol), the property clerk shall have the sample delivered to the Toxicology Laboratory of the Westchester County Medical Examiner's Office, as soon as practical. In critical cases, the sample may be delivered immediately to the Toxicology Laboratory by the reporting member, in either case an entry must be made on the Property/ Evidence Invoice and an addition shall be made on the supplemental report.

Evidence Transferred to Court

35. When the seizing member is subpoenaed to court for an arrest involving evidence, the member will:
- Upon receipt of the court subpoena, contact the district attorney regarding the need for evidence in the court proceeding.
 - If the district attorney so requests, obtain the evidence from the property clerk or the Forensic Laboratory and transfer same to the requesting district attorney.
 - The property clerk or acting property clerk must then make an entry on the property clerk's copy of the Property Voucher.

Note: If the district attorney requests that they keep the property delivered to them, the delivering officer must get a receipt for said property. It will be the responsibility of the delivering officer to return all property to the property clerk or assistant property clerk, or in lieu of said property, a signed receipt by an authorized receiver of property.



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Stolen Property File Check

36. If possible, a member who recovers property shall perform an inquiry via the eJustice Portal in an effort to identify and locate the owner. The result of the inquiry shall be recorded on an incident report.

Notification to Owner

37. A member who recovers property shall make reasonable effort to notify the owner of the property. If the member cannot notify the owner, the property clerk shall attempt to notify the owner.

Release of Property

38. Upon receiving a request to release property the property clerk shall:
- Determine if the property is classified as evidence. If the property is evidence, the property clerk will contact the district attorney's office or village court clerk, to ascertain if the property can be released, if authorization is obtained to release the property a notation of who granted the authorization will be recorded in the related case.
 - If the property is found property, the property clerk may release the property to the finder provided that the owner cannot be located through reasonable efforts and the property has been retained for the appropriate retention schedule in accordance with the New York State Personal Property Law article 7-B, section 253, subdivision 7.

Value of Property/Cash Amount	Time of Retention
Less than \$100	3 months
\$100.00 or more but less than \$500	6 months
\$500 or more but less than \$5000	1 year
\$5000 or more	3 years

- All property that is released shall be recorded on a Property/ Evidence Invoice and signed for by the recipient.



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Disposal of Firearms

Firearms shall be disposed of in accordance with the New York State Penal Law, Article 400, Section 400.05, titled "Disposition of Weapons and Dangerous Instruments, Appliances and Substances". Weapons not covered under the Penal Law Article 400 shall be disposed of only after a review, by the property clerk, of the circumstances of the incident that brought the matter to the attention of the police.

Any firearm that is surrendered or voluntarily delivered to the Department pursuant to section 265.20 of the Penal Law shall be disposed of in accordance with section 400.05 subdivision 6 of the Penal Law.

It shall be the responsibility of the property clerk, when taking possession of a weapon, to determine if it is stolen, and if not, then to determine ownership. No handgun shall be released without evidence of ownership.

No handgun shall be released without evidence first being submitted by the person attempting to retrieve the handgun that he/she possesses a valid pistol permit for the weapon in the Department's custody. A photocopy of the permit shall be attached to the supplemental report and notations of such copy shall be made on any other Department form that may be involved with the weapon.

Destruction of Drugs

39. When narcotic substances are identified for destruction the property clerk will:

- a. Obtain a court Order authorizing the destruction of the narcotics.
- b. Make arrangements with a municipal agency to incinerate the drugs.
- c. With the Administrative Officer present, collect the drugs to be destroyed.
- d. With the Administrative Officer present, inventory, seal and box the drugs to be destroyed.
- e. With the Administrative Officer present, transport the drugs to the location of incineration.
- f. With the Administrative Officer present, personally place the drugs into the incinerator.
- g. With the Administrative Officer present, remain at the location of incineration until the drugs are completely destroyed.
- h. Complete a Property Custody Report including the Affidavit of Destruction signed by the property clerk and related witnesses.



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Property Held for Safekeeping

40. It shall be the policy of the Department not to routinely accept personal property for safekeeping. Under certain circumstances the department is obligated to take possession and safeguard personal property of an individual.
41. When determined by a supervisor that the personal property of an individual is to be accepted for safekeeping, a written report describing the circumstances surrounding the incident shall be required.
42. All property accepted for safekeeping shall be:
- Properly safeguarded
 - Listed on a property voucher;
 - Secured in a sealed evidence/property container;
 - Placed in the evidence/property bin.
43. If the property being accepted is a firearm, the member will:
- Make an eJustice inquiry "GINQ" based on the serial number on the firearm.
 - Attach a copy of the inquiry and reply to the incident report and the Property Voucher.
 - Properly safeguard the firearm.
 - Secure the firearm in the evidence/property bin.
44. It is the policy of the Department not to routinely accept firearms for safekeeping. The Department is obligated to accept firearms for safekeeping when an individual surrenders a firearm for disposal or in any situation where the supervisor believes that not accepting the firearm would create a hazardous condition.

Property Auction

45. The Chief of Police will be responsible for holding property auctions to dispose of property.
46. Property that may be disposed of at auction is:
- Unclaimed property.
 - Evidence - after all court proceedings related to evidence have been completed.
 - Found property - provided the finder does not wish to receive the property.



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47. In no case will property be auctioned until every reasonable attempt has been made to identify the rightful owner of the property and notify him/her to retrieve same from the property clerk.

Taking Custody of and Securing Evidence or Property

48. A member shall collect, package, label and otherwise account for every item of physical evidence gathered in accordance with accepted practices and techniques outlined in training and following rules and procedures of the Department that govern submission of evidence to the property clerk.

49. A member who takes possession of evidence or property from the scene of an incident shall mark his/her initials on same for future identification.

50. A member will mark property so as not to:

- a. Damage the evidence;
- b. Impair its processing for technicians;
- c. Allow the mark to be accidentally or readily removed.

51. If marking would have a negative effect, the item shall be placed into a bag/container that would not effect said property, and same shall be marked accordingly

52. Found property need not be marked for identification.

53. Wet evidence may be secured behind the police desk area until dried and then marked for identification.

54. All evidence and property will be properly safeguarded.

55. Once the evidence or property is safeguarded it shall be packaged in an appropriate evidence container or envelope.

56. A Property Voucher shall be complete, either typed or written neatly. There are to be no boxes left blank. If the box does not apply, N/A shall be put in said box. The property clerk has the authority to reject any voucher that he/she deems insufficient.



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57. All drugs and money related to drugs shall be placed in an appropriate evidence container, properly sealed and placed into the property/evidence bin. The property clerk will not accept evidence unless it is sealed.
58. Evidence packages involving controlled substances will not be mixed with those of different defendants or other types of evidence.
59. All controlled substances including capsules and pills shall be counted by the member prior to sealing the appropriate evidence container.
60. The member will document the quantity of controlled substance on the evidence container and in the Description section of the property voucher.
61. When controlled substances or narcotics are taken into custody as the result of a "Buy," the member processing the evidence will mark on the appropriate evidence container "Buy." If there are multiple "Buys," the appropriate containers will be marked "Buy #1," "Buy #2," etc.
62. If drugs are taken into custody under circumstances other than arrest or investigation, e.g., found, the member shall document on the Property Voucher that the drugs are to be destroyed.
63. Under no circumstances is a member to store any narcotic evidence in his/her personal locker.
64. All containers of narcotics and dangerous drugs shall be inspected for tampering by the property clerk as a safeguard against the substitution of material having the same weight.

Controlled Substances

65. For felonies where the defendant is being incarcerated, the New York State Criminal Procedure Law, section 180.80, requires that a felony hearing be conducted within 144 hours of time of arrest. Controlled substances or evidence recovered during an arrest, are to be transported to the Westchester County Laboratory for analysis in a timely fashion, thereby allowing sufficient time for laboratory analysis to be completed and forwarded to the district attorney's office prior to a mandated felony hearing that must take place within the allotted time frame.



OPERATIONS PROCEDURE			Procedure No: 111-02
VEHICLE IMPOUNDS AND INVENTORY			
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PURPOSE

To establish uniform guidelines for the towing, impounding and inventorying of motor vehicles for safekeeping or as evidence.

BACKGROUND

The Department has a responsibility to investigate crimes, enforce the law and the Village Code as it relates to motor vehicles, and maintain the free flow of traffic. The Department also has the responsibility for the reasonable care of any motor vehicle and its contents when the operator has been arrested, or has been removed because of an accident or an aided case or other emergency being handled by one of its members. The decision to impound a motor vehicle should only be made after a careful balancing of the benefits or requirements for such towing against the costs and potentially negative side effects.

POLICY

Members will impound vehicles when necessary in criminal cases and where it affects the public's safety, and will safeguard the property taken into the Department's custody and care. Decisions regarding towing are subject to the requirements of the law and the procedures outlined below. All vehicles impounded by this Department will be subject to an inventory inspection by the impounding member as further described in this section. The results of that inspection will be noted on a Vehicle Impound form that must be completed by the member conducting the inventory. The inventory search is to include opening all closed and locked containers and inventorying and reporting the contents therein. It is further recommended, when conditions permit, that officers other than the impounding member perform the inventory.

DEFINITIONS:

- a. ***Abandoned Vehicles*** - as defined by the New York State Vehicle and Traffic Law articles 1224 and 1600.
- b. ***Emergency Situation*** - as deemed necessary by Police, Fire or other authority in the event of an emergency. Such emergencies shall include, but are not limited to:
 - (1) Accident - where the driver or owner is unable to request the tow or removal of his vehicle due to injury or absence from the scene or it cannot be parked legally with reasonable safety at the scene.



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- (2) Hazard - vehicle has been involved in a fire or is posing a risk of creating a fire by the leaking of gasoline or other flammable fluid. Vehicle is in danger of rolling, posing a risk of damage to property or injury.
- (3) Flooding or imminent flooding or other weather-related emergency.
- (4) Where a vehicle is obstructing or is dangerous to traffic.
- c. **Evidence** - vehicle has possible evidentiary value and must be secured.
- d. **Illegal Vehicles** - those vehicles that are unregistered, uninsured, or lacking required equipment for legal operation on a public highway.
- e. **Arrested Operator** - those vehicles whose operator has been arrested, which can legally be operated on the highways, but cannot be left unattended while the operator is taken into custody.
- f. **Stolen Vehicles** - those vehicles that have been reported stolen or are apparently stolen and have been recovered by this Department.
- g. **Certain Parking Violations** - parking violations that by their nature would require the timely removal of the vehicle in violation such as vehicles obstructing a fire hydrant or fire zone or blocking a driveway.
- h. **Scofflaws Vehicles** - local scofflaw vehicles shall be impounded after verification is made by the Parking Violations Clerk.

PROCEDURE

General

1. The request shall be made through the desk officer who shall dispatch an authorized tow service that shall be on file at the desk. Vehicles will be towed to the tow companies' property unless otherwise specified.
2. All vehicles that are impounded will have an inventory performed as outlined under Policy above.
3. All vehicle impounds and releases shall be entered in the Department impound log and an Incident Report shall be filed.
4. Appropriate eJustice file is to be sent when required by portal guidelines.
5. Any property discovered that is to be removed from the vehicle for any reason is to be vouchered as specified under section 111-01 of this Manual.
6. A reasonable effort shall be made to notify the vehicle's owner of the impound.



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Members must impound motor vehicles when necessary in the following situations:

- a. Stolen vehicle.
- b. Evidence - vehicle will be towed by an authorized tow service to the police garage located at Police headquarters. The impounding officer should follow the tow service to the police bay and then secure the vehicle in the police garage.
- c. Illegal vehicles.
- d. Scofflaw vehicles
- e. Arrested Operator.

Members may impound motor vehicles when necessary in the following situations:

- a. Abandoned vehicle – an Incident Report shall be filed as soon as an apparent abandoned vehicle becomes known to the Department. Every reasonable effort should be made to determine ownership of a vehicle. If the owner is identified, attempt notification to remove the vehicle before it is impounded. If and when an abandoned vehicle is impounded, the appropriate summons must also be issued.
- b. Emergency situations.
- c. Certain parking violations (*see subsection section 13 of this procedure*)

Release Procedure

7. Any vehicle that has been impounded for evidentiary reasons or has been stolen cannot be released in accordance with article 450 of the NYS Penal Law until first cleared with the district attorney's office. The detective sergeant or his designee shall be the only members to authorize a release of a vehicle impounded for evidentiary reasons.
8. All persons requesting the release of an impounded vehicle must do so at the Police Desk.
9. For a vehicle to be driven away from the storage area, the releasing officer must verify:
 - a. Ownership
 - b. That a licensed driver will operate the vehicle
 - c. Valid insurance identification
 - d. Valid registration



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10. For a vehicle to be towed away from the storage area the releasing officer must verify
- a. A bona fide tow truck
 - b. Ownership
11. When a determination has been made to release the vehicle the releasing member shall do the following:
- a. Have a Impounded Vehicle Release Form signed by the owner or the agent of the owner.
 - b. Cancel the Impounded entry, if any, in the eJustice Portal (i.e.: IENT or VENT)
 - c. Indicate the release by completing a supplemental incident report.
12. Search and Inventory procedures for vehicles taken into custody for certain parking violations cases are as follows:

Traffic Impoundments (Parking Violations Only):

13. Before being impounded or as soon as practical thereafter, the officer shall remove from the passenger compartment all containers, such as boxes or suitcases and any other personal property which can be readily be seen from outside the vehicle and which reasonably has a value in excess of \$100. After removing any such property, the officer shall, if possible, roll up the windows and lock the doors. Removed property shall be taken to Police Headquarters at this time and a written record shall be made of the property. Closed containers should not be opened, but they may be sealed to protect their contents. No other inventory or search of the vehicle should be made at this time. If a vehicle which has been impounded as described above is not claimed or the property therein is not claimed by the registered owner or a person authorized by him within twenty-four hours of the time that it was impounded, a complete inventory of its contents shall made. A complete inventory means the officer shall list all articles found in the passenger compartment, glove compartment and the trunk, whether locked or not. Any container, such as suitcases, found within the vehicle will be opened and their contents listed. Immediately upon completion of the inventory, the officer shall, if possible, roll up the windows and lock the doors and trunk. ALL OF THE ABOVE PROCEDURES ARE APPLICABLE ONLY IF THE CAR IS HELD AT THE POLICE PARKING LOT OR GARAGE. WHENEVER A CAR IS PLACED IN THE CUSTODY OF A PRIVATE FACILITY, THE DEPARTMENT ASSUMES NO RESPONSIBILITY FOR ITS SAFEKEEPING.



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Abandoned Vehicles

14. When an officer takes an abandoned vehicle into custody under the law, he shall immediately make a complete and full inventory of its contents.

Other Non-criminal Impoundments

15. When an officer takes a vehicle into custody because there is reason to believe that it is part of the estate of a deceased person, or the property of an insane person or of a person taken to the hospital, or because it is property turned over to the police at the scene of a fire or disaster, he shall remove from the passenger compartment all containers, such as boxes or suitcases, which can readily be seen from outside the vehicle and which reasonably have a value in excess of \$25. After removing such property, he shall, if possible, roll up the windows and lock the doors. Removed property shall be taken to Police Headquarters and written record made of the property. Closed containers should not be opened at this time, but they may be sealed to protect their contents. No other inventory or search of the vehicle should be made at this time. If a vehicle has been impounded as described above and is not claimed or the property therein is not claimed by the registered owner or a person authorized by him within 7 days from the time it was impounded, a complete inventory of its contents shall be made. Of course, the department may honor an authorized request to conduct a full inventory (prior to the expiration of the seven-day period), if, for instance, an executor wishes to know the contents of the vehicle, or a hospitalized person requests that such security measures be taken.

NOTE: When a vehicle is towed under one of the non-criminal sections above, the owner shall be directed to remove all valuable personal property from his car.

Search and Inventory procedures for vehicles in criminal cases.

16. **Seizures for Forfeiture**: When an officer has probable cause to believe that a vehicle has been used to feloniously transport narcotics or drugs, or to feloniously engage in gambling activities, or to distribute obscene prints and equipment, he may seize the vehicle for forfeiture and immediately complete a full search and inventory. No seizure for forfeiture shall be made without approval of a superior. Whenever an officer has probable cause to believe that a vehicle has been used to violate a Federal law which provides for forfeiture following a violation, as in the case of illegally transporting weapons, narcotics, or contraband liquor, he shall immediately seek instructions from a Superior



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Officer concerning Federal forfeiture procedures. An officer shall obtain a warrant for seizure for forfeiture whenever the vehicle is on private property and it is not likely that the vehicle will be removed or tampered with while a warrant is obtained.

17. **Seizures as Evidence:** When an officer has probable cause to believe that a vehicle has been stolen or used in a crime or is otherwise connected with a crime, he may take the vehicle into custody. However, a vehicle involved in a minor traffic offense shall not be seized as evidence merely because it was used to commit the traffic offense. A vehicle seized as evidence shall immediately be searched and full inventory completed. Vehicles seized as evidence shall not be released to any person until the appropriate prosecutor or other official has signed a release form indicating that the vehicle seized as evidence is found to be the property of a person having no criminal involvement in the offense or that the vehicle is no longer needed in the prosecution of the case. An officer shall obtain a search warrant prior to making a seizure as evidence whenever the vehicle is on private property and it is not likely to be removed or tampered with while a warrant is being obtained.

18. **Vehicle as Prisoner's Property:** When a person is arrested in a vehicle which he owns or has been authorized to use, and the vehicle is not otherwise subject to seizure, it may be seized as prisoner's property. The prisoner should be advised that his vehicle will be taken to the garage or parking lot of the Police Department, or to a private facility for safekeeping. If the vehicle is found to be the property of a person having no criminal involvement in the offense, such person shall be notified of the location of the vehicle as soon as practicable. If the vehicle is not taken into custody, it shall not be inventoried, nor shall it be inventoried if it is held for safekeeping at a private facility. If it is held at the police garage or parking lot, immediately upon its arrival thereat, the shift supervisor shall cause a complete and full inventory of its contents made.



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PURPOSE

To establish a property and evidence system within the Larchmont Police Department, to provide guidelines to members of the Department in the proper methods of entering and removing evidence or other property from the property and evidence system and for collecting, preserving and marking evidence or other property found at the scene of an incident.

BACKGROUND

Property and evidence coming into the custody of members of the Department must be safeguarded and handled in a uniform and consistent manner so as to preserve its integrity for possible use in court, as well as its return to its owner.

POLICY

It shall be the policy of the Larchmont Police Department to provide for the proper and lawful management and control of found, recovered and evidentiary property and any other property in the custody of the Department. Procedures with respect to handling, security and disposition of property will be strictly adhered to in conformance with local, state and federal regulations. All property taken into the custody of this Department shall be recorded on the Department's Property/Evidence Invoice form by the member vouchering the property with the following exceptions:

- a. Vehicles: Follow procedures as outlined in Section 111-2 of this manual.
- b. Photographs: All photographs taken in connection with an investigation by this agency shall be noted in the incident report and shall be filed in the related case folder. Photographs from negatives and Polaroid photographs shall be stored in the related case folder.
- c. Latent fingerprint lifts: Which are transferred from a crime scene or from evidence shall be recorded on a supplemental detective report and a latent fingerprint card and shall be stored in the related case folder. Any transfers IE: ID section - Westchester County Department of Public Safety shall be recorded on the supplemental detective report.
- d. Keys turned into the Department will not go into the Property/Evidence Management System, but will be handled as a lost and found and left at the Desk area.
- e. Nuisance Property: IE: perishable items, alcoholic beverages possessed by minors where no prosecution is anticipated and unsanitary items of no



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evidentiary value. Photos should be taken and put into the case folder as described above.

The Property/ Evidence Invoice is maintained as a database in the department's computer system, and enough copies shall be printed and distributed as follows:

- a. With the property
- b. Case folder copy
- c. Owner/ Finder's Receipt copy
- d. Property Clerk copy.

PROCEDURE

1. Members shall classify property, adding any other classification that is applicable, in one of the following categories:
 - a. Arrest Evidence - property held as evidence in arrest situations.
 - b. Decedent Property – held property of a decedent.
 - c. Found property - property held as found pending identification of the legal owner or claimed by the finder in accordance with state law.
 - d. Investigatory – property taken into custody and held as evidence if an arrest has not yet been made.
 - e. Other - categories of property not defined above. Example: property seized through the legal process.

Property Clerk

2. The assigned sergeant shall serve as the property clerk. The property clerk will be under direct supervision of the Administrative Officer. The Administrative Officer may designate, as needed, other members of the Department as an assistant property clerk.
3. The property clerk shall be responsible for all property received into the custody of this Department.
4. The property clerk shall be responsible for the returning of any property to the owner by the Department.
5. The property clerk will receive and log evidence returned from the forensic laboratory and the district attorney's office. Each package or envelope will be checked to ensure that it is properly sealed and identified before acceptance.



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6. The property clerk will secure all money, precious metals, jewelry, gem stones, narcotics, dangerous drugs, firearms, etc., in a locked and secure safe within the evidence/property room.
7. The property clerk will review all property entries to determine the proper time for destruction.

Vouchering and Storage of Property

8. To ensure that all evidence and property stored by the Department is properly controlled it must be stored in one of the following designated areas:
 - a. Evidence/Property Bin
 - b. Evidence/Property Room
 - c. Case folder
9. A member who takes possession of evidence or property shall secure same in the evidence/property bin.
10. Evidence or property of large quantity, bulk items or that of extenuating circumstance shall be secured in the desk area until properly processed by the property clerk.
11. Evidence or property too large to secure in the evidence/property room, such as motor vehicles or bicycles, shall be secured in the police garage, found bicycles shall be secured in the bicycle rack behind Village Hall.
12. Evidence or property that requires refrigeration shall be secured in the refrigerator located within the squad room.
13. Once the evidence or property has been vouchered and secured, the member shall immediately place the property clerk copy of the voucher in the property clerk's mail box.
14. Any evidence or property removed from a towed or impounded vehicle shall be recorded on a Property Voucher.
15. Motor vehicles seized as evidence and that require processing by the detective division or other agency, shall be secured in the police garage. Once the vehicle has been secured the vehicle shall be cordoned off and treated as a crime scene.



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16. All property received by this Department, for whatever reason, with the exceptions of vehicles, photos taken by law enforcement, found keys, and latent fingerprint lifts, shall be recorded on an Property Voucher.
17. A Property Voucher is required even though a physical transfer has not taken place. (E.G., when property, not including exceptions, is immediately returned to a known owner and is not transferred to the Property Clerk.)
18. As soon as practical, the property clerk or the assistant property clerk shall take custody of the evidence or property and verify the accuracy of the Property Voucher to the corresponding evidence or property. The receiving of property shall be recorded on the Property Voucher by the property clerk or the assistant property clerk.
19. The property clerk or assistant property clerk shall secure evidence or property in the evidence/property room located on the first floor of Headquarters or other designated area.
20. Access to the evidence/property room shall be limited solely to the property clerk, the assistant property clerk, and the Chief of Police.
21. The property clerk and the assistant property clerk shall have responsibility for maintaining all appropriate records that reflect the status of all evidence or property held by the Department in a secure area to prevent removal or record manipulation, and will be held accountable for control of all evidence or property accepted by or stored in the Department's storage area(s).

Inspection and Audits

22. During January of each year and whenever a new assigned sergeant, property clerk or assistant property clerk is assigned, the Administrative Officer shall assign the Detective Sergeant to perform an inventory and audit of evidence and property within the protective custody of the Department.
23. The inventory and audit shall be done by selecting 10 items within the evidence and property system for audit. The Detective Sergeant shall select items from various classifications, i.e., drugs, firearms, found property, etc. and verify their existence and location within the evidence and property system.



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24. The Detective Sergeant shall prepare and transmit a memorandum to the property clerk sergeant detailing the items selected for the audit, as well as the results of the audit.
25. The original memorandum shall be maintained by the Chief of Police in the regular course of business. A copy of the memorandum may be maintained by the property clerk.

Release of Evidence to Police Personnel

26. The property clerk or assistant property clerk will only release evidence or property to the member(s) listed in the related case as assigned member(s) with the following exceptions:
27. The detective sergeant or youth officer or another member designated by them may sign out evidence or property in conjunction with a criminal investigation.
28. Evidence or property that has been authorized for release to a victim by the assigned member, the court and/or the prosecuting attorney or evidence that has been authorized by the district attorney for return to its rightful owner shall be returned only after photo(s) have been taken of said evidence.
29. When evidence or property is removed from the department, eg. lab, forensics, etc.. the property clerk, assistant property clerk, or the assigned member must make an entry on the Property Voucher and a supplemental S.J.S. incident report shall be made.
30. When evidence or property is removed from the evidence/property room and the seal on the evidence container must be broken, the member must
- Complete a new evidence container;
 - Secure the evidence and the original container within the new evidence container;
 - Seal the evidence container.

Transfer of Evidence

31. Any time evidence or property is transferred by a member to another law enforcement agency, prosecutorial or analytical agency or to the owner or other person having interest, the property clerk or assistant property clerk must make an entry on the Property/ Evidence Invoice and a supplemental S.J.S. report shall be made.



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Seized Evidence or Property

32. When evidence or property is seized as a result of a crime, arrest, search warrant, etc., and a criminal prosecution is anticipated, the detective sergeant or a member designated by the detective sergeant shall examine the evidence to determine if forensic analysis is required.
33. Evidence or property that requires forensic analysis shall be delivered to the Westchester County Forensic Unit. The transporting member must make an entry on the Property/ Evidence Invoice and an addition shall be made on the supplemental detective report.
34. If a blood sample is to be analyzed for drug content (not alcohol), the property clerk shall have the sample delivered to the Toxicology Laboratory of the Westchester County Medical Examiner's Office, as soon as practical. In critical cases, the sample may be delivered immediately to the Toxicology Laboratory by the reporting member, in either case an entry must be made on the Property/ Evidence Invoice and an addition shall be made on the supplemental report.

Evidence Transferred to Court

35. When the seizing member is subpoenaed to court for an arrest involving evidence, the member will:
 - a. Upon receipt of the court subpoena, contact the district attorney regarding the need for evidence in the court proceeding.
 - b. If the district attorney so requests, obtain the evidence from the property clerk or the Forensic Laboratory and transfer same to the requesting district attorney.
 - c. The property clerk or acting property clerk must then make an entry on the property clerk's copy of the Property Voucher.

Note: If the district attorney requests that they keep the property delivered to them, the delivering officer must get a receipt for said property. It will be the responsibility of the delivering officer to return all property to the property clerk or assistant property clerk, or in lieu of said property, a signed receipt by an authorized receiver of property.



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Stolen Property File Check

36. If possible, a member who recovers property shall perform an inquiry via the eJustice Portal in an effort to identify and locate the owner. The result of the inquiry shall be recorded on an incident report.

Notification to Owner

37. A member who recovers property shall make reasonable effort to notify the owner of the property. If the member cannot notify the owner, the property clerk shall attempt to notify the owner.

Release of Property

38. Upon receiving a request to release property the property clerk shall
- Determine if the property is classified as evidence. If the property is evidence, the property clerk will contact the district attorney's office or village court clerk, to ascertain if the property can be released, If authorization is obtained to release the property a notation of who granted the authorization will be recorded in the related case.
 - If the property is found property, the property clerk may release the property to the finder provided that the owner cannot be located through reasonable efforts and the property has been retained for the appropriate retention schedule in accordance with the New York State Personal Property Law article 7-B, section 253, subs 7.

Value of Property/Cash Amount	Time of Retention
Less than \$100	3 months
\$100.00 or more but less than \$500	6 months
\$500 or more but less than \$5000	1 year
\$5000 or more	3 years

- All property that is released shall be recorded on a Property/ Evidence Invoice and signed for by the recipient.



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Disposal of Firearms

Firearms shall be disposed of in accordance with the New York State Penal Law, Article 400, Section 400.05, titled Disposition of Weapons and Dangerous Instruments, Appliances and Substances. Weapons not covered under the Penal Law Article 400 shall be disposed of only after a review, by the property clerk, of the circumstances of the incident that brought the matter to the attention of the police.

Any firearm that is surrendered or voluntarily delivered to the Department pursuant to section 265.20 of the Penal Law shall be disposed of in accordance with section 400.05 subdivision 6 of the Penal Law.

It shall be the responsibility of the property clerk, when taking possession of a weapon, to determine if it is stolen, and if not, then to determine ownership. No handgun shall be released without evidence of ownership.

No handgun shall be released without evidence first being submitted by the person attempting to retrieve the handgun that he/she possesses a valid pistol permit for the weapon in the Department's custody. A photocopy of the permit shall be attached to the supplemental report and notations of such copy shall be made on any other Department form that may be involved with the weapon.

Destruction of Drugs

39. When narcotic substances are identified for destruction the property clerk will
 - a. Obtain a court Order authorizing the destruction of the narcotics.
 - b. Make arrangements with a municipal agency to incinerate the drugs.
 - c. With the Administrative Officer present, collect the drugs to be destroyed.
 - d. With the Administrative Officer present, inventory, seal and box the drugs to be destroyed.
 - e. With the Administrative Officer present, transport the drugs to the location of incineration.
 - f. With the Administrative Officer present, personally place the drugs into the incinerator.
 - g. With the Administrative Officer present, remain at the location of incineration until the drugs are completely destroyed.
 - h. Complete a Property Custody Report including the Affidavit of Destruction signed by the property clerk and related witnesses.



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Property Held for Safekeeping

40. It shall be the policy of the Department not to routinely accept personal property for safekeeping. Under certain circumstances the department is obligated to take possession and safeguard personal property of an individual.
41. When determined by a supervisor that the personal property of an individual is to be accepted for safekeeping, a written report describing the circumstances surrounding the incident shall be required.
42. All property accepted for safekeeping shall be:
- Properly safeguarded
 - Listed on a property voucher;
 - Secured in a sealed evidence/property container;
 - Placed in the evidence/property bin.
43. If the property being accepted is a firearm, the member will:
- Make a eJustice inquiry "GINQ" based on the serial number on the firearm.
 - Attach a copy of the inquiry and reply to the incident report and the Property Voucher.
 - Properly safeguard the firearm.
 - Secure the firearm in the evidence/property bin.
44. It is the policy of the Department not to routinely accept firearms for safekeeping. The Department is obligated to accept firearms for safekeeping when an individual surrenders a firearm for disposal or in any situation where the supervisor believes that not accepting the firearm would create a hazardous condition.

Property Auction

45. The Chief of Police will be responsible for holding property auctions to dispose of property.
46. Property that may be disposed of at auction is
- Unclaimed property.
 - Evidence - after all court proceedings related to evidence have been completed.
 - Found property - provided the finder does not wish to receive the property.
47. In no case will property be auctioned until every reasonable attempt has been made to identify the rightful owner of the property and notify him/her to retrieve same from the property clerk.



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Taking Custody of and Securing Evidence or Property

48. A member shall collect, package, label and otherwise account for every item of physical evidence gathered in accordance with accepted practices and techniques outlined in training and following rules and procedures of the Department that govern submission of evidence to the property clerk.
49. A member who takes possession of evidence or property from the scene of an incident shall mark his/her initials on same for future identification.
50. A member will mark property so as not to:
- Damage the evidence;
 - Impair its processing for technicians;
 - Allow the mark to be accidentally or readily removed.
51. If marking would have a negative effect, the item shall be placed into a bag/container that would not effect said property, and same shall be marked accordingly
52. Found property need not be marked for identification.
53. Wet evidence may be secured behind the police desk area until dried and then marked for identification.
54. All evidence and property will be properly safeguarded.
55. Once the evidence or property is safeguarded it shall be packaged in an appropriate evidence container or envelope.
56. A Property Voucher shall be complete, either typed or written neatly. There are to be no boxes left blank. If the box does not apply, N/A shall be put in said box. The property clerk has the authority to reject any voucher that he/she deems insufficient.
57. All drugs and money related to drugs shall be placed in an appropriate evidence container, properly sealed and placed into the property/evidence bin. The property clerk will not accept evidence unless it is sealed.
58. Evidence packages involving controlled substances will not be mixed with those of different defendants or other types of evidence.



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59. All controlled substances including capsules and pills shall be counted by the member prior to sealing the appropriate evidence container.
60. The member will document the quantity of controlled substance on the evidence container and in the Description section of the property voucher.
61. When controlled substances or narcotics are taken into custody as the result of a "Buy," the member processing the evidence will mark on the appropriate evidence container "Buy." If there are multiple "Buys," the appropriate containers will be marked "Buy #1," "Buy #2," etc.
62. If drugs are taken into custody under circumstances other than arrest or investigation, e.g., found, the member shall document on the Property Voucher that the drugs are to be destroyed.
63. Under no circumstances is a member to store any narcotic evidence in his/her personal locker.
64. All containers of narcotics and dangerous drugs shall be inspected for tampering by the property clerk as a safeguard against the substitution of material having the same weight.

Controlled Substances

65. For felonies where the defendant is being incarcerated, the New York State Criminal Procedure Law, section 180.80, requires that a felony hearing be conducted within 144 hours of time of arrest. Controlled substances or evidence recovered during an arrest, are to be transported to the Westchester County Laboratory for analysis in a timely fashion, thereby allowing sufficient time for laboratory analysis to be completed and forwarded to the district attorney's office prior to a mandated felony hearing that must take place within the allotted time frame.



OPERATIONS PROCEDURE			112-01
COURT APPEARANCE PROCEDURE			
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PURPOSE

To provide guidelines for all members who are required to appear in court or at hearings.

BACKGROUND

To be effective in fulfilling the goal of enforcing laws and maintaining law and order, law enforcement agencies must also fulfill their responsibilities with respect to the proper presentation of court cases. Court cases may include: DMV hearings, parole hearings, depositions, coroner's inquest, and all trial proceedings.

POLICY

It shall be the policy of the Department to fulfill its responsibilities for the proper presentation of court cases, thus being effective in its overall mission of enforcing laws and maintaining law and order.

PROCEDURE

All members of the Department shall appear before any court, hearing board, or investigating body as required.

1. A subpoena, notice of hearing, or verbal notification by competent authority shall, for the purpose of this section, be deemed proper notification for appearance. Upon receipt of any such notice, the member shall forward a copy of same to the Executive Officer.
2. All members shall be punctual when reporting to any court, hearing board, or investigation body.
3. Members assigned to uniform duty shall appear in uniform or civilian attire as outlined in subsection 6 of this section.
4. Members appearing in court hearings wearing their uniforms shall wear the uniform of the day minus their hats and coats.
5. Members not assigned to uniform duty, may appear in civilian clothing.



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6. Members appearing in court wearing civilian clothes shall be conservatively dressed (i.e., suit and tie, or sport jacket with a shirt and tie). The member's shield shall be worn on their outermost garment.
7. Members shall present a professional image in all court-related appearances.
8. The appearance and demeanor of members of this Department are constantly being observed by the court and the jurors while in or out of the courtroom. Appearance, conduct and attitude should be such as to add to the dignity of the court and the credibility of the member and the Department.
9. All members giving testimony shall:
 - a. Only possess material pertaining to the prosecution of the case while in the courtroom.
 - b. Answer all questions truthfully and completely.
 - c. Understand questions before answering. If in doubt, request the question be repeated or clarified.
 - d. If unable to provide an answer, so state.
 - e. Not volunteer information or opinions.
 - f. Be impartial, calm, and speak in a clear tone of voice.
 - g. Remain in the court until their case is disposed of, or until advised by a competent authority that their presence is no longer necessary.

Court Liaison

10. The Detective Sergeant is designated as the court liaison officer for criminal and traffic matters. Correspondence between the Department and the courts will be through this designated liaison officer.

Notice of Appearance

11. Trial and hearing notices or subpoenas will be received by the police clerk and then distributed to the requested officer. All civilian trial and hearing notices will be processed by the Detective Sergeant or his/her designee.
12. Efforts will be made to schedule a member's court appearance during the members' duty hours.



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13. Members who must travel outside the village for a required appearance may use a Department vehicle for transportation, if one is available and approval is granted by the highest ranking member on duty.

Compensation

14. When court appearances are made on overtime for actions taken pursuant to ones employment as a Larchmont Village Police Officer, members shall file an overtime request as soon as possible after incurred overtime is completed.



OPERATIONAL PROCEDURE			Procedure No: 112-02
COURT SECURITY			
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PURPOSE

To establish guidelines that promote the safety and welfare of prisoners, escorting officers and the public during court proceedings.

POLICY

It shall be the policy of this Department to provide adequate personnel to ensure security during court proceedings and to ensure the safety of personnel, prisoners and the public.

PROCEDURE

Escorting to Court

1. Before escorting a prisoner between the squad room, cell area, or detention room and court, the prisoner will be searched. Refer to section 110-1 regarding searching of prisoners.
2. Prisoners will be handcuffed in accordance with section 110-1.
3. Prisoners will be escorted utilizing the elevator.
4. One escorting officer will enter the courtroom and clear an area in front before the prisoners are brought in.
5. Prisoners will be escorted through the rear of the courtroom. At no time will a prisoner be escorted through the front of the courtroom.

Holding Cell

6. Prisoners who are not going to appear immediately before the court, or who are transported for regular court dates from the county jail, shall be lodged in the holding cell.
7. The transportation officers will notify the desk officer of all movement of prisoners in and out of the cell area.
8. The prisoners shall be placed in the holding cell separated by sex if applicable.



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9. The securing officer shall secure his/her weapon in the gun safe located behind the police desk, and at no time shall he/ she enter the cell area while armed.
10. Each prisoner shall be secured in individual cells if available.
11. Prisoners shall be escorted into the courtroom as his/ her case is called by the Judge.

Court Room Security

12. Upon arrival in the court, the prisoners shall be directed to sit in the designated area until called by the court. Officers assigned to the prisoners shall remain armed and near the prisoners.
13. When a prisoner is prepared to appear before the judge, the handcuffs shall not be removed unless the judge/justice requests they be removed. However, in the escorting member's judgment, if the prisoner is a security risk or has displayed aggressive behavior, the handcuffs shall remain on and the judge notified.
14. The escorting member shall remain armed and near the prisoner during the proceeding.
15. Under no circumstances shall a prisoner be permitted to mingle with the public or family member while in the courtroom.
16. At no time will the prisoner be left unattended.
17. If a prisoner needs to confer with his attorney, the attorney and the prisoner will be allowed to confer in the rear of the courtroom, if available, or the detention room at police headquarters when practical.
18. Visits by any other persons are not allowed.
19. After the proceeding is over, the judge/justice will either release the prisoner on bail or remand him to the Westchester County Jail/Penitentiary. If the prisoner is remanded, the judge will issue a securing order to commit the prisoner with a return date for a subsequent court appearance. The prisoner will be escorted back to the cellblock area using the guidelines for escorting prisoners as stated in the previous subdivisions.



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Securing Prisoner

20. Upon return to, if a prisoner is to be lodged in the cellblock area, the prisoner will be searched before being lodged in cell.
21. If a prisoner is not to be lodged in the cellblock then he is to be secured in the detention room in accordance with section 110 of this Manual.

Court Officer

22. The court, upon sufficient notice with the Department, shall notify the Detective Lieutenant to assign a member of the Detective Division as a court officer.
23. It will be the responsibility of the court officer to monitor activities within and outside the courtroom.
24. The court officer shall ensure that the maximum number of persons allowed in the court is not exceeded.
25. The court officer will ensure that the hallway outside the courtroom is kept clear to allow pedestrian traffic to move freely into and out of the building.

Court Alarm

26. When the court alarm located at the main desk in Police Headquarters is activated, the desk officer shall detail a member to investigate.
27. After a member has been dispatched, the desk officer will attempt to call the court clerk via land line to verify the alarm.
28. If court clerk states the alarm is malfunctioning, the responding post car will visually verify with the court clerk.



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COURT SECURITY SCREENING PROCEDURE			
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PURPOSE

To establish guidelines for members to follow in order to effectively provide security to those attending court, and edify the utilization of screening devices and methods to achieve these objectives.

BACKGROUND

Members of the Detective Division are charged with providing security to those attending Larchmont Justice Court, inclusive of judges, court staff, attorneys, prisoners and the public. To that end, the Larchmont Police Department recognizes the benefits and advantages attained by the use of a magnetometer toward achieving this objective.

POLICY

It shall be the policy of the Larchmont Police Department to employ the use of a magnetometer unit, hand scanners, and physical searches, as may be required, in order to screen all persons for the presence of weapons or other unsuitable items prior to them entering the courtroom to ensure safety and security while court is in session.

PROCEDURE

1. All persons entering Village Hall when court is in session shall be subject to screening procedures, as outlined herein.
2. An individual entering Village Hall when court is in session shall be directed to remove all metal objects from his person and place them in a basket for inspection by the officers. The individual shall open any purses, briefcases, bags or containers in his possession so that the contents thereof may be inspected by the officers. The individual shall then be directed to pass through the arch of the magnetometer at a normal pace.
3. If the magnetometer indicates the presence of metal, the individual shall be removed to the side and then inspected by means of a hand scanner.
4. When the officers are completely satisfied that the individual has no weapons in his possession, his property from the basket shall be returned, and the individual shall be allowed to proceed to the court room.



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5. Any persons appearing in court in other than an official capacity shall be prohibited from carrying weapons into the court room. All such individuals will be subject to the above search procedures and, if armed, will be required to check their weapons at the Police Desk.

Exceptions

1. **Law Enforcement Personnel** – Law enforcement personnel who are in court in an official capacity will be allowed to bypass the screening procedures after producing a valid identification card and shield.
2. **Attorneys** – Attorneys who are in court on official business will be allowed to bypass the screening procedure upon producing a valid UCS Secure Pass Card; however, they are still subject to screening or searching of briefcases as circumstances require. Attorneys who possess firearms shall be required to secure their firearm prior to entering the court room.

Calibration Procedure

1. The magnetometer unit shall be calibrated prior to being employed to use.
2. The officer responsible for calibration shall initiate the self-test sequence insuring functionality.
3. The officer responsible shall then remove all metal objects from his person and walk through the unit ensuring no reading is discerned.
4. The officer responsible shall then place the Standard Test Device on his person and again walk through the unit ensuring an accurate reading.
5. The officer responsible shall also test the functionality of the hand scanner(s).
6. Machine sensitivity is pre-set, but, may be adjusted if needed.
7. The officer responsible shall then complete the Magnetometer Calibration Record.
8. Any discrepancy discovered during the calibration procedure relating to the functionality of the magnetometer or the hand scanner shall be brought to the attention of the Detective Sergeant as soon as practicable and before the unit is employed for use.



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Staffing Considerations

1. The magnetometer shall be staffed by two members of the service and these officers shall be present at least 20 minutes prior to the start of the court session, or as otherwise directed by the Detective Sergeant.
2. Staffing may be reduced, at the discretion of the Detective Sergeant to one member of the service once court is in session and the great majority of those attending court have been subjected to the foregoing screening procedures.
3. A member shall be present in the court room lobby prior to anyone being allowed access to Village Hall. Once court is in session at least one member shall be present in the court room until the end of session.
4. Members assigned to the Detective Division shall be primarily responsible for court security and their presence each time court is in session is mandatory, accordingly their schedule will be modified to accommodate their attendance. Patrol Officers may be used to augment the security detail on an as needed basis.
5. The Detective Sergeant shall be primarily responsible to supervise the court security detail and to determine staffing needs. In the absence of the Detective Sergeant, the Lieutenant shall assume the responsibility. In the absence of both the Detective Sergeant and the Lieutenant, the Captain shall assume the responsibility.



OPERATIONS PROCEDURE			Procedure No: 113-01
PATROL OPERATIONS			
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PURPOSE

To set forth the policy of the Larchmont Police Department regarding the staffing, duties and responsibilities of members assigned to patrol.

POLICY

To facilitate the delivery of police services to the community in an efficient and professional manner and standardize patrol procedures, ensuring uniformity of the Department's operations.

Patrol Function

1. The primary function of the patrol division is to provide police service to the public 24 hours a day, seven days a week. Police services include, but are not limited to:
 - a. Preventive patrol methods directed toward the detection and correction of conditions that threaten the public peace, endanger life and property, or indicate possible criminal activity.
 - b. Responding to calls for service.

Roll Call

Patrol roll call should accomplish, but not be limited to, the following basic tasks:

2. Briefing members with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of major investigations.
3. Notification to members of changes in schedule and assignments.
4. Notification to members of new or amended written orders.
5. Evaluation of member readiness to assume patrol.
6. Roll call shall be held at the beginning of each shift to assist members to prepare for their tour of duty and will be conducted by the tour supervisor or a command officer in the Roll Call Room. Roll call may include, but is not limited to
 - a. Inspecting squad member's appearance, uniforms, authorized equipment and overall readiness.
 - b. Administering posts, vehicle, traffic, rifle and/or special assignments



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- c. Reviewing appropriate reports and criminal activity, including recent Hot-Line transmissions.
- d. Training issues.
- e. Distribution of trial notices.
- f. Reviewing new or amended written orders.
- g. Any subject of general interest.
- h. Reviewing of recent bulletins, advisories, etc.

Patrol Boundaries

- 7. The Village of Larchmont is presently divided into four patrol sectors (see map at the end of this section). The command officers of the department shall update the map and if necessary re-delineate sectors based on an analysis of calls for service.
- 8. The command officers shall periodically review calls for service and update patrol boundaries as the need may arise.

Patrol Assignments

- 9. Members are assigned to specific patrol posts on a daily basis by the patrol supervisor or a command officer. It shall be the member's responsibility to be knowledgeable of and aware of the boundaries and responsibilities of the member's assigned post.
- 10. Members shall not leave the geographic area of their post unless:
 - a. On assignment from the desk officer.
 - b. Authorized by a superior officer.
 - c. In close pursuit of a violator.
 - d. Completing their tour of duty.
 - e. Where an incident, which occurred off their post is reported to them, requires immediate police action that they are capable of rendering.

Assignment of Patrol Personnel

- 11. Member assignments, as designated by the patrol supervisor or a command officer should provide at the least a desk officer and two patrol units, one of which may be the patrol supervisor.



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12. When the two main posts are covered, the patrol supervisor or a command officer may assign members to special traffic posts, special crime condition areas, or to the training and or specialty duties.
13. Member assignments, as designated by the patrol supervisor or a command officer, when less than the usual manpower is available, may assign an officer to the desk and one officer to patrol. The patrol supervisor would then act as a second patrol unit.

Number of Officers Assigned to Calls

14. Under normal conditions, one member shall be assigned to routine calls for service.
15. Response by two members may also be required for situations having an actual or potential criminal factor. Additionally, two officers may be required for:
- a. Traffic accidents
 - b. Aided cases
 - c. Burglar alarms
16. Response by at least two members is required for any crime in progress, as well as
- a. Arrest situations
 - b. Calls having a potential for violence
 - c. Fleeing suspects
 - d. Suspicious and/or wanted persons or occupied vehicles
 - e. Homicide and/or suicide calls
 - f. Intoxicated or emotionally disturbed persons
 - g. Interior building checks and searches
 - h. Burglaries, domestic disputes and prowler calls
 - i. Supervisors may approve a deviation in the assignment of personnel for the above if manpower shortages necessitate.

Incidents Requiring a Supervisor's Presence

17. Incidents of a serious nature often arise that require the presence of a supervisor who possesses the authority necessary to deal with a problem. The patrol supervisor should respond, without unnecessary delay, when requested to do so by a subordinate, and to all calls of major consequence, or serious emergency. Upon arrival at the scene, he shall take direct control. In the unlikely event of an absence of a patrol supervisor, the above shall apply to the senior officer.



