

**SENECA COUNTY**

Office of Sheriff

Sheriff W. Timothy Luce



**Law Enforcement Manual  
of Instructions**



## **MISSION STATEMENT**

### **Office of Seneca County Sheriff**

The Office of Seneca County Sheriff will deliver effective and professional law enforcement services to all citizens and those who pass through Seneca County in a fair and equitable manner, without regard to race, creed, ethnicity, or one's social or economic standing.

We honor the faith and trust our residents place in the Office of Seneca County Sheriff and pledge to uphold in word and deed that sacred bond.

As an integral part of the Seneca County community, we are committed to communicate with those we serve and pledge to provide exemplary law enforcement and correctional services.

The members of the Seneca County Sheriff's Office, by virtue of their appointment and oath, are expected to carry out our mission in a professional and courteous manner.



## **MISSION STATEMENT**

### **Seneca County Correctional Facility**

It is the mission of the Seneca County Correctional Facility and its' staff to:

- Insure public safety by providing a safe, secure and humane environment for all those who are committed to the custody of the Sheriff.
- Provide inmates with opportunities for education and rehabilitation so that they may be successfully reintegrated into society.
- Establish professional working relationships with other agencies and service providers, thereby enhancing public safety and inmate rehabilitation and treatment.
- Encourage staff development through continued education and training, thereby enhancing professionalism, morale and the public image of corrections as a profession.
- Operate the correctional facility in a fiscally responsible manner in accordance with all Federal, State and local laws.

Guiding us through our mission will be our core values of Respect, Accountability, Honesty and Caring for ourselves and others.

The mission is further enhanced by the design and philosophy of our Direct Supervision operational model.



## **MISSION STATEMENT**

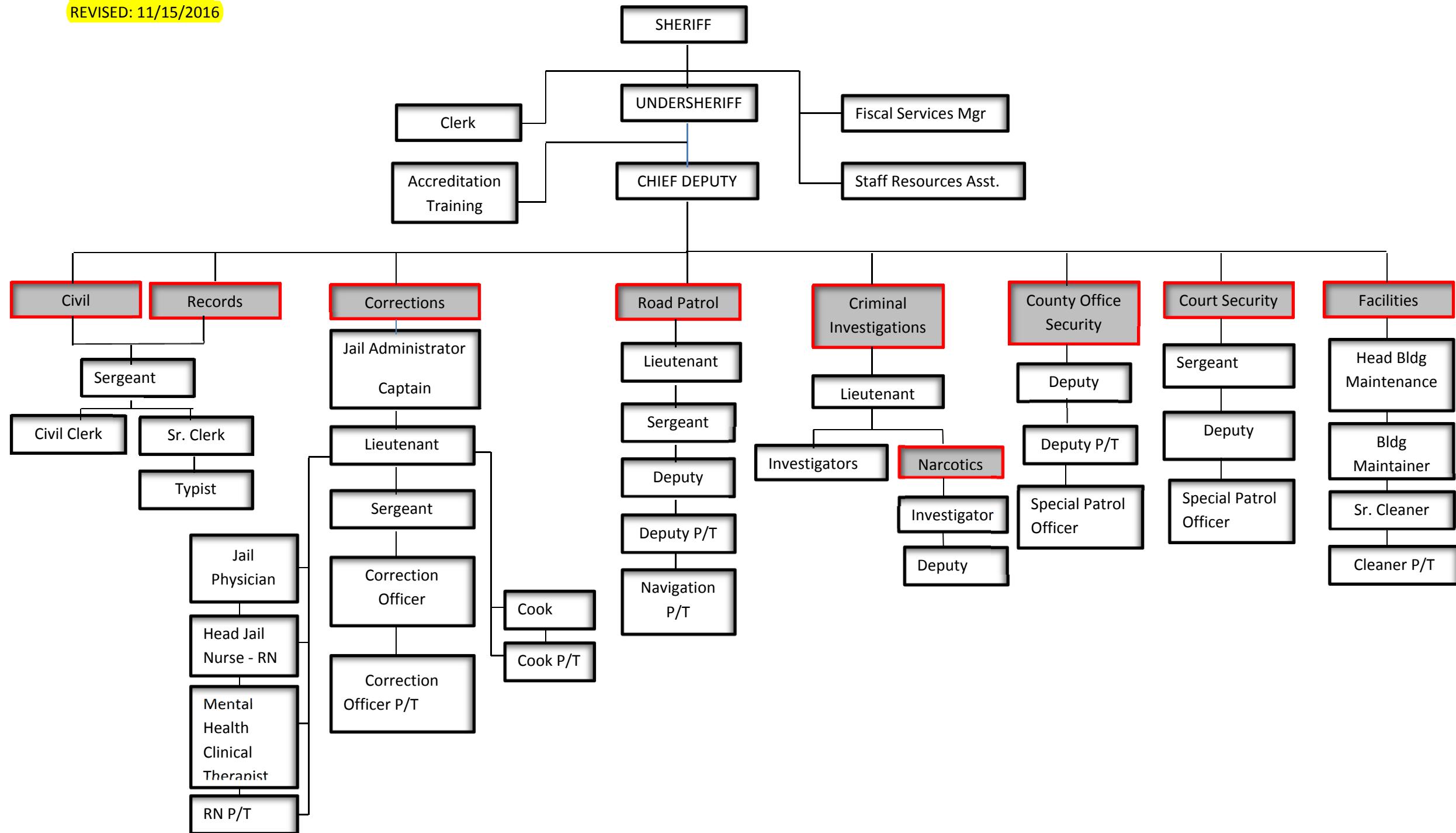
### **Civil Division**

It shall be the policy of the Civil Division to execute in a timely and professional manner properly filed civil orders and summonses within the County of Seneca, as directed by a court of proper jurisdiction or other competent authority. The Civil Division shall maintain appropriate records of civil judgments, and shall lawfully collect, maintain and disburse monies in connection therewith. Further, the Division will handle cases and deal with all people in a fair and just manner.