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Patrol Sector Duties and Responsibilities

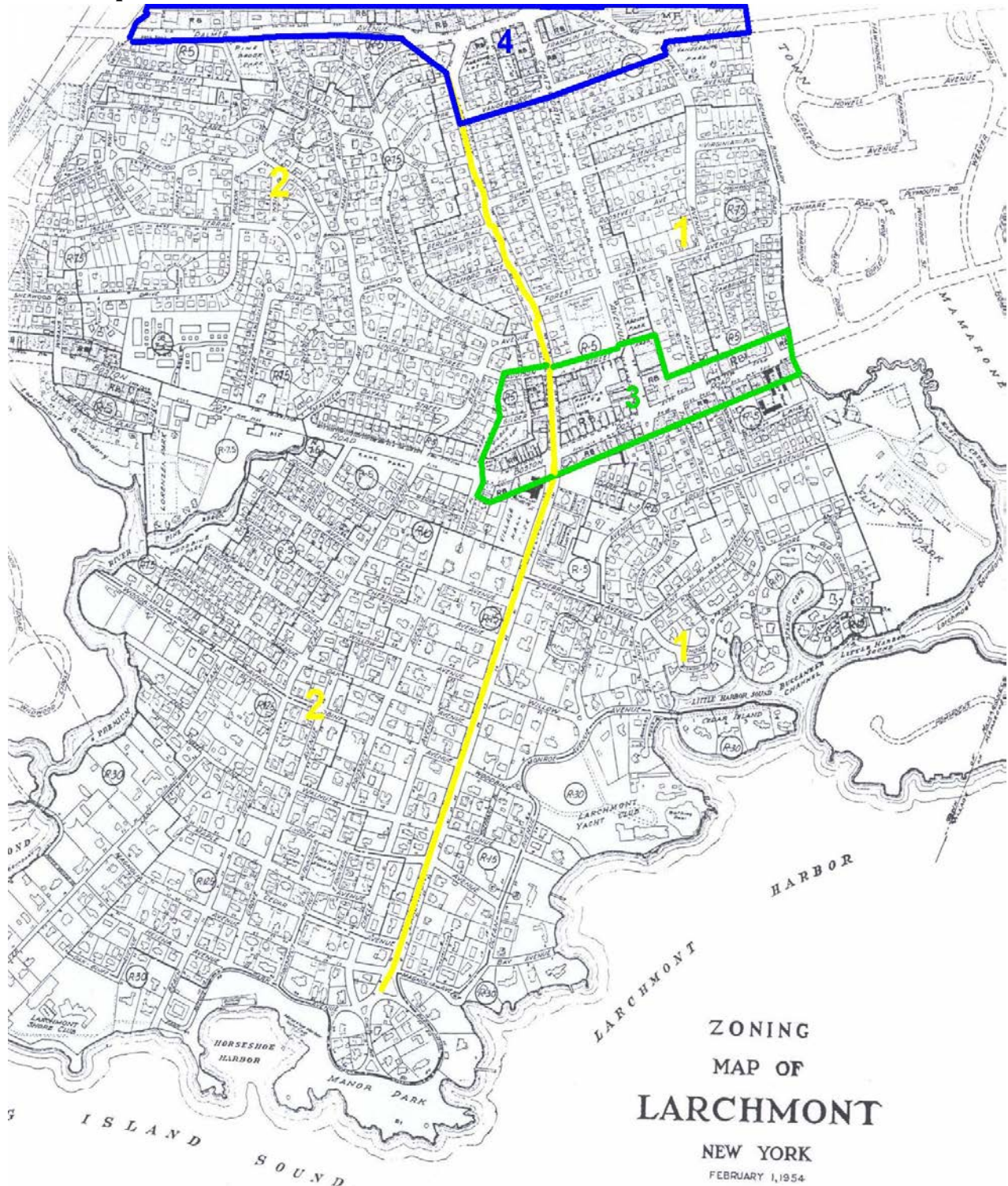
Generally, patrol sector duties include, but are not limited to

18. Checking each street in the sector at least once during the tour.
19. Physical checks of dark houses during the Day tour of duty.
20. Two visual checks of all commercial business during the Midnight tour of duty, commencing at the start of the tour of duty and at 0600hrs.
21. Visual checks of public and commercial buildings, properties, schools and houses of worship on all tours.
22. Prompt reporting of hazardous conditions.
23. Those functions outlined in subsection 1, paragraphs a. and b. of this section.



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Sector Map





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PRELIMINARY INVESTIGATIONS			
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PURPOSE

To guide patrol personnel in the preliminary stages of criminal investigations or other circumstances requiring police action.

BACKGROUND

1. The single most important determinant in solving a crime is information supplied by the victim or witnesses to the immediately responding patrol officer(s). The goal of every preliminary investigation is to arrest and convict the offender.
2. Members of the patrol division shall be responsible for preliminary investigations.
3. Preliminary investigations are defined as activity that begins when a member is assigned to an incident.
4. Members shall continue their investigation until such time that a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation; or
5. When the patrol officer has exhausted all police action at his/her immediate disposal. Considerations will need to be given to such factors as the officer's knowledge and skills, time needed to complete the preliminary investigation vs. availability of manpower for patrol, and the degree of seriousness of the offense.

Note: Exceptions to these guidelines should be made when it is more advantageous to have detectives initially respond.

Members assigned to patrol shall, upon initial detection of a crime, or response to the scene of a reported incident:

6. Gather evidence needed to determine if an offense was committed and if so, its nature and severity.
7. Provide assistance to injured, if any.
8. Identify victims, witnesses and perpetrators.
9. Provide headquarters with descriptions, method of travel and direction of suspects and other relevant information, i.e., weapons used.



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10. Advise Headquarters of any additional resources needed at the scene, e.g., ambulance, fire, detective.
11. Identify and set up a crime scene perimeter.
12. Secure and protect the integrity of the crime scene.
13. Interview or interrogate any parties who have information pertinent to the incident being investigated.
14. Conduct a search of the crime scene to identify evidence.
15. Recover evidence if the member at the scene possesses sufficient expertise to do so, otherwise, notify the detective division of the need to collect evidence.
16. Making necessary notification, i.e., family, medical examiner, district attorney's office.
17. Arrest the offender.
18. Prepare reports for prosecution.
19. It shall be the responsibility of the tour supervisor to determine if the detective division is to be notified if no detectives are currently on-duty.



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PURPOSE

To guide Department members in their investigation of criminal complaints.

BACKGROUND

A critical function of any law enforcement agency is the investigation of criminal activity. Law enforcement personnel frequently respond to, or learn through various means, of the existence of possible criminal conduct. Investigations must be prompt, thorough, consistent, and carried out in a manner compatible with legal requirements in order to withstand a challenge in court, as well as maintain public confidence in the law enforcement agency.

POLICY

It is the policy of the Department to conduct a prompt, thorough and appropriate investigation of all criminal activity reported to the Department, or coming to the attention of a Department member by direct observation or other means. In order to accomplish this, the Department is committed to using all of its resources to bring about a successful conclusion to every criminal investigation. Department personnel assigned to investigate a report of a crime shall conduct investigations according to this section, all applicable laws, rules and regulations governing the rights of victims, witnesses, suspects and defendants, and any other applicable sections of the Department Manual. Cooperative investigations between members of the detective and patrol divisions are encouraged.

Preliminary Investigation

1. Criminal investigations shall be divided into two phases. The first phase shall be the preliminary investigation. The patrol division shall be responsible for all preliminary investigations; defined as that part of an investigation that begins when the first uniformed member arrives at the scene.
2. The preliminary investigation process will end when the patrol member has exhausted all police action at his/her immediate disposal. Consideration will need to be given to such factors as the member's knowledge and skills, time needed to complete the preliminary investigation vs. availability of manpower for patrol, and the degree of seriousness of the offense. (Refer to Manual Section 113-02)
3. The tour supervisor shall review all preliminary investigation reports for accuracy and completeness prior to forwarding to the detective division.



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4. Whenever an investigation is turned over to or generated by the detective division, it shall be reviewed and assigned for a follow-up investigation by the detective sergeant.

Follow-up Investigation

5. The second phase of the investigation begins with the identification of the need for specialized skills and equipment to bring about a successful conclusion. The goal of the follow-up investigation is to arrest and convict the offender. Specific objectives of the follow-up investigation process include:
 - a. Reviewing and analyzing all previous reports prepared during the preliminary investigation.
 - b. Conducting additional interviews and/or interrogation of victims, witnesses or suspects.
 - c. Searching for departmental and other sources of information for possible leads.
 - d. Collecting and analyzing, or have analyzed, physical evidence.
 - e. Identifying and arresting suspects.
 - f. Determining involvement of suspects in other criminal activity.
 - g. Preparing case or assisting in the preparation of the case for court.
 - h. Completing other tasks necessary to bring about a successful conclusion.

Case Screening

6. An evaluation of the available information and evidence for each case being investigated, with a view toward whether or not the case is likely to be solved, thus, whether or not the case is to be assigned to a detective for follow-up investigation, or to the member who conducted the preliminary investigation for further investigation. The evaluation process shall employ the following solvability factors:
 - a. Witness exists
 - b. Subject readily identified
 - c. Subject named and locatable
 - d. Subject is physically describable
 - e. Subject's vehicle is identifiable
 - f. Distinct M.O. is present
 - g. Physical evidence is present
 - h. Evidence technician work done or requested



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Case Assignment

7. The detective sergeant, or his/her designee, will evaluate and assign all cases that are referred to the detective division.
8. The detective sergeant, or his/her designee, will determine the status or a change in status of each case. The decision will be based on information provided in periodic progress reports by the assigned investigator. The designated categories are as follows:
 - a. Open - indicates a case is assigned to an investigator and investigative efforts are active.
 - b. Suspended - indicates all available leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed. Reasons for a case being suspended shall include:
 - The absence of further leads or solvability factors
 - Unavailability of investigative resources
 - Degree of seriousness
 - Prosecution declined
 - Warrant refused
 - Transferred
 - c. Closed - indicates that the case has been satisfactorily concluded by one of the following:
 - Cleared by arrest - the offender has been identified and held for prosecution.
 - Closed by exception - the offender has been identified and no prosecution is initiated.
 - Unfounded - investigation has determined that an offense did not in fact occur.
 - d. Sealed - a judicial order issued mandating that the case be sealed, e.g., youthful offender.

Investigating Member

9. The member of the Department, normally a detective, but at times may be a patrol officer, who:
 - a. Completes the Incident Report that has not been assigned for follow-up; or
 - b. Is assigned by a supervisor to follow-up an investigation that he/she initiated, or a case that was initiated by another member, i.e., when multiple



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cases have been generated by different members, but one member is designated to follow-up the cases as a single investigation.

Note: Normally if a patrol officer cannot close out the case by the end of his/her working tour, or if other circumstances exist where the optimal investigation would transpire through a detective division member, the case will be turned over to the detective division.

PROCEDURE

10. Upon receipt of a case, the detective division commander shall determine if any solvable factors exist and properly classify the case status.

Note: An incident or case file status may be changed if additional information warrants it.

11. Upon receipt of a case, the detective division commander will review same to determine whether or not the follow-up investigation will be assigned to a detective or when necessity dictates another member for follow-up. Cases forwarded back to the patrol division will be forwarded to the Patrol Commander.
12. It is the responsibility of the detective or patrol officer assigned to follow-up a case to conduct a prompt and thorough investigation, including interviews of victims, witnesses and others having pertinent information about a case, interrogations of suspects, collecting and analyzing, or arranging to have analyzed, physical evidence, checking on a suspect's criminal history, keeping the victims informed about the progress of an investigation, coordinating the investigation with other members of the Department or other agencies, determining the appropriate criminal charge, and preparing documents for prosecution.
13. It is the responsibility of the detective or the patrol officer investigating a case to conduct the investigation in accordance with all applicable federal and state legal requirements. Officers shall keep themselves informed of current laws, rules and regulations, and department policies and procedures pertaining, but not limited to, Miranda, arrest and search warrants, evidence, juveniles, and any other facets of the investigative process.
14. Detectives assigned to follow-up a case shall submit timely and detailed reports of the progress of an investigation to the detective sergeant.



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15. Patrol officers assigned to follow-up a case shall submit timely and detailed reports of the progress of an investigation to his/ her tour supervisor for review prior to forwarding these reports to the detective division.
16. Detectives and patrol officers shall make every effort to conclude an investigation in a reasonable amount of time, normally within 60 days of the date the case was assigned.
17. Cases not closed at the end of 60 days shall be reclassified. If, at the end of 60 days the case is not closed, but solvability factors are present, the investigating officer shall consult with his/her supervisor who shall direct the investigating officer to continue the investigation or reclassify the investigation as suspended.
18. Cases assigned for a follow-up investigation will normally be assigned to a detective, but in some cases it may be beneficial to have a patrol officer assigned to do the follow-up investigation.

NOTE: A patrol officer possessing superior investigative skills may be assigned cases normally assigned to a detective whenever, in the opinion of the detective division commander and the Chief of Police, the officer is capable of closing the case. Detectives and patrol officers are encouraged to work together to investigate any case in a manner that will promote its being closed. Responsibility for a case remains with the detective or patrol officer assigned the follow-up investigation, as the investigating member.

19. Whenever the investigating member requires the assistance of another agency, i.e., laboratory analysis of blood, urine or suspected drugs, or to locate the subject of a warrant living in another jurisdiction, the investigating member shall request such assistance through the detective sergeant.
20. The detective sergeant shall ensure that all cases are effectively investigated in a manner that best ensures the apprehension and prosecution of criminal offenders or clearance of reported incidents.

Case File Maintenance

21. The police clerk shall maintain and store all original Preliminary Investigation Reports and case files.
22. The Detective Division shall maintain and store all Investigative Supplements and case files.



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23. An Investigative case file should contain, at a minimum, the following information:

- a. Preliminary Investigative Reports
- b. Investigative Supplement Reports
- c. Case Management Forms
- d. Records of statements
- e. Results of examination of physical evidence
- f. Other reports and records needed for investigative purposes

24. Sensitive cases and Criminal Intelligence Reports or information will be stored in secure files of the Detective Sergeant.

25. All cases in which a person under 16 years old is a suspect or a defendant shall be secured in secure files of the youth officer.

General Investigative Procedures

26. All members shall remain alert to gather information from witnesses, suspects or arrested persons that may help in the solution of a crime. However, it is equally important to ensure that interviews and interrogations conform to legal standards. All members shall interview, interrogate, or otherwise question persons in accordance with state and federal laws.

27. Witnesses who have observed a crime being committed are excellent sources of information in the development of the criminal investigation. Some witnesses are reliable and completely impartial; others may be reluctant, biased, or influenced by personal prejudice. Physical factors that could cause an inaccurate interpretation of observed events should also be considered. Members must be able to recognize individual differences and determine the specific reliability of witnesses.

28. The detective sergeant shall ensure the qualifications and certifications of any examiner used in the detection of deception, i.e., a polygraph examiner or Computer Voice Stress Analysis. All requests for these examinations shall be directed to the detective sergeant, who shall arrange for the examination.

Note: The detective division commander upon arranging such exams shall ensure that all operators of such devices are qualified.



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29. Developing information from individuals takes the form of:

- a. Interview - the process of obtaining information from a cooperative person not responsible for the event or incident.
- b. Interrogation - the process of obtaining information from an uncooperative person who may be a suspect, witness, or victim of the event or incident.

30. When a member has not arrested an individual or otherwise taken the individual into custody in a manner that restricts the individual's freedom or ability to discontinue the conversation, then the member may ask whatever questions are necessary and pertinent.

31. All members shall use the standard Waiver of Rights form when questioning a suspect in a criminal offense. These forms specifically state that information that is being given is of a voluntary nature and that all suspects have been apprised of their constitutional rights.

32. In the event of an arrest, all interviews and interrogations after a person has been arrested are to be conducted by members of the detective division. State laws governing the time elements of when an arrested person must be arraigned or released will be adhered to.

33. In all incidents where a major crime has been committed, it is of critical importance that the crime scene be secured and unnecessary personnel, both civilian and police, be excluded from entering. This precaution is necessary to preserve the scene for reconstruction and processing by the detective division personnel.

34. When it is determined at a major crime scene that the detective division is required, all peripheral areas of the scene are to be sealed off and secured by the first responders. All personnel, both civilian and police, who have no official investigative interest in the incident, are not to be allowed in the secured area. Procedures as outlined in Section 113-07 of this Manual shall then be followed. Upon arrival of the detective division sergeant, or a member of his/her staff, control of the crime scene and responsibility for all subsequent follow-up tasks will then shift to him/her.

35. The detective division will maintain a high degree of competence and skill in crime scene processing by technical training, refresher training and in-service training in appropriate areas. Additionally, the detective sergeant will meet periodically with



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representatives of the district attorney's office concerning quality of performance in the area of crime scene processing and for purposes of updating procedures.

36. The detective division will maintain an in-house crime processing capability for printing photographs, processing of latent fingerprints using established methods, and comparing fingerprints. In addition, the detective division will maintain a crime scene processing kit supplied with instruments and material that can be used during field investigations of major crimes.
37. Members of the detective division will maintain close relations and will cooperate fully with personnel of the Westchester County Department of Laboratory and Research. The procedure and techniques for collecting and preserving photographs, and documenting and packaging evidentiary material will be in accordance with New York State Police Physical Evidence Procedures.
38. If members of an outside agency are requested to assist this Department in processing a crime scene, the command of the scene remains with this Department, however, we will accept their help and will cooperate fully with their suggestions or directions for processing the scene.
39. Detective division personnel who engage in surveillance activities shall inform the on duty supervisor prior to engaging in the activity, if appropriate.
40. Requests for patrol assistance regarding surveillances are to be directed to the highest ranking on-duty tour officer.

Use of Informants

41. The use of confidential informants is important to the satisfactory completion of many investigations. The purpose of the following subsections is to establish procedures that will develop a controlled system for the use of informants and to avoid situations involving their use that would adversely affect police operations.
42. The New York State Criminal Procedure Law specifies when informants may be used in the issuance of search warrants and when information from an informant may be used as "probable cause" in a criminal investigation.
43. One must show that the information is credible and reliable. Reliability must be based on the previous use of the informant from whom the information came.



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44. Confidential Informants (CIs), who are used on a continuing basis, shall have their records maintained in a confidential file. In order to show credibility and reliability, it will be the responsibility of the detective sergeant to maintain an informant file on confidential informants, and to cause such file to be updated whenever an informant is used. This file will be maintained in the detective division and will be kept in a locked cabinet used for the storage of other sensitive materials and intelligence information. A general informant file shall contain background information, past contacts, and method of contacting the CI. Accessibility to the confidential informant file will be limited to the Chief of Police, the detective sergeant and detective division personnel, on a need to know basis.
45. No file or information shall be released without permission of the Chief of Police, detective sergeant or a court order.
46. Contacts with informants of the opposite sex should take place with the assistance of a second member, if possible.
47. All contacts with CIs shall be documented in the C.I. File and in the detective case report. Information shall include
- a. Date
 - b. Time
 - c. Location
 - d. Reason for meeting
 - e. Information exchanged
 - f. Persons present
48. Reports shall be immediately forwarded to the detective sergeant and placed in the CI file.
49. Patrol division personnel who develop a CI must notify the detective sergeant for further instructions.
50. Informants may be paid for information they provide in specific cases when payment is approved by the Chief of Police.
51. Informants will normally be paid with the approval of the Chief of Police.



OPERATIONAL PROCEDURE			Procedure No: 113-05
VEHICLE PURSUITS/ROAD BLOCKS			
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PURPOSE

To determine the necessity of commencing a vehicle pursuit and methods to be employed in conducting such a pursuit.

BACKGROUND

Hot pursuit and roadblocks are two of the most dangerous tasks police officers become involved in. Death or permanent injury to police officers and or citizens can result without warning. As a result, the Department has established this section to guide officers who may become involved in these situations. The safety of the police officer and the public will be the foremost consideration.

POLICY

Department policy requires that a vehicle pursuit be terminated whenever the risks to uniformed members of the service and/or the public outweigh the danger to the community if the suspect is not immediately apprehended. Even after an appropriate hot pursuit is initiated, a continuous balancing of the need for apprehension versus public safety is mandatory. When it is determined that the risks outweigh the benefits, the pursuit must be terminated. Squad Supervisors shall review this policy during Roll Call on a yearly basis, document the review, and submit it to the Patrol Commander for archival.

DEFINITIONS

Hot pursuit is defined as an active attempt by a law enforcement officer operating a Department vehicle to apprehend the occupants of a vehicle who are resisting apprehension by maintaining or increasing speed or by ignoring the officer's attempt to stop the vehicle.

Roadblock is defined as any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.

Primary pursuing vehicle is defined as the police vehicle that initiates a hot pursuit or any vehicle that assumes control of a hot pursuit.



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Secondary Pursuing Vehicle is defined as any other police vehicle involved in a hot pursuit.

PROCEDURE

1. A hot pursuit may be initiated when the member has a reasonable suspicion that, at the onset, the violator has committed a crime, as defined in the New York State Penal Law, or determines that the violator's driving has become reckless or is otherwise endangering human life.
2. To determine the necessity for commencing or continuing a vehicle pursuit, members shall consider the following:
 - a. Nature of offense
 - b. Time of day
 - c. Weather/road conditions
 - d. Location and population density
 - e. Capability of department vehicle
 - f. Familiarity with area
 - g. Availability of additional police vehicles to assist
 - h. Danger to community if suspect is not immediately apprehended
3. Vehicles engaged in hot pursuit must utilize emergency lights and sirens.
4. Police vehicles not equipped with emergency equipment (emergency lights and siren) shall NOT undertake hot pursuit, and "unmarked" or vehicles not equipped with roof lights and conspicuous markings shall take into consideration that his/her vehicle will be less visible than a regular marked unit.
5. Upon initiation of the pursuit, the PURSUING OFFICER shall notify the desk officer of the following:
 - a. The fact that he/she is in hot pursuit.
 - b. Reason for the pursuit.
 - c. Location and direction of travel of involved vehicles.
 - d. Unusual traffic and/or road conditions.
 - e. Number and physical descriptions of occupants of pursued vehicle.
 - f. Description of pursued vehicle's make, model, color, registration number.
 - g. Speed of vehicles.



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- h. Other relevant information and change in any of the above.
6. The DESK OFFICER shall immediately advise the tour supervisor of the circumstances of the hot pursuit, and immediately notify a command officer, if one is on duty.
7. The TOUR SUPERVISOR shall:
- Assume full command of the activities of the hot pursuit.
 - Clear radio frequency of all non-emergency transmissions.
 - Continually evaluate circumstances of hot pursuit as it progresses, weighing the risks to the community as a result of continuing the hot pursuit against the hazard to the community if the suspect is not immediately apprehended. In those cases where he/she determines that the risks of the hot pursuit outweigh the benefits of apprehension, the tour supervisor shall order the pursuit terminated.
 - Assign a secondary pursuit vehicle to assist the primary pursuing vehicle if necessary. Notify other units and jurisdictions of the hot pursuit when necessary. Limit the amount of units assigned to the hot pursuit to only those necessary, to ensure availability for other calls for service.
 - Deploy vehicle immobilization devices if he deems this action to be necessary and verifies that it can be done safely.
 - Notify all members if a hot pursuit is terminated.
8. The SECONDARY PURSUING OFFICER shall take over radio transmission responsibilities from the Pursuing Officer once he/she is in proximity to the Pursuing Officer and can visually observe the fleeing vehicle.

Note: If a patrol supervisor, or detective supervisor, or Command Officer is on duty during a hot pursuit then he shall also actively supervise the pursuit and order the pursuit terminated if in his judgment the circumstances or situation do not warrant continuing the pursuit.

9. Roadblocks - To be authorized only in extraordinary situations and as directed by a supervisor, and authorized a command officer. If authorized, roadblock shall be established in the following manner:



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- a. Must be clearly visible; provide adequate warning to allow vehicle to safely stop -- should not be set up in immediate vicinity of a curve or crest in roadway.
- b. Use only marked vehicles with activated red warning lights.
- c. No one is to remain in vehicle once it is stationed as a part of a roadblock.
- d. Do not completely block roadway.
- e. Use of offensive tactics such as ramming, forcing off road, boxing in, heading off or driving alongside vehicle being pursued is prohibited unless specifically authorized by superior officer.
- f. The use of the department's "Stop Sticks" is to be authorized solely by the patrol supervisor or a command officer.

Multi-Jurisdictional Pursuits

10. Entering another jurisdiction - If pursuit extends beyond our village limits, pursuing drivers and supervisors should re-evaluate the pursuit to determine if continuance is justified and if assistance from other police agencies is necessary. The desk officer or patrol supervisor will notify the police jurisdiction entered of the presence of a pursuit within its borders and request assistance if necessary.
11. Members shall not become involved in another agency's pursuit unless specifically authorized by the tour supervisor or a command officer.

Termination of Pursuits

12. A pursuit shall be terminated under any of the following circumstances
 - a. When circumstances develop which present extraordinary danger to the officer or the public. (Pursuing officer or supervisory discretion)
 - b. Under circumstances when the offender can be identified and apprehended at a later time without creating the risks involved in a pursuit.
 - c. When so ordered by any Department authority.
 - d. The pursued vehicle's location is no longer known by pursuing officers.
 - e. Radio contact with headquarters is lost.
 - f. Once the decision or directive to terminate the pursuit is made all members actively involved shall deactivate all emergency equipment, safely decelerate their RMP to an appropriate



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speed, and notify the Desk Officer over the radio of their location and the fact that they have discontinued the pursuit.

13. Post pursuit reporting - In all instances where this Department engages in either a pursuit or roadblock, a detailed S.J.S. Incident Report shall be filed by the primary member involved. The report should contain the following:
- a. Reason for pursuit/offense
 - b. Suspect(s) name, address, age
 - c. Charges filed; any additional post-apprehension charges
 - d. Injuries or accidents
 - e. Number of Department vehicles involved and/or outside agencies assisting
 - f. Any deviation from established procedures and justification for such deviation



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VEHICLE PURSUITS/ROAD BLOCKS			
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PURPOSE

To determine the necessity of commencing a vehicle pursuit and methods to be employed in conducting such a pursuit.

BACKGROUND

Hot pursuit and roadblocks are two of the most dangerous tasks police officers become involved in. Death or permanent injury to police officers and or citizens can result without warning. As a result, the Department has established this section to guide officers who may become involved in these situations. The safety of the police officer and the public will be the foremost consideration.

POLICY

Department policy requires that a vehicle pursuit be terminated whenever the risks to uniformed members of the service and/or the public outweigh the danger to the community if the suspect is not immediately apprehended. Even after an appropriate hot pursuit is initiated, a continuous balancing of the need for apprehension versus public safety is mandatory. When it is determined that the risks outweigh the benefits, the pursuit must be terminated. Squad Supervisors shall review this policy during Roll Call on a yearly basis, document the review, and submit it to the Patrol Commander for archival.

DEFINITIONS

Hot pursuit is defined as an active attempt by a law enforcement officer operating a Department vehicle to apprehend the occupants of a vehicle who are resisting apprehension by maintaining or increasing speed or by ignoring the officer's attempt to stop the vehicle.

Roadblock is defined as any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.

Primary pursuing vehicle is defined as the police vehicle that initiates a hot pursuit or any vehicle that assumes control of a hot pursuit.



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Secondary Pursuing Vehicle is defined as any other police vehicle involved in a hot pursuit.

PROCEDURE

1. A hot pursuit may be initiated when the member has a reasonable suspicion that a violator has committed a crime or determines that the violator's driving has become reckless or is otherwise endangering human life.
2. To determine the necessity for commencing or continuing a vehicle pursuit, members shall consider the following:
 - a. Nature of offense
 - b. Time of day
 - c. Weather/road conditions
 - d. Location and population density
 - e. Capability of department vehicle
 - f. Familiarity with area
 - g. Availability of additional police vehicles to assist
 - h. Danger to community if suspect is not immediately apprehended
3. Vehicles engaged in hot pursuit must utilize emergency lights and sirens.
4. Police vehicles not equipped with emergency equipment (emergency lights and siren) shall NOT undertake hot pursuit, and "unmarked" or vehicles not equipped with roof lights and conspicuous markings shall take into consideration that his/her vehicle will be less visible than a regular marked unit.
5. Upon initiation of the pursuit, the PURSUING OFFICER shall notify the desk officer of the following:
 - a. The fact that he/she is in hot pursuit.
 - b. Reason for the pursuit.
 - c. Location and direction of travel of involved vehicles.
 - d. Unusual traffic and/or road conditions.
 - e. Number and physical descriptions of occupants of pursued vehicle.
 - f. Description of pursued vehicle's make, model, color, registration number.
 - g. Speed of vehicles.
 - h. Other relevant information and change in any of the above.



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6. The DESK OFFICER shall immediately advise the tour supervisor of the circumstances of the hot pursuit, and immediately notify a command officer, if one is on duty.
7. The TOUR SUPERVISOR shall:
 - a. Assume full command of the activities of the hot pursuit.
 - b. Clear radio frequency of all non-emergency transmissions.
 - c. Continually evaluate circumstances of hot pursuit as it progresses, weighing the risks to the community as a result of continuing the hot pursuit against the hazard to the community if the suspect is not immediately apprehended. In those cases where he/she determines that the risks of the hot pursuit outweigh the benefits of apprehension, the tour supervisor shall order the pursuit terminated.
 - d. Assign a secondary pursuit vehicle to assist the primary pursuing vehicle if necessary. Notify other units and jurisdictions of the hot pursuit when necessary. Limit the amount of units assigned to the hot pursuit to only those necessary, to ensure availability for other calls for service.
 - e. Deploy vehicle immobilization devices if he deems this action to be necessary and verifies that it can be done safely.
 - e. Notify all members if a hot pursuit is terminated.
8. The SECONDARY PURSUING OFFICER shall take over radio transmission responsibilities from the Pursuing Officer once he/she is in proximity to the Pursuing Officer and can visually observe the fleeing vehicle.

Note: If a patrol supervisor, or detective supervisor, or Command Officer is on duty during a hot pursuit then he shall also actively supervise the pursuit and order the pursuit terminated if in his judgment the circumstances or situation do not warrant continuing the pursuit.

9. Roadblocks - To be authorized only in extraordinary situations and as directed by a supervisor, and authorized a command officer. If authorized, roadblock shall be established in the following manner:



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- a. Must be clearly visible; provide adequate warning to allow vehicle to safely stop -- should not be set up in immediate vicinity of a curve or crest in roadway.
- b. Use only marked vehicles with activated red warning lights.
- c. No one is to remain in vehicle once it is stationed as a part of a roadblock.
- d. Do not completely block roadway.
- e. Use of offensive tactics such as ramming, forcing off road, boxing in, heading off or driving alongside vehicle being pursued is prohibited unless specifically authorized by superior officer.
- f. The use of the department's "Stop Sticks" is to be authorized solely by the patrol supervisor or a command officer.

Multi-Jurisdictional Pursuits

10. Entering another jurisdiction - If pursuit extends beyond our village limits, pursuing drivers and supervisors should re-evaluate the pursuit to determine if continuance is justified and if assistance from other police agencies is necessary. The desk officer or patrol supervisor will notify the police jurisdiction entered of the presence of a pursuit within its borders and request assistance if necessary.
11. Members shall not become involved in another agency's pursuit unless specifically authorized by the tour supervisor or a command officer.

Termination of Pursuits

12. A pursuit shall be terminated under any of the following circumstances
 - a. When circumstances develop which present extraordinary danger to the officer or the public. (Pursuing officer or supervisory discretion)
 - b. Under circumstances when the offender can be identified and apprehended at a later time without creating the risks involved in a pursuit.
 - c. When so ordered by any Department authority.
 - d. The pursued vehicle's location is no longer known by pursuing officers.
 - e. Radio contact with headquarters is lost.
 - f. Once the decision or directive to terminate the pursuit is made all members actively involved shall deactivate all emergency equipment, safely decelerate their RMP to an appropriate



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speed, and notify the Desk Officer over the radio of their location and the fact that they have discontinued the pursuit.

13. Post pursuit reporting - In all instances where this Department engages in either a pursuit or roadblock, a detailed S.J.S. Incident Report shall be filed by the primary member involved. The report should contain the following:
 - a. Reason for pursuit/offense
 - b. Suspect(s) name, address, age
 - c. Charges filed; any additional post-apprehension charges
 - d. Injuries or accidents
 - e. Number of Department vehicles involved and/or outside agencies assisting
 - f. Any deviation from established procedures and justification for such deviation



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PURPOSE

To establish an efficient and uniform manner of transmitting information through communications personnel to the officer who responds to calls for service, other law enforcement agencies, the general public, and to information storage facilities and retrieval systems.

BACKGROUND

Whereas the patrol division is the backbone of the department, the communications component is a vital component of the patrol division. Law enforcement communication systems must be flexible in design to fulfill the needs of the individual department. The communications component of the Larchmont Police Department is designed to address the needs of the community.

POLICY

It is the policy of the Larchmont Police Department to maintain 24-hour telephone service and to promptly acknowledge, route, refer, prioritize and respond to all messages conveyed to Headquarters, whether they are received by telephone, radio, mail or in person.

All field personnel, both of the patrol division and detective division, shall not go on assignment without access to the Larchmont Police Department two-way radio communication system. Members of the Department who are on special assignment, such as undercover operations, shall be exempt from this requirement with the specific approval of the detective sergeant or a command officer. All Larchmont Police Department patrol and detective division vehicles are equipped with two-way mobile radios. In addition, each member of the Department with the exception of the desk officers will be assigned portable radios at the start of his/her tour of duty. While on-duty and in the field, all personnel shall remain in radio contact with police headquarters, unless specifically approved otherwise by a command officer. No member of the Department shall be required to perform field assignments without access to the two-way radio communications system.

RESPONSIBILITY

Overall administration and responsibility of the communications component is vested in the communications sergeant. However, the desk officer (hereafter referred to as "the communications officer") is responsible for the communications



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function on his assigned shift. He shall interpret, dispatch and document all calls for service, and shall request assistance if needed.

Desk officers shall perform duties as outlined in section 102-4 of this Manual. Desk officers are delegated the authority to make decisions relative to their position and to execute their responsibilities.

The Department's radio operations shall be conducted in a professional manner and in accordance with the Federal Communications Commission procedures and requirements. A copy of the federal license is located at the police desk.

Headquarters Communications: Facilities and Equipment

- A. The Department's communication center consists of the desk officer at the police desk area. The desk area is separated from public access by a bullet-resistant window.
- B. Communication operations, which are performed by uniformed members of the patrol division, include radio, telephone, teletype and S.J.S. local computer system.
- C. Headquarters, including the desk area, is restricted from public access. Access is controlled by a door limiting entry to "Authorized Personnel Only." Authorized personnel include supervisory, command personnel, any other persons, who are serving a legitimate Department purpose.
- D. The primary police radio antenna and associated equipment is located on top of Village Hall.
- E. Police Headquarters is equipped with an emergency generator. This alternate source of power is sufficient to ensure continued operation of communication equipment in the event of failure of the primary power. The generator is located in a secure area at the rear of police headquarters, is maintained by the fire department, and is tested on a weekly basis.
- F. The police desk area contains the following communications-related equipment:
 - a. Two E911 answering sites with associated screens and computer monitor. Two telephone consoles for answering and switching the following department non-emergency numbers:
 - b. 834-1000
 - c. 834-1001
 - d. 834-1006



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- e. Panic alarm monitoring board for the Village Offices
- f. Westchester County "Hot-line" Station #36 telephone handset and MARS radio
- g. Radio switching console containing receive and transmit functions for the frequencies listed in subsection 55 hereof.
- h. IJP ORI NY0592900 Symbolic KWLA.
- i. One local computer terminal.
- j. Video monitors for Village Hall, parking lot and the cell area.
- k. Electric lock control regulating access to the Headquarters/lobby main door
- l. TDD monitoring device.
- m. Trunked Fire Department radio
- n. portable radios and radio charging banks

PROCEDURE

Telephone Communications

E911 Emergency Telephone System

Follow operating procedures as outlined in the E911 Position Manual.

1. Assigned desk officer shall answer incoming calls on this system in the following manner: "911 Police Emergency Larchmont." The caller should be asked if it is an emergency, and if not, should be requested to call back on the non-emergency number 834-1000.

Note: Articulation and courtesy are essential to effective and efficient communications.

2. Personnel who receive a misdirected emergency call shall accept the call, obtaining the pertinent information i.e. name, address, phone number, nature of call, etc. and immediately forward it to the appropriate department, as outlined in the 911 Operating Manual. The Department is the P.S.A.P. for Fire Calls and said calls should be immediately transferred.
3. In an attempt to enhance the safety of responding personnel and assist in anticipating conditions to be encountered at the scene, members are encouraged to elicit as much information as possible from persons reporting an incident or requesting a service. Basic information such as Who? What? Where? Why? When?



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and How? Should be asked. Information shall be documented and include at a minimum:

- a. date and time of the request;
- b. location and type of incident reported;
- c. name, address and phone number of reporting person, complainant or victim (if possible);
- d. disposition or status of the incident; and
- e. names of officers assigned (primary officer listed first, back-up officer second).

Note: When a call is received reporting a crime-in-progress the member receiving the call shall make every effort to keep the caller on the line providing current information to assist the responding members.

4. Certain situations require outside resources where the department does not have in-house capabilities. To meet these needs, the desk officer has immediate access to manuals containing information (phone numbers, hours of operation, etc.) to assist personnel. These situations may include, but are not limited to:
 - a. animal control services,
 - b. hazardous material accidents,
 - c. helicopter transport (emergency medical services),
 - d. human services (crisis intervention),
 - e. juvenile services,
 - f. taxi service,
 - g. towing services, and
 - h. Victim/witness referral services.

Fire Department Radio

5. In addition to the 911 emergency system, the desk officer can monitor the Fire Department radio and can contact them if necessary.

Westchester County Police Hot Line System:

6. The Department is a member of the Westchester County Police Hot Line System, and as such has the capability to communicate with every police agency in the county simultaneously. The Hot Line shall be used for emergencies, serious incidents, disasters and civil disturbances only.



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7. The Westchester County Department of Public Safety is responsible for the coordination and maintenance of the Hot Line system. Problems arising with the system should be reported to them, and documented in the Hot Line log.
8. The Hot Line phone is a speaker phone located at the police desk. The system shall be left on at all times.
9. Upon notification that a Hot Line message is about to be transmitted, the desk officer shall cease all non-essential duties and prepare to copy the broadcast.
10. Upon receipt of the Hot Line transmission effecting the Village of Larchmont, the desk officer shall make a broadcast to all officers informing them to prepare to copy a Hot Line message from the location of occurrence.
11. After a 30-second pause, the communications officer shall repeat the introductory message, eg. "All Larchmont units, hotline message, City of New Rochelle," followed by the complete broadcast information.
12. After broadcasting the message, all units shall be requested to acknowledge its receipt.
13. The desk officer shall document the receipt of and broadcast of all Hot Line messages in the Hot Line Log located at the police desk. Documentation shall include the:
 - a. originating agency
 - b. date and time of the broadcast
 - c. pertinent information regarding the incident
 - d. signature of the desk officer
14. To transmit a Hot Line message, the communications officer must remove the telephone hand set from the cradle and while depressing the button in the hand set, speak normally into the phone.
15. The communications officer shall broadcast, eg. "Station 16, Larchmont, to all stations on the hotline, prepare to copy a Hot Line message."
16. After a 30-second pause, he/she shall repeat the introductory message, eg. "Station 16, Larchmont, to all units on the Hot Line," followed by the message and followed by authority, rank and name.
17. He shall document the broadcast in the Hot Line Log. Documentation shall include:



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- a. date and time of the broadcast,
- b. nature and facts of the incident, and
- c. the signature of the desk officer.

18. Weekly tests are conducted on Sunday by the Westchester County Department of Public Safety. Communication officers, when receiving a test, shall answer, "Station 36, Larchmont," and how the test was received (loud and clear, low and garbled, etc.).

Non-Emergency Telephone Numbers

19. Located at the main console at the desk area is the telephone console that receives non-emergency calls on 834-100, 834-1001 and 834-1006.

20. All calls received on Department non-emergency telephone lines shall be answered in the following manner: "Larchmont Police" [followed by member's rank and last name].

Note: At times, emergency calls may be directed to this Department on one of the above listed numbers, e.g., Central Station alarm monitoring.

21. This system shall also serve as the Department switchboard and allows for the transferring of calls to the appropriate division or person within Police Headquarters.

22. All routine complaints or inquiries of a nature not served by this 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, with the name and (when available) the phone number of the proper agency.

23. If an emergency call is received on a non-emergency line, desk officer shall follow procedure as outlined in E911 Emergency Telephone System (See sub-section 4 above.)

24. Local hospitals may only be accessed by the general phone line.

Radio Communications/Dispatching - General

25. Police operations are more efficient and officer safety is enhanced when communications personnel, supervisors, and fellow officers know the status of



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officers, their locations, the nature of cases, and developments in their investigations. Department members are required to communicate with the desk officer upon arrival at the scene of an incident, before they leave their patrol vehicles, when they make vehicle or pedestrian stops (giving license plate number, location description etc.), and when available for service.

26. The "10-Code" System, which may be amended from time to time, shall be used for all calls insofar as is practical and possible. However, the guideline is that the desk officer shall provide field personnel with all information possible and necessary to deliver the required service at a call-for-service.
27. To ensure that constant radio communications with Headquarters is maintained while they are away from their patrol vehicle, all patrol officers shall carry a portable radio when on duty. Portable radios and charged batteries are located at the desk area for patrol division personnel.
28. At the start of his shift, each member shall accept assignment of a portable from the on-duty desk officer.
29. Portable radios shall be carried on the gun belt, in an appropriate case or holder.
30. At the completion of his shift, each member shall return his portable radio to its proper location.
31. All personnel using radio equipment shall always enunciate in a clear resonant voice and speak at a constant rate to assure each word spoken is separate from all others. Speak directly into the mouthpiece, at an appropriate distance, and talk in a professional manner.
32. All personnel shall operate their assigned radio equipment in an impersonal manner.
33. Radio transmissions should be kept to a minimum. The two-way radio shall be used in a professional manner at all times.
34. Radio transmissions shall be broadcast slowly enough to allow copying, but not so prolonged as to occupy the air unnecessarily.
35. Radio transmissions shall be answered promptly. When Headquarters or the mobile unit is not prepared to accept traffic, the calling unit shall be requested to stand by.



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36. Expressions such as, "roger," "over and out," etc. shall not be used.
37. Desk officers and mobile unit operators alike, when not acknowledged on the first call, shall place their calls for that unit at intervals, not continuously.
38. Radio messages and acknowledgments shall take precedence over ALL ROUTINE telephone conversations.
39. Radio messages and acknowledgments that would jeopardize the delivery of police services, if known by other persons, shall NOT be transmitted via police two-way radio.
40. All field personnel shall acknowledge receipt of radio calls and messages by giving their assigned car number or shield number, and location, unless the member has already called out at a location or the communications officer is already aware of the location.
41. All patrol personnel shall notify the desk officer when leaving their assigned vehicles; notification shall include their location. They shall maintain radio contact using their assigned portable radio, as provided for in other departmental rules and regulations.
42. At no time shall a patrol unit request the communications officer to advise an ambulance or fire apparatus to "expedite" or "hurry up." Such services are responding as quickly as possible and practical in a safe manner. However, said patrol unit should update the desk officer with any unusual circumstances at the scene.
43. During any emergency or unusual situation, all users of the police emergency frequency should try to maintain radio silence. Only those transmissions absolutely necessary should be made. If field personnel do not automatically clear the air, the communications officer may invoke "radio silence" by broadcasting code 10-19 . In such a case, all units shall comply.
44. Any questions concerning the use of two-way radios, or other telecommunications equipment, shall be directed to a supervisor.
45. When assigning incidents to mobile units, ample time must be allotted for members to record all the necessary information and to eliminate the time- consuming process of repeating the incident.



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- a. After calling the unit, wait for a response. This will alert the member to prepare to copy.
 - b. It is the member's responsibility to record all information to carry out his assignment.
 - c. In situations where the patrol officer is not fully clear on all or any part of the transmission, he shall request clarification at the time the incident is given out and not wait until he has arrived at the scene of the incident.
46. When speaking into the microphone, hold it one to two inches from the mouth at a 45-degree angle, talk in a normal to slightly louder than normal voice.
47. Shouting will not help increase the volume at the receiving end and will only distort the signal.
48. Whispering or talking in a low voice will also cause receiving problems.
49. Personal conduct and manners on the radio are the standards by which many people judge the attitude, quality and efficiency of the Department.
50. Personnel should be careful to remain in control of their tempers and remain calm during even the most trying situations. A voice displaying temper usually is answered with temper.
51. Personnel should try not to transmit with an excited voice as this makes conditions worse. Excitement in a voice will only create confusion in others.
52. When asked to repeat a message, members should not become angry. What they have said has not been understood or received. Members should speak more slowly, and calmly repeat the information.
53. The police radio system is not an appropriate medium for sarcasm, arguments or personality conflicts.
54. Profane and obscene language is a violation of FCC rules and procedures. Members shall not use loud, uncivil, indecent or profane language.
55. Members shall be personally responsible for proper radio communications.
56. In order to conserve air time and keep the frequencies open for emergencies, it is necessary to put as much information into as few words as possible.



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57. Stating the nature of member's traffic helps the desk officer determine the priority of incoming calls.

The Phonetic Alphabet

58. The phonetic alphabet should be used for spelling out unusual names or difficult to understand letters. The names listed below after each letter have been found to be most understandable over the air. They are especially helpful in motor vehicle inquiry checks.

Either of the following sets of phonetic alphabets are permissible:

Old Style Military

A	Adam	J	John	S	Sam
B	Boy	K	King	T	Tom
C	Charlie	L	Lincoln	U	Uniform
D	David	M	Mary	V	Victor
E	Edward	N	Nora	W	William
F	Frank	O	Ocean	X	X-ray
G	George	P	Peter	Y	Yankee
H	Henry	Q	Queen	Z	Zebra
I	Ida	R	Robert		

International

A	Alfa	J	Juliet	S	Sierra
B	Bravo	K	Kilo	T	Tango
C	Charlie	L	Lima	U	Uniform
D	Delta	M	Mike	V	Victor
E	Echo	N	Nov.	W	Whiskey
F	Foxtrot	O	Oscar	X	X-ray
G	Golf	P	Papa	Y	Yankee
H	Hotel	Q	Quebec	Z	Zulu
I	India	R	Romeo		



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59. When calling headquarters, members should identify himself first, then call headquarters, e.g., "421 to headquarters." The desk officer will advise, "Go ahead 421" or "Proceed 421" when he is ready to copy member's traffic.

Radio Call Designations

Command and Supervisory Staff:

60. In order of rank and time in grade.

61. These individual identifications may be used for on-air id purposes or during critical incidents or when working under I.C.S.

401 Chief	406 Patrol Sergeant
402 Captain	407 Patrol Sergeant
403 Lieutenant	408 Patrol Sergeant
404 Det. Sergeant	409 Patrol Sergeant (junior)
405 Patrol Sergeant (senior)	

62. All other members, whether in or out of the vehicle, members assigned to specific cars shall be designated as whatever car number they have been assigned.

63. If members do not have a car assigned to them, they shall use their shield number as their radio number. Members' names should not be used during radio transmissions.

Dispatching Assignments

64. Radio Designations

Auxiliary Units:

415	PEO
416	PEO
417	Bicycle Patrol A-D
418	Jeep
419	R.M.P.

414 *Reserved*

415 *Reserved*

Patrol Vehicles:

420	Patrol Sergeant
421	R.M.P.
422	R.M.P.

Command and Staff Vehicles:

410	Chief
411	Captain
412	Lieutenant
413	Detectives

423	R.M.P.
424	R.M.P.
425	R.M.P.



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65. The communications officer shall utilize the main VHF police frequency for dispatching. The appropriate police unit shall respond also utilizing the main frequency (F1).
66. In the event of a radio malfunction, the desk officer shall try to communicate on police channel F3, if the base consoles are malfunctioning, the desk officer shall use the emergency radio installed under the desk.
67. When radio repairs of an urgent nature are required notification should be made to the radio repair vendor, a Desk Officer's Memo should also be filed advising of the problem. If not of an urgent nature, the Communications supervisor should be notified.
68. When dispatching and receiving assignments members shall follow guidelines described in sections 113-8 and 113-1 of this Manual.