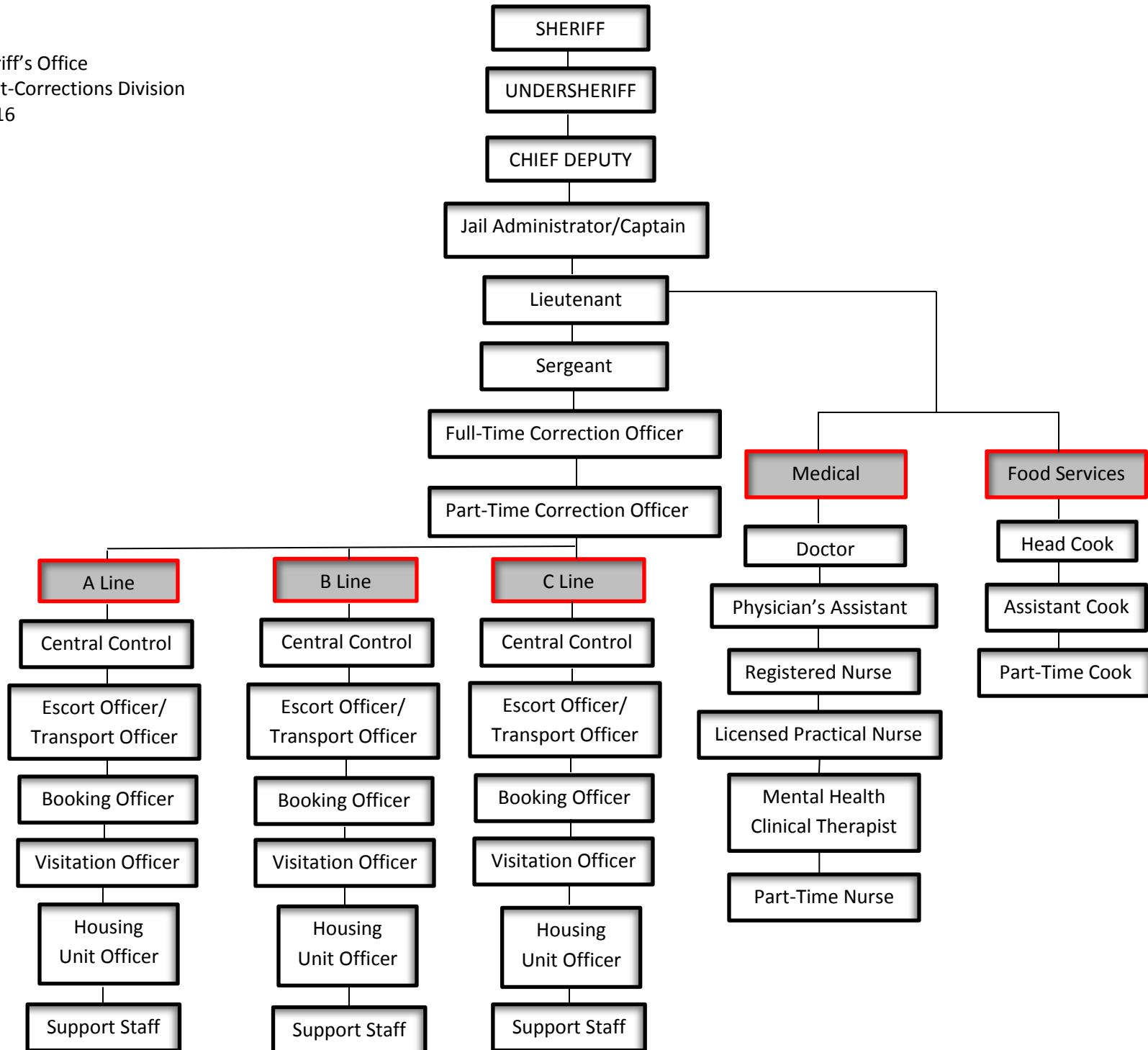
Seneca County Sheriff's Office

Organizational Chart

REVISED: 11/15/2016



Seneca County Sheriff's Office  
Organizational Chart-Corrections Division  
REVISED: 12/05/2016



# **SENECA COUNTY SHERIFF'S OFFICE**

## **GOALS AND OBJECTIVES FOR 2016**

### **GOAL ONE:**

Continue to enhance specialized units:

- **Road Patrol Division:**

- Continue transition for patrol rifle mounting to interior of marked units.
  - Purchase three new rifle mounts with three new patrol vehicles in 2016.
- Further exploration into transition to .45 caliber pistols.
  - Obtain pricing.
  - Search for funding.
- Further exploration into feasibility for flashlight mounting to service weapons.
  - Obtain pricing.
  - Search for funding.
- Feasibility of school resource officer in Romulus & South Seneca Schools.
  - Start dialog with Superintendent.
  - Explore avenues for funding.
  - Select a Deputy.
  - Train Deputy.

- **Criminal Investigations Division:**

- Specialized training in homicide investigations.
  - Gain admittance to the NYS Police Homicide Investigation Seminar.

- Send one Investigator to training.
- Specialized training in fingerprint analysis.
  - Find available school.
  - Send one Investigator to training.
- Specialized training in internet/social media investigations.
  - Find available school.
  - Send one Investigator to training.

## **GOAL TWO:**

**Continue established programs, and explore new community outreach programs:**

- Establish and deploy “Combat Auto Theft” Program.
  - Assign program manager.
  - Advertise program.
  - Deploy program.

## **GOAL THREE:**

- Transfer all active Civil Division electronic files into new Civil RMS system.
  - Assign Civil Clerk to achieve goal
  - Make time available to achieve goal.
- Transfer all paper pistol permit files into new electronic Pistol permit system.
  - Assign Records Clerks to achieve goal.
  - Make time available to achieve goal
  - .

## **GOAL FOUR:**

**Continue to deliver cost effective mandatory in-service training for all members of the Law Enforcement Division.**

## **GOAL FIVE:**

### **Correction Division:**

- Feasibility of deploying Tasers to Sergeants and Transport Officers.
  - Establish a policy.
  - Obtain pricing.
  - Train Correction Sergeants, and Transport Officers.
  - Deploy Tasers in Correctional Facility.
- Feasibility of changing to soft duty shirt (Absent Metal) for Corrections Division.
  - Establish policy.
  - Obtain pricing.
  - Deploy soft duty shirt in Correctional Facility.

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## **CODE OF CONDUCT**

STANDARD NO(S):	NYS LEAP Chapter 14 NYSSA 25-27,36,37,45,48-50,72,76, 81-88,91 NYSSA CS # 27
DATE:	April 20, 2009 REVISED: 03/09/2012 REVIEWED: 03/18/2017 REVISED 11/28/2018
REFER TO:	John Cleere

### I. OBJECTIVE:

To provide a general guide to the professional behavior expected of members of the Seneca County Sheriff's Office; to define their accountability for compliance; and to insure that the disciplinary sanctions to be imposed for violations are clearly stated.

### II. POLICY:

The Code of Conduct set forth herein will apply equally to all members of the SCSO, including part-time employees, except in those instances where a clear distinction of applicability is made. It will be the responsibility of supervisory personnel to certify that the policies and procedures are understood by all in their command. The Sheriff reserves the right to amend the Code of Conduct and any applicable directive at any time, with written notice to all members.

### III. DETAILS:

Although the Code of Conduct is not intended as an all-inclusive guide to proper conduct and may not anticipate all of the various situations or activities in which an employee may become involved, in every instance the member will be held accountable for one's conduct. In other words, each member is considered to be responsible for one's own acts and will not shift the burden of responsibility to another for improper performance or for failure to execute a lawful order or duty.