Ten Code Signals

10-01	REPORT TO HEADQUARTERS	10-33	LARCENY IN PROGRESS [SPECIFY]	10-65	RESUMING PATROL/AVAILABLE
10-02	CALL HEADQUARTERS LAND LINE	10-34	CRIMINAL MISCHIEF IN PROGRESS	<u>CODES</u>	
10-03	LOCATION	10-35	DISPUTE IN PROGRESS	1	RESPOND IMMEDIATELY
10-04	MESSAGE ACKNOWLEDGED	10-36	FIGHT IN PROGRESS	2	REPORT OF INJURY
10-05	ASSIST OFFICER ON DETAIL	10-37	PERSON WITH A KNIFE	3	REQUEST FOR OXYGEN
10-06	STAND BY	10-38	PERSON WITH A GUN	4	RESPOND SILENTLY
10-07	REPEAT MESSAGE	10-39	REPORT OF EXPLOSIVE	5	RESPOND AT YOUR CONVENIENCE
10-08	UNIT DISREGARD	10-40	ALARM OF FIRE	6	SITUATION UNDER CONTROL
10-09	GO TO CHANNEL 3	10-41	OUT OF SERVICE (GIVE LOCATION)	<u>LOCATIONS</u>	
10-10	BURGLAR ALARM	10-42	AIDED CASE	4	NAUTILUS DINER
10-11	SUSPICIOUS PERSON or PROWLER	10-43	AUTOMOBILE ACCIDENT	10	I.H.O.P.
10-12	BANK HOLDUP ALARM	10-44	DISTURBANCE / DISORDERLY	11	LARCHMONT DINER
10-13	OFFICER NEEDS ASSISTANCE	10-45	ESCORT	12	DUNKIN DONUTS
10-14	TROUBLE AT HEADQUARTERS	10-46	DOG COMPLAINT	18	GUITAR CENTER
10-15	DRIVING WHILE INTOXICATED	10-47	FAMILY DISPUTE	24	LARCHMONT YACHT CLUB
10-16	OPEN DOOR/WINDOW	10-48	D.O.A.	25	LARCHMONT SHORE CLUB
10-17	PLATE CHECK	10-49	TRAFFIC OR ILLEGAL PARKING	26	LARCHMONT AVENUE CHURCH
10-18	IS RADIO CLEAR FROM SUBJECT	10-50	INTOXICATED PERSON	27	CHATSWORTH AVENUE SCHOOL
10-19	CRITICAL INCIDENT/CLEAR FREQUENCY	10-51	CIVIL DISPUTE	28	ST. AUGUSTINE'S CHURCH
10-20	ROBBERY PAST	10-52	MEAL PERIOD	29	ST. JOHN'S CHURCH
10-21	BURGLARY PAST	10-53	TIME CHECK	30	LARCHMONT TEMPLE
10-22	ASSAULT PAST	10-54	TOW TRUCK REQUEST	31	SULAM YAAKOV SYNAGOGUE
10-23	LARCENY PAST [SPECIFY]	10-55	AMBULANCE REQUEST	32	FUJI MOUNTAIN RESTAURANT
10-24	CRIMINAL MISCHIEF PAST	10-56	STATUS CHECK	33	ICE CREAM PARLOR (Palmer @ West)
10-25	DISPUTE PAST	10-57	SUBJECT IN CUSTODY	34	CVS
10-26	PERSONAL NECESSITY	10-58	SEE COMPLAINANT (SPECIFY)	35	CHASE BANK
10-27	SCHOOL OR CHURCH CROSSING	10-59	AT SCENE	36	HUDSON CITY BANK
10-28	TRAFFIC POST	10-60	UNFOUNDED	37	WELLS FARGO (Boston Post Rd)
10-29	WIRE/TREE DOWN/UTILITY CALL	10-61	CONDITION CORRECTED	38	
10-30	ROBBERY IN PROGRESS	10-62	FALSE ACTIVATION	39	CITIBANK
10-31	BURGLARY IN PROGRESS	10-63	REFERRED TO COURT	40	
10-32	ASSAULT IN PROGRESS	10-64	GONE ON ARRIVAL	41	WELLS FARGO (Palmer Ave)



OPERATIONS PROCEDURE			Procedure No: 113-06
DESK OPERATIONS/COMMUNICATIONS			
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69. This Department utilizes standardized 10-code signals for dispatching. The purpose of 10 signals is to achieve reliability and speed. Reliability is achieved by the "10" portion of the signal wherein the "10" is a euphonic "alert" attesting to the fact that information is about to follow. Speed is achieved because the "signal portion" (the number following the 10) is the condensation of several words allowing "brevity." Speed is also achieved due to the fact that numbers, because of inflection, are easily understood despite noise that might be present.
70. The desk officer may, at his/her own discretion, conduct status checks on field personnel when it is believed the activity or call for service may be dangerous or become violent in nature.
71. Status checks that get no response shall mandate a back-up unit be immediately dispatched and the patrol supervisor immediately notified.
72. When requesting DMV information, members should try to give the information in the same sequence each time. This will help the member remember what information is necessary and at the same time will help the desk officer to anticipate what will be said next. This will speed up responses and save air time by avoiding repeats.
73. When given the go ahead by Headquarters, a vehicle registration check should be requested, as follows: state of registration, followed by the license plate number.
74. When requesting a registration check, if no state is given the desk officer will assume the inquiry is for a New York registration.
75. When requesting DMV information using the VIN number, member should split the numbers into groups, pausing between each.
76. When requesting a wanted inquiry (WINQ) member should specify that it is other than a license or registration request, e.g., "Car 421 to Headquarters, WINQ inquiry on the following individual, [last name, first name, middle initial, etc.]."
77. When spelling names, the phonetic alphabet should be used when giving the last name and middle initial. If the first name might be wrongly interpreted, it also should be spelled phonetically.
78. When reading numbers, where practical, break into groups of three digits. When reading a number separated by hyphens, break where the hyphens appear. Pause slightly between each group.



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DESK OPERATIONS/COMMUNICATIONS			
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Frequency Channel Utilization

79. All Police Department main mobile radios are 16-channel Motorola Scan capable with the following frequencies installed:

- a. F1 Main Police frequency - dispatch and general operations. F1 operates on a repeater system. It is important to remember to pause for approximately 2-to-3 seconds after a transmission is received before one transmits again to allow for the repeater to clear. This pertains to both the main base and portables.
- b. F2 Police -simplex car to car - Should be utilized when units are in close proximity to each other and the added power of the repeater system is not needed. This is a simplex system where transmit and receive use the same frequency as CH.1.
- c. F3 Larchmont/TMPD/VMPD Talk-around Secondary
- d. F4 Larchmont TAC
- e. F5 Scarsdale PD
- f. CH. 6 MRD- Every agency in New York State has this in their cars and portables.
- g. F7 Westchester County PD Repeater
- h. F8 Westchester County PD Talk around
- i. F9 M.T.A. Police
- j. F10 New Rochelle PD
- k. F11 Port Chester/Rye PD
- l. F12 Harrison PD
- m. F13 Pelham PD
- n. F14 Marine Ch. 16

80. In an effort to adhere to the communications mandate of the Mutual Aid Response Plan, the following channels have been programmed on all portable radios:

- | | |
|--------------|-----------|
| 1. WCPD F3 | 6. VTAC12 |
| 2. WCPD F4 | 7. VTAC13 |
| 3. STATE MRD | 8. VTAC14 |
| 4. VCALL10 | 9. VLAW31 |
| 5. VTAC11 | |

81. The frequencies are programmed **in the above order**, based on the radio, as follows:

PR1500 Portables:
Bank '**B**'

EX560XLS Portables:
Mutual Aid Bank



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82. Members who are not familiar with the operation of the function controls of the mobile radios should see a supervisor for training.

Interagency Transmissions

83. Members engaged in radio communications with interacting agencies shall not use the Department 10 radio code unless communicating with agency utilizing the same codes. When this is done, the officer must identify himself, e.g., "Larchmont Car 421 to Mamaroneck Town PD" Members shall articulate their messages in a clear, concise, and courteous manner.

Fire Department and EMS Dispatching

Receiving the Call

84. All emergency calls requiring Fire Department response, inclusive of EMS calls, shall be redirected as follows:

85. As with any call for service, the Desk Officer shall first collect as much information as possible about the emergency being reported, inclusive of a call back number.

86. Calls received via E911 shall be conveyed to 60 Control by transferring the call on the E911 console by clicking on the appropriate button.

87. Calls received via landline telephone shall be conveyed to 60 Control by:

88. Transferring the call by pressing the appropriate speed dial button on the telephone.

89. Notify the 60 Control dispatcher that you are transferring a call for the Larchmont Fire Department and hang up to release the call.

90. Desk Officers should be mindful of the fact that when the "transfer" button is pressed, the caller is on hold, and they will not be able to communicate with the caller. It is, therefore, particularly important that all relevant information be gathered before the call is transferred in the event the call is lost before the transfer is successful.

91. When an aided case is reported to this agency, the current means of dispatching Larchmont V.A.C. or Mamaroneck E.M.S. remain unchanged.



ADMINISTRATIVE PROCEDURE			Procedure No: 113-06
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92. After transferring the call to 60 Control in the appropriate manner the Desk Officer shall, whenever possible, contact the Fire Department on extension 3996 to advance response time to any significant emergency call.

93. Fire Department communications between fire apparatus and 60 Control may be monitored at the Police Desk via the Fire Department Radio on frequency A-FIRE-15. The Desk Officer shall also have the ability to communicate with the Fire Department and 60 Control on this same frequency.

94. Fire Department will not notify the Police Desk via the telephone when they are responding to emergency; therefore a Fire Department pager will be maintained at the Police Desk to monitor Fire Department dispatches.

Integrated eJustice Portal

95. The following pages contain the Use and Dissemination Rules for the Integrated eJustice Portal.

96. Members shall familiarize themselves with these rules and strictly adhere to the policies set forth.

USE & DISSEMINATION AGREEMENT
between
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
and
NAME

Pursuant to Executive Law ' 837(6) and ' 837(8-a), the New York State Division of Criminal Justice Services (DCJS) hereby agrees to allow **Agency, City, New York**, the (“User Agency”) access to criminal history and wanted and/or missing persons data as may be contained in DCJS and, if applicable, federal Criminal Justice Information Services (CJIS) data files and other state repository files, as available through the Interstate Identification Index (hereinafter referred to as “III”), in accordance with the following terms and conditions:

DUTIES OF DCJS

DCJS will process authorized criminal history record inquiries, as specified in the Inquiry Specification list (attached hereto and hereinafter referred to as “Appendix A”), by searching its files and returning related criminal history, wanted and/or missing persons information, as permitted by New York State law, DCJS administrative regulations, applicable federal statutes and regulations and CJIS policies and procedures.

DCJS will allow User Agency to access criminal history data electronically by allowing on-line searches of its files and, if applicable, CJIS files for those criminal justice purposes specified in Appendix A, and will return related criminal history, wanted and/or missing person’s information, as permitted by New York State law, DCJS administrative regulations, applicable federal statutes and regulations and CJIS policies and procedures.

DCJS will provide such information only to the extent that public funds are made available for that purpose.

DUTIES OF USER AGENCY

User Agency will collect, receive, use and report, when applicable, all information covered by this Agreement in compliance with all applicable state laws and regulations, and all applicable federal laws, regulations, policies and procedures, and restrict inquiries to only those specified in Appendix A. For employment and/or licensing purposes, the User Agency agrees to retain criminal history record information supplied by DCJS only for the duration of the appointment and/or licensing investigation process. Thereafter, such information must be destroyed in a secure manner so as to preclude unauthorized access/use.

For electronic access, the User Agency must have and maintain the necessary computer and associated equipment. In addition to the aforementioned laws, regulations, policies and procedures, the User Agency must also comply with the Electronic Access Guidelines attached as Appendix B. Electronic access allows the User Agency to extract criminal history record information from DCJS criminal history files and, if applicable, CJIS for inclusion in a separate report, provided such information shall not be compiled by the User Agency into a separate data file for inquiry access or secondary dissemination of any kind.

The User Agency agrees to protect the security of criminal history record information that is contained in either printed or electronic form. All terminals, printers and other electronic devices which allow access to criminal history record information must be in secure locations within the confines of the User Agency. Access to the locations must be restricted to authorized employees, or visitors - such as vendors - necessary for business purposes. Visitors to computer sites or terminal areas must be accompanied by User Agency staff at all times.

The User Agency will familiarize its personnel with, and adhere to, 42 U.S.C. ' 3789g and the applicable regulations (see, 28 CFR Part 20; Appendix C) and, when applicable, the CJIS Security Policy Issuances, National Crime Information Center (NCIC) Manual and the III Operational and Technical Manual, which are incorporated into this Agreement by reference. The User Agency will also familiarize its personnel with, and ensure adherence to, all physical and personnel security, and other relevant provisions, as specified in the Electronic Access Guidelines in Appendix B. This includes, but is not limited to, provisions concerning the confidentiality of criminal history record information and the physical security of terminals enabled to electronically access the files of DCJS and, if applicable, CJIS.

The User Agency will make records available that support and justify criminal history record inquiries to DCJS and, if applicable, CJIS for the purpose of conducting routine, periodic audits to ensure compliance with all applicable laws, regulations, policies and procedures regarding the information furnished by DCJS, and/or CJIS pursuant to this Agreement. The User Agency agrees to keep such records as DCJS may require including a log of all non-fingerprint inquiries, whether made by electronic and non-electronic means, to facilitate audits. The log will reflect, at a minimum, a record of each inquiry showing the date, time, name of subject, specific reason for the inquiry, file or case number, name of person requesting the inquiry and the terminal operator. In those cases for which an inquiry is made on behalf of another authorized agency, the ORI code of the requesting agency must be recorded. Fingerprint-based inquiries need not be logged.

The User Agency will appoint a Terminal Agency Coordinator (TAC) who will be responsible for ensuring compliance with DCJS and, if applicable, CJIS regulations and policies. The TAC will train and affirm the proficiency of terminal operators who access the criminal history files of DCJS, and, if applicable, the criminal history record files of CJIS, prior to the operator being permitted access. For those User Agencies which access CJIS information, in addition to ensuring that training and testing of each terminal operator has been completed pursuant to NCIC policies and procedures, the TAC will also ensure that DCJS-approved training of each terminal operator has been completed and will maintain each operator's certification attesting to such training for audit purposes. For those User Agencies with access to only NYS criminal history, the TAC will ensure that DCJS-approved training of each terminal operator has been completed and will maintain each operator's certification attesting to such training for audit purposes. The TAC will also maintain a complete, accurate, and up-to-date listing of all terminal operators and their user identifications. The head of the User Agency will officially notify DCJS upon the appointment of any TAC by submitting a form supplied by DCJS. The User Agency agrees to provide sufficient time during normal business hours for the TAC to perform the duties and responsibilities associated with the position, as explained in the *TAC Guidelines (DCJS-EXT 2422)*.

The User Agency will conduct fingerprint-based criminal history record/fugitive file searches by submitting fingerprints and the required state, and if applicable, federal fee(s) in accordance with DCJS and CJIS criteria upon initial assignment or employment of all personnel who will have access to DCJS or CJIS criminal history record data, including programmers, technicians and other persons who will be utilized to effectuate access to, or initiate transmission of, DCJS or CJIS data. The User Agency shall not permit access of any kind until the User Agency receives and reviews the fingerprint-based search results and makes a determination if access/employment is appropriate. New York State Correction Law §§752-753 provides factors to be considered in making such determinations. If deemed acceptable, the individual may be granted access. If a felony conviction of any kind is found, access shall be denied and the User Agency will be responsible for immediately notifying DCJS' Office of Criminal Justice Operations (OCJO). Access by an individual with a felony conviction to CJIS information shall be determined pursuant to the federal CJIS Security Policy v. 4.5, December 2008, (Personnel Security 4.5.1.); and access to NYS-only criminal history information shall be determined upon a review and determination by the DCJS Commissioner or his or her designee. The User Agency will be notified upon a completion of such review whether such user shall be permitted access. If an individual approved for access is subsequently arrested, the User Agency will be notified. The User Agency will be responsible for notifying OCJO if such arrest results in a felony conviction. If a felony conviction results from such arrest, the User Agency agrees to review the individual's access in the manner outlined above.

The Information Security Breach and Notification Act (ISBNA) (General Business Law, §889-aa; State Technology Law, §208), requires that state entities, persons or businesses which do business in New York disclose to a New York resident when their private information was, or is reasonably believed to have been, acquired by a person without valid authorization. In accordance with this law, the User Agency shall be responsible for complying with the provisions of the ISBNA and the following terms contained herein with respect to any private information (as defined in ISBNA) received by User Agency under this Agreement that is within the control of the User Agency either on the DCJS information security systems or the User Agency's information security systems (System). In the event of a breach of the security of the System, i.e., the unauthorized acquisition of unencrypted computerized *data with private information* (as defined by ISBNA) the User Agency shall immediately notify the Information Security Officer (ISO) of DCJS of any breach of the security of the System immediately following discovery of such breach. The User Agency shall immediately commence an investigation, in cooperation with the ISO of DCJS to determine the scope of the breach and restore the security of the System to prevent any further breaches. Except as otherwise instructed by the ISO of DCJS, User Agency shall, to the fullest extent possible, first consult with and receive authorization from the ISO of DCJS prior to notifying the State Consumer Protection Board, the Office of the Attorney General or any consumer reporting agencies of a breach of the security of the System or concerning any determination to delay notification due to law enforcement investigations. DCJS shall be responsible for providing the notice to all such required recipients and for all costs associated with providing such notice. Further, the User Agency will indemnify and hold harmless DCJS for damages assessed against DCJS for breach of security, wrongful disclosure, negligence, and any and all causes of action arising out of disclosure of or negligent failure to protect data provided to User Agency from access by unauthorized individuals.

ACCESS RESTRICTIONS

Inquiries for employment and/or licensing purposes via telephone, computer to computer, remote terminal, correspondence or other methods of non-fingerprint inquiry are prohibited. Fingerprints must be submitted for employment and/or licensing purposes.

Secondary dissemination of criminal history record information received from DCJS and/or CJIS is not permitted for any reason unless specifically authorized by law. Secondary dissemination means the transmission of criminal history record information in any form, printed or otherwise, to another agency or individual.

SUBSEQUENT QUERY REQUIREMENT

If the User Agency has a subsequent need for criminal history record information pertaining to an individual for whom a previous inquiry was made, the User Agency must submit a new inquiry to DCJS to ensure that it has the most up-to-date, complete and accurate criminal history record report available for that individual. A previously obtained criminal history record should never be used again in connection with an extension of the original purpose, or in connection with a new and different purpose. It should be retained only so long as is necessary to document the circumstances of the case/investigation at the time of the inquiry.

Any criminal history record information electronically extracted and saved in a separate report by the User Agency shall not be used in lieu of submitting a new inquiry to DCJS.

SUSPENSION OF SERVICE, CANCELLATION, FINES

DCJS may suspend provision of all/part of the service covered by this Agreement to the User Agency for a known violation of any applicable state or federal law, rule, regulation, policy, procedure, or this Agreement. User Agency recognizes that a known violation of 42 U.S.C. ' 3789g and/or the applicable regulations by the User Agency, or its employees, may subject the User Agency to fines up to \$10,000, and may result in suspension of all federal funds. DCJS may resume furnishing any information authorized hereunder when it is satisfied that all violations have been eliminated.

Either DCJS or the User Agency may, on 30 days written notice, terminate this Agreement for any reason.

INDEMNIFICATION OF DCJS

The User Agency, to the extent permitted by State or federal law, agrees to indemnify and save harmless DCJS, its officers and employees, from and against any and all claims, demands, actions, suits and proceedings brought by others arising out of the terms of this Agreement founded upon the negligence or other tortious conduct of the User Agency including but not limited to, any liability for loss or damage by reason of any claim of false imprisonment or false arrest.

PURGE/VALIDATION OF INACTIVE NON-CRIMINAL FINGERPRINT CARDS

If DCJS retains the User Agency's non-criminal applicant fingerprint cards in its files for the purpose of issuing reports to the User Agency upon the subsequent arrest of the subjects of the retained fingerprint cards, the User Agency agrees to:

At the end of every calendar year, provide DCJS with:

- 1) The names and NYSID numbers of individuals whose fingerprint cards were sent to DCJS for identification processing and retention, but whose applications were not approved for employment or licensure by the User Agency; and
- 2) The names and NYSID numbers of individuals who subsequently left the employment situation or relinquished the licensure.

Once so notified by the User Agency, DCJS agrees to purge the fingerprints of individuals who are no longer in the employment or licensure situation for which they were fingerprinted.

EFFECTIVE DATE

This Agreement shall supercede any prior Use and Dissemination Agreement between the parties and shall become effective when signed by the Commissioner of DCJS, or his or her designee, and the official of the User Agency having authority to bind the User Agency to the terms and conditions enumerated herein.

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

USER AGENCY: AGENCY NAME

BY: _____
Signature

BY: _____
Signature

Printed Name: Donna Call
Chief of Operations
Office of Criminal Justice Operations

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



OPERATIONS PROCEDURE			Procedure No: 113-06
RADIO 10-CODES			
DATE ISSUED: 01JAN19	DATE EFFECTIVE: 01JAN19	REVISION NUMBER:	PAGE: 1 of 1

10-01	REPORT TO HEADQUARTERS	10-33	LARCENY IN PROGRESS [SPECIFY]	10-65	RESUMING PATROL/AVAILABLE
10-02	CALL HEADQUARTERS LAND LINE	10-34	CRIMINAL MISCHIEF IN PROGRESS	<u>CODES</u>	
10-03	LOCATION	10-35	DISPUTE IN PROGRESS	1	RESPOND IMMEDIATELY
10-04	MESSAGE ACKNOWLEDGED	10-36	FIGHT IN PROGRESS	2	REPORT OF INJURY
10-05	ASSIST OFFICER ON DETAIL	10-37	PERSON WITH A KNIFE	3	REQUEST FOR OXYGEN
10-06	STAND BY	10-38	PERSON WITH A GUN	4	RESPOND SILENTLY
10-07	REPEAT MESSAGE	10-39	REPORT OF EXPLOSIVE	5	RESPOND AT YOUR CONVENIENCE
10-08	UNIT DISREGARD	10-40	ALARM OF FIRE	6	SITUATION UNDER CONTROL
10-09	GO TO CHANNEL 3	10-41	OUT OF SERVICE (GIVE LOCATION)	<u>LOCATIONS</u>	
10-10	BURGLAR ALARM	10-42	AIDED CASE	4	NAUTILUS DINER
10-11	SUSPICIOUS PERSON or PROWLER	10-43	AUTOMOBILE ACCIDENT	10	I.H.O.P.
10-12	BANK HOLDUP ALARM	10-44	DISTURBANCE / DISORDERLY	11	BLD DINER
10-13	OFFICER NEEDS ASSISTANCE	10-45	ESCORT	12	DUNKIN DONUTS
10-14	TROUBLE AT HEADQUARTERS	10-46	DOG COMPLAINT	18	DE CICCIO'S
10-15	DRIVING WHILE INTOXICATED	10-47	FAMILY DISPUTE	24	LARCHMONT YACHT CLUB
10-16	OPEN DOOR/WINDOW	10-48	D.O.A.	25	LARCHMONT SHORE CLUB
10-17	PLATE CHECK	10-49	TRAFFIC OR ILLEGAL PARKING	26	LARCHMONT AVENUE CHURCH
10-18	IS RADIO CLEAR FROM SUBJECT	10-50	INTOXICATED PERSON	27	CHATSWORTH AVENUE SCHOOL
10-19	CRITICAL INCIDENT/CLEAR FREQUENCY	10-51	CIVIL DISPUTE	28	ST. AUGUSTINE'S CHURCH
10-20	ROBBERY PAST	10-52	MEAL PERIOD	29	ST. JOHN'S CHURCH
10-21	BURGLARY PAST	10-53	TIME CHECK	30	LARCHMONT TEMPLE
10-22	ASSAULT PAST	10-54	TOW TRUCK REQUEST	31	SULAM YAAKOV SYNAGOGUE
10-23	LARCENY PAST [SPECIFY]	10-55	AMBULANCE REQUEST	32	FUJI MOUNTAIN RESTAURANT
10-24	CRIMINAL MISCHIEF PAST	10-56	STATUS CHECK	33	LONGFORD'S ICE CREAM
10-25	DISPUTE PAST	10-57	SUBJECT IN CUSTODY	34	CVS
10-26	PERSONAL NECESSITY	10-58	SEE COMPLAINANT (SPECIFY)	35	CHASE BANK
10-27	SCHOOL OR CHURCH CROSSING	10-59	AT SCENE	36	M&T BANK
10-28	TRAFFIC POST	10-60	UNFOUNDED	37	WELLS FARGO (Boston Post Rd)
10-29	WIRE/TREE DOWN/UTILITY CALL	10-61	CONDITION CORRECTED	38	BANK OF AMERICA
10-30	ROBBERY IN PROGRESS	10-62	FALSE ACTIVATION	39	CITIBANK
10-31	BURGLARY IN PROGRESS	10-63	REFERRED TO COURT	40	
10-32	ASSAULT IN PROGRESS	10-64	GONE ON ARRIVAL	41	WELLS FARGO (Palmer Ave)



OPERATIONS PROCEDURE			Procedure No: 113-07
MAJOR CRIMES			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE

To provide guidelines for officers and investigators responding to major crime scenes.

BACKGROUND

The actions taken by patrol and investigative officers at crime scenes often determine the course and success of a criminal investigation. Initial responding officers play the lead role by protecting the crime scene, rendering emergency services and initiating the investigation. Thus, it is the purpose of this policy to provide officers with guidelines for responding to and dealing effectively with the operational demands at crime scenes.

POLICY

It is the policy of this law enforcement agency that all officers understand and follow applicable procedures established herein to effectively protect, collect and preserve evidence of a crime and conduct initial investigative and other essential tasks at major crime scenes.

Initial Response

Initial responding officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a superior officer, detective or other officer specifically assigned to criminal investigations.

1. In responding to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.
2. Upon arrival, verify that a crime has been committed and relay essential information to police desk.
3. Administer first aid and/or summon emergency medical assistance if required and take those steps necessary to protect victims or others.
4. Arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs



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MAJOR CRIMES			
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of victims and others against the safety of the public if the perpetrator were allowed to escape.

5. Provide police desk with such information as:
 - a. nature of the crime committed;
 - b. description of the perpetrator and mode/direction of flight;
 - c. description of any vehicle used by the offender and any other accomplices;
 - d. use of firearms or other deadly weapons; and
 - e. any support required at the crime scene.
6. Identify any witnesses to the crime, secure their identities and request that they remain present at the crime scene until they can be interviewed.
 - a. Where reasonably possible, obtain the identities of any other persons who were present upon arrival at the crime scene.
 - b. Note the license tags of vehicles parked near the crime scene and be aware of suspicious persons on hand at or near the crime scene.
7. Provide superior officers and any other investigative personnel arriving on the scene with complete information on the offense and the measures taken thus far by officers and others.
8. Record all relevant information in the officer's Departmental activity log with specificity.
9. Notify a Command Officer at the earliest possible opportunity.

Preservation of the Crime Scene

10. Responding officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending perpetrators or securing the area. Other entries shall be permitted only under direction of a supervisor.

NOTE: Officers making initial entries for the above purposes, where feasible, shall avoid touching, walking upon, moving objects or otherwise altering or contaminating the crime scene.



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MAJOR CRIMES			
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11. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence. As necessary, considering the nature and seriousness of the crime, officers should:
 - a. request backup assistance to restrict access to the crime scene and control any on-lookers;
 - b. erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and
 - c. record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions.
12. Restrict all persons from the crime scene who are not directly involved in the investigation. In the case of homicides or other major crimes, the superior officer-in-charge shall assign an officer at the point of entry to ensure that the identity of all persons entering the crime scene is recorded. Such officer will be provided with and maintain a departmental Crime Scene Log, entering the identity and times in and out of each individual gaining access to the crime scene.
13. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The "place last seen" of kidnapped or missing persons should be protected in a similar manner.

Collection of Evidence

Unless exigent circumstances exist or authorization of a supervisory officer is received, initial responding officers at major crime scenes shall not engage in collection of items of potential evidentiary value. Officers may engage in the following tasks as directed by the superior officer in charge.

14. The chain of possession of all evidence shall be clearly and completely documented in accordance with departmental policy beginning with initial collection, packaging and labeling at the crime scene.
15. Officers shall search the crime scene in a manner or method prescribed by the superior officer-in-charge for any items that may establish how the crime was committed or who committed the crime. This may include but is not limited to:



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MAJOR CRIMES			
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- a. unusual objects or objects found in unexpected or unusual locations; and
- b. weapons, tools, clothing, stains, blood splatters, fingerprints, footprints, tire or tool mark impressions, broken glass, fibers, soil or other items or substances.

16. Officers shall comply with this department's policy and procedures on vouchering property pursuant to Section 111-01 for purposes of properly photographing, preserving, packaging and labeling criminal evidence.

Interviewing Witnesses

17. Witnesses at a crime scene shall be identified, segregated and preliminary interviews conducted as soon as possible. Additionally, the neighborhood surrounding the crime scene should be canvassed immediately in order to identify additional witnesses or others who may have some knowledge of the crime. The purpose and scope of these interviews is to gather as much basic information as possible in order to identify the perpetrator and establish the basis for the follow-up investigation.

Crime Scene Reporting

18. Officers conducting the preliminary and follow up investigation shall complete appropriate reports in accordance with agency policy. At a minimum, reports shall include:
- a. date and time of arrival at the scene;
 - b. any relevant weather or situational conditions at the scene to include the status of the crime scene upon arrival (e.g., fire, crowds, and initial observations);
 - c. how the crime was discovered and reported and the relationship of reporting individuals to the victims or others if appropriate.
 - d. identity of other officers or emergency personnel present upon arrival and those who responded to the crime scene thereafter;
 - e. physical evidence discovered and officers responsible for collection (special note should be made of any valuables collected at the scene, such as currency or jewelry);
 - f. name, address and telephone number, or other appropriate identification of witnesses to the crime;
 - g. results of interviews with victims and witnesses to include in particular the identity or best possible description of suspects, method of operation, means of escape and any other pertinent identifying information;



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- h. diagrams, sketches, photographs, video tape or other similar information made at the scene or the identity of officers or civilians who made such recordings; and
- i. recommendations for further investigation such as the names of witnesses or others who may be able to provide additional information.

Note: Officers are permitted to enter premises without a warrant , with force if necessary, under exigent circumstances in order to conduct protective fan-out searches when they have reasonable cause to believe that a person within the premises is in immediate need of assistance or a perpetrator is present. If in the course of such a search, evidence is discovered in plain view, it may be seized without a warrant or noted for later removal. Any searches beyond these require a search warrant.



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RESPONSE TO CALLS FOR SERVICE, GENERALLY			
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PURPOSE

To provide a uniform set of definitions to indicate the seriousness of incidents requiring police response, thereby enabling responding members to quickly assess their response options, and to provide procedural guidelines for the operation of Department vehicles involved in emergency response.

BACKGROUND

The operation of police vehicles under emergency circumstances creates a great potential for injury to the member(s) and the general public. New York State law does not relieve the operator of an emergency vehicle from (the responsibility for) driving with due regard for the safety of all persons. Operators of emergency vehicles may be held liable for negligence resulting therefrom.

POLICY

In any emergency response, the primary concern of the operator of the emergency vehicle must be the safety of other motorists, pedestrians and fellow members. Under no circumstance is the member protected from the consequences of failing to exercise reasonable care and diligence despite the operation of emergency equipment.

PROCEDURE

1. The driver of an authorized emergency vehicle, and only when involved in an emergency operation, may exercise the privileges set forth in section 1104 of the New York State Vehicle and Traffic Law. This section states in part:
 - a. The driver of an emergency vehicle may:
 - Proceed past a safety red signal, a flashing red signal, or a stop sign, but only after slowing down as may be necessary for safe operations.
 - Exceed the maximum speed limits so long as he does not endanger life or property.
 - b. The foregoing provisions do 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/her reckless disregard for the safety of others.



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Guidelines and Types of Response

2. Routine Response - Represents a routine call or a request for police assistance regarding a matter that is not an immediate emergency. This type of call does not endanger life or property. Examples as follows, but not limited to:

- Any incident that is not in progress or has not just occurred
- Disabled vehicle
- Citizen assists
- Animal cases
- Minor Law violations- parking violations, local ordinances
- Motor vehicle accidents- where there are no injuries

Even though these calls are classified as "routine," complete information should be obtained and the call handled as soon as possible.

3. Urgent Response - Represents an assignment of an urgent nature. The basic difference between routine and urgent response is the immediacy of the threat of actual physical injury or death. Urgent response is assigned to those instances representing a strong but not necessarily immediate potential for personal injury or property damage if assistance does not arrive, or whenever additional police manpower is required to assist a member to complete a potentially dangerous assignment. Examples as follows, but not limited to:

- Assist a member with transport of prisoner(s), crowd control, disturbance, etc. where there is no immediate threat to the life or safety of the requesting member
- A group altercation
- A personal injury
- Domestic disputes
- Alarm activation's

4. Emergency Response - Represents an apparent danger of serious injury or death, where the speedy arrival of police personnel may be necessary to save a life or reduce the extent of serious injury. Examples (illustrative only):

- Police officer needs help - all instances in which the safety of a member is directly threatened.
- Other situations in which human life is in peril and the police have the prime responsibility, such as:
 - A shooting,



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- (ii) An explosion or bombing,
- (iii) A felony in progress,
- (iv) A major accident with serious injuries.

5. Using the guidelines listed above, it shall be the responsibility of the assigned member to initiate the appropriate response.

Tactics for Response

6. Emergency lights and siren should both normally be activated for Urgent and Emergency responses to major disturbances and serious injury situations.
7. Lights and siren may be seen and heard from distances of up to one mile. During responses to "In Progress" felonies, the siren should be used as little as possible and not at all where the possibility of a hostage situation may result if the perpetrators become aware of the police response. The obvious exception would be an assault situation where the sound of an oncoming siren may have the beneficial effect of causing an assailant to break off his/her attack. In a silent emergency response, members should avoid coming into sight of the premises until the last moment. Emergency lights should be deactivated before entering the line of sight.
8. When engaged in emergency response operations the member operating a department vehicle may operate the department vehicle in accordance with subdivision 1 of this section.

Supervisor/Desk Officer

9. Any department supervisor or desk officer may direct a responding member(s) to adjust his/her response if information develops to require such a modification.

First Member on Scene

10. The first member to arrive at the scene of an emergency should make an assessment, and if emergency response is no longer needed to so advise other responding vehicles.



OPERATIONS PROCEDURE			Procedure No: 113-12
VEHICLE REPOSSESSION			
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PURPOSE

To establish uniform guidelines for the handling of repossessed vehicles by any authorized agency, public or private, as a result of financial obligations, without the knowledge or consent of the registered owner.

POLICY

It will be the policy of this Department to make eJustice Portal entries when a vehicle has been repossessed, to alert agencies attempting to make stolen vehicle entries that the vehicle has been repossessed.

PROCEDURE

1. Pursuant to section 425.1 of the New York State Vehicle and Traffic Law, any person, firm or corporation, or agent, employee or representative thereof, repossessing or taking a motor vehicle or motorcycle pursuant to the provisions of article 9 of the Uniform Commercial Code, or other authority of law, or any contract or agreement, shall immediately following such repossession or retaking personally appear at the police department in the locality wherein such repossession or retaking occurred.
2. Whenever a report is made to this Department that a vehicle has been or is about to be repossessed, the Desk Officer will file an Incident Report.
3. The documentation provided by the repossessing agency shall be photocopied and attached to the Incident Report.
4. The Desk Officer will notify the appropriate post car of the location of the repossession.
5. If the repossession agent responds to Headquarters prior to the repossession or retaking of a vehicle, the post car will notify the Desk Officer when the vehicle has been seized.

NYSPIN Procedure

6. Upon notification of repossession, the Desk Officer shall, as soon as practical, make a RENT entry in eJustice regardless of whether or not the owner of the vehicle is notified.
7. The Desk Officer shall print and attach the RENT to the Incident Report.



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DEATH AND SERIOUS INJURY NOTIFICATIONS			
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PURPOSE

To ensure the prompt notification of next of kin in all cases where the deceased or seriously injured person(s) are handled by police personnel or for another police agency.

To establish departmental guidelines in making such notifications.

BACKGROUND

Frequently, police officers are assigned the task of notifying next of kin that a loved one or family member has been killed or seriously injured. This notification may be a part of an ongoing local case where the next of kin lives within the Village of Larchmont or involves information received from another jurisdiction, and the notification must be made to a Larchmont resident.

It should not be hard to understand why the subject of a death or seriously injured notification is a difficult and emotional task, even for those who have dealt with death in many other circumstances.

POLICY

The member assigned to notify the next of kin of a deceased, seriously injured or seriously ill person should gather as much detail surrounding the subject as time permits. The member should record, for example, the deceased's full name, age, sex, race, address, location of death, nature of death, time of death, location of the body, and any other pertinent details surrounding the death. The member should verify that the information is correct and learn as much as possible regarding the circumstances of the death.

En route to the next of kin's residence, the member should take time to review these details.

It is very important, for several reasons that the member be permitted inside the house before actual verification is made. First, a death notification conveys very personal and private information that should not be initially shared by others, nor should the next of kin's need for personal privacy be compromised at this traumatic moment. Secondly, if notification is completed at the door, members may not be able to gain admission thereafter. In this event, should the next of kin suffer serious medical or psychological problems, members would not be able to assist.



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PROCEDURE

Making Notification

1. Notification should be made as promptly as possible.
2. Notification must, absent extreme exigent circumstances, be made in person, not over the phone.
3. The presence of a minister, relative, close friend, or neighbor should be obtained whenever possible before notification.
4. If notification has to be made to someone alone, the member should offer to assist the next of kin in contacting a relative or close friend, etc.
5. The member must be as tactful and diplomatic as possible. Give the information a little at a time. Let the recipient set the pace for the delivery of the information. Express sincere sympathy and desire to assist.
6. The pace of the delivery should be dictated by the actions of the survivor. If permitted, it is best to deliver the message in a gradual but direct manner. The members should proceed directly with business, speaking in a slow, calm manner, and proceed with the notification until complete.
7. Details regarding the cause of death, particularly in cases of violence, accidents, or murder, should not be discussed at this time. Using such words as decapitated or killed, detracts from a competent and compassionate notification and are best left to a physician or medical examiner to discuss with the next of kin at a later time. Being too graphic at this stage can create an emotional overload, which can complicate an already difficult situation.
8. If necessary, assist the next of kin by providing a ride to the hospital.
9. When requested by another agency to make a notification, the desk officer should obtain whatever pertinent information about the situation is available in order to assist the relative in receiving the message. Prior to making the notification, the information should be authenticated. The desk officer must obtain the caller's telephone number and call back to ascertain the legitimacy of the request. Members delivering notifications shall tell the next of kin the source of information and whom



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to contact for further assistance. The same procedures as above should be followed as much as possible. An Incident Report shall be prepared.

10. Should the need arise to contact an agency outside this jurisdiction in order to perform the notification, provide them with all the pertinent details at member's disposal. Request that they make the notification in person as quickly as possible and that member receive immediate verification thereafter that this has been accomplished.



OPERATIONS PROCEDURE			Procedure No: 113-14
STOLEN VEHICLES			
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PURPOSE

To establish uniform guidelines for the handling of stolen motor vehicle reports and lost or stolen license plate reports.

POLICY

It will be the policy of this Department to make computer entries in the eJustice Portal when a vehicle and or license plates have been in fact stolen, and to attempt to recover stolen property and prosecute offenders.

PROCEDURE

1. Whenever a report is made to this police department that a vehicle and or license plates have been stolen, the desk officer will dispatch an officer to investigate, or take the report him/herself if the complainant presents him/herself at police headquarters.
2. The reporting officer shall attempt to verify if the vehicle/plates are in fact stolen, though a cursory investigation. Officers should be aware that vehicles are sometimes simply misplaced or moved from the location for what could be a myriad of reasons.
3. If the reporting officer is satisfied that a vehicle is stolen, the reporting officer shall have the complainant fully complete the "Stolen Vehicle Written Statement Form". The reporting officer will then complete an incident report and attach said statement to the report. The reporting officer will also complete a MV-78B form for the complainant and refer them to the NYS Department of Motor Vehicles.
4. Every reasonable effort shall be made to contact the registered or titled owner of the vehicle before an alarm is transmitted via the eJustice Portal. An eJustice Portal entry shall not be made on stolen license plates if the registered owner does not personally complete a written statement, however the reporting officer will complete an incident report and a MV-78B form for either lost or stolen license plates after the victim/complainant completes a written statement, and refer the victim/complainant to the N.Y.S. Department of Motor Vehicles.

NOTE: There are further restrictions on license plate eJustice Portal entries detailed in subdivision 7 of this procedure.



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5. The reporting officer is further responsible to notify the complainant that once an alarm is transmitted it remains listed as stolen until the plates or the vehicle are properly recovered. The complainant must be advised that if they recover or come in contact with the vehicle or stolen license plates that they must notify this police department immediately so the eJustice Portal alarm can be properly cancelled.

eJustice Portal Procedure

6. If it is determined that a Portal entry is to be made, a File 1 VENT is made for vehicles and a File 16 LENT is made for stolen license plates. When canceling Portal entries, VCAN is used for vehicles and LCAN for license plates.
7. There is to be no Portal entries for either lost license plates or only 1 (one) stolen license plate. An incident report is to be made in either case, and the complainant is to be referred to the N.Y.S. Department of Motor Vehicles with a MV-78 form completed by the reporting officer.
8. The reporting officer is to be responsible for a complete and accurate Portal entry. The reporting officer shall verify that the Portal alarm was either accepted or cancelled properly, depending on the circumstances, by requesting a check of the vehicle or license plate again through the Portal after the appropriate entry is sent.
9. If the desk officer receives a message from another Portal participant that a vehicle and or stolen license plates are recovered, the desk officer will verify same and send the appropriate teletypes. It is the responsibility of the desk officer to notify the victim/complainant that their stolen vehicle or license plates have been recovered. The desk officer shall then prepare a supplement report.
10. If this department recovers a stolen vehicle or stolen license plates that were reported stolen in another jurisdiction, the reporting officer shall first send a HC1V or HC1L and if confirmed by the original agency a VLOC or LLOC teletype shall be entered. An incident report shall then be generated and all copies of the Portal messages shall be attached to the report. It is imperative that the Portal messages from other Portal participants be filed appropriately especially when an arrest is involved.
11. Nothing in this procedure is meant or intended to usurp or alter eJustice Portal procedures, but to clarify them. All officers are reminded that they are responsible to know and to remain knowledgeable regarding Portal Rules and Regulations and Procedures.



OPERATIONS PROCEDURE			Procedure No: 113-15
STREET AND UTILITY HAZARDS			
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PURPOSE

To provide the policy, procedures and guidelines for members of this Department in correcting potential hazards on roadways or involving public utilities within the Village of Larchmont.

BACKGROUND

The Department will have standard operating procedures to handle and report hazardous road conditions and public utility notifications. These situations may involve debris on the roadway, roadway defects, missing or obstructed highway signs or traffic control signals, water and or sewer emergencies, public utility wires down or in need of repair, and natural gas leaks.

POLICY

Members of the Department will make timely notifications to other municipal agencies or public utilities in an effort to correct street conditions and thereby enhance public safety.

PROCEDURE

1. Members on patrol shall be responsible for reporting to the desk officer immediately any and all of the following:
 - a. Traffic control devices not operating properly or failed signals. Include location and direction or travel.
 - b. Traffic control signs down, missing, damaged or obstructed.
 - c. Dangerous holes or obstructions in roadways.
 - d. Fallen trees or limbs in roadways.
 - e. Electrical or communication lines down.
 - f. Natural gas leaks.
 - g. Any water leaks or breaks in mains.
 - h. Any blockages in sanitary sewer system.
 - i. Any construction site that is not properly barricaded or lit.
 - j. Any hazardous road conditions such as snow, ice or debris in roadway.
 - k. Any street light outages.
 - l. Any dumpster placed on any public street not properly barricaded or lit.



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Summary Actions

- Members shall not abandon any hazardous condition that may pose a threat to public safety.
- Members on patrol shall utilize road cones, temporary signs, barricades or traffic flares to warn vehicular or pedestrian traffic of any hazardous conditions. If warning devices can ensure public safety, immediate response is not mandated.

Reporting Procedures

- Members on patrol who observe any hazardous road condition or public utility hazard shall notify the desk officer immediately.
- Members on patrol shall make an activity log entry as to the condition, its location and action taken by the officer.
- The desk officer, when notified of a hazardous road condition or public utility hazard, shall notify the proper agency as described below.
- The desk officer shall make a blotter entry of the incident, including person notified or ID number.

Notifications

- The desk officer, when advised of a hazardous condition, shall immediately make notification(s) to the proper personnel assigned to correct such condition.

Village of Larchmont

- For hazardous road conditions such as snow, ice or debris in the roadway, downed tree limbs or trees, sewer blockages and dangerous holes or obstructions in roadways notification should be made to the Larchmont Department of Public Works. Notification should be made during normal business hours or to the respective employees listed at the police desk on weekends or after hours.
- Traffic signs which are downed, damaged, missing, worn out or in need of any repair shall be entered onto a "maintenance form" and will be forwarded to the Department of public works daily during the work week, unless the situation



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requires immediate repair, in such case notification shall be made immediately using the proper notification procedure.

11. Street light outages shall be documented on the appropriate form which will be forwarded daily during the work week to the department of public works.
12. Traffic light malfunctions on all Boston Post Road lights shall be reported to Verde Electric 664-7000. All traffic light malfunctions on any other village roadway shall be reported to the Larchmont Department of Public Works.
13. Traffic light malfunctions or bulb outages on Palmer Avenue shall be reported in the same manner as outlined in sub-division 12, of this section.

Public Utilities

14. Con Edison is to be notified of any emergency or hazard involving natural gas or downed or low hanging electrical lines. The official use only numbers are (914) 921-3716 for electric emergencies and (914) 921-3720 for natural gas emergencies. These numbers are not to be disseminated to the public.
15. Verizon is to be notified for any downed or low hanging phone lines.
16. Cablevision is to be notified of any downed or low hanging cable television wires.
17. Public water utility problems shall be reported following the guidelines kept at the police desk.



OPERATIONS PROCEDURE			Procedure No: 113-16
SNOW EMERGENCY AND SLIPPERY CONDITIONS			
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PURPOSE

To establish guidelines for members in handling snow emergencies and enforcement of village ordinances pertaining to snow emergencies.

BACKGROUND

Members on patrol are the first to detect slippery road conditions caused by inclement weather. Slippery roads can lead to an increase in traffic accidents and the subsequent loss of life and property. Members must bring slippery road conditions to the attention of the Department of Public Works so that public safety is not jeopardized.

POLICY

Members of the Department shall identify slippery road conditions, and make notification to other municipal departments assigned to handle such conditions.

1. Members on patrol shall immediately notify the desk officer of any snow or ice conditions upon village streets.
2. The desk officer, when notified of any snow or ice condition, shall make notification to the Department of Public Works.

Notifications

3. During normal business hours the Department of Public Works can be notified by calling 834-6965.
4. After normal business hours the superintendent of public works will be notified.

Parking Prohibition and Enforcement

5. To facilitate snow removal in the Village of Larchmont, Village Ordinance 220-22 and 220-36 prohibits street parking in the incorporated village between the hours of 2 a.m. and 6 a.m.
6. Members will issue parking summonses for violations of the village ordinance within the boundaries of his/ her post or area of assignment.



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7. Desk Officers will not grant permission for on the street parking when snow is either expected or it is currently falling. Permission may be granted for overnight parking in a municipal lot.

Snow Removal Ordinance and Enforcement

8. Village Ordinance 245-11 mandates the removal of snow and ice from sidewalks within the Village of Larchmont.
9. Members will make notifications to store and homeowners when violations of this ordinance are observed within his/ her post, and will issue appearance tickets for violations when the situation necessitates.



OPERATIONS PROCEDURE			Procedure No: 113-17
USE OF DEPARTMENT CELL PHONES			
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PURPOSE

To establish guidelines for the usage of the department owned cellular telephones.

POLICY

It will be the policy of this Department to utilize the department owned cellular telephones in a professional and efficient manner.

PROCEDURE

1. The police desk and police vehicles shall be equipped with cellular telephones.
2. The department owned cellular telephones are to be used solely for the purpose of conducting police business, both when making and receiving telephone calls.
3. No personal business is to be conducted on department owned telephones, either by generating a call or receiving a call via the phone feature or direct-connect feature. Officers are prohibited from giving the Nextel telephone number to anyone other than department employees.
4. Except for the telephone located in the Sergeant's vehicle, the department owned telephones located in the police vehicles are to remain in the police vehicles and are not to be removed. Except for the telephone located in the Sergeant's vehicle, no outgoing telephone calls are to be made from the police vehicle telephones.
5. The police vehicle telephones are to be used to communicate with the Desk Officer or another police vehicle when transmission over the radio airwaves would be inappropriate.
6. Desk Officers and patrol personnel shall not dispatch calls for service, give routine assignments or transmit dispositions over the telephones. This method of communication shall be reserved for sensitive information exchange.
7. Any maintenance or repair problems with the department owned cellular telephones shall be forwarded to the Administrative Officer via a Village Yard Slip.
8. Members are prohibited from excessive cellular phone use while in uniform or in public view.



OPERATIONS PROCEDURE			Procedure No: 113-21
STOP AND FRISK PROCEDURES			
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PURPOSE

To protect members of the service from injury while conducting investigations involving stop and question situations.

DEFINITIONS

STOP - To temporarily detain a person for questioning.