Members will not commit any act or omission which constitutes a violation of any of the rules, regulations, procedures, orders, or policies of the SCSO. Ignorance of such rules, regulations, procedures, order or policies will not be considered as justification for any violation.

Each member has the obligation to keep informed of all current rules, regulations, and policies which pertains to that position. No act or omission, which the member

knows or should have known to be improper, will be condoned merely because no specific prohibition is stated.

**A. Orders and discipline –**

1. **OBEDIENCE TO LAWS, ORDINANCES, RULES AND REGULATIONS** Members and employees of the Office of Sheriff will obey the laws of the United States, New York State, and all laws and ordinances applicable to the County of Seneca, as well as all rules, regulations, orders and authoritative instructions of the Office of Sheriff.

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

2. **FAMILIARITY WITH LAWS, ORDINANCES, RULES AND REGULATIONS** - Members and employees of the Office of Sheriff will be knowledgeable of applicable federal, state, city, town and village laws or ordinances, and will study and become familiar with the rules and regulations, directives and policies of the SCSO which affect their duties.
  - a. A member or employee of the SCSO who is returning to duty from any type of leave will acquaint oneself with all amendments, additions, or newly promulgated orders or other authoritative instructions which may have been issued during one's absence.
  - b. Unfamiliarity or ignorance of the rules and regulations will not constitute a defense in any disciplinary proceeding.
  - c. It will be the responsibility of every member and employee to keep any issued reference material current by promptly making any directed changes in the Manual of Instructions, or similar written directives.
3. **OBEDIENCE TO ORDERS** - Each member or employee will promptly and obediently comply with all lawful orders. Failure to do so will be considered insubordination. When, in the performance of official duty outside the County of Seneca, a member will carry out any lawful order or directive as may be given by a competent authority.

4. **ISSUANCE OF ORDERS** - All orders, written or oral, from any supervisor to any subordinate, will be in clear understandable language, civil in tongue, and restricted to the pursuit of SCSO business and in accordance with all legal requirements.
5. **CONFLICT OF ORDERS** - A member or employee of the SCSO who is given an instruction or order which conflicts with any previous instruction or order will, in a civil manner, call this fact to the attention of the person issuing the second order. If so instructed, the latter order will be obeyed.

A previous order or instruction will be countermanded only when necessary for the good of the SCSO. The supervisor issuing the countermanding order will bear the responsibility for justifying the action, and for notifying the person who issued the original order.

6. **CHAIN OF COMMAND** - No member of the SCSO will fail to follow the chain of command for any reason other than because of the absence of the member's immediate supervisor, in which case the next superior officer will be contacted.

The following is the chain of command for the SCSO as it applies in the various components:

- a. For the Law Enforcement Bureau:
  - Sheriff
  - Undersheriff
  - Chief Deputy
  - Lieutenant
  - Sergeant / Investigator
  - Deputy Sheriff
  - Special Patrol Officer
  - Navigation Officer
- b. For the Criminal Investigations Bureau:
  - Sheriff
  - Undersheriff
  - Chief Deputy
  - Lieutenant
  - Sergeant
  - Investigator
- c. For the Corrections Bureau:
  - Sheriff
  - Undersheriff
  - Chief Deputy
  - Chief Administrative Officer/Jail Administrator/Lt. (OIC)

Lieutenant  
Senior Corrections Officer (Sergeant)  
Corrections Officer

d. For the Administrative Bureau:

Sheriff  
Undersheriff  
Chief Deputy  
Division Supervisor  
Member

As noted in paragraph III. (N)(2) of "Organization," this Manual, when members of more than one component are involved in a single operation, the officer holding a higher rank may relinquish command to an officer having primary functional responsibility for that operation; however, the officer of higher rank bears ultimate accountability.

7. **CAUSES FOR DISMISSAL** - A member or employee will hold employment during good behavior and efficient service, but such employment may be terminated under conditions set forth in existing laws and rules and regulations of the SCSO.
8. **COMPLAINTS AGAINST MEMBERS** - Complaints against members or employees of the SCSO will be investigated as quickly and thoroughly as possible in accordance with current directives. (See "**Professional Conduct Unit**") in this manual.
9. **INSUBORDINATION** – Insubordination by a member or employee of the SCSO in word or deed is prohibited and may result in disciplinary action. Insubordination also includes, but is not limited to the aforementioned actions and will include the following: when any subordinate ranked member of the Seneca County Sheriff's Office; strikes, assaults, or treats with contempt or is disrespectful in language or deportment, any superior ranked member of the SCSO.
10. **CONDUCT UNBECOMING A MEMBER**- Members will not engage in any conduct or activities either on or off duty that brings discredit on the member, or tends to bring the Seneca County Sheriff's Office into disrepute, or impair its efficient and effective operation.

11. **PENALTIES** - A member of the SCSO found to be in violation of one or more of the provisions of this directive may be subjected to one or more of the following actions: oral or written reprimand, reduction of leave, suspension with or without pay; demotion in rank or dismissal from employment.

Separation by the Sheriff is warranted for incompetent, inept or inefficient performance of duty. Repeated disciplinary actions, even for minor infractions will be considered *prima facie* evidence of unsuitability for employment in the SCSO.

## **B. PERFORMANCE OF AND ATTENTION TO DUTY –**

1. **GENERAL DUTIES** - Members of the SCSO will, at all times, within the limits of their authority, protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce those laws of the United States, the State of New York, the County of Seneca, and the laws and ordinances of the towns and villages of Seneca County, in which the SCSO has jurisdiction.
2. **PERFORMANCE OF DUTY** - Any member or employee found unable or reluctant to perform his or her duties, or whose actions bring discredit upon the SCSO, will be subject to disciplinary action.
3. **RESPOND WHEN DIRECTED** - Every member of the SCSO will immediately respond as directed on notice from competent authority that one's services are required.
4. **AVAILABILITY FOR ASSIGNMENT** - Unless a member is in a disability or official leave status, it is expected that one will be available for call out. An address and one or more telephone numbers where the member can be contacted are to be on record at the SCSO. An employee's telephone number will not be disseminated to anyone outside the SCSO without the employee's authorization.
5. **STATUS** - A member or employee of the SCSO will advise the supervisor, in writing, of any change of address, telephone number, dependent or marital status within 24 hours of such change.

6. **REPORTING FOR DUTY** - A member or employee of the SCSO, unless otherwise directed, will present oneself for duty at the time and place specified by the assignment. A member will complete the number of hours on duty required by the assignment. Any member or employee found unable or reluctant to perform his or her duties, or whose actions bring discredit upon the SCSO, will be subject to disciplinary action. Officers reporting for duty shall, at the discretion of the component Sergeant, be in the Seneca County Law Enforcement Center or in the assigned post. Upon arrival in post, the previous shift officer is relieved, but shall be available to complete any necessary paperwork or to meet with the Sergeant, if required.
7. **ABSENCE FROM DUTY** - A member or employee of the SCSO not, under any circumstances, be absent from duty without notifying a supervisor from the members component (Sergeant or higher ranking Officer) of the reason for absence. Prior permission must be obtained for an absence which is not of an emergency nature. An absence due to sickness must be reported as soon as possible.