FRISK - A running of the hands over the clothing, feeling for a weapon.

SEARCH -To place hands inside pocket or other interior parts of clothing to determine if object felt is a weapon.

PROCEDURE

1. When a member of the Department reasonably suspects a person has committed, is committing or is about to commit a felony or misdemeanor as defined in the Penal Law, member should:
 - a. Stop person and request identification and explanation of conduct.
 - b. If not in uniform, identify him/herself as a police officer.
 - c. Frisk, if he/she reasonably suspects he/she or others are in danger of physical injury.
 - d. Search, if frisk reveals object that may be a weapon.
 - e. Search only that portion of the suspect's clothing where object was felt.
2. Detain suspect while conducting investigation to determine whether there is probable cause to believe an offense has been committed by the suspect.
 - a. Suspect may be detained for a period of time reasonably related to the facts that initially justified the stop or are discovered during the stop.
 - b. Complete investigation as expeditiously as possible.
3. Release suspect immediately after completing the investigation if probable cause to arrest does not exist.
4. Prepare a Stop-Question-Frisk Report.
 - a. The report shall be forwarded to the tour supervisor for review
 - b. The reviewed report shall be forwarded to the Detective Division
5. Prepare an Incident Report identifying each person stopped, if the:
 - a. person is stopped by use of force;



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- b. person stopped is frisked or frisked and searched;
- c. person is arrested; or
- d. person stopped refused to identify him/herself.



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6. Stop Question and Frisk Report



LARCHMONT POLICE DEPARTMENT STOP- QUESTION - FRISK REPORT

						Case No.	
Date			Day		Post		
Time of Stop			Period of Observation Prior to Stop				
Address/Location of Stop:							
Type of Location: ☐ Inside ☐ Outside ☐ Other							
Describe:							
Specify Crime Suspected:						Duration of Stop	
Name of Person Stopped					D.O.B.		
Address					Apt. #	Phone	
Identification: ☐ Verbal ☐ Photo ID ☐ Refused ☐ Other							
Sex: ☐ Male ☐ Female		Race: ☐ White ☐ Black ☐ White Hispanic ☐ Black Hispanic ☐ Asian/Pacific Islander ☐ American Indian/Alaskan Native					
Age	Height	Weight	Hair	Eyes	Build		
SMT							
Did Officer Explain Reason for Stop? ☐ Yes ☐ No			If No, Explain:				
Were Other Persons Stopped/Questioned/Frisked? ☐ Yes ☐ No			If Yes, Case Number(s)				
If Physical Force Was Used, Indicate: ☐ Hands on Suspect ☐ Suspect Against Wall /Car etc. ☐ Suspect on Ground ☐ Firearm Drawn ☐ Suspect Handcuffed ☐ Firearm Pointed at Suspect ☐ ASP ☐ Pepper Foam							
Was Person Arrested ☐ Yes ☐ No		Offense			Case #		
Was Summons Issued ☐ Yes ☐ No		Offense			Summons #		
Officer In Uniform ☐ Yes ☐ No		If No, How Identified ☐ Shield ☐ ID Card ☐ Verbal					
Was Person Frisked ☐ Yes ☐ No				Was Person Searched ☐ Yes ☐ No			



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FACTORS THAT CAUSED OFFICER TO REASONABLY SUSPECT PERSON STOPPED AND BASIS FOR FRISK (If Applicable)

Circumstances

- ☐ Reporting Officer's Observations ☐ Radio Run ☐ Report from Victim/Witness ☐ Violent Crime Suspected
☐ Violent Crime Suspected ☐ On-Going Investigation ☐ Other _____

Suspect's Actions:

- ☐ Proximity to Scene of Reported/Suspected Offense ☐ Inappropriate Attire for Weather ☐ Fits Description
☐ Plain View Carry of Objects Commonly Used in Crime ☐ Actions Indicative of 'casing' ☐ Actions Indicative of Lookout
☐ Unusual Nervousness ☐ Wearing Clothes/Disguises Commonly Used in Commission of Crime ☐ Suspicious Bulge
☐ Changing Direction at Sight of Officer ☐ Furtive Movements ☐ Refusal to Comply with Officer's Directions
☐ Action Indicative of Engaging in Drug Interaction ☐ Action Indicative of Engaging in Violent Crimes ☐ Verbal Threats
☐ Suspect Association with Persons Known for Their Criminal Activity ☐ Evasive Inconsistent of False Responses to Officer's Questions
☐ Other _____

Other Factors

- ☐ Area Has Incidence of Reported Offense of Type Under Investigation If Searched Indicate Basis
☐ Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity ☐ Hard Object
☐ Knowledge of Suspect's Prior Criminal Behavior/Use of Force/Use of Weapon ☐ Outline of Weapon
☐ Visible and or Audible Signs of Criminal Activity ☐ Admission
☐ Other _____ ☐ Other _____

Reporting Officer (Print Name Rank Shield)

Signature

Reviewed by (Print Name Rank Shield)

Signature



OPERATIONS PROCEDURE			Procedure No: 113-22
COMMUNICABLE DISEASES			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To establish guidelines and procedures to be followed by members who come into contact with a person either having or suspected of having a communicable disease, and to prevent the member from contracting a communicable disease.

BACKGROUND

There has been a significant increase in the number of persons in the general population identified as infected with HIV, AIDS, hepatitis and tuberculosis. A member may unknowingly come into contact with a person who has a communicable disease. Members should assume that all persons are potential carriers of communicable diseases and take the necessary precautions to protect themselves.

POLICY

It shall be the policy of this Department to periodically provide members with safety procedures and information regarding communicable diseases to assist in minimizing the potential for exposure to these diseases. The Department will provide members with the recommended disposable supplies and equipment required for the safe handling of individuals either having or suspected of having a communicable disease.

PROCEDURES

1. Each Department vehicle will be equipped with a communicable disease kit. The kit will include rubber gloves, a gown, a mask, protective eyewear and a bio-hazard bag. Members are encouraged to utilize the kit whenever a communicable disease is suspected.
2. A member shall wear disposable gloves when:
 - a. Handling any individual who has come into contact with any bodily fluid;
 - b. Handling clothing that has come into contact with any bodily fluid;
 - c. Handling any equipment that has come into contact with any bodily fluid;
 - d. Searching prisoners;
 - e. Booking prisoners;
 - f. Handling personal property of prisoners;
 - g. Handling any sharp instruments such as hypodermic syringes, needles, knives or razors;



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- h. Cleaning up any bodily fluid;
 - i. The member feels that it is necessary to wear gloves.
- 3. A member will dispose of rubber gloves by placing same in a red bio-hazard bag and request V.A.C. ambulance personnel to dispose of same.
- 4. After removing rubber gloves the member will wash his/her hands thoroughly using soap and hot water. Alcohol or antiseptic towelettes may be used in the absence of soap and hot water.
- 5. If the member's skin comes into contact with a bodily fluid he/she shall immediately wash the affected area with soap and hot water. Alcohol or antiseptic towelettes may be used in the absence of soap and hot water.
- 6. A member shall utilize protective eye wear when there is a risk of bodily fluids being splashed.
- 7. A member shall utilize plastic mouthpieces or other authorized protective barrier devices whenever mouth- to-mouth breathing or CPR is performed.
- 8. A member will consider all sharp instruments such as hypodermic syringes, needles, knives or razors to be contaminated.
- 9. A member will not place his/her hands in areas where sharp instruments may be hidden.
- 10. A member will not smoke, eat, drink or apply makeup in or around areas that may be contaminated.
- 11. A member will not place his/her fingers in or near any person's mouth.

Special Precautions

- 12. A member will not recap, bend, break, or manipulate a hypodermic syringe or needle.
- 13. Hypodermic syringes or needles that are obtained by the Department are to be secured in a puncture resistant "sharps" tube and given to V.A.C. personnel for disposal.



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14. Hypodermic syringes, needles or any sharp instrument that is to be retained as evidence by a member is to be placed in a puncture-resistant tube and marked as a hazard.

Crime Scene

15. Members are to wear the contents of communicable disease kits when scraping blood or secretion samples for evidence. All contaminated evidence should be properly marked as bio-hazard. Used communicable disease kits shall be disposed of in a bio-hazard bag and transported to Sound Shore Medical Center emergency room for proper disposal.

Transport and Custody

16. No member shall refuse to arrest or otherwise provide police service to any person who has or is suspected of having a communicable disease.
17. Any individual having bodily fluids on their person or their clothing is to be transported in a separate vehicle away from others.
18. Members are obligated to inform relevant personnel during the transfer of custody of a person that the person has bodily fluids present or has stated that a communicable disease is present.
19. If a member's unprotected skin surface should come into contact with any bodily fluid, the member shall immediately and thoroughly wash the area with soap and hot running water. Alcohol or antiseptic towelettes may be used in the absence of soap and hot water.
20. Members shall remove uniforms or clothing that have come into contact with any bodily fluid as soon as practical. Clothing should be handled carefully and laundered as usual.
21. A member shall initiate disinfecting procedures whenever any bodily fluid or individual with any bodily fluid on his/her person is transported in a Department vehicle. The member will clean the affected vehicle using a freshly prepared solution of one part bleach to ten parts water or hot water and detergent.



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22. In the event the disinfecting procedure is beyond the capability of the member assigned the vehicle, the tour commander will take the vehicle out of service and make the necessary arrangements to have the vehicle properly disinfected.
23. A member will clean non-disposable equipment and surface areas that have come into contact with a bodily fluid by:
- Wiping up the excess fluid with a disposable absorbent material;
 - Washing with a freshly prepared solution of one part bleach and ten parts water;
 - Disposing of all cleaning material by placing same in a bio-hazard bag, tagged as to its contents and secured;
 - Ensuring that the bio-hazard bag be transported to Sound Shore Medical Center emergency room for proper disposal.
24. Any member believed to have been exposed shall, after initially washing themselves as detailed above, seek immediate medical attention. Said member shall then complete an Administrative Report as soon as practical.



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DOMESTIC DISPUTES			
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PURPOSE

To establish the policy and procedures for members to follow when responding to complaints of domestic violence and enforcing court orders of protection.

BACKGROUND

Violence in the home is as serious as violence in the street. Due to the increase of domestic violence complaints, the office of the Westchester County District Attorney has established a Domestic Violence Bureau so that individual cases can be brought to the district attorney's attention by victims and or police agencies and are followed up in an effort to prevent a future breach of the peace, and in some cases, to prevent the life of a victim from being taken through violence.

Legislation adopting the Family Protection and Domestic Violence Intervention Act of 1994 became effective in New York State in January 1995, and the primary Aggressor Amendment became effective in January, 1998 as well as the 2008 Expanded Access Law further amending the domestic violence policy.

POLICY

When members are confronted with a domestic violence situation, it shall be the policy of this Department to make a summary arrest when there is probable cause to believe a crime has been committed. The determination of probable cause shall be made in the same way as all other offenses and shall not be unduly influenced by the domestic context in which the conduct occurred. It is incumbent on members investigating domestic violence cases to exercise the authority necessary to protect family members from violence.

PROCEDURE

1. All cases of domestic violence investigated by this Department, regardless of whether an arrest is made, will be accurately and completely documented on a Incident Report and will include details of a member's decision not to arrest if such is the case.
2. All cases of domestic violence investigated by this department, regardless of whether an arrest is made, will be accurately and completely documented on a New York State Standardized Domestic Incident Report.



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3. In all cases of domestic violence, arrests will be made in appropriate circumstances. Members are reminded not to ask the victim/complainant if they want the perpetrator arrested but if probable cause exists, as detailed below, the member will initiate the arrest. If the victim/complainant is adamant about the perpetrator not being arrested in less than a felony situation, the perpetrator does not have to be arrested. However, the police can still arrest without the cooperation of the victim/complaint if they can articulate that if an immediate arrest was not made, they believed that the victim/complainant was subject to imminent danger and or harm. If the perpetrator is not arrested, as outlined above based upon the victim/complainants request to not arrest, the member shall have the victim complainant complete a written statement detailing the entire incident, stating that they wish that the perpetrator not be arrested, and have the victim/complainant sign said statement with the responding member witnessing same.

Guidelines for determining if an arrest should be made based on probable cause:

- a. Felony - committed in or out of the member's presence **MUST ARREST – EXCEPTIONS- Felony Larceny Sections 155.30 subs 3,4,9 & 10**
 - b. Misdemeanor - committed in or out of the member's presence and complainant wants arrest made **MUST ARREST**
 - c. Misdemeanor - committed in or out of the member's presence and complainant does not want arrest made **MAY ARREST**
 - d. Violation - committed in member's presence and complainant wants arrest **MUST ARREST**
 - e. Violation - committed in member's presence and complainant does not want arrest made **MAY ARREST**
 - f. Violation - not committed in member's presence **DO NOT ARREST**
 - g. Violation of an Order of Protection - violation of any condition in or out of member's presence regardless of the complainant's request **MUST ARREST**
4. The Victims' Rights Notice informs the victim that:
 - a. Police must advise the victim of services available to them.
 - b. Police can accompany victims to their homes to retrieve essential personal effects.
 - c. Police can transport victims to a safe place or a medical facility.



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- d. The victim may request a copy of a police report at no cost to them.
- e. A family offense can be heard in Family Court, Criminal Court or both courts at the same time.
- f. Victims are entitled to orders of protection which would require an abuser to stay away from them and that such orders of protection, in Family Court, can order temporary child support and temporary custody, and
- g. If Family Court is not in session a criminal court can sit and issue a family court order of protection.

The Victims' Rights Notice will be offered to a victim/complainant in domestic violence cases that are classified as "Family Offenses", specifically:

- Aggravated Harassment 2nd (§240.30; A Misdemeanor)
- Harassment 1st degree (§240.25 – B Misdemeanor)
- Harassment 2nd degree (§240.26 – Violation)
- Disorderly conduct (§240.20 – Violation)
- Assault 2nd degree (§120.05 – D Felony)
- Assault 3rd degree (§12.00 – A Misdemeanor)
- Attempted assault - All degrees
- Menacing 2nd degree (§120.14 – A Misdemeanor)
- Menacing 3rd degree (§120.15 – B Misdemeanor)
- Reckless Endangerment 1st degree (§120.25 – D Felony)
- Reckless Endangerment 2nd degree (§120.20 A Misdemeanor)
- Stalking - All degrees

The Family Protection and Domestic Violence Intervention Act of 1994 sets forth that fact that the crime of Criminal Contempt 1st degree as an offense related to family offenses, however, it is not a "family offense" and therefore must be prosecuted in the criminal court. Criminal Contempt 1st degree relates to violations of orders of protection.

Members are required to deliver the Victims' Rights Notice to victims in English and or Spanish and, if necessary, deliver the information orally.

The victim will be requested to acknowledge receipt of the Victim's Rights Notice by signing the Domestic Incident Report. Refusal to sign should be indicated by the member.

- 5. The Victims' Rights Notice must not be offered in cases of child abuse, serious assaults or other offenses not specified as family offenses. All cases of child abuse,



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whether obvious, suspected or alleged, must be investigated and officially reported to Child Protective Services by members of this department; See section 107-2.

6. The Victims' Rights Notice is restricted to:
 - a. Persons related by consanguinity or affinity;
 - b. Persons legally married to one another;
 - c. Persons formerly married to one another regardless of whether they still reside in the same household;
 - d. Persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and
 - e. Persons who are not related by consanguinity or affinity and who or have been in an intimate relationship regardless of whether such persons have lived together at any time.
7. Domestic violence cases do not require an arrest to commence a court proceeding in either Family or Criminal Court, but in those cases where reasonable grounds exist to affect an arrest, members are encouraged to do so, in order to reduce the potential for violence that exists in family-type disputes. The Westchester County District Attorney's Office requires that arrests be made in the following instances, when:
 - a. A gun, deadly weapon or dangerous instrument is involved;
 - b. Reasonable cause exists to believe that a felony has been committed;
 - c. Serious physical injury has occurred;
 - d. History of prior criminal activity between the perpetrator and the complainant exists;
 - e. Violent criminal history by the perpetrator exists;
 - f. Member's judgment that arrest is necessary for the protection of the complainant exists.
8. The member must advise the victim of the availability of shelters and other community services. A list of available services is printed on the back side of the Victims Rights Notice.
9. Orders of Protection may be issued by either Family Court or Criminal Court, and are similar to arrest warrants. In the case of an obvious violation of such orders, members must affect an arrest. All surrounding circumstances and factors must be clearly documented on the investigating member's Incident Report.
10. Domestic violence cases involving violations of Orders of Protection may also include new violence that must be treated as such, including the issuance of a new Victims Rights Notice and choice of court offering if the new complaint falls under a



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family offense category. Members must differentiate between the existing court orders and the new complaint, and act accordingly.

11. In cases where an arrest is made, whether for violation of an Order of Protection or for new violence, a supporting deposition should be completed by the victim and/or witnesses. The member will indicate the court of choice at the top of the deposition and it will be properly filed with other reports pertaining to the case.
12. In cases where an arrest is made, whether for violation of an Order of Protection or for new violence and the victim has elected to proceed:
 - a. In Family Court when Family Court is not in session the member will bring the defendant before a local Criminal Court.
 - b. In Family Court when Family Court is in session the member will transport the defendant to the Family Court and turn the defendant over to court officers. The member will also advise the victim to respond to Family Court, so victim can file a petition.
 - c. In Criminal Court the member will bring the defendant before a local Criminal Court judge.
 - d. In both the Criminal Court and the Family Court the member will bring the defendant before the Criminal Court first and then transport the defendant to the Family Court and turn the defendant over to court officers. The member will also advise the victim to respond to Family Court to file a petition.
13. Regardless of whether the victim chooses Family Court, Criminal Court or both courts, the member will not issue an appearance ticket. The member will bring the defendant before a judge in the court of the victim's choice.
14. If the offender has left the scene prior to police arrival, reasonable attempts shall be made to locate and arrest the offender when appropriate. Standard investigation and follow-up procedures shall be employed.
15. The investigating member shall remain at the scene for a reasonable amount of time in order to stop or prevent a crime or violation of a temporary or permanent Order of Protection.
16. The investigating member shall take the necessary steps to provide medical assistance when a victim requests it or is in obvious need of same.



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17. Under no circumstances should the investigating member attempt to reconcile the parties involved. Incidents of domestic violence are not referred to mediation. Additionally, the responding member will make no effort or attempt to influence the victim's choice of court(s). The choice belongs solely to the victim.

18. When members of this Department are requested by a municipality to assist in enforcing a domestic violence violation, or any Order of Protection, members of this Department shall notify the desk officer and inform him/her of the location, name and address of the parties involved. The member will not be the complainant but will, when required, corroborate the testimony of the arresting officer of the requesting municipality.

Primary Aggressor Statute

19. The Primary Aggressor Statute set forth in the Criminal procedure law states that police need not make dual arrest in family offense situations where more than one family member commits a family offense.

20. This statute mandates that an officer attempt to identify the primary aggressor by considering four criteria:

- a. The comparative extent of the injuries of the parties;
- b. Whether any such person is threatening or has threatened to cause future harm to a family or household member;
- c. Whether any such person has a prior, ascertainable history of domestic violence;
- d. Whether any such person acted in self-defense.

21. Members will evaluate complainants separately to determine who the primary aggressor is.

22. The New York State Domestic Incident Report copies shall be distributed as follows:

Original: Larchmont Police Department
White Copy: Westchester County D.A.'s Office of Special Prosecutions
Pink Copy: Victim



OPERATIONS PROCEDURE			Procedure No: 113-24
VEHICLE LOCK-OUT			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE

To protect members of the Department from injury, and to protect the Department and the Village from damage liability.

BACKGROUND

Requests for non-emergency lock-outs by vehicle operators are not uncommon in our daily calls for assistance services. Vehicles equipped with side impact air-bags, can cause injury and even death to officers who have used a lock-out tool in an attempt to open car doors. Additionally the locking mechanism in some new vehicles can be severely damaged by the use of the unlocking devices.

POLICY

It is the policy of this department that no department member will use any unlocking device that is inserted into the door cavity, to assist in unlocking a vehicle door. Department members will only assist in vehicle lockouts when it becomes necessary in a lock-out situation which is an emergency, such as a child locked in vehicle, or other potentially dangerous or life threatening situation.

PROCEDURE

When an emergency situation exists the following guidelines shall be followed:

1. Members should make a reasonable attempt at entry without causing damage when possible.
2. Entry will be attempted in another manner such as breaking of the window or other means, when it can be performed safely. This will only be done after advising the vehicle owner of the potential for damage, and after notification has been made to the tour commander or patrol supervisor.
3. When performing emergency entries as described above members will take into consideration their own safety as well as that of the others involved.



OPERATIONS PROCEDURE			Procedure No: 113-25
V.I.C.A.P. OFFENSES			
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PURPOSE

To ensure compliance with NYS Executive Law and assist in the apprehension of those suspects who perpetrate designated "Violent Offenses" within the Village of Larchmont.

BACKGROUND

Under Section 221B of the Executive Law, which became effective May 7, 2000, all NYS Law Enforcement Agencies must submit reports on specific types of cases to the New York State Violent Crime Analysis program (NYS VICAP), formerly known as the HALT Program (Homicide Assessment and Lead Tracking).

POLICY

The NYS VICAP unit analyses all cases received, searching for specific "Commonalities" or "Similarities" between cases in an effort to provide the investigating agencies with potential leads. At the same time, these cases are forwarded to the FBI Violent Criminal Apprehension Program (VICAP) where another search for "Commonalities" or "Similarities" occurs on a nationwide level. The submitting agencies are then advised if/when cases appear to be connected. All case information submitted is strictly confidential.

1. The Detective Commander shall submit the appropriate VICAP form when mandated by law. The specific types of cases mandated for submission to VICAP are as follows:
 - a. Homicides/attempted homicides, solved and/or unsolved
 - b. Unidentified human remains
 - c. Missing Persons with strong possibility of foul play
 - d. Sex assaults/attempted sex assaults, solved and/or unsolved
2. Additionally, the law also mandates submission of other types of cases via the eJustice Portal. Abductions and molestation reports are submitted to the VICAP Unit through the FL11A (Abduction message) via the NYSPIN computer in the following instances:
 - a. Child abductions (actual or attempted)
 - b. Child molestations (actual or attempted)



OPERATIONS PROCEDURE			Procedure No: 113-25
AMBER ALERT PROCEDURES			
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PURPOSE

To establish the policy and procedures for activating the AMBER ALERT by this department.

BACKGROUND

The AMBER Alert calls for law enforcement agencies to alert media outlets within minutes of child abduction. The goal is to make the community aware of the fact that an abduction has occurred, and to assist in the search for a child and suspect. The AMBER Alert plan sends a strong message that crimes against children are intolerable and law enforcement, broadcasters and individuals working together have the power to apprehend predators and bring abducted children home.

POLICY

It is the policy of this Department to immediately accept and investigate any report of abducted children. If the information given to this department meets the guidelines of the AMBER Alert plan, the information of the abducted child will be given to radio stations.

PROCEDURE

1. Upon the report of an abducted child, the tour supervisor shall, by preliminary investigation, verify that the following criteria has been met:
 - a. The child should be less than 16 years of age or have a proven mental or physical disability; and
 - b. Law enforcement must believe that the child is in danger of serious bodily harm or death.
2. When it has been determined that the above criteria is met, the tour supervisor shall contact a Command Officer, who will give the authority to have the AMBER Alert activated.
3. Prior to transmitting the alert, the tour supervisor shall set up a telephone hotline staffed by trained police personnel.
4. Call NYSP Communications at 518-457-6811 and advise them of the known circumstances.



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5. Enter as much of the information on the abducted child in the AMBER Alert page under Notifications in the eJustice Portal.
6. Information regarding the identity, appearance, age, dress and physical characteristics along with information about the alleged abductor will be given to radio and television stations.
7. In addition to the above information, a recent photograph of the child should be provided any television stations wishing to air same.
8. The tour supervisor shall have documented, in the abduction's Incident Report, all media personnel to whom information in subdivisions 4 or 5 above have been disclosed to.
9. If in the event the child is located, the tour supervisor then on duty shall notify all media outlets previously notified under subsection 6 hereof than the Amber Alert shall be cancelled.
10. Except for the above information, any statements regarding the investigation will be disclosed by the Department Public Information Officer as defined in Section 119-02 of this manual and no other members are authorized to disseminate any additional information.



OPERATIONS PROCEDURE			Procedure No: 113-27
VIDEO & AUDIO RECORDINGS			
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PURPOSE

To establish the policy and procedures for reviewing and safeguarding audio and video recordings which are or may become evidence or subject to judicial process.

BACKGROUND

This Department has over the years purchased and installed various recording devices to document conversations, incidents and or transactions as they unfold. Such recordings may become the subject of a judicial or administrative hearing and accordingly must be safeguarded to maintain the integrity of the recordings. Alterations and or unauthorized recordings, whether audio, video, still camera or digital, may lead to damage of the department's image or reputation and diminish the confidence that the public has in the department to carry out its mission of public safety.

POLICY

It is the policy of this Department to record either by audio or video mediums, those sites or areas which are likely to result in evidence, the solving or prevention of crimes, or identification of potential public safety hazards, whether criminal or civil. It is the further policy of this Department to maintain all such recordings, digital, analog, celluloid or any other recognized recording media strictly according to the protocols of this section, and to prohibit any recordings, whether digital, analog, celluloid or any other recognized recording media of any official police business, whether on or off duty without the express consent of the Chief of Police or his designee.

DEFINITIONS:

Covert: An electronic device is covert, when it is hidden from normal view or otherwise secreted away, and at least one of the individuals to be recorded has a reasonable expectation of privacy. Examples of covert recording devices are body recorders or transmitters, or parabolic microphones.

Overt surveillance: Is the use of electronic or photographic equipment that is not hidden from general view, regardless of whether or not the suspect or target actually sees the monitoring device or knows of its' existence. Examples of overt surveillance devices include:

- i. Cameras mounted in hallways, parking lots, waiting rooms, etc;



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- ii. Officers carrying a recording devices in their hand or placed in view;
- iii. In car video equipment;
- iv. Use of handheld video recorders.

Low or no expectation of privacy – In some instances residents have low or no expectation of privacy to include:

- i. Departmentally authorized recordings of telephone conversations where a member of service is a party to the conversation;
- ii. Departmentally authorized recordings of face-to-face conversations where a member of service are a party to the conversation;
- iii. Departmentally authorized recording information at a crime scene;
- iv. Monitoring and recording public hall ways, elevators, rooms, of a Village Hall building, including department facilities;
- v. Monitoring and recording detention cell/squad room sobriety tests; AND
- vi. Departmentally authorized recording of voluntary statements made by victims, witnesses, or suspects.

PROCEDURES:

Use of Overt Recording Equipment

1. Officers may utilize during both routine and special investigation overt recording equipment when the recording equipment is generally in view or when there is no or low expectation of privacy.
2. Overt recording equipment utilized by officers shall only be issued by the department as official equipment. Such overt recording equipment may include:
 - a. Handheld recorders in digital, tape or any other media;
 - b. Cameras mounted in department hallways, interview rooms, and assembly areas;
 - c. Cameras equipment installed in sobriety test rooms; and
 - d. Digital photograph equipment, still or motion, in digital, tape or any other media.



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Departmental Approval - Use of Electronic Recording Devices

3. The Chief of Police, or a Command Officer, is responsible for approving and directing investigation activities that utilize consensual covert monitoring techniques. Departmental approval may be obtained by:
 - a. An officer conducting a legitimate investigation where covert monitoring may be an important aid to investigation;
 - b. Completing a formal written request;
 - c. Confirming approval in writing in the investigative case file.
 - d. Under NO CIRCUMSTANCES may any member of this department, whether on or off duty, use any recording or monitoring device, whether digital, tape, film, celluloid or other recording medium to surreptitiously film, photograph or record another member of this department or any other employee of any federal, state or municipal law enforcement department or agency, without the express consent of the Chief of Police or a Command Officer, and then only upon a showing of necessity in conjunction with a departmental investigation.

Use of Covert Electronic Recording Devices in Consensual Surveillance

4. Before using any covert recording device in a consensual setting, the officer must inform the individual and obtain the party's consent.
5. All original recording tapes will be duplicated as needed, sealed, and stored as official evidence.
6. The use of electronic recording devices for surveillance or undercover purposes often requires a balance between the need for information gathering, against the rights of the individual being investigated. With this in mind, officers will:
 - a) Use lawful and non-intrusive investigative techniques to collect information necessary to prevent a criminal act from occurring, to identify suspects, and to aid in prosecution;
 - b) Complete a thorough investigative report, during each phase of the investigation process; and
 - c) Continually, evaluate the need for covert electric surveillance in a particular case.
7. Information gathered by electronic recording will only be disseminated on a strict need to know basis.



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Use of Electronic Recording Devices in Covert Non-Consensual Surveillance where Warrant is Required by LAW

8. Prior to using covert recording in non-consensual surveillance, the agency, through the prosecuting attorney, will obtain a court order from a court holding jurisdiction in the case after proper submission prescribed in the Criminal Procedure Law.
9. To start the approval process, investigators will verbally brief the prosecuting attorney on the necessity, means, and anticipated resources necessary to conduct the surveillance.
10. The prosecuting attorney will make the final determination regarding any petition to the court for an authorizing court order.
11. Under no circumstances will an officer of this department conduct or be associated with a non-consensual covert monitoring or recording activity that is not authorized by a court order where such order is required by law.

Evidence and Recording Tape Rotation

12. Authorized surveillance tapes from investigations shall be maintained as part of the case folder and safeguarded. If any such recordings are deemed to be of any evidentiary value or there is likelihood that it may be used in conjunction with any court proceedings, it shall be vouchered as evidence pursuant to Section 111-01 of this Manual.



OPERATIONS PROCEDURE			Procedure No: 113-28
ABANDONED INFANT PROTECTION ACT			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To prevent infanticide or unsafe newborn abandonment through Safe Haven relinquishments.

BACKGROUND

"The Abandoned Infant Protection Act" was enacted to protect infants who are abandoned by despondent or desperate parents. Under this law, a mother or father of an infant can avoid criminal prosecution if they deliver the infant, not abused and not more than five days old, to a suitable location, making the infant safe from physical injury and promptly notifying an appropriate person of the infant's location. The intent of the law is to provide a parent, who has no other alternative, with a safe place to abandon his/her infant.

POLICY

It shall be the policy of the Larchmont Police Department to take temporary custody, without a court order, of a newborn baby who is, or who appears to be, not more than five (5) days old, if the baby is voluntarily left by the child's parent, who expresses the intent to wholly abandon the newborn and the intent that the baby be safe from physical injury and cared for in an appropriate manner. Any department member who takes custody of a baby under this section shall perform any act necessary to protect the baby's physical health and safety.

PROCEDURE

1. Under Article 260 of the Penal Law, it is an affirmative defense to a charge of abandonment of a child that the parent/defendant left the child, under five days old in a physically healthy condition, with an appropriate person or in a suitable location and promptly notified an appropriate person of the child's location. Therefore, if an individual approaches a department member at any location or appears personally at a department facility and informs a member of the service that he/she wishes to relinquish a newborn in the Safe Haven for Newborns Program, a police officer or other member of the department shall do the following:
2. Confirm the individual's intention to utilize the "Safe Haven for Newborns Program" and reassure the person that there are no legal repercussions of accessing the program, provided the infant is unharmed.



OPERATIONS PROCEDURE			Procedure No: 113-28
ABANDONED INFANT PROTECTION ACT			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 2 of 3

3. The member shall notify the Desk Officer and a Supervisor that the member has taken custody of an abandoned infant and request that an ambulance responds.
4. Ask the individual if he/she desires to VOLUNTARILY supply medical history and if the infant has any medical problems and/or has been seen by a physician since birth.
5. If the individual provides information, the Voluntary Medical History Form should be used and all information shall be relayed to the ambulance crew, who will assume custody of the infant until the arrival of child protective services personnel.
6. If the person abandoning the infant refuses to answer questions, no further interaction with them is necessary.

NOTE: The law does not require that parents abandoning an infant provide any information to those accepting custody, nor does it require those accepting custody to elicit any information from anyone who is abandoning an infant in accordance with the "Abandoned Infant Protection Act."

7. Immediately after taking custody, the member shall notify Child Protective Services that the member has taken custody of the child, by calling the New York State Central Register. The local child protective services agency shall assume the care and custody of the child immediately upon notice given as provided herein.
8. When a member takes custody of an abandoned infant, a report of suspected child abuse or maltreatment shall be completed in accordance with procedures established by the New York State Office of Children and Family Services, in a format similar to that on the LDSS-2221 form: Report of Suspected Child Abuse and Maltreatment.
9. Members are not expected or required to determine if the infant is less than five (5) days old before assuming custody.
10. If the individual expressing a desire to relinquish a baby is the mother who has not yet given birth and is in labor, an ambulance will be requested and she will be removed to a hospital emergency department.
11. The member will provide the mother with a safe haven packet that includes a full medical questionnaire, self-addressed stamped envelope and information about the safe haven program.



OPERATIONS PROCEDURE		Procedure No: 113-28	
ABANDONED INFANT PROTECTION ACT			
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12. If the mother to be is expressing intent to abandon the infant after birth and refuses to answer questions, no further interaction is necessary.

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
**REPORT OF SUSPECTED
CHILD ABUSE OR MALTREATMENT**

Report Date	Case ID	Call ID
Time :	☐ AM ☐ PM	Local Case # Local Dist/Agency

SUBJECTS OF REPORT

List all children in household, adults responsible and alleged subjects.				Sex	Birthdate or Age	Race	Ethnicity	Relation	Role	Lang.
Line #	Last Name	First Name	Aliases	(M, F, Unk)	Mo/Day/ Yr	Code	(Ck Only if Hispanic/Latino)	Code	Code	Code
1.							☐			
2.							☐			
3.							☐			
4.							☐			
5.							☐			
6.							☐			
7.							☐			

☐ MORE

List Addresses and Telephone Numbers (Using Line Numbers From Above)	(Area Code) Telephone No.

BASIS OF SUSPICIONS

Alleged suspicions of abuse or maltreatment. Give child(ren)'s line number(s). If all children, write "ALL".

☐ DOA/Fatality	☐ Child's Drug/Alcohol Use	☐ Swelling/Dislocation/Sprains
☐ Fractures	☐ Poisoning/Noxious Substances	☐ Educational Neglect
☐ Internal Injuries (e.g., Subdural Hematoma)	☐ Choking/Twisting/Shaking	☐ Emotional Neglect
☐ Lacerations/Bruises/Welts	☐ Lack of Medical Care	☐ Inadequate Food/Clothing/Shelter
☐ Burns/Scalding	☐ Malnutrition/Failure to Thrive	☐ Lack of Supervision
☐ Excessive Corporal Punishment	☐ Sexual Abuse	☐ Abandonment
☐ Inappropriate Isolation/Restraint (Institutional Abuse Only)	☐ Inadequate Guardianship	☐ Parent's Drug/Alcohol Misuse
☐ Inappropriate Custodial Conduct (Institutional Abuse Only)	☐ Other (specify) _____	

State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.

(If known, give time/date of alleged incident)
MO
DAY
YR

Time : ☐ AM ☐ PM☐ Additional sheet attached with more explanation.**The Mandated Reporter Requests Finding of Investigation**☐ YES☐ NO**CONFIDENTIAL****SOURCE(S) OF REPORT****CONFIDENTIAL**

NAME	(Area Code) TELEPHONE	NAME	(Area Code) TELEPHONE
ADDRESS		ADDRESS	
AGENCY/INSTITUTION		AGENCY/INSTITUTION	

RELATIONSHIP

☐ Med. Exam/Coroner	☐ Physician	☐ Hosp. Staff	☐ Law Enforcement	☐ Neighbor	☐ Relative	☐ Instit. Staff
☐ Social Services	☐ Public Health	☐ Mental Health	☐ School Staff	☐ Other (Specify) _____		

For Use By Physicians Only	Medical Diagnosis on Child	Signature of Physician who examined/treated child	(Area Code) Telephone No.
	X		
Hospitalization Required: ☐ None ☐ Under 1 week ☐ 1-2 weeks ☐ Over 2 weeks			
Actions Taken Or ☐ Medical Exam ☐ X-Ray ☐ Removal/Keeping ☐ Not. Med Exam/Coroner About To Be Taken ☐ Photographs ☐ Hospitalization ☐ Returning Home ☐ Notified DA			
Signature of Person Making This Report:		Title	Date Submitted Mo. Day Yr.
X			

TO ACCESS THE LDSS-2221-A FORMS: Via Internet: <http://www.ocfs.state.ny.us/main/forms/cps/>

Via Intranet: <http://ocfs.state.nyenet/admin/forms/SCR/> or

TO ORDER A SUPPLY OF FORMS: access (OCFS-4627) Request for Forms and Publications, from either site above, fill it out and send to: **Office of Children and Family Services, Resource Distribution Center, 11 Fourth Ave, Rensselaer, NY 12144.**

If you have difficulty accessing this form from either site, you can call **The Forms Hot Line at 518-473-0971**. Leave a detailed message including your name, address, city, state, what form number you need, how many and a phone number in case we need to contact you.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

RACE CODE	ETHNICITY CODE	RELATION CODES FAMILIAL REPORTS (Choose One)		ROLE CODE (Choose One)	LANGUAGE CODE (Choose One)	
AA: Black or African-American AL: Alaskan Native AS: Asian NA: Native American PI: Native Hawaiian/Pacific Islander WH: White XX: Other UNK: Unknown	(Check Only If Hispanic/ Latino)	AU: Aunt/Uncle CH: Child GP: Grandparent FM: Other Family Member FP: Foster Parent DC: Daycare Provider	XX: Other PA: Parent PS: Parent Substitute UH: Unrelated Home Member UK: Unknown	AB: Abused Child MA: Maltreated Child AS: Alleged Subject (Perpetrator) NO: No Role UK: Unknown	CH: Chinese CR: Creole EN: English FR: French GR: German HI: Hindi HW: Hebrew IT: Italian JP: Japanese	KR: Korean MU: Multiple PL: Polish RS: Russian SI: Sign SP: Spanish VT: Vietnamese XX: Other
		IAB REPORTS ONLY				
		AR: Administrator CW: Child Care Worker DO: Director/Operator	IN: Instit. Non-Prof IP: Instit. Pers/Vol. PI: Psychiatric Staff			

Abstract of Sections from Article 6, Title 6, Social Services Law

Section 412. Definitions

1. **Definition of Child Abuse.** (see also N.Y.S. Family Court Act Section 1012(e))

An "abused child" is a child less than eighteen years of age whose parent or other person legally responsible for his care:

- 1) Inflicts or allows to be inflicted upon the child serious physical injury, or
- 2) Creates or allows to be created a substantial risk of physical injury, or
- 3) Commits sexual abuse against the child or allows sexual abuse to be committed.

2. **Definition of Child Maltreatment.** (see also N.Y.S. Family Court Act, Section 1012(f))

A "maltreated child" is a child under 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 parent or other person legally responsible for his care to exercise a minimum degree of care:

- 1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
- 2) in providing the child with proper supervision or guardianship; or
- 3) by unreasonably inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
- 4) by misusing a drug or drugs; or
- 5) by misusing alcoholic beverages to the extent that he loses self-control of his actions; or
- 6) by any other acts of a similarly serious nature requiring the aid of the Family Court; or
- 7) By abandoning the child.

Section 415. Reporting Procedure. Reports of suspected child abuse or maltreatment shall be made immediately by telephone and in writing within 48 hours after such oral report.

Submit the written paper copy of the LDSS-2221-A form originally signed to: the County Department of Social Services where the abused/maltreated child resides.

Residential Institutional Abuse Reports: Submit a paper copy of form, LDSS 2221A, originally signed. It must be submitted directly to the Office of Children and Family Services (OCFS) Regional Office, associated with the county in which the abused/maltreated child is in care.

NYS CHILD ABUSE AND MALTREATMENT REGISTER: 1-800-635-1522 (FOR MANDATED REPORTERS ONLY)
1-800-342-3720 (FOR PUBLIC CALLERS)

Section 419. Immunity from Liability. Pursuant to Section 419 of the Social Services Law, any person, official, or institution participating in good faith in the making of a report of suspected child abuse or maltreatment, the taking of photographs, or the removal or keeping of a child pursuant to the relevant provisions of the Social Services Law 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 such person, official, or institution required to report cases of child abuse or maltreatment shall be presumed, provided such person, official or institution was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

Section 420. Penalties for Failure to Report.

1. Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.
2. Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

STAPLE TO LDSS-2221A (IF NEEDED)

**REPORT OF SUSPECTED
CHILD ABUSE OR MALTREATMENT**

(Use only if the space on the LDSS-2221A under "Reasons for Suspicion" is not enough to accommodate your information)

Report Date	Case ID	Call ID
Time ☐ AM : ☐ PM	Local Case #	Local Dist/Agency

PERSON MAKING THIS REPORT: _____

Print clearly if filling out hard copy.

<p>Continued: State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.</p>	<p>(If known, give time/date of alleged incident)</p> <p>MO DAY YR</p> <p>Time : ☐ AM ☐ PM</p>
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OPERATIONS PROCEDURE			Procedure No: 113-29
CIVIL FINGERPRINTING PROCEDURE			
DATE ISSUED: 01SEP10	DATE EFFECTIVE: 01SEP10	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish a procedure to facilitate the fingerprinting of individuals for non-criminal purposes.

BACKGROUND

As of January 01, 2010, the Division of Criminal Justice Services no longer accepts conventional fingerprint cards, and requires that all agencies transition to electronic submission of civil fingerprint cards.

POLICY

Effective immediately, Civil Fingerprinting will be performed by L-1 Enrollment Services at one of their Live Scan Location. All members of the Department will adhere to the following procedures in order to comply with the standards set forth by DCJS regarding electronic submission of civil fingerprint cards.

PROCEDURE

1. In every instance where someone is to be fingerprinted for civil purposes, an appropriate entry will be made in S.J.S. titled "*Police Service-Civil Fingerprinting*". The entry shall include the name of the person being fingerprinted as well as the reason for being fingerprinted.
2. Record the S.J.S. case number to the Civil Fingerprinting Form and provide the form to the individual being fingerprinted.
3. Provide the applicant with the agency ORI number.
4. Provide the applicant with the correct 'Fingerprint Reason' that they should select when they make their appointment.
5. Direct the applicant to schedule an appointment for fingerprinting either by going to the www.L1enrollment.com website or calling their L-1 toll free call center at (877)-472-6915.
6. If the applicant schedules their appointment through the L-1 website, advise them that they should print out the confirmation page and bring it with them to their appointment.



OPERATIONS PROCEDURE			Procedure No: 113-29
CIVIL FINGERPRINTING PROCEDURE			
DATE ISSUED: 01SEP10	DATE EFFECTIVE: 01SEP10	REVISION NUMBER:	PAGE: 2 of 2

7. Direct the applicant to retain both the Civil Fingerprinting Form provided by this agency, as well as the receipt provided by L1 after he is fingerprinted until the application is finalized.
8. Upon completion of the DCJS fingerprint search process, the DCJS response will be delivered electronically to your eJustice "Civil In-Box".
9. In the event that either DCJS or the FBI reject a transaction due to image quality reasons, L-1 will contact the applicant and advise him that he must schedule an appointment for reprinting.
10. In the event an applicant transaction is rejected multiple times by DCJS, the Civil Identification Bureau may be contacted for assistance at (800)262-3257.
11. Since not every contributor agency will choose to use the L1 Vendor Managed System, should an individual present himself with a hard copy fingerprint card and ask for assistance in rolling their prints members are directed, as in the past, to roll the prints and return the card back to the individual and ask that he follow the instructions given to him by the authorized contributor agency of that card.



OPERATIONS PROCEDURE			Procedure No: 114-05
HAZARDOUS MATERIALS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To provide members of the Department with important information regarding hazardous material accidents and resources for handling of same.

POLICY

Upon notification of an accident related to hazardous material, as a result of fires, spills, leaks, industrial or transportation accidents or other types of releases or emissions that may pose an actual or potential risk to public health, life, resources, property or the environment, the patrol supervisor shall respond to the scene immediately. He/she shall remain in command until such time he/she is properly relieved by a higher ranking officer. If no patrol supervisor is working or available then the senior assigned officer shall be in command until the arrival of the tour commander or higher ranking officer.

Members shall be guided by Section 114-1, Unusual Occurrences/Major Incident Response.

PROCEDURE

The first member on the scene of a hazardous material incident shall

1. Respond upwind and upgrade and stay in that area. Give the exact location of the incident. Keep headquarters informed of all actions taken. Give appropriate response routes for other units.
2. Isolate the area and remove/keep out all non-essential personnel.
3. Avoid contact with liquids, fumes or vapor clouds. Do not assume that gases or vapors are harmless because of lack of smell.
4. Eliminate ignition sources such as smoking materials, flares, running engines, portable police radios and electrical devices.
5. Rescue the injured, only if prudent; and not compound the problem. Members may have to delay first aid/rescue in order to save the lives of others.
6. Identify the materials and determine conditions (spill, leak, fire, solid, liquid, vapor, single or mixed load).



OPERATIONS PROCEDURE			Procedure No: 114-05
HAZARDOUS MATERIALS			
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Note: Identifying placards must be displayed on all four sides of the vehicle and the driver should have shipping papers in the cab.

7. Initiate evacuation of persons downwind.
8. Establish a command post location (upwind a safe distance/location).

Desk Officer Procedures

Dispatching Personnel

9. Upon notification of an incident involving hazardous materials, Headquarters shall dispatch appropriate personnel necessary to handle such an incident, including a supervisor.
10. The highest ranking officer shall assume command and be responsible for the implementation of these procedures unless FIRE is present at the scene, in which case, the highest ranking fire officer shall assume command.

Once required personnel have been dispatched, the desk officer shall make the following notifications as necessary.

11. Westchester County Fire Control and Dept. of Public Health-Toxic Substances.
12. Larchmont Fire Department and Ambulance Corp.
13. New York State National Response, which in turn will make notifications to all appropriate Federal agencies (Tel. No. (800) 424-8802).
14. New York State Department of Transportation (when incident occurs in transporting).
15. To obtain additional assistance for the most effective handling of an incident, it is important that a call be made as soon as possible to: CHEMTREC (800) 424-9300, who operates 24 hours a day, seven days a week. CHEMTREC can usually provide hazard information warnings and guidance when given the Identification Number or the Name of the Product and the Nature of the Problem. For more detailed



OPERATIONS PROCEDURE		Procedure No: 114-05	
HAZARDOUS MATERIALS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 3 of 3

information and/or assistance, or if product is unknown, attempt to provide as much of the following information as possible:

- a. Desk officer's name and call back number
- b. Nature and location of the problem
- c. Guide number being used from the Emergency Response Guidebook
- d. Shipper or manufacturer
- e. Container type
- f. Rail car or truck number
- g. Carrier number
- h. Consignee
- i. Local conditions

16. Other notifications to be made of possible additional assistance:

- a. Local hospitals
- b. Ambulance Mutual Aid Plan
- c. Fire Department (lighting)
- d. Utility companies
- e. State Police
- f. Westchester County Mutual Aid
- g. Westchester County Department of Public Safety who in turn will notify Westchester County Office of Emergency Services.

17. Information on particular chemicals is available through the eJustice Portal in the Hazardous Material form and entering the chemicals four digit ID number, which is available on a placard or the shipping papers. The portal will provide the same information that is available in the Department of Transportation Emergency Response Guidebook.

Decontamination of Personnel and Equipment

1. Emergency services personnel should be decontaminated as soon as possible after contact occurs.
2. Methods differ from one chemical to another. It is important to contact the shipper and medical authorities quickly to determine the most appropriate procedures.
3. Contaminated clothing and equipment should be isolated to prevent further human contact. They should be stored in a restricted area at the incident site until appropriate decontamination procedures can be determined.



OPERATIONS PROCEDURE			Procedure No: 114-07
MASS ARRESTS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish policy and procedures for members of this Department to follow when confronted with situations involving mass arrest.

BACKGROUND

It is the inherent responsibility of the police, when confronted with a major riot, disorder, etc., that may require mass arrest, to be prepared and trained to perform this function.

PROCEDURE

1. During an emergency operation when large numbers of arrests are anticipated, Department personnel effecting the arrest of individuals and/or groups shall adhere to the following:
2. The arresting officer(s) will, as soon as possible, report to the designated prisoner processing center with the arrested individual where the prisoner will be thoroughly searched for weapons, contraband and personal property.
3. One digital photograph of the prisoner will be immediately taken, at which time an arrest number will be issued for identification purposes. The arrest number and image number will be written a photo log along with the arresting officer's name and the appropriate charges.
4. Upon arrest, prisoners will be secured with the Department's special use flex handcuffs.
5. A mass arrest processing sheet will be filed at the time of arrest. This form will include the prisoners' booking number and pedigree information
6. At a minimum, the arresting officer will perform a preliminary search for weapons.
7. Prisoners will then be secured in a pre-designated transportation vehicle. The tour supervisor should consider the use of the Village Senior buses for mass transportation along with the Village of Mamaroneck prisoner transport van.



OPERATIONS PROCEDURE			Procedure No: 114-07
MASS ARRESTS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 2 of 2

Booking

8. Arresting officer will prepare appropriate information.
9. Arresting officers will assist in facilitating the rapid arraignment and release or incarceration of their prisoners.
10. The tour commander, if necessary, may establish on-site booking and processing. If so decided, the location should be far enough away from the scene of the unrest so as to not have crowd interference.



OPERATIONS PROCEDURE			Procedure No: 114-08
MUTUAL AID			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 16

PURPOSE

To establish guidelines for requesting or providing police assistance to or from other law enforcement agencies.

BACKGROUND

From time to time, other law enforcement agencies such as neighboring police departments, and county, state and federal law enforcement agencies, call upon each other for assistance.

POLICY

1. The policy of this Department is to provide assistance to another law enforcement agency whenever possible, taking into consideration the following factors:
 - a. Is the situation for which assistance is being requested life threatening; and
 - b. Will providing assistance result in a reduction in the number of officers available for calls for service within the Village to a level that may be considered hazardous to the public or other members of the Department.
 - c. Can the Department actually provide the assistance being requested?
2. When it is necessary for this department to request assistance from another law enforcement agency, members shall take into consideration the following factors:
 - a. Location
 - b. Number of personnel needed
 - c. Seriousness of the incident

Agency Jurisdiction

3. Within and surrounding the Village of Larchmont, several law enforcement agencies have jurisdiction. While the Larchmont Police Department has jurisdiction in the entire Village, other law enforcement agencies also have jurisdiction in the Village or exercise limited jurisdiction within the Village boundaries. Other law enforcement agency may have jurisdiction over a particular location within the confines of the Village of Larchmont, e.g., an occurrence on the MTA Railroad tracks or Interstate 95, such other law enforcement agencies may have the primary responsibility for response and investigation of any incidents within those jurisdictions.



OPERATIONS PROCEDURE			Procedure No: 114-08
MUTUAL AID			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 2 of 16

4. The following law enforcement agencies have primary jurisdiction in the following areas:
 - a. New York State Police on I-95;
 - b. MTA Police Department on the property of the MTA Commuter Railroad.

PROCEDURE

Providing Assistance Within the Village

5. Upon receipt of a request for assistance, the Department member receiving such request shall gather all pertinent information, determine if the situation involves life and death, or may deteriorate to a life and death situation if assistance is not immediately provided. If so, the Department member may provide assistance or authorize providing such assistance.
6. If the situation is not one of life and death and is not likely to deteriorate to a life and death situation, the Department member receiving the request shall gather the following information and notify the tour commander/ patrol supervisor:
 - a. Name of the requesting jurisdiction,
 - b. Name and return phone number of person making the request,
 - c. Nature of the request,
 - d. Location where assistance is needed, and
 - e. What assistance is being requested.
7. The Department member receiving the request shall then notify the tour commander of the request.
8. The tour commander/ patrol supervisor is authorized to approve such a request when he/she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating; when without such assistance the requesting law enforcement agency could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.
9. At the conclusion of the incident a "Mutual Aid" Incident report shall be completed detailing all pertinent information, including the name, rank, shield and command of all of the members of the outside agency requesting assistance, as well as the specific actions taken by the responding member or member the this agency.



OPERATIONS PROCEDURE			Procedure No: 114-08
MUTUAL AID			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE 3 of 16

10. If the request for assistance involves a non-emergency situation, such as investigative assistance, the Tour commander shall contact the appropriate division commander, depending on the assistance being sought.

Providing Assistance Outside the Village

11. Upon receipt of a request for assistance, the Department member receiving such request shall determine if the situation involves life and death, or may deteriorate to a life and death situation if assistance is not immediately provided. If so, the Department member shall determine if the Department can actually provide the assistance being requested, i.e., should some other agency provide the assistance? Can some other agency provide the assistance needed in less time than this Department?
12. If, after evaluating all of the information, the Department member receiving the request for assistance determines that the Department can provide the assistance being requested, and do so faster than some other agency, the Department member may provide the assistance, or authorize providing assistance.
13. If, after evaluating all of the information, the Department member receiving the request for assistance determines that the Department cannot provide the assistance, or should not provide the assistance, the Department member shall deny the request and immediately notify his/her supervisor.
14. If the situation is not one of life and death and is not likely to deteriorate to a life and death situation, the Department member receiving the request shall gather the following information and notify the tour commander:
 - a. Name of the requesting jurisdiction,
 - b. Name and return phone number of person making the request,
 - c. Nature of the request,
 - d. Location where assistance is needed, and
 - e. What assistance is being requested.
15. The tour commander is authorized to approve such a request when he/she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance, the requesting law enforcement agency, or some other law enforcement agency,



OPERATIONS PROCEDURE			Procedure No: 114-08
MUTUAL AID			
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could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.

16. The assistance to be provided is of a minor nature, such as traffic assistance at an accident scene on a street that borders Larchmont and some other jurisdiction. While providing such assistance the officer shall remain available to respond to a call-for-service within Larchmont, if required.
17. At the conclusion of the incident a "Mutual Aid" Incident report shall be completed detailing all pertinent information, including the name, rank, shield and command of all of the members of the outside agency requesting assistance, as well as the specific actions taken by the responding member or member the this agency.

Requesting Assistance From Other Agencies

18. Requests for assistance from other police agencies regarding minor incidents (e.g., traffic, response to the area of a crime, notifications, etc.) shall be handled by the desk officer and/or tour commander. Consider the following resources and their location and proximity to the location of the incident.

Mamaroneck Town PD:	381-6100
Mamaroneck Village PD:	777-1122
Scarsdale PD:	722-1200
Westchester County Police:	741-4400
New Rochelle PD:	654-2300
New York SP (Troop K)	769-2600
MTA Police	212-340-2723

19. In the event of major emergencies, serious incidents, mass processing and transportation of prisoners or any other event beyond the scope of the Department's resources, the tour commander shall be guided by section 114-1 Unusual Occurrences. He/she shall cause notification in accordance with section 114-2. Upon the Chief of Police authorizing the request for mutual aid, the communications officer shall follow the operational procedures for the use of the HOT LINE in activating the Police Mutual Aid and Assistance Plan.

NOTE: All personnel should familiarize themselves with the Westchester County Police Mutual Aid and Assistance Plan.



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20. State and/or militia assistance will be summoned as directed by the Westchester County Police Mutual Aid and Assistance Plan.

21. Federal assistance will be summoned when it has been determined necessary by a superior officer (i.e., Part I crimes committed in a federal institution).

Routine Police Operations Outside Larchmont Village

22. To ensure members' safety when conducting police operations such as surveillance or the service of search or arrest warrants outside the village limits, the following procedures will be standard practice. Personnel performing a police function outside the Village will notify the local law enforcement agency in that jurisdiction of the following:

- a. Nature of operation,
- b. Number of officers involved,
- c. Whether the officers involved are uniformed or non-uniformed,
- d. Vehicles involved,
- e. Duration of the operation,
- f. If warranted, inter-local communications should be established prior to the beginning of the operation.

Concurrent Jurisdiction Involving Other Law Enforcement Agencies

23. The Department recognizes the inherent problems in providing law enforcement services in situations where concurrent jurisdiction exists, however, the Department must identify its responsibilities when confronted with a situation involving concurrent jurisdiction.

24. In situations involving federal and local concurrent jurisdiction such as banking institutions or post office installations, federal authority will be considered to be the primary authorization. This authority can be conceded at the discretion of the federal officials.

Westchester County Mutual Aid and Assistance Plan

25. Refer to the following pages.



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THE MUTUAL AID AND RAPID RESPONSE PLAN
FOR THE POLICE DEPARTMENTS OF
WESTCHESTER COUNTY, NEW YORK

PURPOSE

To establish procedures for the Police Departments of Westchester County to provide the uninterrupted delivery of police service during those situations that exceed the resources of any individual Department.

BACKGROUND

It is the responsibility of the police to be prepared and guided when dealing with major incidents whether they are criminal in nature or natural disasters. rapid response and sound planning can often prevent loss of life, damage to property and prevent an incident from escalating.

POLICY

It is the policy of the Police Departments of Westchester County to promptly provide Mutual Aid and Rapid Response in the form of manpower and equipment under the County Mutual Aid and Rapid Response Plan, (hereinafter referred to as the "Plan") upon the request of any participating agency.

DEFINITIONS

1. Mutual Aid and Rapid Response Incident: An incident requiring activation of the Mutual Aid and Rapid Response is defined as a major incident or occurrence which necessitates a Police Department, within Westchester County, to summons immediate wide scale assistance.
2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action.
3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard.



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4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.
5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a Grave risk of causing public alarm.
6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.
7. Requesting Agency: A Police Department located within the geographical confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.
8. Responding Agency: A Police Department located within the geographical confines of the County of Westchester that is responding to a request for Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.
9. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response; e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan.
10. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents.
11. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee.
12. Inner Perimeter: Is defined as the immediate area of containment around an incident site.
13. Outer Perimeter: Is defined as the peripheral control area surrounding the inner perimeter, providing a safe zone for access to or egress from the inter perimeter as well as defining the limit of access by unauthorized persons.



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14. Staging Area: Is defined as a location selected generally within the outer perimeter to facilitate arriving resources and personnel responding for assignments.

15. Command Post: Is defined as the post from which the Incident Commander and his staff coordinate the Department's response to a major emergency.

LEGAL CONSIDERATIONS

16. General Municipal Law §209-M. Outside service by local police; civil disturbance control.

A. (Subdivision 2). Notwithstanding the provisions of any general, special or local law, or any county, city or village charter, the Chief Executive Officer of a local government, whenever he deems that the public interest requires it, may request the Chief Executive Officer of any other local government to detail, assign and make available for duty and use in the local government for which the request is made, any part of the forces, equipment and supplies of the Police Department, police force or parkway police force of the local government of which the request is made. The Chief Executive Officer of the local government of which the request is made is hereby authorized and empowered to grant the request so made.

B. (Subdivision 3). A local government may, by local law, delegate to the Chief of Police of its Police Department or police force, the powers hereby granted to the Chief Executive Officer to request and grant police assistance.

C. (Subdivision 4). If the Chief Executive Officer of any such local government is absent or disabled, the Chief of Police of the local government may make any such request or may grant any such request, as the case may be.

D. (Subdivision 5). The local government receiving police aid pursuant to this Section shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government of any monies paid by it for salaries or for other expenses incurred by it including damage to or loss of equipment and supplies. As assisting local government may assume such loss, damage expenses or cost for such equipment and supplies and donate such services to the receiving local government. While engaged in duty and rendering such services in such local government, the Officers and members of such Police Department or police force shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the local government in and by which they are normally employed.



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ZONES OF RESPONSE

17. County-Wide participants shall consist of the following Departments:

	Department	Rapid Response	Delayed Response
A.	Metropolitan Transportation Authority Police Department;	Four (4)	Ten (10)
B.	New York State Police;	Eight (8)	Twelve (12)
C.	New York City Department of Environmental Protection;	Three (3)	Ten (10)
D.	Westchester County Department of Public Safety	Eight (8)	Twenty (20)
TOTALS:		Twenty-Three (23)	Fifty-Two (52)

18. When a County-Wide participant requests assistance to this Plan, they will become a member of any Zone in which they have the need for assistance.

A. E.g., assistance for an event at Tibbett's Brook Park, a County park, the Westchester County Department of Public Safety will be a member of Zone "B" for the purpose of requesting aid.

B. For an event at the Croton/Harmon Train Station, the Metropolitan Transportation Authority Police Department will be a member of Zone "A" for the purpose of requesting aid.

19. When a County-Wide participant receives a request for assistance under this Plan, they will become a member of the Zone from which the request for assistance is being made and will respond accordingly.

20. Zone "A" (ADAM) shall consist of the following Departments:

	Department	Rapid Response	Delayed Response
A.	Bedford (Town);	One (1)	Two (2)
B.	Briarcliff (Village);	One (1)	Two (2)
C.	Buchanan (Village);	Zero (0)	One (1)
D.	Croton-on-Hudson (Village);	One (1)	One (1)
E.	Lewisboro (Town);	Zero (0)	Zero (0)
F.	Mt. Kisco (Village);	One (1)	Two (2)
G.	Mount Pleasant (Town);	One (1)	Three (3)
H.	New Castle (Town);	One (1)	Three (3)



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I.	North Castle (Town);	One (1)	Two (2)
J.	North Salem (Town);	Zero (0)	Zero (0)
K.	Ossining (Town);	Zero (0)	Zero (0)
L.	Ossining (Village);	Two (2)	Eight (8)
M.	Peekskill (City);	Four (4)	Seven (7)
N.	Pleasantville (Village);	One (1)	Two (2)
O.	Pound Ridge (Town);	Zero (0)	Four (4)
P.	Sleepy Hollow (Village);	One (1)	Three (3)
Q.	Somers (Town);	Zero (0)	Zero (0)
R.	Yorktown (Town).	One (1)	Five (5)

21. TOTALS: Sixteen (16) Forty-five (45)

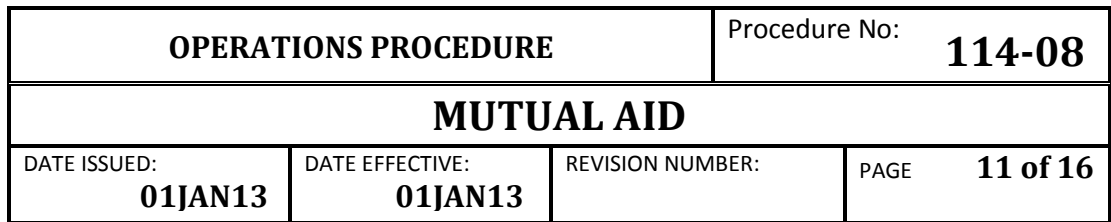
22. Zone "B" (BAKER) shall consist of the following Departments:

	Department	Rapid Response	Delayed Response
A.	Ardasley (Village);	One (1)	Three (3)
B.	Dobbs Ferry (Village);	One (1)	Three (3)
C.	Elmsford (Village);	One (1)	Three (3)
D.	Greenburgh (Town);	Three (3)	Twelve (12)
E.	Hastings-on-Hudson (Village);	One (1)	Three (3)
F.	Irvington (Village);	Zero (0)	Three (3)
G.	Scarsdale (Village);	Two (2)	Four (4)
H.	Tarrytown (Village);	One (1)	Three (3)
I.	White Plains (City).	Five (5)	Ten (10)
J.	Yonkers (City);	Five (5)	Ten (10)

TOTALS: Twenty (20) Fifty-Four (54)

23. Zone "C" (CHARLIE) shall consist of the following Departments:

	Department	Rapid Response	Delayed Response
A.	Bronxville (Village);	One (1)	Three (3)
B.	Eastchester (Town);	Two (2)	Five (5)
C.	Harrison (Town);	Two (2)	Eight (8)
D.	Larchmont (Village);	One (1)	Two (2)
E.	Mamaroneck (Town);	Two (2)	Two (2)
F.	Mamaroneck (Village);	Two (2)	Four (4)
G.	Mt. Vernon (City);	Four (4)	Ten (10)



TOTALS: Twenty-eight (28) Sixty-six (66)

✧ LARCHMONT ✧ POLICE ✧ DEPARTMENT ✧ MANUAL ✧



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29. Level Four (4) Response: (Approximately two hundred twenty (220) uniformed officers). Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.

ACTIVATION OF THE PLAN

30. All requests for assistance under the Plan will be made via the Westchester County Hot Line System (Hot Line).

31. The following are example announcements to be followed when activating the Plan via the Hot Line: Alert Notification [Prepare Only]:

Station (number and jurisdiction) announcing an Alert Notification. A situation exists that may require a mutual aid response. Specifically, there is a _____ (nature of the incident). Departments in Zone ____ should prepare to dispatch the pre-arranged rapid response to this jurisdiction. NO NOT RESPOND AT THIS TIME!

Pre-Zone Response:

Station (number and jurisdiction) to the Westchester County Department of Public Safety, a situation exists requiring a mutual aid Pre-Zone Response. Specifically, there is a _____ (nature of incident) we are requesting the Westchester County Department of Public Safety send its pre-arranged rapid response. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level One (1) Response [One Zone]:

Station (number and jurisdiction) to all stations on the Hot Line, a situation exists within this jurisdiction requiring a mutual aid Level One (1) Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from Zone _____.

The scene is located at _____ (specific address).

The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).



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Level Two (2) Response [Two Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, a situation exists within this jurisdiction requiring a mutual aid Level 2 Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from Zones _____ and _____. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Three (3) Response [All Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, A situation exists within this jurisdiction requiring a mutual aid Level 3 Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from all Zones. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Four (4) Response [All Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, A situation exists within this jurisdiction requiring a mutual aid Level 4 Response. Specifically, there is a _____ (nature of incident) we are requesting all available uniform personnel amounting to a delayed response from all Zones. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

DUTIES OF REQUESTING AGENCY

32. Identify the nature and location of the incident.
33. Identify the location of the Command Post.
34. Identify the Staging Area or location of response.
35. Identify the Incident Commander or any change in command.
36. Identify any and all specialized equipment with which responding officers should be equipped.



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37. Memorialize the name, rank and command of responding officers.

38. Commence internal Departmental mobilization.

DUTIES OF RESPONDING AGENCY

39. Authorize only the designated pre-arranged number of UNIFORMED officers specific to the level of alert to respond.

40. Proceed directly to the location of requested response or the Staging Area as directed.

RESPONSIBILITIES AT THE SCENE OF THE INCIDENT

41. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.

42. Uniformed officers detailed to the incident shall follow the direction of the Incident Commander.

43. However, where the provided assistance involves the loan of a Specialized Weapons and Tactical (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency.

44. When taking law enforcement actions at the scene of the incident, including use of force, uniformed officers from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.

45. Uniformed officers on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line-of-duty injuries or their need for relief.



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DEPLOYMENT OF RADIO INTREROPERABILITY SYSTEM (RIOS) VEHICLES:

46. A Radio Interoperability System (RIOS) vehicle shall be deployed to the scene of all formal mutual aid requests:

Zone A: Westchester County DPS RIOS vehicle

Zone B: Greenburgh PD RIOS vehicle

Zone C: Mt. Vernon PD RIOS vehicle

47. Should the assigned RIOS vehicle be unavailable, the Westchester County DPS RIOS vehicle shall be requested. Should the Westchester County DPS RIOS be unavailable, the nearest available RIOS vehicle shall be requested.

RELEASE OF PERSONNEL

46. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies.

POST OCCURRENCE REPORTINGS

47. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.

48. Within thirty (30) days of receipt of the aforementioned memorandum, the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.

ANNUAL TRAINING

49. In order to maintain an appropriate level of readiness, annual training will be conducted.

ANNUAL REVIEW AND REVISION

50. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.



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SAFETY AND SOBRIETY CHECKPOINTS			
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PURPOSE

To establish uniform guidelines for properly conducting a sobriety/traffic safety checkpoint operation.

BACKGROUND

An operator, under normal circumstance, cannot be stopped by the Police unless, at the very least, a traffic violation was committed. Police, however, can utilize roadblocks for the purpose of traffic checks, in order to determine vehicle registration status, vehicle safety or the driver's condition with respect to sobriety.

POLICY

The Chief of Police will authorize periodic safety and sobriety checkpoints throughout the Village. Safety and Sobriety checkpoints will be performed with the utmost regard for the safety of the members involved and the motorists traveling on the roadway. All constitutional requirements and guarantees will be adhered to by the members at all times.

PROCEDURE

Location

1. The location of a safety and sobriety checkpoint shall be determined by date, time and traffic flow. At no time will the safety of members conducting the checkpoint or motorists traveling the roadway be compromised.
2. At least one member with rank of sergeant or above shall be assigned to the checkpoint to directly supervise the operation.
3. A combination of warning signs or lights shall be used to warn motorists of the impending stop and the nature of stop. At no time will barricades be used to stop traffic.
4. The Department shall deploy sufficient manpower to the checkpoint to maintain a safe and efficient operation.
5. All Department members assigned to the checkpoint shall wear a Department issued reflective traffic vest.



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6. All traffic passing through the checkpoint will be stopped. The members involved will monitor traffic backups and will allow cars to pass through the checkpoint if the backup is deemed to be a hazard.
7. Members will treat motorists in a courteous and non-discriminatory manner. Members shall approach each motorist and identify themselves by name and the fact that they are a member of the Larchmont Police Department, as well as explaining the purpose of the checkpoint. If there is no immediate evidence of a violation, the motorist will be given the necessary assistance to safely proceed.
8. During the interview phase, members will look for articulable facts of intoxication and will check the vehicle for proper registration, equipment, inspection etc.
9. If reasonable grounds exist that a motorist is operating under the influence, the members shall follow the arrest procedures outlined in this manual. Observing member shall have the operator exit his/her vehicle for further screening.
10. Observing member shall obtain the operator's driver's license and verify registration documents with windshield sticker.
11. No action shall be taken toward a motorist solely on the basis of a refusal to answer a question, or if the motorist legally turns around or turns off the roadway before the checkpoint. Members should, however, observe these vehicles for any evidence of an intoxicated driver.
12. The date of a scheduled checkpoint may be revealed by the Public Information Officer, to be widely publicized so as to serve as a deterrent. However, the location of the checkpoint will be kept confidential.
13. The supervisor of the checkpoint shall prepare a memo for the Chief of police concerning the Department's actions at the checkpoint. The report will include but not be limited to the following:
 - a. The location of the checkpoint
 - b. The names of all members involved.
 - c. The approx. amount of vehicles/ vehicular traffic at the checkpoint.
 - d. The number of summons/ warnings issued.



OPERATIONS PROCEDURE			Procedure No: 114-13
MEDICAL HELICOPTED EVACUATIONS			
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PURPOSE

To inform members of service on the proper procedure for evacuating critically injured persons by helicopter.

POLICY

In recognizing that there may be instances where transport of critically injured aided cases to an appropriate medical facility will be faster by helicopter than by ground ambulance and lives may be saved by such use, this Department hereby sets forth these general guidelines and parameters to be used to determine whether or not to attempt a helicopter medical evacuation.

PROCEDURE

1. Immediately upon arrival of a serious physical injury, the supervisor in charge should make a quick evaluation and assessment with Fire or EMS personnel and consider placing the helicopter team on standby until the situation can be fully evaluated. This can be done by contacting County Fire Control through the Larchmont Fire Department. The supervisor should then notify EMS personnel that the helicopter is on standby and the following assessments should then be made.

Medical Criteria

2. The victim's condition must be a life threatening situation demanding a multi-disciplinary treatment and care. The responding supervisor should immediately attempt to contact local emergency rooms to determine if their facilities are adequate to treat the type of injuries sustained.
3. If emergency treatment is not locally available, evacuation to the Westchester Medical Center or other appropriate facility should be considered if the following criteria is met:
 - a. The aided was injured in an accident where evidence of any one of the following high energy conditions exist:
 - i. Fall of 15 feet or more;
 - ii. Aided struck by a vehicle moving traveling at more than 20 MPH;
 - iii. Aided partially ejected from vehicle;
 - iv. Vehicle rollover with unrestrained passengers;
 - v. High speed crash with 20 inches or more front end deformity;



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- vi. 15 inches or more deformity into passenger compartment; OR
- vii. Aided was a survivor of a motor vehicle accident where a death occurred in the same vehicle.

AND

- b. Examination by paramedics reveal that any of the following abnormal vital signs or physical findings exist:
 - i. Glasgow coma scale of 13 or less;
 - ii. Adult systolic blood pressure of 90 or less and signs of inadequate perfusion;
 - iii. Respiratory rate of less than 10 per minute or greater than 29 per minute;
 - iv. Sustained pulse rate of 120 per minute;
 - v. Head trauma with altered state of consciousness, hemiplegia or unequal pupils;
 - vi. Penetrating injuries of the head, neck chest, abdomen or groin;
 - vii. Chest trauma with respiratory distress or signs of shock;
 - viii. Limb amputation requiring re-implantation; OR
 - ix. Facial\airway burns or burns over 15% body surface or greater.

Note: the mechanism of injury and level of consciousness are of primary concern when evaluating the aided. Further, aided cases that are in Cardiac Arrest, except for Hypothermic patients, will not be transported by helicopter.

Operational Criteria

- 4. After determining the above Medical Criteria has been met, the supervisor must next evaluate whether a proper helicopter landing site is available and can be secured; and
 - a. Ground transportation to the appropriate critical care facility will exceed 30 minutes; or
 - b. The helicopter can be airborne and return to the designated hospital quicker than an ambulance can transport the aided to the nearest appropriate hospital; or
 - c. Ground transportation is compromised; or
 - d. A Multiple Casualty Incident (MCI) threatens to overload local medical capabilities; or



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- e. Difficult access situations such as ambulance access and egress impeded at the scene by road conditions, weather or traffic conditions, or other situations cleared by the helicopter team.

Landing Procedures

5. Once a helicopter has been requested, the supervisor in charge must take appropriate steps to safeguard a landing site free of interference from onlookers, overhead wires, traffic of other hazards. Large open areas which can easily be sealed off should be first choice. These may include large semi-empty parking lots, parks or wide sections of roadway where traffic can be easily re-routed. The safety of the community and personnel at the scene should be considered as important as caring for the aided. Supervisors should anticipate a greater need for personnel in controlling the scene if a helicopter has been requested and, if necessary, request assistance from the surrounding jurisdictions.

Reporting Procedures

6. The desk officer shall make all reasonable attempts to note the times of the call, the standby notification, if any, the actual request, any cancellations and next-of-kin notifications. A police incident report will be prepared with all necessary routine information.



OPERATIONS PROCEDURE			Procedure No: 114-12
WATER RESCUE			
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PURPOSE

To provide assistance for members when encountering a possible maritime rescue incidents.

PROCEDURE

1. When a call for service is received where Water Search and Rescue is needed, the Desk Officer shall immediately contact 60-Control and dispatch Larchmont V.A.C. and the Larchmont Fire Department should also be dispatched as they would for any other aided case
2. The nature of the call, the extent of injuries, the report of missing persons, their ages, etc., should be relayed to responding units as soon as they are determined.
3. If additional assistance is needed, the following agencies offer similar emergency service:
 - a. Mamaroneck Police Department Harbor Unit
 - b. City of Rye Police Harbor Unit.
 - c. City of New Rochelle Harbor Unit
 - d. Mamaroneck Fire Department



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BICYCLE PATROL, DUTIES AND RESPONSIBILITES			
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PURPOSE

To establish guidelines for the qualification, operation and deployment of police bicycles.

BACKGROUND

A police cyclist is able to cover more area than a foot patrol officer and has the added benefit of closer contact with the public, as compared to an officer in a patrol vehicle. The Vehicle & Traffic Law recognizes police bicycles as authorized emergency vehicles. Notwithstanding any other law, rule or regulation to the contrary, a police bicycle operated as an authorized emergency vehicle shall not be prohibited from using any sidewalk, highway, street or roadway during emergency operation.

POLICY

The Larchmont Police Department shall deploy bicycle patrols to compliment traditional motorized patrol, effectively increasing visibility, mobility and range of designated posts.

PROCEDURE

Qualifications

1. Police cyclist will be assigned for bicycle duty at the discretion of the Chief of Police, and must:
 - a. volunteer to be in the program.
 - b. be physically fit.
 - c. be highly motivated.
 - d. be community relations oriented.
 - e. must complete an approved police bicycle training course.

General Duties

2. Generally, the duties of members assigned to police bicycle patrol when deployed shall include, but not be limited to the following:
 - a. routine patrol of one or more designated posts.
 - b. parking and or traffic enforcement or direction.
 - c. quality of life offense detection and enforcement.



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- d. responding to dispatched calls for service.
- e. any other duties prescribed by the Tour Supervisor, Command Officer or Chief of Police.

Deployment

- 3. Bicycle patrols will be deployed when a designated police cyclist is working during the 0700 - 1500hrs & 1500 - 2300hrs tours of duty when manpower allows.
- 4. Tour supervisors shall deploy members of the bicycle patrol as a supplement to patrol, anytime there is sufficient manpower to deploy motor patrol coverage for Patrol Posts 1 and 2 unless special circumstances or details have already depleted the patrol tour.
- 5. When there is insufficient manpower the police cyclist, shall be assigned to motorized vehicle patrol in his standard patrol uniform.
- 6. Bicycles are not to be deployed during extreme weather or temperature conditions, or when officer safety is questionable, particularly if the temperature is below 35 degrees or above 90 degrees.
- 7. If a situation arises during a tour of duty, or if inclement weather necessitates re-assigning a bicycle patrol officer to a motorized patrol vehicle, the bicycle patrol officer may wear his bicycle uniform for the remainder of that specific tour of duty.
- 8. Bicycles shall not be used by officers who have not been assigned to the bicycle patrol unit.
- 9. Due to the mobility of the police cyclist, the post area will consist of the Patrol Posts 3 and 4, school crossing, schools and parks, etc.

Communications

- 10. Police cyclist will use a designated portable radio with epaulet microphone.
- 11. Radio contact with Headquarters will be made notifying the desk officer of post changes during an assigned tour of duty.



OPERATIONS PROCEDURE			Procedure No: 114-14
BICYCLE PATROL, DUTIES AND RESPONSIBILITIES			
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Uniforms

12. The uniform will be the department issued cyclist uniform and will be worn in conformance with all uniform regulations and specifications outlined in sections 103 & 104 in the Department manual.
13. Police cyclist must wear a department issued and ANSI and SNELL approved helmet whenever operating a police bicycle.

Safety/ Security

14. Police bicycles will be stored and locked in the bicycle storage area of the garage.
15. Police cyclist will not leave their bicycle unattended unless it is properly secured by an appropriate bicycle locking device, or in the custody of a responsible third person, unless an extreme police emergency dictates otherwise.
16. In the event that weather conditions change during a shift and no longer allow the safe operation of the bicycle, the police cyclist will notify the tour supervisor and return the bicycle to the department storage area.

Maintenance

17. Police cyclists will be responsible for basic maintenance of police bicycles, inspections battery recharging, and reporting of deficiencies.
18. Police cyclist will be required, when necessary to transport bicycles requiring additional maintenance to the designated service shop or repair shop.
19. Police cyclist will be responsible for department property assigned to them.

Supervision

20. A supervisor designated by the Chief of Police will be responsible for supervising the Police Bicycle patrol.
21. Police cyclist will report to the designated supervisor any deficiencies, maintenance problems, or recommendations.



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BICYCLE PATROL, DUTIES AND RESPONSIBILITIES			
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Equipment

22. The following equipment shall be kept in or on the police bicycle:

- a. power pack battery
- b. headlights
- c. flashing tail light
- d. rear carry rack and duffel bag
- e. water bottle and carrier
- f. tools and equipment for minor repairs



OPERATIONS PROCEDURE			Procedure No: 114-16
SCHOOL RESOURCE OFFICER PROGRAM			
DATE ISSUED: 16DEC13	DATE EFFECTIVE: 01JAN14	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish a School Resource Officer Program and to clearly delineate the duties and responsibilities of members assigned as School Resource Officers.

POLICY

It shall be the policy of the Larchmont Police Department to establish and maintain a School Resource Officer Program. Members trained as School Resource Officers (SRO) shall be assigned to public and private schools within the confines of the Village on a part-time basis during the school year.

PROCEDURE

1. The role of the SRO shall be divided into three main categories and responsibilities:
 - a. Law Enforcement Officer.
 - b. Law-related Counselor.
 - c. Law-related Educator.

While acting in the capacity of SRO, the assigned member shall:

2. Provide law enforcement and police services to the school, school grounds and areas adjacent to the school. Investigate allegations of criminal incidents adhering to department policies and procedures. Enforce state and local laws and ordinances. Make appropriate referrals to juvenile authorities or other governmental agencies.
3. Work to prevent juvenile delinquency through close contact and positive relationships with students. In addition the SRO shall develop crime prevention programs and conduct security inspections to deter criminal or delinquent activities. The SRO should monitor crime statistics and work with other officers and students to design crime prevention strategies
4. Establish and maintain a close partnership with school administrators in order to provide for a safe school environment. Assist school officials with their efforts to enforce Board Of Education policies and procedures. Ensure school administrator safety by being present during school searches, which may involve weapons, controlled dangerous substances or in such cases that, the student's emotional state may present a risk to the administrator.



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SCHOOL RESOURCE OFFICER PROGRAM			
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5. Assist school administrators in emergency crisis planning and building security matters and provide a course of training for school personnel in handling crisis situations, which may arise at the school.
6. Be visible within the school community. Attend and participate in school functions. Build working relationships with the school's staff as well as with student and parent groups.
7. Develop and implement classes in law related education to support the educational efforts of the faculty. Work closely with teachers in designing and presenting law-related topics and the role of police in our society.
8. Work with guidance counselors and other student support staff to assist students and to provide services to students involved in situations where referrals to service agencies are necessary. Assist in conflict resolution efforts.
9. Initiate interaction with students in the classroom and general areas of the school building. Promote the profession of police officer and be a positive role model. Increase the visibility and accessibility of police to the school community.



OPERATIONS PROCEDURE			Procedure No: 114-17
TERRORISM WATCH LIST HIT PROCEDURE			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

During the course of routine patrol, a member of service may encounter a "hit" on a possible terrorist on the "Counter Terrorist Watch list" (CTW). This policy is intended to establish uniform procedures which conform to the Federal and New York State Terrorist guidelines when receiving such a "hit".

POLICY

NCIC-VGTOF Hit Process

If a file check through NCIC results in a Violent Gang Terrorist Organization File (VGTOF) hit, instructions for the police office to contact the Terrorist Screening Center (TSC) via a toll free number will be provided in the response. The TSC will make every effort to act on this request within 20 minutes. Due to the sensitivity of certain responses a more secure form of communication may be required. It should be noted that terrorists frequently use multiple names and aliases. Insufficient identifying data may result in the receipt of an incomplete response or a response that may require additional time and investigation to provide a complete response. The TSC will determine which level of response is necessary and will advise the requesting law enforcement agency of such. The five possible responses and the protocols for each are as follows:

1. HANDLING CODE 1-ARREST:

The police officer will receive the following response from the TSC: "WARNING-APPROACH WITH CAUTION. ARREST THIS INDIVIDUAL. THIS INDIVIDUAL IS ASSOCIATED WITH TERRORISM. ONCE THIS INDIVIDUAL IS ARRESTED, IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER AT (866) 872-9001 FOR ADDITIONAL INFORMATION AND DIRECTION".

- a. TSC will conference call with the CTW and requestor regarding the appropriate response.
- b. The local FBI JTTF will be notified and respond.
- c. Contact the NYSIC (866) 486-9742 to ensure that available information from NYSIC databases are checked for any possible associations to state and local level intelligence and reported activity.

Note: CODE 1 individuals are the subject of a formal indictment or criminal charge and a warrant has been issued. Suspects should be treated as armed and dangerous and officers should use the utmost in care during the arrest process



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TERRORISM WATCH LIST HIT PROCEDURE			
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2. HANDLING CODE 2 - DETAIN:

The police officer will receive the following response from the TSC: "WARNING APPROACH WITH CAUTION. PLEASE DETAIN THIS INDIVIDUAL FOR A REASONABLE AMOUNT OF TIME FOR QUESTIONING. THIS INDIVIDUAL IS OF INVESTIGATIVE INTEREST TO LAW ENFORCEMENT REGARDING ASSOCIATION WITH TERRORISM. IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER AT (866) 872-9001 FOR ADDITIONAL DIRECTION."

- a. TSC will conference call with the CTW and requestor regarding the appropriate response.
- b. The local FBI JTTF will be notified and respond.
- c. Contact the NYSIC (866) 486-9742 to ensure that available information from NYSIC databases are checked for any possible associations to state and local level intelligence and reported activity.

Note: CODE 2 individuals are the subject of an active investigation and reasonable and articulable suspicion exists to detain this individual.

3. HANDLING CODE 3- INVESTIGATION:

The police officer will receive the following response from the TSC: DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE:

"WARNING APPROACH WITH CAUTION. THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM. CONTACT THE TERRORIST SCREENING CENTER AT (866) 872-9001 FOR ADDITIONAL IDENTIFYING INFORMATION AVAILABLE TO ASSIST YOU IN MAKING A DETERMINATION. DO NOT ARREST THIS INDIVIDUAL UNLESS THERE IS EVIDENCE OF A VIOLATION OF FEDERAL, STATE, OR LOCAL STATUTES. CONDUCT A LOGICAL INVESTIGATION USING TECHNIQUES AUTHORIZED IN YOUR JURISDICTION AND ASK PROBING QUESTIONS TO DETERMINE IF THIS INDIVIDUAL IS IDENTICAL TO THE PERSON OF LAW ENFORCEMENT INTEREST."

This could include an interview of the subject or associates in an effort to obtain further information. Additionally, the police officer should make the necessary observations and document this encounter for later use.

- a. TSC will conference call with the CTW and requestor regarding the appropriate response.
- b. The CTW will notify the local FBI JTTF the next day.



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- c. Contact the NYSIC (866) 486-9742 to ensure that available information from NYSIC databases are checked for any possible associations to state and local level intelligence and. reported activity.

4. HANDLING CODE 4- INFORMATION GATHERING :

The police officer will receive the following response from the TSC: DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.

"WARNING APPROACH WITH CAUTION. THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORIST. DO NOT ARREST THIS INDIVIDUAL UNLESS THERE IS EVIDENCE OF A VIOLATION OF FEDERAL, STATE, OR LOCAL STATUTES. ATTEMPT TO OBTAIN SUFFICIENT IDENTIFICATION INFORMATION TO POSITIVELY IDENTIFY THIS INDIVIDUAL IN A MANNER CONSISTENT WITH THE TECHNIQUES AUTHORIZED IN YOUR JURISDICTION. YOU MAY BE CONTACTED AT A LATTER DATE AND ASKED TO FORWARD THIS INFORMATION. NOTE: IF YOUR CONTACT WITH THIS INDIVIDUAL WARRANT FURTHER INVESTIGATION BASED ON CIRCUMSTANCES CONSISTENT WITH TERRORIST ACTIVITY, CONTACT THE TERRORIST SCREENING CENTER AT (866) 872-9001"

- a. TSC will conference call with the CTW and requestor regarding the appropriate response.
- b. The CTW will notify the local FBI JTTF, if required.
- c. Contact the NYSIC (866) 486-9742 to ensure that available information from NYSIC databases are checked for any possible associations to state and local level intelligence and reported activity.

5. NO HIT:

- a. If NCIC file checks come back NEGATIVE and the police officer still believes that this incident or investigation is terrorism related, the police officer should contact the Counter Terrorism Center (CTC) at the NYSIC (866) 486-9742 for further checks and access to the FBI Counter Terrorism Watch through existing protocols.
- b. Each of the four (4) handling codes contains a statement from the TSC stating "WARNING APPROACH WITH CAUTION". This warning is very general in nature and is provided to law enforcement by the FBI to alert the law enforcement agency, or officer, that the individual who is the subject of the VGTOF Hit is, or may be, associated with terrorism and caution should be taken in their interactions with this individual. Note that there may be cases in which the FBI is



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unable to confirm or deny at the time of inquiry whether or not the queried individual may have possible ties to terrorism. DO NOT ARREST THIS INDIVIDUAL unless there is evidence of a violation of federal, state, or local law. Conduct logical investigation using techniques authorized in your jurisdiction and ask probing questions in an attempt to confirm this persons identity. Provide any positive information to your local FBI TTTF.

- c. In case of calls made to the TSC by New York state law enforcement without the basis of an NCIC-VGTOF hit, these calls will be referred to the Counter Terrorism Center at the NYSIC for appropriate vetting and documentation. Questions regarding these protocols can be made to the NYSIC at: (866) 486-9742.



ADMINISTRATIVE PROCEDURE			Procedure No: 115-01
DISCIPLINE			
DATE ISSUED: 24AUG19	DATE EFFECTIVE: 24AUG19	REVISION NUMBER: 3	PAGE: 1 of 4

PURPOSE

To define the authority and responsibility delegated to departmental supervisors for the maintenance of discipline and to describe the progressive disciplinary process.

BACKGROUND

The Larchmont Police Department promotes effective discipline and believes this to be a positive procedure. Our rules and regulations specify rules of conduct for all employees. These rules of conduct are detailed in this Manual.

POLICY

Historically the need for high standards of discipline from Police Department employees is well-established, and only through a well-disciplined Police Department can the integrity of the agency be maintained.

Discipline with both positive and negative sanctions is vital to the effective performance and morale of its employees, and training is seen as an integral part of this program.

Furthermore, the Department utilizes a progressive discipline approach that attempts to correct problems in a constructive, non-punitive manner.

Documentation of discipline, both positive and negative, shall be in the form of a Memorandum that shall detail the set of facts involving circumstances deserving written recognition for exceptional performance or to document a set of facts involving a breach of Department rules, regulations, procedures and or policies.

PROCEDURE

1. Supervisors are responsible for ensuring that Department members and employees perform their duties in accordance with policies, procedures, rules and regulations and authoritative instructions of the Department. Supervisors are required to initiate action in response to the acts of commission or omission of personnel in accordance with the procedures as appropriate.



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DISCIPLINE			
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Progressive Discipline

Training

1. In minor disciplinary cases or where remedial training is indicated, counseling and training will be utilized as a corrective method of positive discipline and shall be recorded in the supervisor's memo book. Supervisors will be issued a department memo book to record any such counseling. A Memorandum need not be filed.

Counseling

2. Counseling is a process most often conducted by an immediate supervisor to determine if the member is familiar with a particular issue or aware of Department written directives, policies or procedures that govern his behavior and to determine further training needs.
 - a. A record of counseling sessions should be maintained in the supervisor's memo book for further evaluation of the employee's progress. Supervisors should not make entries pertaining to an employee's behavior or performance without counseling the subject employee.
 - b. A Memorandum may also be filed with the Chief of Police.

Corrective Interviews

4. Corrective interviews are often the second step in the disciplinary process after counseling has been attempted and may be conducted by the immediate supervisor or other superior officers to point out a member's unacceptable behavior or job performance or failure to comply with written directives. Depending on the severity of the incident, corrective interviews may be required in lieu of initial counseling or training or sessions described above.

Punitive Action

5. All punitive actions taken by the Department in the interest of discipline, including all reprimands, written reprimands, reductions of leave, suspensions, demotions or dismissals will be in accord with the



ADMINISTRATIVE PROCEDURE			Procedure No: 115-01
DISCIPLINE			
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Unconsolidated Laws of New York State, section 5711 Q, any other applicable law, collective bargaining agreements and written directives.

Disciplinary Charges

6. Disciplinary charges in most instances will be initiated after counseling and or corrective interviews have failed to correct the problem. When it has been determined necessary, charges will be preferred against the member pursuant to section 5711 Q of the Unconsolidated Laws of New York State or command discipline, when appropriate, may be offered to the member in lieu of formal charges.
 - a. In those situation where the severity of the violation warrants, the Chief of Police, in his sole discretion, may find it necessary to initiate formal departmental charges against a member in lieu of training, counseling and or corrective interviews.
 - b. If a member is dismissed as a result of a hearing conducted by the Village Board, the member will be provided the following information:
 - (1) The decision, which includes the reason for dismissal.
 - (2) The effective date of the dismissal.
 - (3) A statement of the status of fringe and retirement benefits after dismissal.
 - (4) A statement as to the content of the member's employment record relating to the dismissal.
 - c. The officer may elect to appeal the decision of the formal charges proceeding pursuant to section 5711 Q of the Unconsolidated Laws of New York State or any other applicable law.

Command Discipline

7. In those situations where the member and the Chief of Police agree, command discipline may be accepted in lieu of formal charges under section 5711 Q.
 - a. Command discipline shall be commenced no more than 90 days after the discovery of the occurrence of the alleged misconduct.
 - b. Administration of Command Discipline:



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DISCIPLINE			
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- (1) Upon discovering a violation, the reporting supervisor shall:
 - (a) Prepare all reports for each officer involved.
 - (b) Submit the original report with any documentation through the supervisor's chain of command to the Chief of Police.
 - (2) The Chief of Police shall
 - (a) Investigate or cause to be investigated the circumstances of the reported violation, seeking any additional information as may be required or available.
 - (b) Interview the member informing him/her of the nature of the reported violation, giving the member an opportunity to make a statement or to request the supervisor to seek additional information.
8. Any member being questioned during an internal investigation where the member is suspected or alleged to have committed acts of misconduct or engaged in criminal activity, he shall have the right to representation, as described in section 120-3 of this Manual.

Documentation

9. Anytime a supervising officer engages in any disciplinary activities, he shall document said activity on a Performance Documentation Form. The form(s) shall be retained by the reporting supervisor until the progressive discipline reaches the level of punitive action, at which point the forms shall be included with the associated internal investigation.

PERFORMANCE DOCUMENTATION FORM

① FEEDBACK TYPE: ☐ POSITIVE ☐ NEUTRAL ☐ NEGATIVE PAGE ____ OF ____

② OFFICER _____ SHIELD _____ RANK _____ IMMEDIATE SUPERVISOR* _____

③ IMMEDIATE SUPERVISOR BEEN MADE AWARE OF INCIDENT*: ☐ Y ☐ N DATE: _____ TIME: _____

④ DATE OF OCCURRENCE/INSTANCE: _____ ⑤ TOUR: ☐ 11-7 ☐ 7-3 ☐ 3-11

⑥ DATE OF THIS REPORT : _____

1. _____
2. _____
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19. _____
20. _____

Sergeant

* COMPLETE ONLY IF IMMEDIATE SUPERVISOR IS OTHER THAN THE UNDERSIGNED



ADMINISTRATIVE PROCEDURE			Procedure No: 115-05
AWARDS AND COMMENDATIONS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE

To recognize the need, as well as the benefits of rewarding members who distinguish themselves through their actions and work performance.

POLICY

It shall be the policy of this Department to document and permanently record exceptional performance by its members.

PROCEDURE

1. A superior officer shall file a letter of commendation to document a member's exceptional performance.
2. The above letter of commendation shall be filed with the Chief of Police no longer than thirty days after an incident whenever practical.
3. Letters recommending Departmental awards will then be forwarded to an awards committee that is made up of members designated by the Chief of Police, who will be the sole determining authority.
4. The Chief of Police shall cause the following documentation to be made part of a member's personnel file:
 - a. Letter of Commendation from superior officers.
 - b. Positive acknowledgments from the public.
 - c. Awards issued by the following organizations:
 - i. P.B.A. of Westchester County
 - ii. New York State Federation of Police
 - iii. Tri-County Federation of Police
 - iv. Gannett Westchester Newspapers (formerly Macy)
 - v. Larchmont Police Department
 - d. Letters from other law enforcement agencies.
5. Upon receipt of a Letter of Commendation, so that the member may be given proper recognition for acts of exceptional intelligent and meritorious police work, and so that the community can be made aware of the excellent police work being performed by its Police Department, the Chief of Police may award to the respective member, any of the following Citations:



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AWARDS AND COMMENDATIONS			
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CLASS A - CITATION OF BRAVERY



This award is presented to an officer, who, by an act of extreme bravery saves a human life or makes a rescue and at great peril or faces personal danger "Above and Beyond the Call of Duty" or who loses his life in the proper performance of duty.

CLASS B - CITATION OF EXCEPTIONAL MERIT



This award is presented to an officer who, by his diligence, ability and or courage effects an excellent arrest involving a major crime category and classification and which may result in the clearance of several other crimes; or to an officer who directly effects the rescue of a human being whose life is in immediate imminent danger.

CLASS C - CITATION OF COMMENDABLE MERIT



This award presented to an officer who, by his diligence and ability and possibly at personal risk to himself effects an excellent arrest of major consequence or to an officer who effects the rescue of a human being whose life is in immediate danger.

CLASS D - HONORABLE MENTION



This award is presented to an officer who, by his efficient dedication to duty, performs an act which materially assists another police officer in effecting a major arrest or rescue; or an officer who performs an act of police duty that reflects great credit upon himself and is greatly instrumental in the furtherance of the Police Department's service to the community.