When, by reason of illness or other emergency, an officer is unable to report for work, the component shift Sergeant must be notified immediately. Failure to do so will result in the absence being designated as an unpaid day for the officer.
8. **ACTION REQUIRED REGARDLESS OF ASSIGNMENT** - Assignment of a member to special duty does not relieve one of the responsibility of taking necessary and proper police action even though such action may be outside the specific area of one's special assignment. An exception to this rule will occur when a member is performing an undercover assignment and revelation of one's official capacity would jeopardize such assignment. The use of good judgment is imperative.
9. **COOPERATION/COORDINATION** - Members and employees of the SCSO will coordinate their activities so that through teamwork the maximum achievement and continuity of purpose may be insured. All members are responsible for fostering and maintaining a high degree of cooperation within the SCSO.
10. **SEEKING INFORMATION REGARDING DUTIES** - A member or employee of the SCSO who is in doubt as to the nature of or details

concerning the assignment will immediately seek such information from one's supervisor.

11. **INSPECTING AREA OF ASSIGNMENT** - Each member, upon reaching the assigned post, will inspect his or her area of assignment as soon as possible and note any condition requiring attention. Disciplinary action may be instituted against any member who negligently fails to discover, report and take action as required to secure his or her area.
12. **LEAVING AREA OF ASSIGNMENT** - No member will leave one's geographic area of assignment unless specifically dispatched or authorized to do so by a Communications Officer or supervisor, and then only on official SCSO business. In no event will an on duty member leave the county limits except when engaged in official business, authorized by the supervisor, or in close pursuit of a violator.
13. **ATTITUDE/IMPARTIALITY** - Members of the SCSO, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants, violators and inmates.
14. **COURTESY** - Each member of the SCSO will perform one's duties in an efficient, courteous and orderly manner using patience and good judgment at all times; will refrain from crude, profane or insolent language; but, will be civil in all one's dealings.
15. **ASSISTANCE TO FELLOW OFFICERS** - No member of the SCSO will fail to aid, assist and protect a fellow officer in the time of need to the fullest extent of one's capabilities, in accordance with established procedure.
16. **ASSISTANCE TO CITIZENS** - Members and employees of the SCSO will render all possible service to citizens in accordance with established policies and procedures.
17. **MEDICAL ATTENTION** - All members will insure that any injured or ill persons are given the opportunity for medical attention.
18. **EXECUTING WARRANTS PROMPTLY** - Members of the SCSO are expected to serve, promptly, any and all warrants assigned to them for service. See procedures set forth in "**Warrants**" in the LEMOI.
19. **ARRESTS IN CONFORMITY WITH LAW** - Members of the SCSO will make arrests in conformity with the laws of arrest.

20. **DISPOSITION OF ARRESTED PERSONS** - All members will follow through on all arrested persons who are taken into custody by them as prescribed by established procedures unless otherwise directed by a commanding officer or when medical attention is required.
21. **REDUCTIONS:** A member will not request or solicit a reduction in any criminal or traffic offense or in any way become involved in reducing such offenses or in seeking reductions in penalties assessed for such offenses, except, in accordance with instructions concerning the reduction of a driving while intoxicated traffic charge.
22. **COURT APPEARANCE** - Members and employees of the SCSO when summoned to appear before any judicial, hearing, or investigating body authorized to take testimony will attend punctually in uniform or other attire, as appropriate. If you are summoned to court as a witness, the County will pay you for your time. Personnel will not take any compensation in the way of a witness fee from anyone.
23. **NON-APPEARANCE** - Any member summoned to appear to testify and who fails to do so without a valid excuse is guilty of neglect of duty.
24. **REFUSAL TO TESTIFY** - A member or employee of the SCSO who, when summoned to appear before any duly authorized judicial hearing or investigating body refuses to testify, will be guilty of neglect of duty unless express permission for such action is granted by the Sheriff.
25. **LOITERING, SLEEPING, LOAFING ON DUTY** - No member or employee of the SCSO will loiter, sleep or loaf on duty or in any other manner shirk one's responsibilities in the performance of duty.
26. **CONDUCTING PERSONAL BUSINESS ON DUTY** - Members will not conduct any personal business with solicitors, collectors or salesmen while on duty. Members and employees of the SCSO will not devote any of their on duty time to the pursuit of any private business or enterprise, unless authorized by the Sheriff or Undersheriff.
27. **READING ON DUTY** - Members and employees of the SCSO will not read newspapers, periodicals or books unnecessarily while on duty. This rule does not prohibit the reading of any material concerning police work. These publications may be read or studied as long as they do not interfere with the performance of assigned duties.
28. **GAMES/RECREATIONAL ACTIVITY ON DUTY** - Members and employees of the SCSO will not engage in any recreational activity or games of chance while on duty, except under instruction from the Undersheriff or Sheriff.

29. **CONCEALING SELF ON DUTY** - No member or employee of the SCSO will conceal oneself while on duty, except for a legitimate police purpose or upon instruction from the Undersheriff or Sheriff.
30. **MEAL PERIODS** - Members and employees will secure meal periods in accordance with the following:
  - a. Secretarial and clerical employees (assigned to a 40 hour workweek) are permitted a meal period not to exceed 1/2 hour per workday.
  - b. All others (assigned to a 40 hour work week) are expected to secure meal periods when convenient, but not to interfere with the performance of duty.
31. **LOITERING IN PUBLIC PLACES** - Members of the SCSO, while on duty, will not loiter about or congregate in any restaurant or other public place unless in the performance of police business. This restriction also applies to off duty members if in uniform. No more than two SCSO patrol vehicles will congregate in any public place without permission of the duty sergeant, except in the performance of official business.
32. **SUPERIOR OFFICERS ADDRESSED BY RANK** - When on duty in public, superior officers will be addressed or referred to by rank.
33. **SICK LEAVE, PERSONAL LEAVE, VACATION, PENSIONS, MEALS, WORK WEEK, UNIFORMS** - Rules and procedures pertaining to sick leave, personal leave, vacation, pensions, meals, work week and uniforms will be followed according to the provisions of the employees' contract.
34. **INJURIES TO PERSONNEL** - An injury sustained by a member or employee of the SCSO may fall under the Workers' Compensation Law, Section 207-c of the General Municipal Law, or NYS Disability Insurance. The first two will require an investigation and report by a supervisory officer.