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AWARDS AND COMMENDATIONS			
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CLASS E - DISTINGUISHE SERVICE



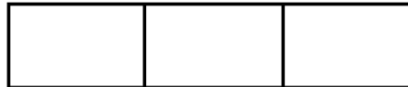
This award is presented to an officer who, by his own initiative and execution performs a service which, in the field of crime prevention, or of a technical or administrative nature, subsequently improves methods of police operation and activity.

CLASS F – HONORABLE SERVICE



Awarded to an officer who brings credit upon himself and the Department through outstanding attendance, or who in some other manner either in capacity furthers the Department's goal, *"To Serve With Concern"*

CLASS G – THE CAPTAIN THOMAS J. SULLIVAN ACHIEVEMENT AWARD



Awarded to the Police Officer who most consistently, during the calendar year, displays excellent skills, attitude, appearance and performance during the completion of his/her duties and through their professional manner, constantly strives to improve public safety while at the same time endeavors to further positive relations between this Department and the community. This award is determined by the Awards committee who shall evaluate the recommendations of the each individual patrol sergeant of one member of the sergeant's respective squad.

CLASS H – W.T.C. CITATION



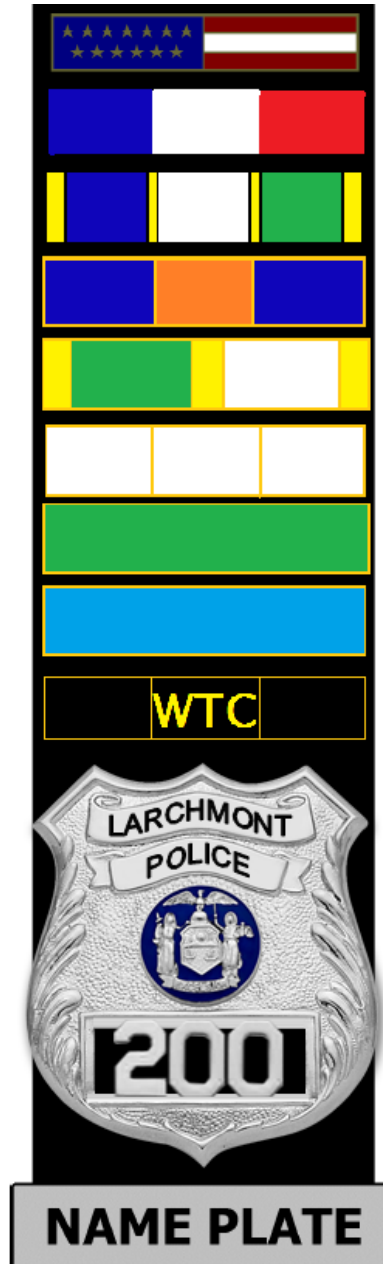
Awarded to those members of service who, at their own personal peril and while not on duty, admirably represented the Larchmont Police Department by rendering assistance to the City of New York immediately after the attacks of September 11th, 2001.

6. For each Police Department Award and Citation, the recipient will receive an Award Certificate and the corresponding Citation Bar. On the occasions where an officer is awarded more than one Award in a single category, subsequent awards will be designated by the addition of stars in Citations of Bravery or by the number of awards in all other Citations.



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7. All Citation Bars shall be worn properly while in uniform. The proper position for all bars is directly centered above the officer's shield on top of the other with the highest degree of award at the top and the lowest degree at the bottom. American Flag pins, if worn, must be centered above the highest award received.





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8. Whenever merited by the circumstances involved in those instances where citations are awarded for Citation of Bravery, Exceptional Merit and Commendable Merit, there shall be in addition to the Departmental Award a referral of the citation to such other agency (Board of Trustees, Macy Award, Red Cross, etc.) as deemed advisable for their consideration in recognizing in their own right the act involved. Any awards so received shall be worn below any other Departmental Awards.
9. Except for a Macy Award, an officer is authorized to wear only one citation emanating from the same police action. Therefore, when an officer receives a departmental award along with awards from other organizations for the same act, he/she may wear only one citation bar; the citation bar of his choice.



OPERATIONS PROCEDURE			Procedure No: 115-03
RECRUIT TRAINING/RESTRICTION OF DUTY			
DATE ISSUED: 01AUG13	DATE EFFECTIVE: 01AUG13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To delineate the policy and procedure of the Larchmont Police Department regarding the basic training and restricted duties of police recruits engaged in basic school.

BACKGROUND

Basic training is perhaps the most critical part of a police officer's career. Every law enforcement agency has the responsibility to comply with applicable New York State regulations that mandate such training and to ensure that each recruit is thoroughly trained. It is imperative that police officers are sufficiently trained in essential subjects before they are assigned to carry firearms or perform law enforcement duties.

POLICY

It is the policy of this Department that all members who are police recruits successfully complete a basic school for law enforcement officers that meets or exceeds the training requirements established by the Municipal Police Training Council. Police recruits are not authorized, permitted or assigned to perform regular law enforcement duties until they have successfully completed a basic course for police officers.

PROCEDURE

1. Police recruits shall not be authorized to carry or use any firearm, either while on duty or off duty unless such recruit has been given authorization by the Chief of Police. Authorization shall not be granted until such recruit has satisfactorily completed that portion of an approved Municipal Police Training Council Program that constitutes the basic course of instruction in the use of deadly physical force (NYS Penal Law, article 35), and in the use of firearms.

NOTE: At his discretion, the Chief of Police may make exception for those recruits who previously enjoyed a status of Peace Officer under the Criminal Procedure Law of New York so long as such member was then and there qualified to carry a firearm and had received the required Municipal Police Training Council Peace Officers Training Course with instruction in firearms and the use deadly physical force. In such case, the recruit must first qualify with his/her Department issue firearm under that qualification course then and there in effect.



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RECRUIT TRAINING/RESTRICTION OF DUTY			
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2. All members who successfully graduate from basic police school must participate in a supervised Field Training Program. This program will last a minimum of four weeks, be supervised by a field training officer and completed in a timely manner. All periods of training, classroom and field training, must be successfully completed before the member is assigned to work alone as outlined in section 115-4 of this Manual.
3. Newly appointed officers will not be permanently assigned to the fixed midnight tour until they successfully complete the mandatory probationary period.

Note: At his discretion, the Chief of Police may assign probationary members to the fixed midnight tour if at the time of tour bids are submitted the member has successfully completed a majority of the probationary period.



OPERATIONS PROCEDURE		Procedure No: 115-04	
FIELD TRAINING PROGRAM			
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PURPOSE

To provide probationary police officers with adequate post-academy training to successfully perform their job, and to provide for an evaluation system that accurately measures their strengths and weaknesses and provides the necessary training to reinforce strengths and identifies remedial steps to be taken to correct weaknesses.

BACKGROUND

Training has often been cited as one of the most important responsibilities in any law enforcement agency. Through a formalized Field Training and Evaluation Program, new personnel will be better prepared to act decisively and correctly in a broad spectrum of situations. This training program builds upon the basic academy training, and provides for the opportunity to apply theory to practical field situations under the guidance and observations of a qualified field training officer.

POLICY

It is the policy of the Larchmont Police Department to consistently endeavor to maintain the highest levels of expertise in carrying out our law enforcement responsibilities. We are committed to providing our personnel with the necessary training to achieve this goal. To meet this end, the Field Training and Evaluation Program has been developed and implemented. The administration of the Police Department fully supports the Field Training and Evaluation Program concept that is imperative for the successful attainment of the Department's stated goals.

PROCEDURE

Administration

1. The Patrol Commander shall be responsible for the implementation and administration of the Field Training and Evaluation Program, and to see that each new member completes the Field Training Program by the earliest possible date.
2. Field Training Officers shall report directly to the Patrol Commander or his assign, regarding their duties and responsibilities pursuant to this directive.
3. Field Training Officers shall be assigned to instruct, supervise, and evaluate recruit and probationary officers, including those officers which may have been hired as a result of reinstatement from other law enforcement agencies.



OPERATIONS PROCEDURE			Procedure No: 115-04
FIELD TRAINING PROGRAM			
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Field Training Officer Qualifications

4. Candidates applying for this position must:
 - a. be a police officer with a minimum two years of continuous service,
 - b. possess strong oral and written communication skills,
 - c. be mature, patient, fair, and dependable,
 - d. be able to observe and rate performance objectively

Field Training Officer Selection

5. Officers expressing an interest in being selected as a Field Training Officer, who have met the above qualifications, shall be considered for the assignment by the Chief of Police.
6. Field Training Officers serve at the discretion of the Chief of Police.

Length and Scope of Field Training Program

7. The Field Training Program shall last a minimum of six weeks for all recruits after successful completion of the Police Academy Basic Training Course.
8. The Field Training Program shall last a minimum of four weeks for all members hired with prior law enforcement experience.
9. The Field Training Program shall include, but not be limited to:
 - a. specific performance criteria,
 - b. observed interaction with the public,
 - c. daily written evaluation of trainee performance.
10. The specifics of the Field Training and Evaluation Program are described in the Field Training and Evaluation Manual
11. At the end of the field training period the designated Field Training Officer shall submit all daily evaluation reports to the Administrative Officer along with a memo recommending or opposing further employment, and detailing any deficiencies in the recruits' training.



OPERATIONS PROCEDURE			Procedure No: 115-05
IN-SERVICE TRAINING			
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PURPOSE

To ensure that training remains a continuous process throughout a member's career, the Larchmont Police Department has established the In-Service Training Program. This section is intended to make all members aware of the Department's policy and objectives as they relate to this program.

POLICY

The Larchmont Police Department In-Service Training Program will incorporate, in an annual cycle, field firearms training, use of force and deadly physical force (article 35 N.Y.S. Penal Law), legal updates and updates of the Department's Operations Manual of Procedure, defensive tactics and such other areas and topics as the Chief of Police may deem fit.

PROCEDURE

1. The curriculum for this Department's In-Service Training Program will equal or exceed the prevailing standards as set by the Municipal Police Training Council.
2. Department members assigned as instructors participating in In-Service Training must be certified in accordance with Instructor Standards and Qualifications as set forth in Part 6024 or 6025 of the New York State Codes, Rules and Regulations.
3. During in-service training sessions, members assigned as instructors shall have overall responsibility over the training, and are hereby granted authority adequate to discharge their training responsibilities, regardless of rank, and shall be responsible to provide a professional, safe and educational environment.
4. Members assigned to in-service training shall at all times comport themselves in a professional manner which reflects favorably upon the member and the Larchmont Police Department. Any member that fails to act in accordance to the guidelines set forth by the training officer or otherwise becomes disruptive shall be removed from training and directed to report to the Chief of Police.
5. All supervisors shall receive training to enhance managerial skills.

Administration

6. All in-service training shall be the responsibility of the Administrative Officer.



OPERATIONS PROCEDURE			Procedure No: 115-06
SPECIALIZED TRAINING			
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PURPOSE

To establish those functional areas of the Larchmont Police Department that require advanced, technical, and job-specific knowledge in order to adequately perform the assigned tasks.

POLICY

It is the policy of the Larchmont Police Department that members of the Department, when assigned to specialized functions, be required to receive specialized training.

DEFINITIONS:

For the purposes of this section, the following are defined as specialized functions:

1. Criminal investigator
2. Juvenile officer
3. Police instructor
4. Firearms instructor
5. Breath test operator
6. RADAR/LIDAR operator
7. Drug Awareness and Resistance Education
8. Defensive Tactics instructor
9. Crime Prevention officer
10. Bicycle Patrol officer
11. Property officer
12. Records officer
13. Any other specialist function defined by the Chief of Police

PROCEDURE

Any officer requesting specialization shall submit any such requests, in writing, to the Administrative Officer. The Chief of Police will then evaluate all such requests and shall make assignments based upon seniority, attendance, disciplinary record, performance and compatibility with the requested specialty.



OPERATIONS PROCEDURE		Procedure No: 116-01	
SICK FOR DUTY REPORTING PROCEDURE			
DATE ISSUED: 18APR18	DATE EFFECTIVE: 18APR18	REVISION NUMBER: 1	PAGE: 1 of 3

PURPOSE

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

BACKGROUND

The vital nature of police service and manning requirements of daily operation necessitate that the Department maintain accurate methods to anticipate vacancies created by illness or injury and to expedite the member's earliest return to duty. Timely and regular attendance is an expectation of performance for all members. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards, employees will be held accountable for sick time use.

POLICY

As outlined below, all illnesses and injuries that impair a member's ability to perform his/her scheduled duties must be immediately reported to the Department. Members on sick leave will comply with all follow-up procedures outlined herein, as well as any additional directives specifically given to a member by a superior officer.

PROCEDURE

A member of the Department reporting in sick shall:

1. Telephone Headquarters at least two hours prior to the start of his/her scheduled tour, unless the disability occurs within this period. If the disability occurs while the member is on duty, the tour commander shall be immediately notified.
2. Notify the Department each day that he/she will be out sick.
3. Have a responsible person notify the Department if incapacitated and unable to personally notify the department.
4. State the nature of the disability, expected date of return to duty and the telephone number where calling from. The member must give a phone number where contact can be made. Members on sick leave may be subject to routine visits or telephone calls during the course of any medical absence.
5. Inform the Department of any appearances in court, hearings or other official business scheduled for the day and dates of illness.



OPERATIONS PROCEDURE			Procedure No: 116-01
SICK FOR DUTY REPORTING PROCEDURE			
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6. Members on sick leave shall remain confined to their residence, to the location where they were stricken with illness/injury, or to a hospital/facility during the hours of their regular tour of duty for which they have been granted sick leave unless:
 - a. extreme personal emergency
 - b. medical necessity
7. Notify the tour commander, except in extreme emergency, of the need to leave home or place of confinement during a scheduled tour of duty.
8. Notify the Department upon return home or to place of confinement.

The Desk Officer receiving a sick report shall:

9. Make out an Sick Leave Report and make an entry into the Radio Telephone Log, noting the time of the call, in the Department's Computer system containing:
 - a. The name of the member reporting sick.
 - b. The nature of the illness.
 - c. The scheduled tour of duty for which the member is reporting sick.
 - d. The time of the call.
 - e. A call-back number if the member is not confined at his/her primary residence.
 - f. Notations of any notifications of sick members need to leave location of confinement.
10. Notify the Duty Supervisor that a member has reported sick.

Supervisor on Duty When Sick Report Is Received Shall:

11. Determine whether the absence of a member will require additional manpower to fill the member's position. If so, the duty supervisor will notify a Command Officer, if one is on-duty, to arrange to fill the vacancy.
12. Procedure When Returning From Sick Leave
13. The Chief of Police may, at any time during any illness, request the member to report to the police surgeon or other medical doctor for a medical evaluation to establish his/her fitness for duty.



OPERATIONS PROCEDURE		Procedure No: 116-01	
SICK FOR DUTY REPORTING PROCEDURE			
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A member who is on sick leave will not:

14. Work any outside employment and/or attend any school during the tour missed.

Abusive or Fraudulent Use of Sick Leave

15. Abusive absenteeism shall be defined as taking sick leave in a manner for which it was not intended including, but not limited to, using sick leave in direct proportion to the amount of time earned, using it as soon as it is earned, a pattern of sick days used in conjunction with other forms of time off, or using sick leave in a predictable pattern, and each of the foregoing shall be substantial evidence of abusive or fraudulent use.

Proof of Illness or Injury

16. Whenever substantial evidence of abusive or fraudulent use is established that a member's reason for sick leave is suspect, the member can expect to provide upon request of the Chief of Police or his designee a licensed health care provider's certification of illness.

Pattern Absenteeism

17. Any member whose absenteeism record shows a pattern of sick time abuse will be required to attend a counseling session with the immediate Supervisor and a Command Officer concerning the record or pattern of absenteeism. The need for further counseling sessions shall result in commensurate discipline.

Extended Sick Leave and Accruals

18. In the event that the members' illness or injury requires sick leave to be extended beyond the number of accrued sick leave, the balance of the members' accrued leave shall be used until exhausted as follows:
 - a. First, the balance of all accrued vacation days.
 - b. Second, the balance of all accrued leave days.
19. In the event all accrued days are exhausted prior to the member being able to return to duty, wheatear in full or limited capacity, the member shall be removed from the payroll.
20. While on extended sick leave, the member will be required to report sick for duty as outlined in this policy.



OPERATIONS PROCEDURE			Procedure No: 116-02
LINE-OF-DUTY INJURIES/GML 207c			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To establish uniform procedures to confirm and record injuries of members of this Department.

BACKGROUND

The vital nature of police services and the manning requirements of daily operations necessitate that the Department maintain effective methods to deal with illness or injury and to expedite the stricken employee's earliest possible return to duty. As good health is essential to the performance of police duties, the Department is concerned that all injured employees receive prompt and adequate medical attention.

POLICY

All line of duty injuries that occur while a member is in the performance of police service, or reoccurrences thereof, will be immediately reported to the on-duty supervisor and investigated in accordance with the procedure outlined in this section.

PROCEDURE

Injured Member

1. All on-duty injuries, no matter how slight, must immediately be reported to the on-duty command officer, or in his absence, the highest ranking supervisor on duty.

On-Duty Supervisor

2. Investigating supervisor shall ensure that the injured member receives proper medical attention.
3. Investigating supervisor shall go directly to the scene to investigate.
4. Investigating supervisor shall obtain the identification of all witnesses and secure witness statements when possible.
5. Investigating supervisor shall cause the following documentation to be prepared as soon as possible:



OPERATIONS PROCEDURE			Procedure No: 116-02
LINE-OF-DUTY INJURIES/GML 207c			
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- a. Police Incident Report fully documenting the circumstances surrounding the injury and listing any witnesses to the occurrence.
- b. Cause written statements to be prepared by any other members who may have witnessed the incident.
- c. Have the injured officer prepare and sign an Statement of Fact "Line of Duty Injury"

Note: The department clerk will fill out and submit the New York state Compensation Board "C-2" form.

Report Distribution

6. Two complete packets shall be prepared of all reports, forms and statements and be forwarded as follows:
 - a. One copy to the Chief of Police, for personnel file.
 - b. One copy to the Patrol Commander for further investigation

Relief from Duty

7. Whenever a member cannot complete a tour of duty because of injury, the on-duty supervisor shall arrange adequate coverage, through a Command Officer, if available.
8. Members on injury leave shall be restricted during scheduled hours of duty as outlined in section 116-01, Sick Leave Policies and Procedures. Exceptions may be granted solely by the Chief of Police if necessity arises.

Procedure for Returning to Duty

Members must:

9. Make notification to the Chief of Police as soon as medical clearance is obtained.
10. Secure and forward to the office of the Chief of Police medical documentation indicating physical capacity and ability to perform duty



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Limited Duty

11. The Chief may permit limited duty assignments on a case-by-case basis, at his sole discretion, and only upon a finding that such an accommodation shall not prejudice the proper functioning of the Department.

Recurrent Injuries

12. Should a recurrent injury necessitate relief from duty the member shall immediately report it to the on-duty supervisor.
13. The tour commander shall locate the original Police Incident Report and cause a new Police Incident Report cross-referencing with the original number.

Workmen's Compensation/207-c

14. An officer will not initially be afforded benefits pursuant to New York State General Municipal Law section 207-c Sick Leave. After a request is submitted to the Chief of Police and subsequent to investigation, a determination will be made. If it is, in fact, determined to be a "line of duty injury" the officer will be afforded 207-c Sick Leave until he returns to work. In the event the injury has been determined to not be a "line of duty injury", the officer shall be placed out on accrued personal sick time.
15. As the New York State General Municipal Law 207-c is continually being litigated and interpreted through the courts, any decision or practice in effect at the time of the injury will prevail.
16. Members afforded GML 207-c benefits that are unable to report for duty shall be assigned to an administrative schedule; specifically Monday through Friday 0800-1600, and shall be bound to the provisions of section 116-01 subdivisions 1 through 8 of this Manual, unless otherwise directed by the Chief of Police.

Medical Evaluation

17. The Chief of Police, through General Municipal Law 207-c, reserves the right to have the injured officer examined by a Department appointed physician.
18. The Chief of Police, through General Municipal Law 207-c, further reserves the right to inspect, or have inspected, the medical records of the injured officer relating to the injury claim. Any member afforded 207-c benefits will provide the Department



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LINE-OF-DUTY INJURIES/GML 207c			
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with a signed Authorization for Release of Health Records pursuant to HIPAA. Any officer so injured who refuses a departmental request for necessary medical authorizations will be summarily denied any and all benefits under Section 207-c.

Exposure Cases

19. Any officer exposed, or believed to have been exposed, to any health risk, such as biological, chemical, or nuclear agents, blood borne pathogens, etc., while in the performance of their police duty, shall seek appropriate medical attention and report said exposure as outlined above.



OPERATIONS PROCEDURE			Procedure No: 116-03
TIME OFF PROCEDURE			
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PURPOSE

To establish guidelines for members to use when requesting leave from scheduled tour(s) of duty.

BACKGROUND

Members of the Department are entitled to various types of leave which include, but are not limited to, the following:

1. Personal Leave time
2. Bereavement time
3. Leave of absence
4. Military leave
5. Vacation

PROCEDURE

Personal Leave Days

1. A member shall request a personal day by submitting via email to the Executive Officer a request for time off to timeoff@larchmontpolice.org.
2. The Executive Officer shall give notice of approval or denial of the personal day within 72 hours of the date and time that the request was submitted by the member.
3. Emergency requests for personal days may be granted but must be approved by the Chief of Police or a Command Officer.
4. Bereavement Leave
5. Bereavement leave shall be granted to a member, upon notification in accordance with the collective bargaining agreement. The tour supervisor will immediately notify a Command Officer of the bereavement leave.
6. The tour supervisor will determine if the leave will require additional manpower to fill the position. If so, a Command Officer will be notified and will arrange to fill the position.



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TIME OFF PROCEDURE			
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Leave of Absence Without Pay

7. A member requesting a leave of absence without pay shall do so in writing. The request shall be transmitted through the chain of command. Leave of absence without pay may only be granted by the Village in accordance with Village policy and state or federal law.

Military Leave

8. A member requesting military leave shall do so in writing. The request shall be submitted to the Executive Officer with a copy of the requesting officer's military orders. Military leave shall be granted in compliance with section 242.5 of the New York State Military Law.

Vacation Time

9. Vacation shall be granted in accordance with the allotments described in the collective bargaining agreement.
10. Vacations for the upcoming calendar year shall be chosen beginning on or about the first week of November of the preceding year.
11. Rank and seniority shall be the primary consideration for determining choices of vacation weeks in the upcoming year.
12. Within the specific ranks of the department:
 - a. No more than one Command Officer will be scheduled for vacation per day;
 - b. No more than one Sergeant will be scheduled for vacation per day;
 - c. No more than one Detective will be scheduled per day;
 - d. No more than two uniformed patrol officers will be scheduled per day;
 - e. Exceptions may be made to the above at the sole discretion of the Chief of Police.
13. Notwithstanding the foregoing, vacation and personal leave scheduling will be at the discretion of the Chief of Police. Approval or denials under this section shall be without prejudice to the rights of the Chief to determine the manpower needs of the Department.



ADMINISTRATIVE PROCEDURE			Procedure No: 116-04
GRIEVANCES			
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PURPOSE

To define the role of the Larchmont Police Department in the employee grievance procedure.

BACKGROUND

Many informal grievances dealing with work conditions etc. can and should be resolved by an employee's immediate supervisor(s), but an important element of a sound personnel system is the existence of a formal method that allows employees to resolve their grievances with management fairly and expeditiously.

POLICY

It shall be the policy of the Department to promote the fair and expeditious resolution of grievances filed by Department employees.

PROCEDURE

1. Attempts to resolve grievances may be made on an informal basis; however, nothing contained in this section shall prohibit any member from initiating formal grievance proceedings.
2. A member may commence a formal grievance procedure by transmitting a grievance, in written form, to the Chief of Police,. All subsequent steps in the grievance procedure will be followed in accordance with the current collective bargaining agreement.
3. When the first stage formal grievance is received the Chief of Police shall:
 - a. Acknowledge receipt of grievance by noting date and time.
 - b. Analyze the facts and allegations.
 - c. Affirm or deny, in writing, the allegations in the grievances.
 - d. Identify the remedy or adjustments, if any, that are to be made.
4. Grievances shall be filed by a member in accordance with the current collective bargaining agreement.
5. Due to the sensitivity of grievance records, maintenance and control of these records will be provided for in the office of the Chief of Police.



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6. The Chief of Police, the supervisory staff and representatives of the collective bargaining unit will meet when requested to do so, to analyze filed grievances, if any, in an attempt to determine if any trends are developing, so that steps may be taken to minimize the causes of such grievances.



ADMINISTRATIVE PROCEDURE			Procedure No: 116-05
OVERTIME PROCEDURE			
DATE ISSUED: 01OCT13	DATE EFFECTIVE: 01OCT13	REVISION NUMBER: 2	PAGE: 1 of 5

PURPOSE

To establish uniform procedures to ensure all members of the Department are duly compensated for time worked beyond their scheduled tours of duty or assignments.

BACKGROUND

The vital nature of police service and manning requirements necessitate a vehicle to compensate members for time worked above and beyond the contractual obligations.

POLICY

It is the policy of this Department to compensate its members at a rate of time and one half for overtime worked beyond their scheduled tours.

PROCEDURE

1. Unless the exigencies of a situation require otherwise, members shall receive approval from a command officer prior to working overtime. Exceptions include:
 - a. When a member is required to remain in the field actively handling an incident.
 - b. Attendance at court in response to a subpoena.
 - c. When emergency conditions make prior approval impossible to obtain.
2. Tour supervisors may authorize necessary road coverage overtime if no command officer is on duty.
3. Overtime shall be reported directly through P.O.S.S. for the appropriate date and shift, indicating the corresponding reason for the requested overtime.

Assignment of Overtime

Voluntary Overtime: shall be defined as overtime for working details for which the Village has four or more hours advanced notice to allow the seniority list to be canvassed for overtime assignments, and shall include all instances where the member agrees willingly and without being compelled to report for duty or continue to remain on duty.



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OVERTIME PROCEDURE			
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Involuntary Overtime: shall be defined as any instance such as continuation of tour for official purposes, staffing considerations, and emergency situations where the member is directed by competent authority to remain on duty beyond his prescribed tour, or any instance when while off duty he is compelled to report for duty.

Voluntary Overtime

4. It shall be the policy of the Police Department to distribute voluntary overtime pursuant to the provisions set forth in the labor agreement between the Village of Larchmont and the Larchmont P.B.A. Voluntary overtime shall be circulated through all members of the bargaining unit equally, in rotation by rank and from most senior to least senior.
5. Whenever the need arises to canvass the overtime list, said canvass shall be overseen by a supervisor or command officer. The supervisor or commander shall ensure that the list is canvassed by seniority beginning with the first available member and thereafter continuing in descending seniority. Contact with members shall be made primarily from the police desk using one of the recorded telephone lines.
6. Entries shall be made on the overtime list indicating the member's response of either acceptance or rejection of the offer of the voluntary overtime, by entering "Y" or "N" respectively. In those instances where the member is not immediately available to answer the call relating to an offer of overtime, a voice mail message detailing the overtime offer shall be left for the member. A member's failure to call back within a reasonable amount of time shall be deemed a rejection of the overtime offer, and shall be so indicated on the overtime list by entering "NCB". For the purposes of this section a reasonable amount of time shall be defined as fifteen minutes; unless the overtime tour is seven days or more from the time the call is made, in which case a reasonable amount of time shall be defined as thirty minutes.
7. When a member is scheduled to work the tour of duty where the overtime is required no entry will be made on the overtime list.
8. If the overtime assignment shall have duration of four hours or less, no entry will be made on the overtime list.



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Involuntary Overtime

9. Whenever a member is required by competent authority to continue beyond his tour of duty for official purposes such as arrest processing or assisting therewith, report preparation or completing a call for service or other field activity; or whenever a member while off duty is required by competent authority to report for duty in emergency situations, no entry will be made on the overtime list.
10. When the Village has four or less hours advanced notice to fill an overtime tour, the overtime list shall not be initially canvassed as specified in section 8. In such instances, the canvass will initiate with the members currently working. Entries shall be made on the overtime list indicating the member's acceptance or rejection of the overtime. If ultimately a member working the tour must be compelled after initially having declined the overtime offer the entry on the list next to his name will be amended by adding a "C" next to the previous "N" entry.

Special Provisions

11. Vacations - When a member is on scheduled vacation, inclusive of any regular days off, he will not be contacted in regard to voluntary overtime tours and no notation will be made next to his name. However, any member may make appropriate notification prior to leaving for scheduled vacation that he will be available for voluntary overtime, in which case the provision set forth in section 9 shall apply.
12. Sick Leave - Whenever a member reports sick for duty on his regularly scheduled tour of duty, he shall be ineligible for overtime for a period of 24 hours from the beginning of the tour of duty for which he reported sick, and no entry will be made on the overtime list.

NOTE: If a member needs to report sick for duty, and has previously been assigned to overtime within 24 hours, it shall be responsibility of the member to notify the Desk Officer of this fact, and the on duty Supervisor shall cause that overtime to be re-assigned pursuant to the provisions of this policy.

13. Extended Absence - Whenever a member is on extended sick leave an entry of "ESI" shall be noted on the overtime list for each instance of voluntary overtime. Upon that member's return to duty, he will be afforded preference for a total of four



ADMINISTRATIVE PROCEDURE			Procedure No: 116-05
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overtime tour offers. Whenever a member is on extended sick leave pursuant to the provisions set forth under GML §207-c an entry of "U" shall be noted on the overtime list for each instance of voluntary overtime.

14. Probationary/Recruit Officers – Members assigned to the Police Academy or while on Supervised Field Training Assignment shall be ineligible for overtime tours and an entry of "N/A" shall be noted on the overtime list for each instance of voluntary overtime.

Administrative Comments

15. Only the entries specified in the preceding shall be recorded on the overtime list.
16. When the overtime tour is not imminent, calls to members shall not be made prior to 0900hrs or later than 2100hrs.
17. For police officer overtime, both patrol tours or Special Duty Assignments as described in the following, the police officer list shall be canvassed first. If the police officer overtime list is exhausted with negative results, the supervisors' overtime list may be used prior to compelling an overtime assignment.
18. For supervisory overtime, if the list is exhausted with negative results, a supervisor can be compelled based on ascending seniority.
19. Errors on the list will be corrected by drawing a single line over the entry and then initialed.
20. Members not assigned to Patrol shall be canvassed for overtime shifts in accordance with the foregoing, with the following alterations:
 - a. If the overtime tour occurs on the day tour, and the member is next in line for the overtime but working an administrative day tour, and vice versa, that member will be skipped, however, if the list is exhausted, that member may be canvassed, and with Command approval, may adjust his schedule to accommodate both his regular tour and the overtime tour.



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OVERTIME PROCEDURE			
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Special Duty Assignment

Background

Special Duty Assignment shall replace what was formally known as Off Duty Details.

Procedure

1. Whenever a request is received to employ a uniformed police officer for a Special Duty Assignment, the requestor shall be directed to a Command Officer designated by the Chief of Police.
2. Individuals, institutions, organizations, or establishments may request the services of a uniformed police officer to facilitate their efforts, by completing a **Request for Special Duty Assignment Form** after the Command Officer has reviewed the request and determined the validity of same.
3. Based on the complexity of the assignment, the Command Officer shall determine the appropriate number of officers required to safely complete the assignment.
4. Members will be canvassed following the procedure as set forth in the foregoing provisions of this procedure.
5. Members detailed to a Special Duty Assignment shall be paid at their regular overtime rate, and said assignment shall be subject to the applicable provisions of Article 8 Section 2 of the Labor Agreement.
6. Each officer shall check in with the Desk Officer and be issued a portable radio and an RMP, as needed, and be attired in the uniform of the day.
7. Officers working a Special Duty Assignment are considered to be on duty, and shall be under the supervision of the patrol supervisor, and shall be governed by all Department rules, regulations, policies and procedures.



ADMINISTRATIVE PROCEDURE			Procedure No: 116-06
ASSIGNMENT TO FIXED MIDNIGHT TOUR			
DATE ISSUED: 01NOV13	DATE EFFECTIVE: 01JAN14	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To define the procedure to be utilized for assigning members of the service on a compulsory basis to the fixed midnight tour.

BACKGROUND

Since the inception of fixed tours of duty by the Larchmont Police Department, the members have defined the fixed midnight tour, specifically 2300hrs to 0700hrs, as the least desirable and most disruptive. Members compulsorily assigned to this tour for an extended period of time may display signs of low morale. Further, the propensity exists that a junior officer will be assigned to the fixed midnight tour impacting his ability to develop as a police officer, as well as the potential assignment of an excess of inexperienced officers to that tour.

POLICY

It shall be the policy of the Department, conditions permitting, not to assign police officers to the fixed midnight tour for more than one calendar year without the prospect of re-assignment.

PROCEDURE

1. Bidding of fixed tours shall be done pursuant to Article 7 of the Labor Agreement. In the event that there are an insufficient number of volunteers based on seniority in title, the Chief of Police may assign in reverse order of seniority in title.
2. Management retains the prerogative to assign personnel to tours of duty that serve the best interest of the Department, and shall do so in its sole discretion.
3. In those instances where there are an insufficient number of volunteers to staff the fixed midnight tour, members shall be compulsorily assigned based on seniority in title, provided however that consistent with the provisions of the labor agreement, it does not cause an excess of inexperienced or junior officers to be assigned to the fixed midnight tour.



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4. The provisions set forth in section 3 above shall apply provided that the member being mandated onto the tour:
 - a. Is not currently serving a mandatory probationary period, consistent with section 115-03 subdivision 3 of this Manual.
 - b. Has not been assigned to the fixed midnight tour for the previous twelve months.
5. In the event of the circumstances set forth in subdivision 4, the next junior member shall be assigned to the midnight tour.

Note: At his discretion, the Chief of Police may assign probationary members to the fixed midnight tour if at the time tour bids are submitted the member has successfully completed a majority of the probationary period.



ADMINISTRATIVE PROCEDURE			Procedure No: 116-07
PREGNANCY AND MATERNITY LEAVE			
DATE ISSUED: 01 JAN 14	DATE EFFECTIVE: 01 JAN 14	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To provide pregnant employees the opportunity to continue carrying out police duties during a normal pregnancy, by affording them the ability to perform in a limited-duty assignment.

POLICY

1. The period during which the pregnant employee cannot perform all of her regular duties, but is capable of performing temporary limited-duty assignment shall be deemed a temporary incapacity.
2. Employees who are pregnant shall notify their supervisors and the Chief of Police at the earliest possible date.
 - a. Notification shall be made no later than the conclusion of the fifth month of pregnancy.
 - b. Such notification shall be in the form of a signed statement to the Chief of Police.
 - c. The employee will be required to submit written certification from her physician.
 - d. The employee shall be notified that continued employment shall require the submission of a medical status report at least once every six weeks, indicating that the employee is medically capable of performing the duties of her position.
3. Limited-Duty Assignments.

Sworn Members

- a. When the pregnant employee's physician determines that she may not safely perform all of the normal duties of her job description, the employee shall provide the Department with a medical status report from her physician detailing what restrictions apply to the employee's continued active employment.
- b. Upon receipt of the medical status report, the Department will reasonably accommodate the employee's desire for medically approved continued employment during pregnancy. The pregnant employee unable to perform all the normal duties of her job description will be reassigned to desk officer, as long as such accommodation can be reasonably made.



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- c. Temporary reassignments made pursuant to subsection b) above, shall be limited to the period of the incapacity caused by normal pregnancy, both before childbirth and upon return to work, up to the time when released to return to full duty by the employee's physician or a consulting physician retained by the Village.

Civilian Employees

- a. When the pregnant employee's physician determines that she may not safely perform all of the normal duties of her job, the pregnant employee shall provide the Department with a medical status report from her physician detailing what restrictions apply to the employee's continued active employment.
- b. Upon receipt of the medical status report, the Department will reasonably accommodate such employee's desire for medically approved continued employment during pregnancy, as long as such accommodation can be reasonably made.
- c. Temporary reassignments shall be limited to the period of temporary incapacity caused by normal pregnancy, both before childbirth and upon return to work, up to the time when released to return to full duty by the employee's physician or a consulting physician retained by the Village.

4. Maternity Leave:

- a. Maternity Leave shall consist of the aggregate number of sick days, vacation days, and personal leave days, deducted in that order, that the employee has accrued during her tenure and prior to the needed maternity leave.
- b. After all accrued days are exhausted, the employee may request an extension of the maternity leave pursuant to the provisions of The Family and Medical Leave Act of 1993 (FMLA).
- c. The employee shall notify the Executive Officer at the earliest possible date of the need for maternity leave.
- d. Such requests shall be initiated by completing a request for time off form.
- e. A written statement from the employee's physician outlining the medical necessity and the estimated duration of the leave shall accompany the request form.



ADMINISTRATIVE PROCEDURE		Procedure No: 116-07	
PREGNANCY AND MATERNITY LEAVE			
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5. Limitations:

- a) Within 30 days after childbirth or miscarriage, the employee shall notify the Chief of Police of the approximate day that she will return to work.
- b) Every employee using maternity leave shall return to work at the earliest possible date.



OPERATIONS PROCEDURE			Procedure No: 116-08
PARKING ENFORCEMENT OFFICERS			
DATE ISSUED: 25APR14	DATE EFFECTIVE: 25APR14	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To provide guidelines relating to the duties and responsibilities of Parking Enforcement Officers of the Police Department

DEFINITION OF DUTIES

The Westchester County Department of Human Resources definition of duties of a Parking Enforcement Officer/School Crossing Guard is as follows: Under supervision of the Chief or his designee, patrols an assigned district during a specified period for the enforcement of all standing traffic laws and ordinances and parking violations, and issues summonses for such violations. Incumbents are also responsible for furnishing information regarding standing traffic laws and parking violations to the general public. During the hours when children are entering and leaving school, an incumbent in this class is responsible for directing and protecting children in crossing traffic intersections at an assigned post. Incumbents are required to wear a prescribed uniform type of clothing, but do not perform general police duties and are not members of the uniformed police department. Supervision is not a function of this position. Does related work as required.

POLICY

1. Parking Enforcement Officers shall work under the direction of a supervisor with the rank of Sergeant, and their activities shall be governed by the applicable sections of this Operations Manual, inclusive of the General Regulations set forth in section 103-01.
2. Due to the nature of police work and the sensitive information that is inherently discovered during the normal course of business, members shall maintain a high degree of discretion and will not disclose information they may obtain during the course of their duties.
3. Parking Enforcement Officers shall report for duty in a timely manner and shall not leave their post or assignment, save for their meal break, or unless otherwise directed by the Desk Officer or relieved by a ranking officer.
4. When leaving their post or assignment for the purposes of taking their one hour meal break, members shall first inform the Desk Officer.



OPERATIONS PROCEDURE			Procedure No: 116-08
PARKING ENFORCEMENT OFFICERS			
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5. Excluding unusual circumstance, only one Parking Enforcement Officer will be allowed on meal break at any given time.
6. Parking Enforcement Officers shall wear and maintain their uniforms pursuant to the provisions of section 104-02 of this Operations Manual.
7. Parking Enforcement Officers' duties shall be limited to the performance of enforcement of parking regulations and related activities, and the performance of school crossing guard duties.
8. Parking Enforcement Officers shall not perform general police duties of any type, such as traffic control responsibilities at accident or fire scenes, nor be dispatched or respond to police calls for service.
9. Seniority among the P.E.O.s shall be determined pursuant to the provisions of Article VI section 1 of the CSEA Labor Agreement, and accordingly shall be applied to hours or work and vacation choice, as set forth in Article VIII and Article XII, respectively, of the aforementioned Labor Agreement.
10. Post and equipment assignments are issued at the discretion of the Chief of Police or his designee, however, the following general regulations shall apply:
 - a. The senior Parking Enforcement Officers shall be assigned to patrol Post 4 and, if available, shall be provided with a marked vehicle specifically maintained for parking enforcement duties due to the size of the post.
 - b. The junior Parking Enforcement Officers shall be assigned to patrol Post 3 and, if available, may be provided with a marked vehicle specifically maintained for parking enforcement duties; however this post is ordinarily designated for foot patrol.
11. In the absence of a marked vehicle specifically maintained for parking enforcement duties, one or both Parking Enforcement Officers shall patrol their respective posts on foot.
12. Use of Police Department R.M.P.s for the purposes of parking enforcement is strictly prohibited.
13. When required to perform School Crossing Guard duties, the assignment shall be equitably distributed between the Parking Enforcement Officers.



ADMINISTRATIVE PROCEDURE		Procedure No: 117-01	
FISCAL MANAGEMENT			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To set forth guidelines related to budgeting, accounting, and fiscal control procedures that ensure compatibility between the Department's accounting procedures and those of the Village government; prevent budget discrepancies; control the purchasing process; control Department property, equipment, and other assets.

BACKGROUND

The fiscal management function of this Department includes at a minimum, annual budget development, supervision of internal expenditures and related controls, and maintenance of liaison with the Village Treasurer.

POLICY

It is the policy of this Department, to establish in writing, authority and responsibility for the proper fiscal management of the Police Department, as well as obtain input from the Department's supervisors and other levels of the organization regarding the budgetary process and priorities.

PROCEDURE

Fiscal Responsibilities of the Chief of Police

1. The Chief of Police has the authority and responsibility for the fiscal management of the Police Department and he/she will act as the liaison with the Village Treasurer's Officer.
2. To develop an annual budget for the Police Department and submit it to the Village's Budget Committee.
3. To maintain the current budget that specifies initial appropriations for each Department account.
4. To review monthly statements by the Treasurer showing initial appropriation, expenditures, encumbrances and unencumbered balances in order that the Department remains within the allocated budget amounts.
5. To comply with all provisions of the procurement policy of the Village of Larchmont.



ADMINISTRATIVE PROCEDURE			Procedure No: 117-01
FISCAL MANAGEMENT			
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6. To maintain a petty cash fund that will be dispersed upon request from the police desk. If such a request is approved, the expending officer shall be reimbursed for said money in exchange for a receipt.

Emergency Appropriations and Fund Transfers

7. The Chief of Police, or in his/her absence a designated member, shall have the authority to request emergency/supplemental appropriations and fund transfers through the Treasurer's Office for approval by the Village Board.

Departmental Accounting Records

The departmental accounting records, which document the flow of expenditures and all fiscal activities which affect the departmental budget, is part of the Village's accounting system.

8. The departmental accounting records shall include monthly status reports. These reports are prepared by the Assistant Treasurer for distribution to the Chief of Police.
9. The monthly Status Report shall state at a minimum:
 - a. Initial appropriation for each account
 - b. Balances at the commencement of the monthly period
 - c. Expenditures and encumbrances made during the period
 - d. Unencumbered balances

Collection and Safeguard of Cash and Other Funds

10. Collection of funds shall include but not be limited to
 - a. Police reports
 - b. Pre-Arrestment Bail
11. Persons authorized to collect cash and other funds.
 - a. Police report payments and fees may be accepted by the police clerk.
 - b. Bail shall be collected, secured and documented in accordance with section 109-3.
12. In all instances other than bail collection, cash receipts collected by members shall be forwarded to the police clerk who shall then forward them to the office of the Treasurer or Court Clerk, as required, but in any event at least once per week.



ADMINISTRATIVE PROCEDURE			Procedure No: 117-01
FISCAL MANAGEMENT			
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Disbursement of Cash

13. It shall be the policy of the Department to limit direct cash transactions whenever possible. Therefore, authorized petty cash expenditures shall be incurred by the member involved. In all instances, said member shall obtain a receipt.
14. Reimbursement shall be transacted as follows:
- Member involved shall prepare sign a voucher and attach original receipt and one copy, forwarding same to the Chief of Police.
 - After approving the expenditure, the Chief will endorse the voucher for payment and forward same to the office of the Village Treasurer.
 - The petitioning member will then receive reimbursement via a Village check.

Audits

15. The Chief of Police may order internal audits of cash funds to be conducted as needed and may designate authority for the conduct of such audits.

Independent Audit of Agency's Fiscal Activities

16. As a basis for determining the financial integrity of the Department's fiscal control procedures, an independent audit is conducted on an annual basis by an independent accounting firm so designated by the Village Board.



OPERATIONS PROCEDURE			Procedure No: 117-02
REQUISITION PROCEDURE			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE

To establish policy and procedure for the members of the Larchmont Police Department to follow when procuring, requisitioning or purchasing agency-owned property.

BACKGROUND

The Chief of Police has the responsibility for maintaining the centralized purchasing or procurement function of the Police Department. The Chief of Police is responsible for processing purchase orders and requisitions for the Department.

POLICY

All purchases, procurements and requisitions will be transacted in accordance with all requirements of the Village's procurement policy.

PROCEDURE

1. Any member making an acquisition which requires Village funds, will first, prior to ordering such item, obtain approval of the Chief of Police, or in his extended absence, the Executive Officer.
2. All purchase requisitions will be forwarded through the chain of command to the Chief of Police for approval and then forwarded to the department clerk for processing.
3. The Chief of Police must give final approval to all requisitions before they are forwarded to the Treasurer's office for approval and processing.



ADMINISTRATIVE PROCEDURE			Procedure No: 117-03
DEPARTMENT OWNED PROPERTY			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish procedures for members of the Larchmont Police Department to follow when accepting deliveries at the Police Desk, and a system of accounting for equipment and supplies issued to members.

POLICY

The Chief of Police shall designate a member of service the rank of Sergeant or above to act as Inventory Officer. This member shall be responsible for the inventory control, safekeeping, distribution and eventual disposition of physical property coming under the control of the Department, including the acceptance and acknowledgment of all deliveries of goods and merchandise made to the Department.

The Chief of Police or his designee shall inspect all deliveries to ensure that the correct items were delivered, that they have not been damaged in transit and that they are not of inferior quality.

During any time the Inventory Officer is not available, the desk officer is authorized to accept deliveries, but should refuse to accept any shipment that appears to be incorrect or damaged. The shipment will be safeguarded at the desk area and released to the Executive Officer at the earliest practical moment.

PROCEDURE

1. When a delivery is received either by the Inventor Officer or in his absence the desk officer, he shall immediately check the shipping papers against the contents of the shipment to ensure that the correct items are being received, are not damaged, and are not of inferior quality.
2. If the shipment appears satisfactory, the receiving member shall accept the order and then:
 - a. If the Inventory Officer is the receiving member he will check the items against the purchase order to ensure full shipment. If all items are present, the Inventory Officer will endorse the purchase order/voucher and forward same to the Chief of Police for processing and payment to the vendor.



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DEPARTMENT OWNED PROPERTY			
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- b. If the desk officer receives the shipment he shall secure all items at the desk area until retrieved by the either the Inventory Officer or the Executive Officer.
- c. If a shipment is not accepted for any reason by the desk officer, he shall notify the Inventory Officer as soon as possible.

Distribution of Agency Property

3. The Administrative Officer or his designee shall be responsible for the assignment and distribution of all equipment.
4. Department property shall be used solely for department use and may not be requisitioned for personal use by members or civilians.
5. All property will be added to the Department central inventory prior to distribution.

Inventory and Control

6. The office of the Administrative Officer shall maintain the Department central inventory file. All department property shall be tagged with department property tags which have been numbered sequentially. All sequence numbers will be cross-referenced in the central inventory file. All property will be re-inventoried annually.
7. All tangible property shall be recorded in the Department's central inventory file with when, how and to whom disposed and may only be disposed of in accordance with local laws, regulations, policies and practices of the Village of Larchmont.

Loan of Department Property

8. Any inter-agency request to borrow police Department equipment must be approved by the Chief of Police or a Command officer, and shall be recorded in the department equipment inventory program. The borrowing or return of Department equipment, as approved above, shall be documented in an Police Information Report by the tour supervisor.



OPERATIONS PROCEDURE			Procedure No: 117-04
VILLAGE OWNED PROPERTY AND EXPECTATION OF PRIVACY			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To advise all members of the policy of this Department on the use of certain Village-owned property, including, but not limited to: vehicles, telephones, radios, lockers, desks, cabinets, etc.

POLICY

Equipment provided by the Village of Larchmont to members of the Police Department usually serves multiple purposes or functions. The primary function of all equipment is to attend to the business of the Department and to contribute to the achievement of the Department's goals. Some equipment may concurrently provide individual comfort or attend to and meet some personal needs or objectives of the Department's membership.