The incident report will include the injured's name, rank, badge number, date, time, location and complete details surrounding the cause of injury, will be submitted to the duty Lieutenant or Chief Deputy within twenty four (24) hours of the sustained injury. If appropriate, photographs of the injury should accompany the report. The Sheriff and/or Undersheriff will be apprised of an employee's injury. (See Employees' Agreement(s))
35. **PUBLIC CRITICISM** – No member or employee of the SCSO will publicly criticize any other employee of the SCSO. Public Criticism of

the Sheriff, Undersheriff or any supervisory officer is strictly forbidden.  
(Ref: Case Law: Hall v. Pennsauken, 406 A. 2d 317 (1978))

36. **EMPLOYMENT -** No member or employee of the SCSO after having been charged with and convicted of a Felony, or any other crime in violation of the members Oath of Office, pursuant to Section 30 (1)(e) of the New York State Public Officers Law, will be allowed to remain as a member of the SCSO, unless there are extenuating circumstances as determined by the Sheriff.

### **C. USE OF OFFICIAL POSITION –**

1. **USE OF BADGE OR POSITION FOR PERSONAL GAIN -** A member or employee of the SCSO will not, at any time, use or attempt to use one's official position, badge, credentials or identification in order to obtain a personal or financial gain or advantage, except as a legitimate and positive means of identification for the purpose of securing credit or cashing a draft on which one is shown as the payee.
2. **USE OF NAME/PHOTOGRAPH FOR COMMERCIAL PURPOSE**  
-No member or employee of the SCSO will, without the written permission of the Sheriff, permit one's name or photograph to be used as an endorsement of any product or service which is connected in any way with the law enforcement profession. Neither will one allow one's name or photograph to be used in support of any commercial enterprise which alludes to one's employment with the SCSO.
3. **OFF DUTY POLICE ACTION -**
  - a. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
  - b. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.
  - c. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter,

solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.

- d. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
  - e. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the Sheriff or his or her designee.
  - f. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.
  - g. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.
  - h. Officers shall not solicit nor accept any private or outside remuneration for appearing at a civil or criminal court action which involves the official duties of the officer or business of the Sheriff's Office. Any remuneration from any entity given to an officer for any court appearance based on his expertise gained as a member of the SCSO, which does not involve the official duties of the officer, the official duties of any other member of the SCSO or any business of the SCSO shall immediately be reported to the Sheriff in writing.
  - i. Officers will not while off duty and acting as a private citizen, based on expertise derived as a member of the SCSO testify as a witness, in any case in which the SCSO has had any investigatory role without the express authorization of the Sheriff.
4. **FREE ADMISSIONS** - A member or employee of the SCSO will not solicit free admissions to theaters or other places of amusement for oneself or for another, except in the line of duty.
  5. **INTERFERENCE WITH PRIVATE INTERESTS** - No member or employee of the SCSO will interfere with legitimate private interests.
  6. **LIQUOR ESTABLISHMENTS** - A member or employee of the SCSO will not own, operate, have an interest in, or be in any way connected with, directly or indirectly, any place of business in which alcoholic beverages are sold or served. "*See III (G) below.*"
  7. **RECOMMENDATION OF LEGAL COUNSEL** - A member or employee of the SCSO will not solicit, suggest, recommend, advise or counsel the engagement, retention or discharge of any specific attorney or law firm, or any bail bondsman or company, for the purpose of rendering legal aid or assistance to any person seeking such assistance

as the result of a police matter. This prohibition will be deemed not to apply to members or employees themselves, or to their families.

8. **WITHDRAWING CHARGES** - No member of the SCSO will withdraw charges for any offense committed against one's person or property while engaged in one's duties as a police officer, unless such action is approved by the Sheriff.
9. **COMMUNICATING INFORMATION TO AID EVASION** - No member will communicate any information which may enable a person to evade arrest and punishment for an offense, or enable the disposition or concealment of property, stolen or embezzled.
10. **CIVIL CASES** - No member or employee of the SCSO will use the influence of one's office in, or provide assistance to the pursuit of a matter which is strictly private and civil in nature, except in performance of one's assigned duty or where a breach of the peace has occurred or is imminent.
11. **ALTERING REPORTS** - Except for the correction of grammatical errors, no member or employee of the SCSO will alter or withdraw any official report or communication which is being sent through the chain of command without the approval of the appropriate supervisor. All such communications will be forwarded without delay.
12. **GENERATING REPORTS** - Members and employees of the SCSO are expected to take the initiative in preparing a written record of any incident, criminal or disciplinary, which could affect the operation of the SCSO. No member or employee will advise, counsel, order or otherwise dissuade any other member or employee from making and submitting any lawful or proper report, whether concerning criminal or disciplinary matters.
13. **FALSE REPORTS** - No member or employee of the SCSO will knowingly make or submit any type of official communication, or enter or cause to be entered in an official record, any false, inaccurate or improper information.
14. **INMATE REQUESTS FOR INFORMATION** - Correspondence from an inmate in either the NYS Correctional System, or any local correctional facility seeking information will be brought to the Sheriff's attention for review prior to making a response.

D. GENERAL CONDUCT - Members or employees of the SCSO will conduct themselves, in both their professional and private lives, in a manner that will bring neither discredit nor embarrassment upon the Seneca County Sheriff's Office.

1. CONSORTING WITH PERSONS CONVICTED OF FELONIES, OR CURRENTLY ON PROBATION OR PAROLE:

No member or employee of the SCSO will frequent public or private places where such persons are known to congregate, except in the performance of one's assigned duties.

Members and/or employees of the SCSO will not engage or enter into a "intimate relationship" or "living arrangement" with any former inmate of the Seneca County Correctional Facility who has been convicted of a felony, or, is currently serving a term of probation or parole.

**Definition:**

"Intimate relationship" - Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors to be considered in determining whether a relationship is an "intimate relationship" includes but are not limited to: the nature of the relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship."

"Living arrangement" - Sharing or co-habiting in the same household with any person who has been convicted of a felony, or is currently serving a term of probation or parole.

**Reporting requirements** - Members and employees are required to report to their Division Commander in writing when and if they enter into a "living arrangement" or "intimate relationship" with any former inmate of the Seneca County Correctional Facility so that an assessment may be undertaken by the Sheriff to ensure compliance with this section of the Code of Conduct.

2. **TRUTHFULNESS** - A member or employee of the SCSO is required and will be relied upon to be truthful in both speech and writing, whether or not under oath.
3. **GOSSIP** - A member or employee of the SCSO will refrain from participating in the receipt or transmission of groundless rumor of a personal, sensational or intimate nature.
4. **INDEBTEDNESS** - A member or employee of the SCSO will be expected to promptly pay all just debts and legal liabilities incurred. No member will sell or assign one's salary, nor will one incur or become obligated for any debts or liabilities for which one is unwilling or unable to pay.
5. **REWARDS** - No member or employee of the SCSO will accept any reward, fee or payment for, or as the result of any service rendered in the line of duty to the community or any person, unless prior permission to do so has been received from the Sheriff.
6. **COMPENSATION** - No member or employee of the SCSO will seek, solicit or bring suit for, nor will one accept from any person or agency, money or other compensation for damages and/or expenses incurred in the line of duty, or for which compensation in the form of sick pay or other remuneration has already been received, without prior notification to the Sheriff in writing.
7. **DISCUSSION OF EVIDENCE** - No member or employee of the SCSO will discuss with legal counsel, the particulars of, or the evidence pertaining to an official proceeding being conducted by the SCSO, except in the presence of, or with the prior knowledge of the Sheriff or Undersheriff. This restriction will not apply to necessary discussions held with attorneys representing the People of the State of New York in their official capacity.
8. **CONFIDENTIAL INFORMATION** - A member or employee of the SCSO who receives information regarding criminal activity, which is provided in confidence, will respect such confidence unless there is a compelling reason to do otherwise. For specific procedures to be used in dealing with informants and other confidential sources, (See "Informants") in the LEMOI.
9. **DIVULGING POLICE INFORMATION** - No member or employee of the SCSO, receiving information as a consequence of one's official position, from records or otherwise, will make such information available

to anyone except as permitted by law or competent authority. See paragraph G below.

10. **MEMBERSHIPS AND ORGANIZATIONS** - No member or employee of the SCSO will join or continue membership in any organization or society whose object or purpose, either directly or indirectly, is or becomes inimical to the strict observance and respect for the law. Neither will any member or employee knowingly affiliate with a subversive organization except in the line of duty and with the knowledge and consent of the Sheriff.
11. **SPEECHES, STATEMENTS, RELEASES** - No member or employee of the SCSO will address a public gathering, make a public statement or release for publication any written material or photographs concerning the operation or administration of the SCSO, unless authorized to do so by the Sheriff or Undersheriff.

Any story, speech, address, statement or article relating to the work, activities or policies, or pertaining to any member of the SCSO, must receive the approval of the Sheriff or Undersheriff prior to its being delivered or disseminated. This provision will not apply to testimony as required by law.
12. **CORRESPONDENCE AND LETTERHEADS** - Correspondence prepared on official SCSO stationery will be over the name of the Sheriff or of the Undersheriff; however the file or office copy of such correspondence should show the initials of the writer. Members and employees will not use SCSO letterhead stationery for unofficial correspondence.
13. **PERSONAL BUSINESS CARDS** - Except as authorized by the Sheriff, no member or employee will use a personal business card which indicates one's SCSO affiliation or rank.
14. **EXPENDITURE OF SCSO FUNDS** – No member or employee of the SCSO will make any expenditure nor incur any obligation on behalf of the SCSO without prior knowledge and permission of the Sheriff. This prohibition pertains to articles or supplies which may be purchased and to work which may be ordered in the name of the SCSO.
15. **TELEPHONE CALLS** - Collect telephone calls will not be accepted on behalf of the SCSO unless it is clear that they are in connection with official business. Members and employees are not permitted to make any long distance calls via SCSO facilities unless such calls are work related.
16. **USE OF FORCE** - The unlawful use of force upon the person of another by a member or employee of the SCSO is strictly forbidden (See "Use of Force" this manual).

17. PISTOL PERMITS - Members of the SCSO are forbidden to sign an application for a pistol permit as a character reference.
18. POLITICAL ACTIVITY -  
Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:
  - a. Engage in any political activity;
  - b. Place or affix any campaign literature on county-owned property;
  - c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
  - d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
  - e. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;
  - f. Favor or discriminate against any person seeking employment because of political opinions or affiliations;
  - g. Participate in any type of political activity while on duty
19. POSSESSION OF ALCOHOLIC BEVERAGES - No member or employee of the SCSO will possess an alcoholic beverage within the confines of the SCSO or in any Sheriff's vehicle, except that which has been seized as evidence or contraband, or is found property.
20. USE OF ALCOHOLIC BEVERAGES - A member or employee of the SCSO, unless in the performance of duty, will neither drink nor purchase an alcoholic beverage while on duty. Under no circumstances will a member partake of an alcoholic beverage in public view while attired in uniform or any part thereof. No member or employee will, at any time, consume alcoholic beverages to the extent that one is rendered unfit to perform or report for duty, or which results in the commission of an act which could bring discredit to the SCSO or to oneself.
21. USE OF TOBACCO - A member of the SCSO will neither smoke nor chew tobacco while conducting the Sheriff's business with the public, nor at any other time if such behavior will detract from the member's professional image.
22. TIMEPIECE - It will be the personal responsibility of every member of the SCSO to equip oneself with a suitable timepiece, reasonably accurate, and to carry it at all times when on duty.

23. **PROPERTY AND EQUIPMENT** - Each member or employee of the SCSO will be held responsible for the proper care and use of SCSO property and equipment assigned to or used by that person. Specific details in this regard will be found under (See "Personal Equipment & Apparel") in the LEMOI and/or "Equipment & Apparel" in the CMOI.
24. **FOUND AND RECOVERED PROPERTY** - All property found, confiscated or recovered which comes into the possession of the SCSO will be surrendered immediately to the Identification Officer who has responsibility for such property. (See paragraph L, "Collection & Preservation of Evidence") in the LEMOI.
25. **REPORTING INFORMATION REGARDING CRIME** - Members and employees of the SCSO will communicate promptly to their immediate supervisor all information on crime or criminal activity of which they may have knowledge in accordance with current directives.
26. **REPORTING ARRESTS AND COURT ACTIONS** - Members and employees of the SCSO will immediately report to the Sheriff any arrests or court action instituted against them.
27. **UNIFORMS** - A member whose assignment requires one to be attired in an SCSO uniform, will wear it in the manner prescribed.
28. **PROFESSIONAL APPEARANCE** - It is expected that each member of the SCSO will take pride in one's appearance and will conform to all standards of uniform appearance for their position.
29. **OFF-DUTY PRESENCE AT THE SCSO** - A member or employee of the SCSO who is off duty and not otherwise engaged in official business will not loiter in or about SCSO work areas.
30. **TITLE** - A member of the SCSO, in the performance of duty, will use the title "Deputy Sheriff", "Correction Officer", "Special Patrol Officer", or "Navigation Officer" when signing reports, accusatory instruments including traffic tickets, court documents and other communications in one's official capacity. The abbreviations for rank, such as "Dep.", "CO.", "SPO", "NO", "Inv.", "Sgt.", "Lt.", "CD" and "US" are permissible for use in reports.

31. WITNESS - No member of the SCSO will testify as a character witness at any trial or hearing, for either the accused or complainant, without the explicit approval of the Sheriff. Any member or employee who is subpoenaed to testify, expects to be called to testify, is requested to testify, or who otherwise intends to testify on behalf of a defendant, against any governmental agency will immediately notify the supervisor of such development prior to the giving of such testimony. If the governmental agency is the SCSO, the County of Seneca or a subdivision thereof, the Sheriff and the Seneca County Attorney must be immediately advised.
32. OUTSIDE EMPLOYMENT - Except for an occasional investment in real property or securities or sale of a house, motor vehicle or other personal property not performed in the course of a business, "outside employment" means the rendering of any service or sale of anything for pay or remuneration from any source other than the SCSO, or participation in any activity for which such pay or remuneration is received.