1. The Village of Larchmont and the Police Department respects the inherent "Right to Privacy" of all members. However, members must be aware that inasmuch as all equipment provided by the department is the property of the Village of Larchmont and its primary purpose is to serve the needs of the Village and its Police Department, there should never be on the part of any Police Officer, Village employee or volunteer an "Expectation of Privacy" in the use of said equipment and such equipment is subject to inspection by the Department.
2. Specifically, there should be no "Expectation of Privacy" in the use of the following, but not necessarily limited to, Village owned equipment:
 - a. Village provided employee lockers and desks (Notwithstanding the permitted use by some members of locking devices not supplied by the Police Department) Members who supply their own locking devices are hereby directed to provide the combination or key to the Command Office of the Department. Unless otherwise authorized by a member or in an extreme exigent circumstance, the Department will not open a locker unless said member is present. Any privately owned property contained in such equipment, including contents of closed or sealed items or containers may also be opened and examined without prior notice or member's permission.
 - b. Village provided personal computers, including e-mail and all internet access utilized through said computers including when utilizing personally owned access accounts.
 - c. Department telephones, trunk lines, extensions and voice-mail system.
 - d. Department owned cellular phones.



OPERATIONS PROCEDURE		Procedure No: 117-04	
VILLAGE OWNED PROPERTY AND EXPECTATION OF PRIVACY			
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- e. Department owned Fax machines.
- 3. Members may at their own risk store non-village, personal property in desks, lockers, etc., but the Department or Village assumes no liability or responsibility for that damage or loss of any such property.



OPERATIONS PROCEDURE			Procedure No: 117-05
DEPARTMENT VEHICLES MAINTENANCE			
DATE ISSUED: 01MAY18	DATE EFFECTIVE: 01MAY18	REVISION NUMBER: 1	PAGE: 1 of 3

PURPOSE

To provide members with guidelines for the proper inspection and maintenance of departmental vehicles and equipment carried within the vehicles.

BACKGROUND

Properly maintained vehicles and equipment enable members to perform their jobs more efficiently and safely. To ensure that vehicles and equipment are maintained properly, a system of inspection must be followed by members of the Department.

POLICY

Every member utilizing a Department vehicle is responsible for the proper care and maintenance of the vehicle and equipment carried or contained in the vehicle. It is the responsibility of all members to report damaged vehicles or missing equipment, or become responsible for such damage or missing equipment. The following inspection program of departmental vehicles is to be followed at all times.

Minimal Equipment

1. The following is a list of the minimal equipment to be carried within the trunk or glove box of patrol vehicles:
 - a. Patrol Rifle with three magazines
 - b. Oxygen unit (1000 psi), with mask, and ambu-bags
 - c. Fully charged Class ABC Dry Chemical fire extinguisher
 - d. Fully stocked first aid kit
 - e. Communicable disease kit containing rubber gloves, mask, gown, protective eye wear and a bio hazard waste bag
 - f. Twelve 30-minute road flares
 - g. Traffic safety vest

Vehicle Acceptance

2. Prior to assuming control of any departmental vehicle, members shall visually inspect patrol vehicles for any fresh damage.
3. Members shall inspect the trunk of the patrol vehicle to ensure all emergency equipment is present and in working order.



OPERATIONS PROCEDURE			Procedure No: 117-05
DEPARTMENT VEHICLES MAINTENANCE			
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4. Members shall inspect the operational status of the following within the patrol car:
 - a. All lights, including roof rack, take down, alley, rear flashing, head, signal, brake, spot and reverse lights
 - b. Siren/P.A. system
 - c. Windshield wipers and wash
 - d. Radar unit and tuning forks, if applicable
 - e. Computer
 - f. Rifle rack
 - g. Cellular phone
5. Members shall inspect the passenger compartments and under rear seats of patrol vehicles for property, evidence or contraband that may have been left in the vehicle from a prior arrest or prisoner transport.

Reporting Procedures

6. Any member, who while inspecting emergency equipment, encounters a deficiency, shall correct said deficiency, and make an Activity Log entry concerning same. If a member discovers damaged or missing equipment, he shall make immediate notification to the tour commander or patrol supervisor and file appropriate departmental reports.
7. Any member that discovers new or fresh damage to a patrol vehicle, shall immediately notify the tour commander or patrol supervisor. The tour commander or patrol supervisor shall determine if the damage had been reported earlier. If it is new damage, the supervisor shall file a Damage to Police Vehicle Report detailing the damage with copies submitted to the Administrative Officer and Chief of Police.
8. Any member who encounters broken or inoperable equipment within the vehicle shall make note of the deficiency or inoperable equipment on a Police Garage Referral Slip detailing the deficiency.
9. Any member, who discovers contraband, property or evidence within a Department vehicle, during inspection, shall immediately notify the tour commander or patrol supervisor, make an Activity Log entry and voucher the item(s) in accordance with section 111-1 of this Manual.



OPERATIONS PROCEDURE		Procedure No: 117-05	
DEPARTMENT VEHICLES MAINTENANCE			
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Supervisory Oversight

10. The Sergeant assigned Fleet Maintenance as one of his ancillary assignments shall on a monthly basis shall perform, or cause to be performed, a full vehicle inspection and document his findings on a Monthly Equipment Inspection Form. The completed forms shall be submitted to the Patrol Lieutenant.

NOTES:



OPERATIONS PROCEDURE		Procedure No: 117-06	
EMERGENCY VEHICLE OPERATIONS – SEAT BELTS			
DATE ISSUED: 01JAN09	DATE EFFECTIVE: 01JAN09	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE

To provide direction and guidelines regarding the on-duty operation of an emergency vehicle and the use of seat belts when so involved.

BACKGROUND

Police vehicles are generally exempted from the rules and regulations in the New York State Vehicle and Traffic Law. When operating a police vehicle, the driver thereof is afforded great latitude for pragmatic reasons, and accordingly is exempt from the provisions set forth in § 1229-C.

POLICY

1. Although officers on routine radio mobile patrol are not required to use of the seat belt when assigned to routine patrol, however, it is strongly recommended that officers employ the use of the seat belt at all times while operating a police vehicle.
2. Officers operating a police vehicle in a manner beyond the normal routine patrol shall, at their discretion, employ the use of the seat belt.
3. Officers shall employ the use of the seat belt when engaged in a vehicle pursuit where the speed at which the patrol vehicle is travelling exceeds typical speed limits.



OPERATIONS PROCEDURE			Procedure No: 117-07
EMERGENCY VEHICLE OPERATIONS			
DATE ISSUED: 01JUN18	DATE EFFECTIVE: 01JUN18	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To provide direction and guidelines regarding the on-duty operation of an emergency vehicle during routine patrol and emergency response.

POLICY

ROUTINE VEHICLE OPERATION PROCEDURE

1. Under normal, routine operating conditions, members shall operate police vehicles in a safe, exemplary manner, complying with all vehicle and traffic laws and the rules of the road.
2. Members operating a police vehicle will be courteous at all times and shall set a good example for other motorists to follow.
3. When operating a police vehicle, members shall take into account such factors as weather conditions, road surface conditions, roadway character, and time of day.

EMERGENCY VEHICLE OPERATION PROCEDURE

4. Members operating a police vehicle under emergency response conditions will do so pursuant to the provisions of New York State Law. While State Law suspends compliance with some traffic laws, it does not relieve the member of the responsibility to operate an emergency vehicle with due regard for the reasonable safety of the public, the officer and department equipment. Defensive driving shall be practiced and in particular, the following precautions shall be observed:
5. Members operating a police vehicle under emergency response conditions will use audible and visual signals. A member's primary responsibility is the safety and welfare of the public and the emergency response is secondary.
6. Members shall follow the following guidelines while operating a vehicle in an emergency response mode:
 - a) Speed control -- as provided for by law, officers operating a vehicle in an emergency mode may exceed the posted speed limit in a reasonable and



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EMERGENCY VEHICLE OPERATIONS			
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prudent manner. The officer should reasonably believe that such speed does not endanger life or property.

- b) Passing -- Police vehicles being operated in an emergency response manner should, if possible, pass to the left of vehicles traveling in the same direction.
- c) Intersections -- When operating police vehicles with emergency equipment activated, members will slow to allow safe passage through intersections.
- d) Lane Changes -- Police vehicles being operated under emergency response conditions should not make sudden turns across moving traffic, U-turns or other changes of direction without ensuring that such movement can be made safely.
- e) Normal traffic movement -- officers may disregard regulations governing direction of vehicular movement or turning in specified directions only so long as the involved officer believes that such disregard does not unreasonably endanger life or property.
- f) Officers may park an emergency vehicle, or stand, as needed. Reasonable care should be taken to avoid creating a hazard by the position of a stationary police vehicle.



OPERATIONS PROCEDURE			Procedure No: 117-07
USE OF E-ZPASS DEVICES			
DATE ISSUED: 04SEP14	DATE EFFECTIVE: 04SEP14	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish policy and procedure for the members of the Larchmont Police Department to follow when using an E-ZPass device to pay for tolls.

BACKGROUND

The paying of tolls electronically has become a standard occurrence, in fact in some cases toll plazas are no longer staffed by toll takers. The Larchmont Police Department shall maintain three E-ZPass devices for the purpose of automatically paying tolls.

POLICY

Members utilizing Department vehicles outside of the confines of the Village of Larchmont on official business shall pay any required tolls by using one of the Department maintained E-ZPass devices.

PROCEDURE

1. Each E-ZPass device is assigned a unique 'tag' number, and this number shall be used to track the use of the devices.
2. The vehicle assigned to the Detective Division shall be equipped with an E-ZPass device that shall be specifically allocated thereto. The device shall be affixed to the vehicle as required and shall only be removed with the permission of the Chief of Police or a Command Officer.
3. An E-ZPass device shall be maintained behind the Police Desk in the petty cash box and, if needed, may be accessed by the tour Sergeant with permission from a Command Officer.
4. An E-ZPass device shall be maintained by the Executive Officer and shall be accessed on an as needed basis.
5. When a device is accessed for use the following guidelines shall be adhered to:
 - a. It shall be assigned to members that must leave the confines of the Village on official duty and reasonably expect to pay a toll during their travels.
 - b. A Command Officer or the tour Sergeant shall complete the E-ZPass control log detailing:



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USE OF E-ZPASS DEVICES			
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- i. when the device is issued,
 - ii. to whom it is issued,
 - iii. the reason for the device being issued, and
 - iv. when the device is returned.
 - c. If the device must be issued and a Command Officer is not available, the tour Sergeant shall release the device for use at his discretion considering the totality of the circumstance.
 - d. Police Officers shall not access or use the device without supervisory approval.
6. At the discretion of the Chief of Police or his designee, and upon request, members utilizing their privately owned vehicles for Department sanctioned activities may be granted use of an E-ZPass device.
7. The Executive Officer shall periodically review the E-ZPass usage records to ensure the appropriate use of each device.

E-ZPass TAG G4*00406638938* CONTROL LOG

[illegible]



OPERATIONS PROCEDURE			Procedure No: 117-08
IN-CAR VIDEO POLICY			
DATE ISSUED: 19OCT18	DATE EFFECTIVE: 19OCT18	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To provide guidelines to members of the Service concerning the mandatory use and operation of the in-car video camera equipment.

POLICY

The Larchmont Police Department shall equip designated Department vehicles with an In-Car Video Camera System. The In-Car Video Camera System will provide the Department with video and audio evidence that can be used to enhance criminal prosecutions. In addition, the audio and video documentation of events assists in the investigations of civilian complaints, may deter frivolous complaints against officers, and can be used as a training device for officer safety. Any member of the Service that is assigned to a vehicle equipped with an In-Car Video Camera System must ensure the camera and the accompanying microphone is operational during their tour and must use this equipment as directed.

PROCEDURES

1. Equipment Check -- It is the responsibility of the officer assigned to the vehicle to ensure that the equipment is operating properly. As appropriate, either a Memorandum Book entry detailing the status of the equipment must be made at the beginning of each tour. If deficiencies are noted, the specific problem shall initially be brought to the tour supervisor and ultimately the Patrol Lieutenant.
2. At the start of tour, the officer assigned to a vehicle equipped with an in-car video system, shall:
 - a. Log onto the Verus application on the car computer using their unique user name and password.
 - b. Equip themselves with the microphone using the lapel microphone, and in such a manner as to afford the best possible audio recording.
 - c. Ensure that the microphone is in sync with the recorder.
3. Operation -- The In-Car Video Camera System has been designed to be activated in two ways. The first method is via a manual switch installed in the police vehicle. The second way the system is initiated is an automatic activation, as described in section 4 of this procedure. Further, the system has an override feature which may be utilized when it is not practical to continue recording an event such as a protracted traffic post. Officers may start the recording feature at any time by engaging the record button on the body worn microphone.



OPERATIONS PROCEDURE			Procedure No: 117-08
IN-CAR VIDEO POLICY			
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4. Use of the In-Car Video Camera System -- The In-Car Video Camera System shall be used by assigned personnel to record, at a minimum, the following events:
- All traffic stops shall be recorded from the initial stage until the conclusion of the stop.
 - All pursuits shall be recorded from the initial stage until the termination of police action.
 - Whenever feasible to record Standard Field Sobriety Tests of suspected offenders.
 - Whenever feasible, to document Field Interview situations.
 - Whenever the officer or supervising officer believes it will be beneficial to have a recording of an event not covered above.

NOTE: If the in-car video camera equipped vehicle is not the primary vehicle at a scene and is in an assisting or back-up capacity, a primary officer or supervisor will direct that the video system be activated to record the situation or event.

5. The In-car Video system is equipped with automatic triggers that will activate the recording features, these include:
- Activation of emergency lights
 - Activation of the siren
 - Whenever impact is detected
 - Whenever the RMP reaches speeds above 55mph

NOTE: Whenever the in-car video is activate either manually or by automatic trigger, a 60-second pre-recording will precede the video event. There is no audio recording during this pre-recording period.

6. Arrest Processing -- Officers should be aware that these video and audio recordings may represent potential Rosario and Brady material. In those situations where an arrest is made and the event was recorded, the arresting officer shall indicate in the Incident Report and D.A. Report the existence of video and audio evidence.
7. Data Downloading -- The In-Car Video Camera System has a feature wherein stored data in the unit is seamlessly downloaded into a computer server maintained at Police Headquarters.



OPERATIONS PROCEDURE			Procedure No: 117-09
MOTORCYCLE PATROL			
DATE ISSUED: 01MAR17	DATE EFFECTIVE: 01 MAR 17	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

In an effort to further enhance our abilities to provide the best community service available, it shall be the policy of the Larchmont Police Department to utilize motorcycles as patrol vehicles when available. Only trained personnel shall be allowed to operate the motorcycles at the sole discretion of the Chief of Police and or his designee.

PROCEDURE

RESTRICTIONS

1. No departmental personnel shall operate, move, or otherwise tamper with department motorcycles unless duly trained and authorized to do so. This training and assignment will be at the sole discretion of the Chief of Police or his designee.
2. Trained motor officers shall not allow untrained officers to operate department owned motorcycles. Possession of a motorcycle endorsement on the officer's driver license shall not constitute proper departmental training or authorization.
3. Motor officers shall not use the motorcycle to transport any stranded motorist, prisoner, or other person in need of transportation.

CARE AND MAINTENANCE

4. Prior to and following patrol, each motor officer shall be responsible to inspect his assigned motorcycle for cleanliness and proper mechanical function. Any damage discovered, or malfunction shall be immediately reported to the shift supervisor. The supervisor will then note any damage in the logbook and forward a memo to Inspector's office. If the motorcycle needs repair, a request for service slip is to be filled out in the same manner as needed for repair on a patrol vehicle. Under no circumstance will any officer attempt to fix or otherwise repair the motorcycle.
5. It shall be the responsibility of each motor officer to keep the motorcycle clean.
6. It shall be the responsibility of each motor officer to keep the motorcycle fueled. Particular care must be taken to avoid spilling gasoline on the painted finish of the motorcycle.

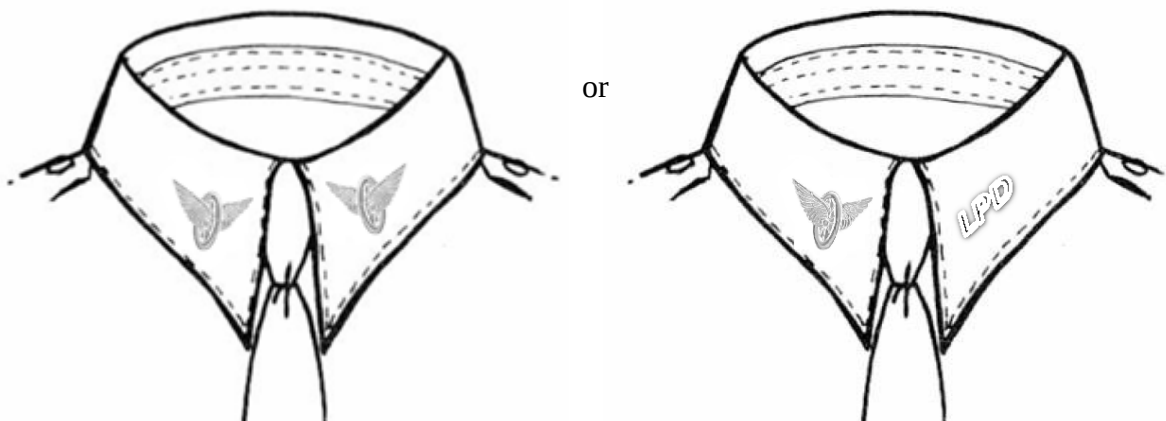


OPERATIONS PROCEDURE		Procedure No: 117-09	
MOTORCYCLE PATROL			
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7. Department motorcycles will be stored at the Village Yard garage. Upon securing the motorcycle, the motor officer will return the key to the board at the Police Desk. At no time shall an officer take the key home with him without permission from a Command Officer.

REQUIRED GEAR AND EQUIPMENT

8. Motor officers shall wear protective equipment when operating departmental motorcycles. This equipment shall, at a minimum, include helmet, safety glasses, leather gloves, reinforced pants, (motorcycle breeches), and leather boots. Raincoats, or other authorized protective attire, may be worn at the discretion of the motor officer.
9. Motor officers will use radios that will have the capability to be wired into the headsets attached to the helmet.
10. All emergency lights and siren attached to the motorcycle shall have switches located on the handlebars.
11. Collar brass and unit insignia shall be worn as illustrated below.



OPERATION

12. Motor officers will be assigned by the tour supervisor. Motor officers may be assigned to a post, special detail, or as a traffic enforcement unit at the discretion of the tour supervisor.



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MOTORCYCLE PATROL			
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13. Motor officers assigned to parades, funeral escorts, or any approved special detail shall be so assigned at the discretion of the Chief of Police or his designee.
14. Motor officers who attend an approved training course authorized by the Chief of Police, or his designee, and successfully complete such a course, are the only members authorized officers to operate department motorcycles.
15. High beam headlights shall be illuminated at all times during patrol operation. This will assist in providing the motorcycle more visibility, providing greater protection against unsafe lane changes and right of way violators. Low beam headlights shall be utilized when running with emergency lighting equipment activated.
16. A motor officer while operating a department motorcycle is not to engage in an high speed pursuit as defined in the pursuit policy, under any circumstances.

MISCELLANEOUS PROVISIONS

17. If a motorcycle needs to be towed for any reason, the department's authorized towing company will be called. Towing of motorcycles in any other manner is prohibited.
18. Should a motor officer become aware of any health condition that may adversely affect their coordination or balance, they shall bring this information to the attention of their shift supervisor for alternative assignments/duties. It shall be the responsibility of the motor officer to keep their supervisor apprised of their fitness for duty in this capacity.
19. During inclement weather it shall be mandatory to discontinue motorcycle patrol and return the motorcycle to storage. Motor officers required to discontinue patrol due to adverse weather conditions shall be assigned to an unmarked traffic enforcement RMP or other appropriate assignment at the discretion of the tour supervisor.
20. Conducting motorcycle patrols during light rain or scattered showers will be at the discretion of the motor officer.
21. When a motor officer makes an arrest, a patrol car shall be sent for backup and transportation of the prisoner to the police station. The responding backup officer shall only be responsible to transport the prisoner to Headquarters. The motor officer will be responsible for any and all paperwork necessary to complete the arrest process.



OPERATIONS PROCEDURE		Procedure No: 117-09	
MOTORCYCLE PATROL			
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22. Whenever feasible, motor officers should have assistance prior to effecting a high-risk stop, since Motor Officers are at an immediate disadvantage lacking the protective qualities inherent in a four-wheel patrol vehicle.



OPERATIONS PROCEDURE			Procedure No: 118-01
DEPARTMENT RECORDS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To assign responsibility for the receipt, review, retention, retrieval and control of all written information and documents that pertain to the Department's operations.

BACKGROUND

The integrity, effectiveness, and quality of a law enforcement agency are all heavily dependent on its control of records and documents inherent to its various operations.

POLICY AND PROCEDURE

1. The Police Clerk's Office shall be the primary repository and distributor of Department records. This office is specifically responsible for the acquisition, distribution, storage and retrieval of the following records:
 - a. Incident/Complaint reports and all follow-up reports
 - b. Case/Arrest reports
 - c. Uniform Crime reports
 - d. Intelligence-Informational reports
 - e. Property Inventories (vouchers)
 - f. Subpoenas
 - g. Fingerprint cards of arrested (not juvenile)
 - h. Criminal history files
 - i. Sealing orders
 - j. Activity logs
 - k. Accident reports
 - l. Vehicle seizure forms
 - m. Vehicle maintenance records
 - n. Prisoner detention records
2. The office of the Administrative Officer shall be charged with oversight duties for all of the above.
3. The office of the Executive Officer shall be responsible for the acquisition, distribution, storage and retrieval of the following records:
 - a. Public relations documentation
 - b. Policies, procedures, directives and regulations
 - c. Schedule and roll call data
 - d. Summonses and other legal processes



OPERATIONS PROCEDURE		Procedure No: 118-01	
DEPARTMENT RECORDS			
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- e. Affidavits of service
- 4. The youth division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:
 - a. All juvenile records
 - b. Juvenile fingerprint cards
- 5. The office of the Chief of Police shall be responsible for the acquisition, distribution, storage and retrieval of the following records:
 - a. Personnel records
 - b. Department property
 - c. Civilian complaints
 - d. Internal investigations
 - e. Background investigations of applicants
 - f. Disciplinary records
 - g. Agency budget records
 - h. Central correspondence files
 - i. Sick reports
 - j. Time adjustment requests (overtime and leave requested)



ADMINISTRATIVE PROCEDURE		Procedure No: 118-02	
INCIDENT REPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To establish procedures for the prompt and efficient documentation of all requests for police services which result in a member of this department taking action, including a referral to any other municipal service, public utility or other law enforcement agency; reports of all crimes, attempted crimes and other offenses; criminal and non-criminal investigations instituted by members of this Department or by outside law enforcement agencies related to activity within this jurisdiction; and other reports, including but not limited to, Arrest reports, Medical aided reports, Vehicle impound reports, Reports of property taken into the possession of this Department.

BACKGROUND

Currently the Department employs Spectrum Justice System, hereafter referred to as S.J.S., as it records management database to provide for prompt and efficient management of the Department's records.

POLICY

It is the policy of this Department to fully utilize all facets of its records management database, and to ensure thorough documentation of all contacts with the public, outside agencies and actions taken by its members.

PROCEDURE

Desk Officer

1. Under most circumstances, the Desk officer on duty shall initiate the preparation of an Incident/Complaint Report by completing the blocks of information in the initial tab of the report screen.
2. A short description of the event including the name, address and telephone number of any persons reporting the event.
3. Enter the name of the Desk officers and the tour supervisor.
4. The unit and officer assigned to the event.
5. The Dispatch Notes section of the report should include any final disposition.



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INCIDENT REPORTING			
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6. Reports, including cases, will be completed by the Desk officer if he is the member who observes the related facets of the event.
7. The member assigned to an event shall be responsible for the completion of the Incident/Complaint Report.
8. Complete the narrative portion of the Incident/Complaint Report clearly articulating all pertinent facts and information reported by person(s) involved. This should be summarized with the specific actions, investigation or service provided by this department.

Signature

9. After completing any narrative in an Incident/Complaint Report or a Case/Arrest Report, the member compiling the report shall insert his signature inclusive of his rank.

Additional Information and Follow-up

10. When additional information is reported or investigative follow-up action is taken, the member receiving the information or conducting the follow-up investigation shall access the original event, and he shall record the additional data in the appropriate fields and make additional entry in the narrative portion of the Incident/Complaint Report.

Supervisory Review of Incident/Complaint Reports and Follow-up Reports

11. The on-duty tour supervisor to ensure the completeness and accuracy of the reports shall review all Incident/Complaint Reports and follow-up reports. The following should be checked:
 - a. Incorrect spelling
 - b. Improper grammar and punctuation
 - c. Errors in addresses and telephone numbers
 - d. Failure to ascertain the name(s) of witnesses
 - e. Exaggerated value of property
 - f. Incompleteness and inaccuracies
12. Any deficiencies identified by the tour supervisor will be brought to the attention of the reporting member who will in turn make appropriate corrections.
13. The corrected report(s) shall then be distributed to the appropriate division.



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INCIDENT REPORTING			
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Supervisory Review of Case/Arrest Reports

14. All Case/Arrest Reports shall be reviewed by the on-duty tour supervisor to ensure the completeness and accuracy of the reports.
- a. The following should be checked:
 - b. Incorrect spelling
 - c. Improper grammar and punctuation
 - d. Errors in addresses and telephone numbers
 - e. Failure to ascertain the name(s) of witnesses
 - f. Exaggerated value of property
 - g. Incompleteness and inaccuracies
15. Any deficiencies identified by the tour supervisor will be brought to the attention of the reporting member who will in turn make appropriate corrections.
16. If an arrest has not been made related to the case, the corrected copy of the complaint report shall then be distributed to the appropriate division.
17. If an arrest has been made related to the case, all corrected copies of reports developed in the case module shall then be distributed to the appropriate division.

Final Case Review

18. Upon receipt of a case, the detective division supervisor shall review the case in its entirety to ensure that all statistical data are accurate as these statistics are the basis for this Department's Uniform Crime Reporting System.

SJS Persons File

19. All persons entered into the S.J.S. system through the Incident/Arrest module or the Warrants module automatically have their names and pedigree information entered into the computer's central Persons File.
20. Utilizing the Department's central persons file, the S.J.S. system enables any user to access, view and print any contacts a person has had with this Department, including arrest history.



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General Instructions

21. Officers must ensure that the incident report is compiled first, even in those cases when an arrest report is required. This is necessary so as to ensure that the shared data is replicated in the arrest module portion of the database.
22. Due to the dynamic nature of software enhancements, and to ensure accurate and uniform data entry, the Administrative Officer shall train members as needed.



OPERATIONS PROCEDURE		Procedure No: 118-03	
ACTIVITY MEMO BOOKS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To establish guidelines for the use and securing of official departmental activity log sheets and to ensure that all activity during a member of patrol's tour of duty is properly documented.

BACKGROUND

Complete and accurate documentation of all official activity is essential to the good order and proper management of the Department. Frequently there are details of cases, investigations, incidents, and officer activity that are not documented on reports or forms, but that may comprise important information. Activity logs serve as a useful source of supplemental information.

POLICY

1. Each member assigned to patrol duty under the rank of Lieutenant shall maintain an official memo book. The memo book is the property of the Department. The proper documentation and safekeeping is the responsibility of each member, and will be accomplished as indicated in the following section.
2. Patrol Sergeants shall ensure that their subordinates are appropriately compiling their memo books. Sergeants shall inspect the memo books of all members assigned under his direction, and shall do so at least once per tour, indicating same by signing each officer's memo book.

Note: All members are reminded that all memo books must be produced if properly subpoenaed. No extraneous marks and comments should be entered in the memo book.

Required Entries

3. The following entries are mandatory, but not all inclusive, and should appear as routine entries during a course of duty:
 - a. Date, Car, Post Assignment, Supervisor, Starting & Finishing Mileage, Vehicle Condition and Special Assignments.
 - b. Time Signal Entry.
 - c. Roll Call and Times In and Out.
 - d. Meal/Coffee Breaks, Times In and Out of Service, including the Location.
 - e. Appearance at Station House for Personal/Official Duty
 - f. Out of Service for any Reason, Times In/Out and Location.



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ACTIVITY MEMO BOOKS			
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- g. Times In/Out for Assigned Details, Blotter Number and Disposition.
 - h. Post Checks and Times.
 - i. Assigned School/Church Crossings, Times In/Out.
4. At the end of each work week, officers will submit weekly activity totals to their immediate supervisor. The Sergeant will then compile weekly totals for the entire squad and submit them to the Administrative Officer in a timely manner.

Calculating Summaries

5. So as to find more consistency in collecting data and to properly credit all reporting officers, the following guidelines should be used for calculating your activity on your daily Officer Activity Reports:
- a. **Mileage:** Self-explanatory
 - b. **Officer Initiated Details:** All details, which are self-initiated, ex. traffic stop, dark house checks, bar checks, parking summons, etc. (any police work completed that you were not detailed to) but, all dark house checks for your post, bar checks, and train detail count as one officer initiated detail and all summonses issued by leaving your patrol car one time is counted as one officer initiated detail. If you go to two totally different locations and issue parking summonses at both that would count as two officer initiated details. The tunnel gates and school/church crossings are also officer initiated details.
 - c. **Citizen Initiated Details:** All details that you are directly detailed to.
 - d. **Arrests:** Count the actual number of charges not the number of person(s) arrested, i.e.: If you arrest one person and charge him with 1192 (02), 1192(03), and 1111 (D1) of the N.Y.S. Vehicle and Traffic Law you have two misdemeanor and one violation arrest. (Note: If you issue a summons on the street for a traffic violation and it is not a custodial arrest, you do not count that as a violation arrest but as a moving summons).
 - e. **Summonses:** Count the number of summonses issued not the number of persons to whom the summonses were issued.
 - f. **Double Parking** If you issue a double-parking summons count it in this category and also in the parking summons category.
 - g. **Double Parking Warning:** Self-explanatory.



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ACTIVITY MEMO BOOKS			
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- h. **Premises checked:** A combination of the number of dark house checks completed and the number of alarms you responded to and checked. Also included should be the amount of physical inspections done of a specific premise.
 - i. **Reports Made:** include the amount of any and all reports made.
 - j. **Escorts:** A little antiquated but any physical, money or bank escort completed, i.e.: the bank bag escort for the Village Treasurer. This number should also be tallied for the Officer Initiated or Citizen Initiated Details depending upon how it was initiated.
 - k. **Street Lights:** Self-explanatory, but count this as one Officer Initiated Detail.
 - l. **P & W Contacts:** Count the number of establishments visited during the tour that were made during either a Park and Walk session or a foot patrol post or while assigned to bicycle patrol.
 - m. **Crimes Discovered:** All crimes discovered by the reporting officer, whether an arrest is made or not, and make sure this is counted in the Officer Initiated Detail total as one for each event.
6. At the completion of tour, the officer shall place a line through the remainder of the activity sheet and sign where indicated.
7. All entries must be made in ink on the next available line. Do not use pencil, erase or tear pages out. An entry in the memo book will not relieve an officer of the responsibility to transmit via radio the occurrence of any of the above.



OPERATIONS PROCEDURE		Procedure No: 118-04	
UNIFIED CRIME REPORTING			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To provide this Department's administration and Village government with an aid in the decision-making process of determining manpower allocations, equipment needs, training requirements and budget needs. Additionally this Department is an active participant in the Uniform Crime Reporting System.

POLICY

It is the policy of this Department to fully utilize its automated computer records system to develop monthly reports and uniform crime reports so that it may plan to meet future needs.

PROCEDURE

1. All Department activities including, but not limited to, calls for service, crime reports, auto accident reports, summons activity and unusual occurrences, are automatically collated on a monthly and annual basis by the Police Clerk's Office.

Monthly Reports

2. It shall be the responsibility of the Administrative Officer to have produced adequate statistical data as directed as soon as practical after the first of each month, and forward it to the office of the Chief of Police.
3. The Administrative Officer shall cause to have prepared a monthly report for transmittal to the Village Board.
4. The Chief of Police shall file a copy of this monthly report in the central correspondence file located within his office.
5. The sequence, preparation and filing procedures listed in subsections 2, 3 and 4 shall be applicable to an annual report developed in January of each year.

Standards Reports

6. The Department's automated computer system shall be utilized to collate all required information for the monthly Incident-based report (IBR).



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UNIFIED CRIME REPORTING			
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7. The Administrative Officer shall cause to have produced the monthly Incident-based report (IBR).
8. the Administrative Officer or his designee who will forward the copies of all sections of the Incident-based report (IBR) that are necessary for complete recording of all offenses reported to this Department to the New York State Department of Criminal Justice Services via the eJustice Portal.
9. A complete copy of each month's Incident-based report (IBR) shall then be stored on the departments' computer servers.



OPERATIONS PROCEDURE			Procedure No: 118-05
SEALING ORDERS			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To establish policy and procedures for the members of this Department to follow when complying with court ordered sealing, purging and returning of criminal records to citizens pursuant to Sections 160.50 and or 160.55 of the Criminal Procedure Law of New York State.

POLICY

It is the policy of this Department to comply with all court orders to seal records that are in the custody of this Department.

PROCEDURE

The detective division commander, upon receipt of a court order, pursuant to section 160.50 or 160.55 of the Criminal Procedure Law shall:

1. Locate printed photographs or media containing digital images of the defendant, and general reports that are on file. Similar documents generated from an unrelated action or proceedings are not affected by the order.
2. Upon collecting all documents pursuant to the court order, notify the defendant named in the order or his attorney by mail at the address listed on the order that the documents are available for return. The subject or his attorney receiving such documents from the detective division will be required to sign for same indicating that the sealed documents were turned over to them.
3. Ensure that all written records on file with the Department concerning the arrest or prosecution covered by the court order are sealed in compliance with that order. All case folders containing such records will be marked sealed and placed in the sealed case file drawer. Should the individual's case folder contain records relating to other criminal actions or proceeding such records are to remain available except that any references mentioned in those documents that may refer to the case currently being sealed pursuant to the court order must be deleted.
4. Ensure that when necessary, appropriate references are inserted in such other files to indicate that a report has been removed and sealed pursuant to CPL section 160.50, 160.55 or 720. In any case where a particular report contains reference to more than one individual, steps will be taken to place the original of such report



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with the sealed material and to replace the original with a deleted version in the appropriate file.



OPERATIONS PROCEDURE			Procedure No: 118-06
WARRANTS AND ORDERS OF PROTECTION			
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PURPOSE

The purpose of this section is to establish the policies and procedures for the reception, documentation and service of legal process.

BACKGROUND

In some instances the proper functioning of the local village, town, county, state and federal judicial systems may be affected by the prompt service of court documents. Our judicial system is dependent, in part, upon the timely and effective service of legal documents. Inadequate record keeping and or inappropriate procedures may subject the Department to litigation and civil liability.

POLICY

It shall be the policy of the Department to timely serve and keep an accurate record of legal documents assigned by the courts or delivered to the Department by other agencies for service or execution. Court decisions that add to the substantive law of arrest or search and seizure shall be reviewed and updated in a timely fashion. All warrants on file with this Department shall be accessible to all Department personnel on a 24-hour basis. Original copies of the warrant shall be filed at the desk area and maintained in the Department's computerized records management system.

PROCEDURE

1. The Detective Commander shall be designated the Warrants Officer and is charged with the management of all records pertaining to warrants, criminal summons, orders of protection and other legal processes.

Warrants and Criminal Summonses

2. When a warrant or criminal summons is received by this Department, either in person or by mail, it shall be forwarded immediately to the warrants officer, unless it is practical to execute warrant or criminal summons immediately. If the warrants officer is not available then the duty detective shall process the warrant. The warrants officer or detective processing the warrant or criminal summons shall review the documentation to ensure that it is directed to this agency for processing.



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WARRANTS AND ORDERS OF PROTECTION			
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Warrants

3. When a warrant is received by the warrants officer for processing, he shall receive all necessary information regarding arrest record and a copy of "mug photo," if available, to be placed in Warrant Control book.
4. Using the Department's Computer System, the warrants officer should enter the warrant in the system. After entry, he should obtain the Warrant Serial Number that will then be entered in the case file.

Note: The Warrants Book will be accessible on a 24-hour basis to all Department members.

5. The warrants officer shall be responsible to ensure the transmission of the appropriate wanted entry into Integrated eJustice Portal (IJP) and or NCIC systems is performed.

Note: Felony entries shall have statewide extradition. Penal law misdemeanor entries shall have Westchester County and adjoining counties extradition. Vehicle & Traffic Misdemeanors and Penal Law Violations shall have extradition within Westchester County only. Traffic infractions and violations of the Larchmont Code shall not be entered into IJP.

6. The warrants officer shall file the original hard copy of every warrant received, along with all pertinent information (mug shot, etc.) in the Warrants book, located in the desk area.
7. Any activity, including attempts of service and information from other agencies shall cause the member(s) making the attempt or receiving the information to generate a SJS Incident report with the information. The warrant officer shall prepare and affix a Warrant/Subpoena/Summons Execution/Service Form to the instrument and cause all Larchmont attempts to execute same to be noted thereon.
8. The warrants officer shall be the liaison with the Court Clerk and it shall be this member's responsibility to monitor all changes of status regarding Warrants.
9. When a warrant is canceled due to execution, recall or it being vacated, the warrants officer shall do the following:
 - a. Have the warrant canceled from the IJP if he is on duty. If off duty, the tour commander on duty shall cause the warrant to be canceled from the IJP.



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- b. Remove original warrant from file, mark appropriately as executed, vacated or recalled and returned to court.
- c. Reclassify the status of the warrant, including the status date in the computer system. Print a hard copy of all information, file same in the appropriate warrant file, and submit the file to the detective division marked "canceled."
- d. The warrants officer shall request return of any copies of a warrant sent to other agencies. Retain a copy of any letter sent requesting return of warrant copies. Place copies in Canceled Warrant file.

Criminal Summons

- 10. When the warrants officer receives a criminal summons he shall enter the defendant into the system by logging the summons in the Criminal process log book. The original summons shall be filed in a separate section within the Warrant book in the desk area. The warrant officer shall prepare and affix a Warrant/Subpoena/Summons Execution/Service Form to the instrument and cause all attempts to execute same to be noted thereon.
- 11. When a criminal summons is canceled due to service, recall or having been vacated, the warrants officer shall do the following:
 - a. Update the Criminal Process log and enter appropriately as served, recalled or vacated.
 - b. Return the original summons to the court marked appropriately as served, recalled or vacated.
 - c. Request return of any copies of criminal summons sent to other agencies. Retain a copy of any letters sent requesting return of criminal summons copies.

Criminal Warrants for Other Agencies

- 12. Criminal warrants from another agency for defendants (respondents) residing in the Village of Larchmont received by this Department shall be maintained as follows:
 - a. An Incident Report shall be filed with all pertinent information. Type of event - F.O.A. and all attempts for service shall be recorded by updating the narrative section of the Incident Report.
 - b. Warrants officer shall file the hard copy of the warrant in a special section of the Warrants file maintained for this purpose.
 - c. Warrants officer shall advise all command officers and patrol sergeants of the existence of a warrant from another agency.



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- d. Upon request from an outside agency for return of warrant, warrants officer shall be responsible for return of the warrant to that agency and will retain copies of any letters received requesting return of warrant. Place copies in Warrant Cancellations file.
- e. Warrants officer shall advise all Department members of the cancellation of a warrant from an outside agency through the Department's Computerized Desk Memorandum system.

Criminal Process

13. This governs the execution of criminal process as it pertains to the issuance of a summons in lieu of arrest, and the execution of warrants, namely, Warrants of Arrest, Search Warrants and Eavesdropping Warrants. Sworn personnel should be familiar with the appropriate sections in the New York State Criminal Procedure Law and sections in the Manual for Police pertaining to criminal process.
- a. Warrants of Arrest issued by a local court (city, town or village) may be executed in the county of issuance or an adjoining county, or any other county in the state if endorsed by that local criminal court. Arrest warrants issued by a district court, the New York City Criminal Court or by a superior court judge sitting as a local criminal court may be executed anywhere in the state. Warrants of Arrest may be executed at any hour of the day or night and on any day of the week. It is not necessary to have the warrant in hand to make the arrest; however, if asked by a defendant to produce it, it must be shown to him/her as soon as possible.
 - b. A Family Court Warrant of Arrest, a civil process, may be executed statewide at any time of the day or night on any day of the week.
 - c. Search Warrants issued by a local court may be executed in the county of issuance or an adjoining county. Those issued by a district court, New York City Criminal Court or a superior court judge sitting as a local criminal court may be executed anywhere in the state. Search Warrants must be executed not more than 10 days after issuance, on any day of the week and between 6 a.m. and 9 p.m. unless expressly authorized on the warrant to be executed at any time of day or night. Search Warrants must be carried by executing officers and shown upon demand. When property is seized it shall be vouchered as outlined in section 111-1 of this Manual and a receipt shall be prepared and given to the person from whom the property was taken. If property is taken from a premise or vehicle, a receipt must be given to the owner, tenant or other person in possession of the property or the receipt should be left in the premise or vehicle for said person.
 - d. Eavesdropping Warrants may be executed by law enforcement officials, including the ADA. They are rarely, if ever, executed by uniformed personnel.



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They must be executed not more than 30 days after issuance or upon termination as authorized in the warrant.

- e. A Summons is issued by a local criminal court, solely, to achieve a defendant's appearance in court for arraignment. It may be served by a police officer or by any other person or complainant at least 18 years of age and only in the county of issuance or an adjoining county. A defendant's failure to appear at the time such summons is returnable, may cause the court to issue a Warrant of Arrest.
14. Warrants of Arrest are to be executed only by sworn police officers of this Department.
15. A police officer may arrest a person without a warrant when he has Reasonable Cause To Believe (R.C.T.B) that the person committed a petty offense in his presence and in his Geographical Area of Employment (G.A.O.E.), which for members of this Department is the area of the Village of Larchmont. An arrest for such a petty offense may be made in the county of commission or an adjoining county or any county, if close pursuit starts in the county of commission or the adjoining county.
- a. Police may arrest a person when he has R.C.T.B that the person committed a crime anywhere in New York State, whether in his/her presence or not. The arrest can be made anywhere in New York State and, if necessary outside of the state if in close pursuit.
 - b. As required by the Supreme Court in U.S. v. Miranda and its progeny, police must advise prisoners of the Miranda Warnings before attempting to interrogate prisoners or suspects in a criminal investigation. In cases of arrest for violations of section 1192 of the New York State Vehicle and Traffic Law, prisoners shall first be advised of their D.W.I. Warnings and then advised of the Miranda Warnings, if interrogation is necessary.
 - c. Prisoners arrested on the strength of a Warrant of Arrest cannot waive their right to counsel.
 - d. Silence by a prisoner cannot be regarded as a waiver of these rights. Copies of the Miranda Warnings in Spanish are available to all members.
 - e. The date, time and place where a defendant is advised of his rights shall be noted by the arresting officer on the Arrest Report.
 - f. If requested, a telephone call shall be provided to a suspect or prisoner without cost, should he desire to contact an attorney or someone who will obtain counsel for him.



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SEARCH AND SEIZURE

Search Warrant

16. The application, form and content and execution of a Search Warrant shall be in accordance with article 690 of the Criminal Procedure Law of New York State.

Search without a Warrant

17. The warrantless searches listed below shall be conducted in accordance with current U.S. Supreme Court and New York State Court of Appeals decisions. These decisions shall be reviewed on a regular basis utilizing available legal resources. The Chief of Police or his designee shall be responsible for this review process and shall make appropriate arrangements for training, as circumstances dictate. The searches may be conducted if one or more of the following criteria are present:

- a. Consent
- b. Exigent Circumstances
- c. Incidental to Arrest
- d. Vehicle Inventory
- e. Plain View

Orders of Protection and Other Legal Process

18. All members, when requested, should make every reasonable effort to serve Orders of Protection on respondents when they either live or work in the Village of Larchmont. Also, this Department shall maintain a file for all Orders of Protection received when either the petitioner or respondent lives, works or has other cause to be in the village.

19. Whenever there are additional documents to an Order of Protection such as Order to Show Cause, Custody Order, Visitation Order, Petition, Summons, the additional documents should be accepted and served together with the Order of Protection.

20. However, documents, such as the above, should not be accepted for service unless they are accompanied by an Order of Protection. Persons requesting this service should be advised that these may be served by any disinterested party over 18 years of age and not by a member of this Department.

21. Tour Supervisor or Desk officer - Upon receipt of an Order of Protection, either by mail or in person, the order shall be reviewed for completeness, a



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Warrant/Subpoena/Summons Execution/Service Form shall be filled out and attached to the papers to be served.

Note: It shall be the responsibility of the tour supervisor to carefully scrutinize the Order of Protection and determine whether or not the respondent has been served with the Order of Protection. An order will frequently contain wording inserted by the court indicating that the respondent "appeared," in which case (according the Family Court) the Order of Protection was served upon the respondent at that time. Also, the petitioner may have already had a disinterested person serve the order, in which case a completed Affidavit of Service needs to be attached to the order. In either case, no further service is required upon the respondent.

22. Tour Supervisor shall have the Order of Protection served as promptly as practical and every effort should be made to process Orders of Protection during the tour on which they are received. Once served, the Tour Supervisor will ensure that an "OSRV" entry is made into the IJP and leave appropriate notification, including a copy of the Affidavit of Service, for the Warrant Officer.
23. An Affidavit of Service should be completed, detailing all pertinent information available, relating to the petitioner, the respondent, and the Docket number. Member should detail what paperwork is being served, (e.g., Petition, Summons, Temporary Order of Protection) and make one copy of Affidavit of Service.
24. The copy of the Affidavit of Service should be attached to the face of the original order and any accompanying documents received.
25. The Affidavit of Service shall be submitted to the detective division commander, who shall forward same to the court of origination.
26. A Department copy of each order received and, if served by this Department, the Affidavit of Service shall be maintained by the warrants officer in a file located at the communications area and appropriate complete entry shall be made.

Civil Process

27. Members of this Department shall serve civil legal process, such as subpoenas, summonses, Family Court Orders of Protection and Family Court Warrants of Arrest, only under the following circumstances:
 - a. When directly appointed, in writing, by a court of law to be a process server.
 - b. When assigned by the Chief of Police to serve as an agent of the Village Attorney.



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- c. When the document to be served or executed is issued by a court of law and pertains to a cause of action that is civil in nature such as Family Court Appearance Tickets, Orders of Protection and Family Court Warrants of Arrest, these documents may be served by either a police or peace officer. It is best executed by a sworn police officer.
- d. Sworn members of this Department shall execute orders for civil arrest pursuant to a written order by a judge in a civil proceeding, such as a Family Court Warrant of Arrest.

Subpoena Service

- 28. Subpoenas received for service shall immediately be forwarded to the detective division.
- 29. The detective who receives the subpoena will then arrange through service through the detective commander.
- 30. All attempts at service should be noted on the Warrant/Subpoena/Summons Execution/Service Form and upon service an Incident/Complaint Report should be made out noting that the subpoena was served, and the completed form and papers shall be forwarded to the police clerk for processing.



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F.O.I.L. REQUESTS			
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PURPOSE

To ensure compliance with the New York State Freedom of Information Law by members of this Department.

POLICY

Every effort will made to comply with all legitimate requests for access to agency records, or to deny such access, when necessary, in accordance with the Freedom of Information statute.

PROCEDURE

Records Access Officer

1. The records access officer for this Department shall be the Administrative Officer.
2. The records access officer is responsible for
 - a. Review of this Department's central computer records management system; specifically the listing of all records therein.
 - b. Assisting individuals seeking entitled information.
 - c. Making records promptly available or denying access.
 - d. Providing copies of records or allowing copies to be made.
 - e. Certifying that the department does not have possession of requested records or that they cannot be found after diligent search.

Request for Records

3. Requests for records must be made in writing, either through the mail or in person. The request shall reasonably describe the desired records, but shall, when possible, include dates, titles, file designations, or any other pertinent information that would help to find the requested records.
4. Requests for records will be directed to the records access officer who may then delegate authority for compliance to other members in the Department.
5. Subpoenas for records will be directed to the records access officer for proper action by the clerk or detective division commander.



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Accessible Records

6. The Freedom of Information Act states that all records are accessible, except those that fall into any one of eight categories of deniable records.