An employee of the SCSO may engage in outside or off-duty employment subject to the approval of the Sheriff. A request for approval will be in writing and submitted through the chain of command. The conditions for granting approval will include the following:

- a. Outside employment may not exceed 20 hours in any one calendar week.
- b. Requested employment cannot affect the physical condition of the employee to the extent that one's ability to perform one's regular duties is impaired. Approval to engage in employment that poses an unusual risk of injury or death will not be given.
- c. In the event an employee suffers an injury or illness while engaged in outside employment, the County will provide no compensation. For any absence from duty as a result of such injury or illness, the employee must rely on accrued Sick or Annual Leave or on any accumulated compensatory time. Nor may an employee engage in outside employment while in the status of Sick Leave, on disability or Workers' Compensation.
- d. Outside employment must not interfere with an employee's scheduled duty, overtime duty, or availability for emergency or other call-in duty. In all circumstances, an employee's responsibility to the SCSO takes precedence over any outside employment. No special consideration will be shown for an employee's outside employment in the preparation of duty rosters.
- e. An employee engaged in outside employment may not wear any part of one's official uniform, use any item of SCSO equipment,

- or use a County-owned vehicle in the performance of or for transportation to or from outside employment.
- f. An employee may not accept employment in any position that is specifically prohibited by law. These include activities associated with harness or thoroughbred racing or activities requiring the direct or indirect interest in the manufacture, sale or serving of alcoholic beverages. Neither will an employee knowingly accept outside employment for nor with any person of questionable character.
  - g. An employee may not be employed in a position where powers, normally vested in a police officer, are a condition of employment, whether actual or implied, or where such employment may conflict or interfere with directives of the SCSO.
  - h. In the event an officer must make an arrest in connection with his outside employment, for instance, as a member of a security organization, he will do so as a private citizen. Any subsequent court appearance relating to the arrest will be while in an off-duty status.
  - i. A probationary employee may not engage in outside employment.
  - j. Notwithstanding the above, employees will not engage in the business of private process serving, with or without compensation, nor will they serve any process that has not been officially received and recorded by the SCSO, unless specifically authorized by the Sheriff under conditions set forth herein.
  - k. When an employee receives approval to engage in outside employment, the approval is exclusively for the described work, employer and conditions of employment. Any change must be the subject of a newly sought approval.
  - l. The Sheriff may withhold or revoke approval to engage in outside employment when it is deemed to be in the best interests of the Office of Sheriff.
33. KEYS - It will be the responsibility of a Lieutenant to issue a key or electronic swipe access card to SCSO space when deemed necessary to a member's or employee's duties. Each issuance is for the employee's exclusive use and is to be recorded on an appropriate form which will be placed in the member's file for assigned SCSO equipment. Upon termination of employment, or cessation of duty for any other reason, SCSO electronic swipe access cards, and any and all keys will be surrendered to a Lieutenant for return to safe keeping. No member or employee of the SCSO will permit the duplication of any SCSO electronic swipe access card or key without first obtaining the permission of the Sheriff.

34. PERSONAL APPEARANCE - It is expected that each member of the SCSO will take pride in one's appearance and be aware that the public will be more apt to accept direction from an officer who is neat, clean and businesslike. Members of both the Law Enforcement and Corrections Bureaus will report for duty, beardless and freshly shaved. Moustaches are permitted but are to be neatly trimmed and must not extend below the upper lip nor beyond the natural cheeklines immediately to either side of the mouth. (No Fu Manchu or handlebar moustaches) Waxed moustaches are not allowed. Hair will be trimmed and combed and must not extend over the ears or collar. Sideburns will not reach below the ear lobe nor be more than one inch in width. Fingernails will be clean and not extend beyond the end of the finger. Common sense and a regard for safety precludes the wearing of earrings by any uniformed officer.
35. PHYSICAL CONDITION - SCSO members are often called upon to perform strenuous physical tasks in connection with their duties. Each member is expected to keep oneself physically fit and at a weight appropriate to one's height and frame in order to safely and satisfactorily perform all assignments.
- Required physical examinations to continue employment, in accordance with the provisions of the Employees' Contractual Agreements, will be provided at County expense.
36. HARASSMENT - Harassment (other than Sexual Harassment as treated elsewhere in this Manual) is defined as offensive conduct that unreasonably interferes with an individual's work performance and/or creates an intimidating, hostile, or offensive work environment. Such conduct is strictly prohibited and will be immediately and thoroughly investigated. Where allegations can be substantiated, effective and appropriate disciplinary action will result as provided for in ¶E below. Any employee subjected to harassing treatment is encouraged to report same to a supervisor who is not involved in the harassing conduct. Any supervisor receiving a complaint of this nature must take appropriate action toward its resolution.
37. SMOKING - In accordance with NYS Law, smoking is not permitted in public buildings and, therefore, is prohibited in all County buildings.

38. **DRUG-FREE WORKPLACE** – As of January 1, 2009, the Seneca County Board of Supervisors has in effect a Seneca County Policy Manual of which a “Drug-free Workplace Policy” conforming with Federal requirements is included. The Seneca County Policy Manual is available to all employees through the Seneca County intranet computer system.

**“STATEMENT OF POLICY – DRUG – FREE WORKPLACE”**

This is to reiterate, and state in a more formal way, our General Statement of Policy regarding the work-related effects of drug use and the unlawful possession of controlled substances on County premises. The county’s policy is as follows:

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug free, healthy, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on County premises or while conducting County business off County premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The county recognizes drug dependency as an illness and a major health problem. The county also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our Seneca County Community Counseling Center, health insurance or other community agencies, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee’s job, and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. A report of a conviction must be made within five (5) days after the conviction.

The County will notify the U.S. Department of Housing and Urban Development within ten (10) days after receiving notice from any employee or otherwise receiving actual notice of conviction for a controlled substance violation. Within thirty (30) days of receiving notice of a conviction, the employer will take such action against the employee, which can range from, up to and including, discharge or a requirement of satisfactory participation in a drug abuse assistance or rehabilitation program.

The County of Seneca will make every effort to maintain a drug free workplace by complying with the law's requirements.

39. **SAFETY & HEALTH** – As of January 1, 2009, the Seneca County Board of Supervisors has in effect a Seneca County Policy Manual of which a Safety and Health Policy directing the establishment, administration and enforcement of safety and health practices for all Seneca County employees. The following are excerpts from the County's policy statement of particular interest to Seneca County Sheriff's Office.