Deniable Records

7. Deniable records include records or portions thereof that:
- Are specifically exempt from disclosure by state or federal statute.
 - Would, if disclosed, result in an unwarranted invasion of personal privacy.
 - Would, if disclosed, impair present or imminent contract awards or collective bargaining negotiations.
 - Are trade secrets or are maintained for the regulation of commercial enterprise, and if disclosed, would cause substantial injury to the subject enterprise.
 - Are compiled for law enforcement purposes, and which, if disclosed, would:
 - interfere with law enforcement investigations or judicial proceedings;
 - deprive a person of a right to a fair trial or impartial adjudication;
 - identify a confidential source or disclose confidential information relative to a criminal investigation; or
 - reveal criminal investigative techniques or procedures, except routine techniques and procedures;
 - endanger the life or safety of any person;
 - are inter-agency or intra-agency communications, except to the extent that such materials consist of statistical or factual tabulations or data; instructions to staff that affect the public; or final agency policy or determinations.
 - are examination questions or answers that are requested prior to the final administration of such questions.

Fees

8. Copies of records must be made available on request. No fee can be charged for inspection, certification or search for records.
9. Fees for copies of other records may be charged, based upon the actual costs of reproduction. The records access officer will be consulted for determination of these fees.



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Denial of Access and Appeal

10. A denial of access must be in writing, stating the reason for the denial.
11. The records access officer shall prepare and forward all denials in letter form on Department stationery.
12. The denial letter must include the information that an appeal of the denial may be made to the Village attorney and the appeal must be made within 30 days of receipt of the denial.
13. Action on such an appeal must be taken within seven business days of its receipt.
14. A judicial review of the final agency denial may be sought by means of a proceeding initiated under article 78 of the Civil Practice Law and Rules.



ADMINISTRATIVE PROCEDURE			Procedure No: 118-08
TRAINING RECORDS			
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PURPOSE

To establish the policy of the Larchmont Police Department for maintaining training records of all members.

POLICY

Although basic recruit training is perhaps the most critical a police officer will receive, ongoing, mandated and specialized in-service training is essential to continually enhance the skills and expertise of all members. The Department will provide this type of training and record all training in each member's individual training file.

PROCEDURE

1. Each and every time a member of this Department is assigned to training, an in-service training record form will be prepared and forwarded to the Administrative Officer. Additionally, assigned members will file a training roster for courses sponsored by this Department.
2. Exceptions to section 1 above shall be Roll call training and Remedial training.
3. The Administrative officer of the Police Department will maintain records of all training received by members.
4. The Administrative Officer is responsible to ensure that all records of training are current and accurate, and are maintained in an individual file for each member, to include dates of attendance, total hours of instruction and name of training courses.
5. All members attending training courses not sponsored by the Larchmont Police Department must obtain a copy of the course curriculum to be maintained as part of their official training record by the administrative officer.
6. The Administrative Officer will maintain records of training courses sponsored by the Larchmont Police Department. These records will include but are not limited to:
 - a. Lesson plans
 - b. Class Roster
 - c. Dates of training
 - d. Official copy of course curriculum
 - e. Certificates of completion



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7. Member requesting to attend in-service training shall submit a Training Request Form to the Administrative Officer. The Administrative Officer will review the request and after conferring with the Executive Officer will approve or deny the request.
8. The Administrative Officer shall maintain all training records indefinitely.



OPERATIONS PROCEDURE			Procedure No: 118-09
DEPARTMENT COMPUTERS & INTERNET POLICY			
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PURPOSE

Members of service of this Department will follow established guidelines governing the use and access of information contained in agency computers. Employees will comply with applicable federal laws regarding electronic communications and software copyright regulations, safeguard the department from computer virus infections, and limit Internet use to official business only.

PROCEDURE

Authorization and user

1. The department computer system is intended solely to aid and assist employees in the performance of their assigned responsibilities and official duties. Officers therefore, will limit their transactions and activities to necessary assigned responsibilities. Security clearance and access to information is restricted to official police business and does not permit employees to access information for personal reasons, financial gain, or unauthorized distribution. Any misuse of the department computer system is grounds for disciplinary action, and or criminal prosecution. Access to NCIC, State, or other department files is restricted to authorized entries, modifications, research, investigations, and inquiries.

Use of information

2. Much of the information obtained through law enforcement computer systems is confidential, restricted or sensitive data which must be carefully controlled to ensure compliance with applicable local, state, and federal guidelines. Any officer accessing files or obtaining information from law enforcement systems is accountable for the appropriate and correct use of the information. NO DEPARTMENTAL DATA MAY BE COPIED AND/OR REMOVED FROM HEADQUARTERS WITHOUT THE EXPRESS CONSENT OF THE CHIEF OF POLICE.
3. Some sensitive information in our computer or hardcopy files can only be accessed by authorized individuals having a need to know. If there is a doubt about accessing certain data, obtain clarification from the computer supervisor or a command officer before accessing the information. These records normally include internal affairs, personnel, and intelligence, and undercover operations files.



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Responsibility

4. Officers who use department computers are accountable for their proper operation, and the safeguarding of all accessed data during each such transaction. The computer system administrator will track entries, recording the time, date, person making the entry, and the file entered. Officers operating the system will exercise reasonable care of the equipment, and are responsible for damage resulting from intentional abuse or negligence.

Software Guidelines

5. In compliance with software piracy laws, no software from this agency may be removed from the premises or copied for personal use. No software may be brought into this department and installed into agency computers without the express written permission of the computer administrator/supervisor or designee. When permission is obtained, the software will be installed by a qualified individual, in accordance with licensing agreements. Requests for new software may be made through the office of the Chief of Police. If approved, the software will be purchased and registered to the agency. Software installed on individual computers is subject to review at any time. Unauthorized software will be removed. No unauthorized personnel are to be allowed access or use of departmental computers.

Internet and E-mail Guidelines

6. Access to the Internet and e-mail are for official business only. Messages transmitted or received by e-mail are considered agency property, and not the personal, confidential messages of the employee.
7. Employees have no expectation of privacy with regard to the use of agency computer systems, software or files. The following rules apply:
 - a. Supervisory staff has the right and oversight responsibility to enter agency e-mail system(s) and review, copy, delete, or disclose any message.
 - b. Passwords will be used to gain access to the computer system, and will be changed frequently.
 - c. E-mail messages should not be left on the computer screen when the employee is away from their desk.
 - d. No information protected by copyright laws, including software, will be sent or copied via e-mail.
 - e. All messages on the e-mail system will be professional. Employees will not transmit or receive personal messages.



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- f. Employees will not transmit or receive any message containing profanity, vulgarity, and/or harassing or defamatory language.
- g. Employees will not transmit or receive photographs or images of a pornographic, vulgar, harassing or defamatory nature.

Laptop Guidelines

- 8. Laptop computers may be assigned individually or signed out at departmental discretion as approved by of the Chief of Police. Officers so assigned shall remember that laptop computers are very vulnerable to theft and require extra diligence in safeguarding for travel.
- 9. The use of personally owned laptop computers in headquarters or when on duty is prohibited.



OPERATIONS PROCEDURE		Procedure No: 119-01	
COMMUNITY POLICING			
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PURPOSE

To ensure the development and preservation of mutual respect and understanding between the police and the residents of the Village of Larchmont.

BACKGROUND

The ability of a law enforcement agency to carry out its mission depends in large measure on its relationship with the community. This relationship must also include the realization that public cooperation results in improved effectiveness and must be built on an open exchange of information and views, which results in a greater understanding between community and police.

POLICY

The Larchmont Police Department is committed to involving all members of the Department in a village-wide community relations effort. This includes the need for each member of the Department to be aware of the mutual dependence of the Department and the community to maintain law and order and prevent crime.

PROCEDURE

Community Relations Function

1. The community relations function will be placed with the administrative officer who shall designate a community policing supervisor from the patrol division.
2. The administrative officer shall be responsible for coordination, development, evaluation and maintenance of all activity reports of the community relations function.
3. A community relations activity report will be filed for each completed community relations activity and forwarded to the Administrative Officer by the assigned member.
4. Community relations activity reports will be reviewed by the Chief of Police.
5. Evaluations of community relations programs will be conducted annually. The purpose of this evaluation is to ensure that the community relations programs effectively address community concerns.



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6. It will be the responsibility of the administrative officer to maintain liaison with all members to ensure a continuous integrated coordinated response to the furtherance of the Department's community relations effort.
7. It is the responsibility of each member of the Department to promote good community relations, recognizing that the actions and demeanor of members of the Department in dealing with the public have a significant effect on the image of the Department and ultimately its overall effectiveness and level of acceptance within the community.
8. In serving the public, each member will make his/her contact one that inspires respect, not only for the member as an individual, but one that generates the cooperation and approval of the public.
9. The Larchmont Police Department is committed to correcting actions, practices and attitudes that may contribute to community tensions and grievances.
10. The Department's objective is to create and maintain liaison with community groups and organizations. This includes exchanging information, identifying police service needs of the community, promoting citizen/police contacts, acquainting each other with mutual problems and encouraging action aimed at solving these problems.
11. Information obtained through contacts with community groups, organizations or individual citizens may:
 - a. Provide direction, development or modification of Department policies, procedures and programs.
 - b. Educate citizens about the functions and operations of the Larchmont Police Department.
 - c. Be used to obtain input from community groups to ensure that the Department policies and training reflects the needs of the community. Input will be obtained through various sources, including but not limited to:
 - i. Village Board
 - ii. Chamber of Commerce
 - iii. Schools
 - iv. Churches and synagogues
 - v. Association and organization leaders



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- d. Be used to identify sources of conflict between the police and the community and to encourage efforts to resolve them. Training needs that are identified will be documented and forwarded to the administrative division.

Programs

12. Public Information Programs - publicize Department objectives, problems and successes through the annual report and public budget documents.
13. Community Relations Programs - meet with civic groups, school organizations, homeowners associations, Crime Watch groups and individuals to exchange information and convey information back to the Department for development of other community relations programs, when necessary.
14. School Resource Officer Program – become an integral part of the schools by interacting with children, educating them on appropriate topics such as bullying and the dangers of drugs and alcohol. Become a resource for the school administration and staff as well as a sympathetic ear to the children.
15. Crime Prevention Programs - provide citizen groups with information on making their families, homes and businesses more secure. Programs include, but are not limited to:
 - a. Burglary prevention
 - b. Personal security seminars
 - c. Crime victim's assistance programs
 - d. Stranger danger
 - e. Halloween safety program
 - f. Establishment of additional programs, as needed.



OPERATIONS PROCEDURE			Procedure No: 119-02
MEDIA RELATIONS			
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PURPOSE

To establish policies and procedures for the release of public information to the community and news media.

BACKGROUND

The goal of the public information function is to develop and maintain a positive relationship of mutual trust, cooperation and respect by providing the news media and the community with accurate and timely information on the Department's administration and operations. While maintaining the privacy rights of individuals and the integrity of criminal investigations, authorized personnel will be expected to release public information with openness. The Department is committed to informing the community of events within the public domain that are handled by or involve the Department.

POLICY

It shall be the policy of the Department to accurately inform the news media and the community of events that affect the lives of the citizens of the community. Information will be disseminated to the news media and the community according to the Freedom of Information Act to protect the rights of individuals pursuant to the Right of Privacy Act.

PROCEDURE

The Public Information Officer

1. The Executive Officer shall be designated as the Department's public information officer.
2. The public information officer shall disseminate information to the news media and community. Specific responsibilities of the public information officer will include, but are not limited to:
 - a. Preparation and distribution of Department news releases.
 - b. Coordination and the authorization of the release of information about victims, witnesses and suspects.
 - c. Providing assistance to media personnel when conveying routine news stories and at the scene of major incidents.



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- d. Availability for on-call responses to the news media.
- e. Assistance at crisis situations or emergencies.
- f. Arrangement and assistance with news conferences.

The Acting Public Information

- 3. The Administrative Officer shall serve as the acting public information officer in the absence of the Executive Officer and may designate another officer to act in such capacity in other situations when deemed necessary.

Release of Information from Police Files

- 4. Names of accused persons will be provided, with the following exceptions:
 - a. Juveniles - pursuant to the restrictions of the New York State Family Court Act.
 - b. Persons eligible for Youthful Offender status in the local criminal court, as defined by the New York State Criminal Procedure Law.
- 5. Names of victims will be provided, with the following exceptions:
 - a. Victims of sex offenses, of any age or either sex.
 - b. Any victim whose life or safety, either physical or mental, is in danger.
 - c. Any victim who is actually or apparently a random target and unknown to his/her assailant.
 - d. Any injured or deceased person until releasing member has personal knowledge that the injured or deceased person's family has first been notified.
 - e. Victims of Family Offense/Domestic Violence cases.

Non-Criminal Records

- 6. The following information may be released to members of the news media or public, when available, by appearing in person during normal business hours or by special appointment with the public information officer:
 - a. Accident reports
 - b. The information contained in the police blotter
 - c. Statistical information



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Criminal Information That May Be Released

7. When and after an arrest has been made the following information may be released:
- The accused's name, age, residence, employment, marital status and similar background information.
 - The substance or text of the charge.
 - The identity of the investigating and arresting agency and the length of the investigation.
 - Local conviction records upon specific request.
 - The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession or use of weapons and a description of items seized at the time of arrest.

Criminal Information That May Not Be Released

8. When and after an arrest has been made the following information may not be released:
- Statements as to the character or reputation of an accused person or prospective witness.
 - Admissions, confessions or the contents of a statement or alibi attributable to an accused person.
 - The performance or results of a test or the refusal of a test by the accused, unless these actions provide the basis for a charge against the accused.
 - Statements concerning the credibility or anticipated testimony of prospective witnesses.
 - The possibility of a plea of guilty to the offense charges or to a lesser offense or other disposition.
 - Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

Non Accessible Information from Police Files

9. The Chief of Police shall be responsible for the coordination, authorization and release of information concerning confidential agency investigations and operations. Access to records compiled for law enforcement purposes may be denied if disclosure of such records would:
- Deprive a person of a right to a fair trial or impartial adjudication.



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- b. Identify a confidential source or disclose confidential information relating to a criminal investigation.
 - c. Reveal criminal investigative techniques or procedures, except routine techniques and procedures.
 - d. Endanger the life or safety of any person.
 - e. Be contrary to any federal or state statute.
10. Any person denied access to a record may, within 30 days, appeal in writing such denial to the Chief of Police. All appeals will be handled in accordance with section 118-7.

Juvenile and Youthful Offender Proceedings

11. The term "Juvenile" shall be construed to include those persons under the age of 16 charged with acts relating to a person in need of supervision as such terms are defined by the Family Court Act of New York State. Juveniles also include those persons who are objects of proceedings involving matters of support, neglect, custody, adoption, paternity and family offenses. The term "Juvenile" should not be construed to include persons less than 16 years of age charged with violent crimes while they are under the jurisdiction of an adult criminal court, but it should be construed to include those of this group whose cases have been transferred from an adult court to Family Court.
12. The basic principles of fairness and cooperation between the Family Court and the news media should apply in the handling of juvenile matters, maintaining due regard for the scope and the nature of such proceedings and the central purposes of guidance and rehabilitation to which such proceedings are directed.
13. The disclosure of information concerning juvenile matters shall be governed by the Family Court Act.
14. The news media are free to publish information concerning or involving juveniles secured by independent sources prior to the institution of Juvenile Court proceedings, exercising due discretion and good taste and having due regard for the views of the parties or agencies involved. The disclosure of the identity of any juvenile should be made only when permitted by statute and when clear public purpose would be served by such disclosure. Greater latitude should be permitted where the involvement of the juvenile is merely collateral to an adult proceeding.



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15. In reporting Juvenile Court proceedings the names and identifying data of juvenile respondents should be published only with the concurrence and permission of the judge presiding. Records of any such proceeding shall be open to public inspection only with the court's consent and as permitted by statute.
16. Confidential reports, including probation reports, social and clinical evaluations and report of other auxiliary services prepared for the court's use shall not be open for public inspection except with the express consent of the court.
17. Following the disposition of a juvenile proceeding, the news media shall be entitled to information thereof, without naming or identifying the juvenile involved. Recitation, however, of the circumstances surrounding the proceeding, identity of the law enforcement agency involved and the length and nature of the investigation, together with the ultimate charge shall be permitted.
18. The principles of fairness and cooperation between the courts and the news media should also apply in the case of arrest of youths who might later be eligible for youthful offender treatment.

Routine Press Briefings

19. The department shall inform members of the news media by means of the police blotter which will be posted on the department website, and press releases, as needed.

Press Conferences - Major Case Investigations or Emergencies

20. The public information officer will be responsible for arranging and assisting with press conferences.
21. The press conference will be conducted to provide the news media with timely and accurate information, while maintaining the integrity of the investigation or the response to an emergency.
22. Depending upon the situation, the press conference may be conducted by the Chief of Police or a member designated by the Chief of Police.
23. All representatives of the news media will have equal access to the press conferences of the Department.



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MEDIA RELATIONS			
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Press Releases

24. The public information officer is responsible for

- a. The preparation and distribution of press releases about significant events within the public domain that are handled by or involve the Department.
- b. Transmitting facsimiles of press releases to representatives of local media.
- c. Maintaining a file of all press releases that have been distributed to the local media.

Release of Information/Ongoing Criminal Investigation

25. Members of the news media are allowed to take photographs of:

- a. Prisoners in transit.
- b. Activities outside Police Headquarters from hallways and other public areas.
- c. On scene investigations, as long as this activity does not excessively interfere with the police operation or violate the right of denial of access onto private property by the property owner.

26. A member may restrict the use of flashbulbs, strobe lights, etc., when their use interferes with the police investigation.

27. A member will not pose or otherwise stage the photographing of any prisoner or victim.

28. The public information officer may release departmental photographs or mug shots to the news media when the accused has been recently and formally charged with a criminal offense.

Interviews with Victims

29. The news media has the right to interview victims of criminal offenses, accidents, etc., as long as the victim wishes to engage in such an interview.



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Media Access to Incident/Crime Scenes or Other Field Situations

30. The ranking member at a scene of an incident will determine access based on the following considerations:

- a. Will the media representative's presence interfere with the police investigation, endanger physical evidence or the safety of the news media?
- b. If the ranking officer decides the media should be kept from the immediate area of the incident, the media representative is so informed. The ranking officer or public information officer then provides situational briefings to the media as frequently as possible to assist the news media in meeting their deadlines.
- c. Once the scene is secure for media entry, the ranking officer or public information officer, when possible, will conduct an on-scene tour with media representatives.
- d. If the police incident takes place on private property, news media are not allowed access, except with the approval of the property owner.
- e. Should any member encounter problems regarding a member of the news media's lack of cooperation, disregard for a legitimate police order, following police cars or fire trucks, running on emergency calls or any other unusual incident, the member shall immediately report the incident to the Chief of Police. The Chief of Police will cause a letter to be sent to the publisher or manager of the newspaper or other news entity, if warranted, detailing the complaint.



OPERATIONS PROCEDURE			Procedure No: 119-03
CRIME VICTIM/WITNESS ASSISTANCE PROGRAM			
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PURPOSE

To provide guidelines for members of this Department when dealing with victims or witnesses of crimes.

BACKGROUND

Victims or witnesses of crimes often times experience secondary emotional trauma as a result of the intrusive nature of law enforcement investigations. The victimized witness sometimes develops a phenomenon commonly referred to as "victimized twice."

POLICY

It shall be the policy of this Department to be aware of the psychological trauma that victims of crime or witnesses may experience as a result of an incident. Therefore, it is essential that in handling these cases that we do not inadvertently victimize the victim or witness.

PROCEDURE

1. All victims and witnesses are to be treated with dignity and whenever possible, be questioned privately in the squad room or the detective division.
2. All victims and witnesses should be provided the opportunity to notify their family as soon as possible.
3. All victims and witnesses should receive emergency room treatment and have their medical needs taken care of prior to questioning.
4. All victims should have the opportunity to call in their own counsel.
5. The victim and witness, when appropriate, should receive updates on a regular basis as to the progress of the case from the initial police investigation to its final disposition.
6. The victim and witness should be notified of any required appearance in court, and members should contact with their employer the necessity of their appearance, if so requested by the victim and witness.



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7. All victims should be notified of the existence of crime victims advocate groups and/or rape crisis centers that are available to them under existing law. They should also receive information as to State compensation available to them.
8. All victims and witnesses shall be transported to Police Headquarters when necessary.
9. Upon conclusion of a criminal prosecution, the victim shall be advised that the release of evidence, property, and other items associated with the crime will be arranged by the assistant district attorney handling the case. All information given to victims and witnesses shall not conflict with the confidentiality required by law of youthful offenders' cases and Family Court proceedings.
10. The victims shall be notified of their right to make a victim impact statement prior to sentencing by the court.
11. Any member dealing with the victim of a crime is directed to insure that the person is given a current copy of the New York State Crime Victim's Compensation Board's brochure, which will ensure that the victims are aware of the compensatory benefits available to them under the New York State Executive Law.
12. Consider the following agencies for referral:
 - a. Empire Justice Center
80 North Broadway
Pace Law School, Preston Building
White Plains, NY 10603
(914) 422-4329
www.empirejustice.org
 - b. Hopes Door
39 Washington Avenue
Pleasantville, NY 10570
(914) 747-0828 Hotline: (914) 238-2800
Direct Line: (888) 438-8700
www.northernwestchestershelter.org



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- c. My Sisters Place
One Water Street
White Plains, NY 10601
(914) 683-1333
Direct Line: (800) 298-7233
www.mysistersplaceny.org/
- d. Victims Assistance Services / WestCOP - Elmsford
2269 Saw Mill River Road Bldg. 3
Elmsford, NY 10523
(914) 345-3113
www.westcop.org/WP/victims-assistance
- e. Victims Assistance Services / WestCOP - Mt. Vernon
Roosevelt Square North
c/o Mt. Vernon Police Dept.
Mt. Vernon, NY 10550
(914) 665-2539
www.victimassist.org
- f. Victims Assistance Services / WestCOP - Peekskill
709 Main Street
Peekskill, NY 10566
(914) 739-8046
www.victimassist.org
- g. Victims Assistance Services / WestCOP - White Plains
111 Dr. Martin Luther King, Jr. Blvd.- 7th Floor, Room 702
White Plains, NY 10601
(914) 995-5526
www.westcop.org/WP/victims-assistance
- h. Victims Assistance Services / WestCOP - Yonkers
30 South Broadway, 5th Floor
Yonkers, NY 10701
(914) 965-0217
www.westcop.org/WP/victims-assistance



OPERATIONS PROCEDURE			Procedure No: 119-04
SEX OFFENDER REGISTRY			
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PURPOSE

To provide guidelines for the management of sex offender data and Intelligence, its dissemination and to facilitate community notification pursuant to New York State Correction Law.

POLICY

The Larchmont Police Department adopts as its policy, the findings of the State Legislature in that the danger of recidivism posed by sex offenders, especially those violent offenders who commit predatory acts characterized by repetitive and compulsive behavior, and that the protection of the public is of paramount concern to government. This policy will further aid police in sharing of information between law enforcement agencies regarding sex offenders within their jurisdictions. This policy will also address sharing of information and dissemination of information of certain sex offenders to the public in order to alert vulnerable populations and protect the community.

The Department does hereby support community notification to the vulnerable populations designated under the Sex Offender Registration Act. The Department will also participate in the registration and address verification portions of the Act and will enforce violations of the Act.

DEFINITIONS

Act: The Sex Offender Registration Act under the New York State Correction Law.

Department: The Larchmont Police Department.

Division or, DCJS: The New York State Division of Criminal Justice.

Offender: Sex Offender as designated under the Act.

Megan's Law Community Notification Task Force: A volunteer group of individuals from Law Enforcement, Local Government, School Officials, Parent Teacher Associations, Social Agencies and citizens.



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PROCEDURE

Community Notification

- a. The Department will participate in community notification of Level 2 and Level 3 Offenders. Pursuant to the law, there is no community notification of Level 1 offenders but the Department may share such information with law enforcement agencies upon request.
- b. Notification of Level 2 and Level 3 offenders will be coordinated by the Department's Detective Division.
- c. In releasing information of Level 2 and Level 3 offenders to entities with vulnerable populations, the Department will:
 - i. In the matter of Level 2 and Level 3 offenders, forward a cover letter and attach a photocopy of the DCJS notice with the following information redacted:
 1. social security number
 2. NYSID number
 3. FBI number
 - ii. In the matter of Level 2 Offenders, the following will also be redacted in addition to that in 1(1) –1 (3) above:
 1. Offender's exact address except for City, State and ZIP Code.
 - iii. The public may be referred to the DCJS telephone number whereby they can inquire if a named individual is listed in the registry of sex offenders. 800-262-3257

2. Determination of "Entities with Vulnerable Populations"

- a. "Entities with Vulnerable Populations" may include but not be limited to the following:
 - i. Schools and child care centers,
 - ii. Home health care agencies nursing homes,
 - iii. Big Brothers, Big Sisters,
 - iv. Boy and Girl Scouts,
 - v. Crime victims,
 - vi. Families living within close proximity of the offender, and
 - vii. Religious groups.
- b. The Megan's Law Community Notification Task Force will compile a list of vulnerable entities that is attached to this policy.
- c. Additional criteria to be used in determining an entity with a vulnerable population shall include consideration of the offense committed by the offender.



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- d. Upon receipt of a notification by DCJS of a Level 2 or Level 3 sex offender, the Department will make affirmative notifications to entities as agreed upon by the Task Force.
- e. Upon receipt of an inquiry from an entity claiming to be a vulnerable population, the inquiry will be reviewed for assessment. The Assessment of 'vulnerable population' will be the responsibility of the Chief of Police or his designee. If such inquiry is denied based upon a determination by the Chief of Police that the entity is not a vulnerable population, it shall be subject to review by the Task Force.
- f. This Department is not authorized to provide community notification of an offender who works in the jurisdiction of the Village. Such application should be made to the jurisdiction where the offender resides

3. Address Change

- a. The Department will facilitate any change of address by a sex offender who presents himself to the Police Department. Along with the DCJS-3231 address change form.
- b. The Department will forward a copy of the change of address form to DCJS.
- c. DCJS has taken responsibility for providing notice to the law enforcement agency having jurisdiction at the offender's new address.

4. Address Verification

- a. Level 3 sex offenders are required to personally verify his address with the law enforcement agency having jurisdiction where the offender lives every 90 calendar days and must continue for as long as an offender is deemed to be a Level 3 risk.
- b. Members will make an entry on the Police sex offender registry form for each occasion when a Level 3 sex offender verifies his address with the Department.
- c. Within one week after a Level 3 sex offender reports his address, a member will be detailed to conduct an independent physical verification of the offender's address. Verification can be made by any of the following methods:
 - i. personal visit to address.
 - ii. interview with person in vicinity.
 - iii. vehicle registration verification at address.
 - iv. other records and reports of the Department; or
 - v. other information or observations of member
- d. Any observations made by the member may be noted on the sex offender registry form.



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5. Enforcement- The Department will take appropriate enforcement action against:
 - a. unlawful use of information disseminated under this policy or under the Sex Offender Registration Act;
 - b. noncompliance with registration requirements under the Act;
 - c. noncompliance with personal address verification of Level 3 offenders every 90 days; and
 - d. noncompliance with annual verification of address.
6. Subdirectory of High Risk Level 3 , Sexually Violent Predator, Offenders
 - a. In order to guarantee availability and public access, the Subdirectory will be maintained in the Detective Division at Police Headquarters.
 - b. The Subdirectory may be reviewed by any person, including the news Media, for cause. Requests shall be made on the Sex Offender Information Request Form. These requests are not covered under Freedom of Information Act.
 - c. Members cannot allow viewers to videotape or photocopy pages in the subdirectory but viewers may make written notes from the subdirectory.
7. Notices sent to the Department in error
 - a. If a sex offender notification is sent to the Department in error, the Department will:
 - b. forward the notice to the appropriate law enforcement agency having jurisdiction, if known. Notices shall be forwarded using the letter format devised as notice sent in error.
 - c. notify DCJS that the notice was sent in error and that the notice was forwarded to the appropriate law enforcement agency.
8. Offenders from other states
 - a. If an offender from another state approaches the Department in order to comply with the provisions of the Sex Offender Registration Act:
 - b. members will make a blotter entry;
 - c. identify the person, and
 - d. contact the DCJS Sex Offender Registration Unit for assistance.



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9. Records and retention

- a. Except for records filed under the Department's main reporting system all records, inquiries, responses and correspondence will be maintained and kept in a locked file cabinet by the Detective Division in a file known as "Sex Offender Registration Act".
- b. All information pertaining to the receipt of notices and address verifications will be kept separate from all other Department files in the locked cabinet in the Department's Record Room.
- c. Records pertaining to the sex offender registry will be retained permanently.
- d. The following forms shall be maintained in the Detective Division:
 - i. Notice sent in error
 - ii. Share information with another law enforcement agency
 - iii. Letter forwarding sex offender information to vulnerable entity
 - iv. Sex Offender Registration Form



ADMINISTRATIVE PROCEDURE			Procedure No: 120-01
SPECIAL INVESTIGATIONS UNIT			
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PURPOSE

To establish a Special Investigations Unit, and to clearly delineate its duties and responsibilities.

BACKGROUND

Due to the size of this Department and the number of internal investigations conducted, the necessity for assigning full-time personnel to a Special Investigations Unit does not exist. However when necessary to assemble such a unit, it shall be comprised of the Administrative Officer and, if necessity dictates, any other member of the service who may be called upon to assist in the investigation.

POLICY

The Special Investigations Unit reports directly to the Chief of Police. The unit shall be responsible for carrying out internal affairs functions, and investigating personnel complaints, or any other investigation requested by the Chief of Police. When required, the members of the Special Investigations Unit shall be the liaison unit between the Chief of Police and the district attorney's office, or any other department or agency requiring investigations of alleged criminal misconduct.



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CIVILIAN COMPLAINTS			
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PURPOSE

To improve the quality of police services and make uniform a Department-wide personnel complaint procedure to insure the fair, impartial and expeditious processing of complaints against members of this Department.

BACKGROUND

It is essential that the community have confidence in the administrative procedures of the Department designed to supervise the exercise of police power. If the integrity and efficiency of the Department is to be maintained, complaints of inadequate service and allegations of misconduct against members of the Department must be thoroughly and expeditiously investigated. At the same time, the Department recognizes that members are often subjected to intense pressures in the discharge of their duties. They are frequently required to remain neutral under circumstances that are likely to generate considerable tension, excitement and emotion. In such situations, words, actions, and events occasionally result in misunderstandings and confusion. It is to the advantage of each member of the Department that the Department has sound, internal procedures for the investigation of allegations arising out of such circumstances. The expeditious resolution of complaints in a fair and impartial manner will ensure that the high level of integrity and efficiency enjoyed by the Department is maintained.

POLICY

The Larchmont Police Department will accept and investigate all complaints of misconduct or wrongdoing from any citizen or Department members. Members of the Department shall encourage citizens to bring forward legitimate grievances regarding inadequate service or misconduct by members of the Department, and those complaints shall be received courteously and be processed without delay.

PROCEDURE

1. Members of the Department shall assist in the expeditious and impartial processing of citizen complaints in accordance with the procedures outlined in the following.



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Complaints received by this Department that allege a department member has used inappropriate behavior, is accused of misconduct or has committed a violation of law will be treated as a personnel complaint.

All complaints concerning members of this Department may allege:

- a. Unnecessary or excessive use of force
- b. False arrest
- c. Violation of a specific criminal statute
- d. Corruption
- e. Gratuities
- f. Serious misconduct
- g. Insubordination
- h. Other complaints or allegations as directed by the Chief of Police
- i. Bias crimes
- j. Off-duty arrest of member.
- k. All citizen complaints relating to inadequate service, discourtesy, improper procedure, and any other allegations involving members of the Department that are not included above.

2. Complaints Defined

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

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

Central Complaint Index and Records Storage

3. This Department's central personnel complaint file index shall be located in the Chief of police's office and access to the files shall be limited to the Chief of Police and members of the Special Investigations Unit.
4. Cases shall be issued an S.I.U. Case Number with a Preface of I.A. followed by the next chronological number i.e. I.A. 10-001



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5. All "hard copies" of personnel complaints and the related case documentation shall be secured in a locked file drawer within the office of the Chief of Police.
6. Responsibilities of the Special Investigations Unit in relation to the Central Complaint Index, shall include the following:
 - a) Coordinate and review internal investigations relating to citizen complaints.
 - b) Prepare statistical analyses of complaints to identify trends or patterns developing within the Department or with individual members that may require additional training or corrective action.

Procedure for Accepting Citizen Complaints:

7. Any citizen's complaint, regardless of severity, may be lodged at Headquarters, or with any supervisory officer of the Department. Complaints shall be registered in writing, in person or by telephone, facsimile or e-mail. The member taking the complaint report must advise the complainant that the complainant must report to Headquarters, in person, within five days to sign a Civilian Complaint Form. Under extenuating circumstances the signature process may be handled by certified or registered mail. If the Civilian Complaint Form is not signed in the presence of a Department supervisor, or acting supervisor, the complainant's signature must be notarized. Failure of the complainant to sign a Civilian Complaint Form will cause the case to be classified as suspended. After 60 days the case will then be closed.
8. The tour commander or patrol supervisor on duty shall be summoned by the member receiving the complaint. This supervisor shall act as the assigned member in recording the complaint. If this member is the subject of the complaint, he will notify a Command Officer, or if unavailable, the Chief of Police will respond and act as the assigned member.

Assigned Member Shall:

9. Interview complainant and any witnesses.
10. Prepare an Administrative Report including the following information:
 - a. Received date
 - b. Time
 - c. How received



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- d. Location
- e. Type of complaint

11. If the complainant or witnesses are present, prepare statements to be signed by the complainant and or witnesses.
12. Make departmental notifications in accordance with section 114-2, Supervisory Notifications and Response.
13. In the narrative portion of the event, document any conditions relating to the credibility of the complainant (e.g., mental condition, apparent influence of drugs or intoxicants, evidence of visible marks of injuries, etc.).
14. The department member taking the complaint shall be responsible for routing the case to the Chief of Police.

Procedure for Investigation of Complaints

1. S.I.U. shall have primary responsibility for investigation of all cases.
2. In any situation or incident of a critical or emergency nature, the desk officer shall notify the Chief of Police and request the immediate assistance of S.I.U. At that time, S.I.U. shall assume responsibility for the investigation.
3. All complaints against personnel shall be investigated by members of superior rank.
4. Signed supporting depositions shall be forwarded to the Chief of Police no later than the next regular business day following the signing of the complaint.
5. All investigations will be conducted promptly and shall be completed within 15 days unless an extension is granted by the Chief of Police.
6. Once a member is identified as the subject of a complaint, and a personnel investigation has started, the supervisor assigned to the investigation will follow through to a logical conclusion.
7. All recognized investigative methods for determining the facts surrounding a complaint shall be utilized. Interviews shall be conducted with the complainant and all witnesses. When necessary, Department members shall be interviewed, and written reports obtained.

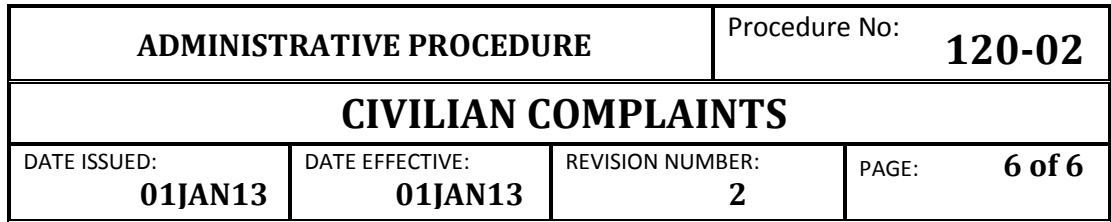


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8. The investigative report shall then be forwarded to the Chief of Police to be logged as complete. Dispositions are classified as follows:
- a. Substantiated - the accused employee committed all or part of the alleged acts of misconduct.
 - b. Unsubstantiated - the investigation produced insufficient information to clearly prove or disprove the allegations.
 - c. Exonerated - the alleged act occurred, but was justified, legal, and proper.
 - d. Unfounded - the alleged act did not occur.
 - e. Misconduct noted - acts of misconduct were discovered during the investigation that were not alleged in the original complaint.

Disposition

- 1. Completed reports of investigations conducted by S.I.U. shall be forwarded to the Chief of Police.
- 2. In all complaints, the complainant shall be notified by S.I.U. or the investigating member of the results of the investigation, either in person or by telephone or in writing. If the investigation resulted in disciplinary action against the Department member, the complainant shall be advised only that "appropriate" disciplinary action has been taken. The specific disciplinary action shall not be released.
- 3. In all complaints investigated by S.I.U., the member(s) involved will be notified in writing, via the chain of command, of the results of the investigation and its completion.



I am aware that my accusation will result in an investigation and could result in a hearing before the Mayor and Board of Trustees of the Village of Larchmont, and that I could be called at any time during the investigation or at a hearing to personally confront the offending officer.

I have been advised that upon completion of my written statement I will be given a copy for which I agree to sign a receipt. I have been further advised that I will be contacted by the Chief of Police who will notify me as to the results of the Department's investigation. Should I not be satisfied with the outcome of the investigation, I understand my right to refer this matter to the Mayor and Board of Trustees of the Village of Larchmont.

[1] Describe the circumstances, including your activities before and leading up to the event:

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USE OF FORCE/FIREARM DISCHARGE REVIEW			
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PURPOSE

To establish the framework for the proper investigation of firearms discharges by members of the Department or in other instances where actions by members have caused injuries or death.

BACKGROUND

The police are uniquely vested with the lawful use of force, a necessary but awesome responsibility in our democratic society. Departmental policy narrows the parameters of such authorized force, allowing full protection to the officers or others in their presence, but restricting otherwise lawful use of force and firearms in apprehension situations (see Manual sections 103-3, 4, 5). A mechanism must be established to ensure compliance with that policy, and this Manual section creates the process and structure for the investigation of injuries caused by the use of force and the discharge of firearms.

POLICY

Whenever a member discharges a firearm, other than during legitimate competition, practice, or ballistic testing, at approved sites, OR the actions of members cause injuries and or death, the following procedures will be carried out immediately.

PROCEDURE

The Injurious Use of Non-Deadly Force

1. The member using force will notify the tour commander/ patrol supervisor of such force as soon as practical after the occurrence.
2. The member using force will describe the circumstances of the use of force in an Incident/Complaint Report and supplementary report and related supplementary reports, e.g., Arrest Report, Administrative Report, etc.
3. Any Department member on the scene at the time of occurrence, who is a witness to, or participates in the occurrence, will complete a written statement.



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4. The tour commander or in his absence the patrol supervisor shall respond to the scene and determine which support services, if any, would be beneficial to the report and evaluation of the occurrence.
5. Copies of all reports and documentation shall be submitted to the Chief of Police for review.
6. The Use of Force Review Board pursuant to paragraph 15 hereof may be convened by direction of the Chief of Police to review and evaluate any use of non-deadly force incident.

Accidental or Intentional Firearms Discharges

7. In cases involving the intentional or accidental discharge of a firearm, other than pursuant to training, where no person has been injured, the desk officer will dispatch the tour commander/ patrol supervisor to the scene to conduct an investigation. Both he and the officer involved will submit reports under this case to the Chief of Police.
8. The following actions 9 through 11 shall be taken (i) in all incidents involving the discharge of a firearm at a person but where no injury is sustained; (ii) in all cases involving the shooting of a person (including self-inflicted wound by accidental or intentional discharge); and (iii) in every case where any use of force by members of this Department, has or is likely to result in death or serious physical injury,
9. The desk officer will:
 - a. Dispatch a supervisor to the scene to take command of the scene;
 - b. Make all necessary notifications, including administrative personnel;
 - c. Dispatch investigative personnel to take investigative responsibility for the incident;
 - d. Notify the Chief of Police;
 - e. Dispatch the necessary technical personnel.
10. The responding supervisor shall:
 - a. Take command of the scene, protect evidence and detain all witnesses, if any;
 - b. Ensure that investigative personnel are dispatched if warranted;



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- c. Note general conditions in the area, such as lighting, pedestrian and vehicular traffic, etc.;
 - d. If a firearm was used note the points of discharge and impact for the round(s) fired;
 - e. Direct the officer involved to complete and submit an Incident/Complaint Report and related supplementary reports, Arrest Report, Administrative Report, etc.
11. The scene is to be treated as any crime scene. All unauthorized personnel are to be removed and unneeded police personnel relieved to resume their regular duties.
12. In all cases listed in items 7 and 8, the Special Investigations Unit will be enacted and notified forthwith by the desk officer.
13. All reports and documentation pertaining to the incident will be forwarded to the Special Investigations Unit.
14. The Special Investigations Unit will commence an immediate investigation of the event and submit a full report to the Chief of Police.

Use of Force Board

15. The Chief of Police shall designate three members of the Department, one of whom shall be a firearms instructor, to act as a board to review the circumstances and determine if the incident is consistent with the policies of this Department for all cases involving the use of force under subsections 7 and 8.
16. The designated board shall forward its conclusions and recommendations as to policy compliance, or non-compliance as the case may be, and determine if additional training is needed, or policy changes, or changes in equipment, or other recommended action by majority vote of the board, for disposition to the Chief of Police.



ADMINISTRATIVE PROCEDURE			Procedure No: 120-05
SUMMARY SUSPENSION OF MEMBERS OF THE SERVICE			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To delineate those situations in which a member may be summarily suspended from duty.

POLICY

The Chief of Police or in his absence a member with the rank of Lieutenant or above has the authority to suspend a member of the Department for serious misconduct when he deems that the continued performance of the member will discredit the Department or impair the good order and operating efficiency of the Department.

Any such suspension by the Chief of Police or his designee shall initially be with pay. The Village Board of Trustees, at the request of the Chief of Police or his designee, shall have the authority to suspend without pay in accordance with applicable provisions of law.

PROCEDURE

The following are examples of causes for summary suspension:

1. The member is arrested and charged with a felony and or misdemeanor.
2. The member is indicted by a grand jury.
3. The member refuses to comply with a lawful order of a superior officer.
4. The member refuses to perform assigned duties at roll call or during tour of duty.
5. A member is served with charges and specifications alleging wrongful solicitation and or receipt of monies or other gratuities.
6. A member is unfit for duty due to the effects of an intoxicant or drug.
7. A member is absent without leave for two consecutive tours.



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8. The member refuses an order of a superior officer to answer questions in an administrative investigation specifically directed and narrowly related to the performance of his official duties.

When a member of the service is suspended, the ranking officer in charge shall:

9. Inform the member concerned that he is suspended from duty and give the reason for the suspension.
10. Direct member to surrender all Department property and all revolvers or pistols owned or possessed.
11. Cause all surrendered property to be properly received and vouchered pursuant to section 111-1 of this Manual.

Notification:

12. A Lieutenant or Captain suspending a member will immediately notify the Chief of Police. The facts of the suspension will be transmitted verbally, thereafter followed by a written report submitted to the Chief of Police as soon as practical.

A member of the service upon suspension shall:

13. Surrender, promptly, all Department property and all pistols or revolvers owned or possessed.
14. Not wear any department uniform or any department issued clothing or gear while suspended.



OPERATIONS PROCEDURE			Procedure No: 120-06
SUBSTANCE ABUSE POLICY			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE

To maintain a drug-free work environment.

POLICY

It is the policy of this department that the critical mission of law enforcement justifies the maintenance of a drug-free work environment through the use of a reasonable employee drug testing program. The public has a right to expect that those sworn to protect them are at all times both physically and mentally prepared to assume their duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of substance abuse will impair an officer's ability; thus, effecting his/her job performance.

A drug/substance testing program to detect prohibited drug substance use by any member is hereby established to ensure the integrity of the department and to preserve public trust.

The following rules shall apply to all applicants, probationary and sworn members" while on and off duty:

1. No employee shall illegally possess any controlled substance.
2. No employee shall ingest any controlled or other dangerous substance, unless prescribed by a licensed medical practitioner.
3. Any employee having a reasonable basis to believe that another employee is illegally using or in possession of any controlled substance shall immediately report the facts and circumstances to a supervisor.

Reasonable Suspicion -Exists when evidence or information, which appears reliable, is known to the police department and is of such weight and persuasiveness as to make the department, based upon judgment and experience, reasonably suspect that a particular member of the department is illegally using drugs. This reasonable suspicion must be supported by specific articulable facts from which rational inferences may be drawn. Reasonable suspicion cannot be based upon mere "hunch" or solely upon poor work performance. It is only upon reasonable suspicion that the drug testing procedures shall be implemented.



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SUBSTANCE ABUSE POLICY			
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Testing Procedures:

1. Drug testing will be administered when there is reasonable suspicion to believe that an individual member of the department is wrongfully or illegally using drugs. When reasonable suspicion does exist, the member suspected of using drugs **MUST** submit to drug testing, when directed. Refusal will result in immediate suspension from duty and subsequent service of Charges and Specifications.
2. Applicants for a position within the department shall be required to take a drug test as a condition of employment.
3. Probationary employees shall be required as a condition of employment to participate in any unannounced mandatory drug tests scheduled during the probationary period. The frequency and timing of such testing shall be determined by the Chief of Police or his designee.
4. The testing sample must be labeled, sealed and an evidence chain followed. The sample will be turned over to an independent licensed laboratory for analysis
5. To protect the member's right to privacy in those cases in which the results of the test do not indicate the presence of a controlled or narcotic substance, all documents relating to the test will be sealed in a secured file. The documents will not be unsealed without the written authorization of the Chief of Police. Further, any reference to the administration of the test in the personnel file of the member will be expunged.



ADMINISTRATIVE PROCEDURE			Procedure No: 120.07
TATTOO/BODY MUTILATION POLICY			
DATE ISSUED: 01JAN13	DATE EFFECTIVE: 01JAN13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE:

To maintain a professional image and demeanor with the community and establish standardized guidelines for personal grooming for all sworn personnel.

POLICY:

1. Visible tattoos and brands are prohibited for all employees. Individuals that are employed on or before June 19, 2006 who have tattoos and or brands will be permitted to wear these in an exposed manner, so long as they cannot be perceived or considered obscene, advocate sexual, racial, ethnic or religious discrimination, and do not detract from the appropriate conservative, professional image of the Department.
2. ALL members with existing tattoos and or brands are prohibited from obtaining any additional tattoos and or brands that are visible while in short-sleeve uniform. Additionally, existing tattoos may disqualify current members from specialized assignments where a specialized uniform, such as shorts, would expose existing tattoos.
3. Members who currently have tattoos and or brands that are obscene, advocate sexual, racial, ethnic or religious discrimination, or detract from the appropriate professional image of the Department will be required to have them removed at their own expense or keep them covered through the use of clothing.
4. Applicants for sworn and civilian positions will be considered for employment if they have visible tattoos and or brands that can be completely covered by clothing. This consideration will be done on a case-by-case basis based on if the tattoo and or brand is not obscene, advocate sexual, racial, ethnic or religious discrimination, and does not detract from the appropriate professional image of the Department. Any applicants with exposed tattoos and or brands, which cannot be covered, will not be considered for employment.
5. Members are cautioned that tattoos and or brands anywhere on the body that could be considered obscene, advocate sexual, racial, ethnic or religious discrimination, and that may be exposed while off-duty, may reflect unfavorably on the officer as a member of this Department and therefore on the Department itself.
6. Employees are prohibited from mutilation of the body or any body parts in any manner.



OPERATIONS PROCEDURE			Procedure No: 120-08
PERSONAL USE OF SOCIAL MEDIA			
DATE ISSUED: 01FEB14	DATE EFFECTIVE: 01FEB14	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE

To set forth guidelines for all department members in regard to use of personal social media sites.

DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page: The specific portion of a social media website where content is displayed, and managed by an individual with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook or MySpace), microblogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web pages that can be edited collaboratively.

POLICY

Precautions and Prohibitions

1. Barring state law, department personnel shall abide by the following when using social media.
2. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not:
 - a. impair the operations of the department and the confidentiality that is paramount to its functioning, impede the performance of duties,
 - b. impair discipline and harmony among members, or



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- c. negatively affect the public perception of the department.
3. As public employees, department members are cautioned that speech, whether on or off-duty, made pursuant to their official duties, or based on their professional duties and responsibilities, is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.
 4. Department personnel should assume that their speech and related activity on social media sites will reflect upon their position as a member of the Department.
 5. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief of police or his or designee.
 6. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
 - a. Display department logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department.
 - c. Officers who are, or who may reasonably be expected to work in plain clothes operations, shall not post any form of visual or personal identification.
 7. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain, therefore, adherence to the department's code of conduct and the code of ethics is required in the personal use of social media.
 8. Personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.



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9. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline.
10. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization of the Chief of Police.
11. Department personnel should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization; publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person; using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
12. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
13. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

Reporting violations

14. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his supervisor immediately for follow-up action.