“Accident prevention requires teamwork, cooperation, and commitment from all employees. This includes employees, supervisors, and department heads equally. The County is committed to the use of proper protective clothing and equipment. Required protective clothing and equipment shall be properly used and cared for by all employees. Failure to properly care for and use these items is subject to disciplinary action. Safety and health practices must and will take precedence over expediency or short cuts.

It is management's responsibility to instruct employees and to ensure that they know how to perform their duties in an acceptable manner. Employees are encouraged to request instructions in those tasks or in the operation of equipment with which they are not familiar. Employees should inform the supervisor immediately if they detect or even suspect an imminent danger. This term is defined by federal regulations “as a condition where there is reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately, or before the danger can be eliminated through normal enforcement or corrective measures.” Of course, less critical conditions should also be routinely reported.

Every employee should know his/her exact duties in case of an accident, fire or other catastrophe. Awareness of emergency phone numbers, evacuation procedures and for seeking emergency help is the responsibility of every employee. Housekeeping plays an important role in accident prevention. It is each employee's responsibility to keep his/her work area clear of any potential accident causing hazard.

- E. **DISCIPLINARY PROCEDURES** – Any supervisor, who shall observe any violation by a member may take disciplinary action against that member including the immediate removal of the member from duty, provided such removal is in accordance with the employees' contract. Serious infractions, such as those listed in E(4) below, shall be immediately reported to the Sheriff through the chain of command. In addition, a typewritten report showing offender's name, rank, call number, date and time, exact location and full details of the offense shall be submitted in triplicate to the Sheriff as soon as practicable. This report is to be signed by the reporting officer and receipt thereof shall be noted by the supervisor.

1. The role of the supervisor in the disciplinary process is a crucial one. The first-line supervisor has the best opportunity to observe an officer's conduct and appearance and to detect any instance when some kind of a disciplinary action is warranted. Such action may consist of counseling, remedial training, or punishment, and, since the supervisor will usually be in a position to be familiar with an officer's personality traits and motivation, will also be able to recommend the most effective means to effect a change in behavior.
  - a. Counseling, at some level, is usually necessary in order to identify a disciplinary problem and to obtain input from the delinquent officer. This activity may be merely an informal interview between supervisor and officer resulting in a correction, or may extend through several administrative levels and beyond to professional psychological counseling under the Seneca County Employee Assistance Program.
  - b. Remedial training, likewise, can be applied locally with the delinquent officer assigned to work with another officer having a degree of writing or interviewing skills for example; or, if needed, may include enrolling the officer a specific course of instruction at County expense intended to retrain and reinforce current SCSO policies and procedures.
  - c. The criteria for the selection of an appropriate disciplinary action will depend upon the severity of the conduct requiring such action, the experience and work record of the offender, and the repetition of the conduct once the offender has been made aware of the delinquency.

In addition, consideration will be given to the offender's attitude toward the receipt of criticism and any significant changes in any outside activities which may be affecting performance adversely. Upon becoming aware of the possible need for discipline, a supervisor shall observe the following guidelines:

- 1) Determination of facts - investigate the incident and determine:
  - a) What happened - pertinent facts of situation
  - b) Who was involved - SCSO personnel, other agencies, civilians
  - c) When - date and time
  - d) Where – location
- 2) Ascertain validity of information - The law enforcement officer may, at times, be subjected to complaints based on grudges. The source of the complaint may have an “axe to grind.”
- 3) Consider the seriousness of the action to include:
  - a) Were any individuals harmed or placed in potential harm?
  - b) Was any equipment damaged or placed in risk of damage?
  - c) Are there legal ramifications, which might affect either the officer or the SCSO?
  - d) What are the public relation consequences, if any?

- 4) If the information proves reliable and has a basis in fact, the supervisor shall determine what, if any, SCSO rules may have been violated based on the Manual of Instructions.
- 5) If the supervisor determines that an infraction of SCSO rules has occurred, the supervisor will then consider if the infraction is based upon:
  - a) Failure of policy - Agency policy or rule is flawed.
  - b) Inadequate training (agency) - Agency training was insufficient or inappropriate for situation.
  - c) Inadequate assimilation of training (officer) - Agency training was adequate, but officer failed to apply learned techniques.
  - d) Inadvertent action - Officer did not intend to commit infraction.
  - e) Willful action - Officer willfully and knowingly acted to commit infraction.
- 6) After the above consideration, the supervisor will take the following action(s):
  - a) If the SCSO rule or policy in question is flawed, the supervisor will recommend through the chain of command a suggested remedy using form SCSO-AD-001 "Proposed Action affecting the MOI".
  - b) If the agency training was inadequate, a referral will be made to the Training Committee giving the pertinent facts and suggested means of improving the training. With approval received through the chain of command, members will be made aware of the deficiency in policy or training at the earliest available roll call and through the message system.
  - c) If the training was adequate, the member will be made aware of his deficiency and counseled in the appropriate action or response for the situation. If warranted, the member will be scheduled for a remedial training session.
  - d) If the action was based upon an unintentional action, the supervisor will determine if this was the first occurrence of this or a similar action. If the first instance, the supervisor will use counseling for minor infractions. More serious infractions will merit a written reprimand, and very serious actions, such as those having the potential for harm to individuals or equipment may merit suspension.
  - e) If the action is deemed to have been intentional, the supervisor will again determine if this is the first occurrence of this or a similar action.

If a repetition or part of a pattern, any prior disciplinary action should be ascertained. Counseling would not be appropriate at this point and a written reprimand will be considered the minimum disciplinary action.

7. The supervisor shall, in all cases, strive to insure that any disciplinary action is consistent with that dispensed to others in similar situations.
    8. As above, the supervisor shall consider prior disciplinary action before acting to insure that any action is:
      - a) consistent with prior discipline,
      - b) cumulative, that is, counseling is followed by oral reprimand, followed by written reprimand, followed by suspension, etc.,
      - c) appropriate for the end result of constructively modifying behavior to prevent recurrence of the infraction.
    9. The supervisor shall document all counseling and oral reprimands to provide a historical record.
  2. When appropriate, and regardless of the severity of the alleged deficiency, an employee's supervisor shall be part of the disciplinary process.
  3. An allegation of a violation on the part of a first-line supervisor shall be investigated by a member of the command staff who shall make an appropriate recommendation for disposition to the Sheriff.
  4. Any allegation charging any employee with corruption, brutality, misuse of force, a civil rights violation, or criminal conduct shall be referred to the Sheriff and assigned to Professional Conduct Unit for investigation. (See "Professional Conduct Unit") in this manual.
  5. In the case of misconduct which may result in an employee's dismissal, the employee shall be provided with the following information:
    - a) A statement citing the reason for the action,
    - b) The date the intended dismissal is effective,
    - c) A statement of the status of any fringe or retirement benefits to be applied after dismissal (compiled by the Seneca County Personnel Office) and,
    - d) A statement as to the content of the employee's employment record relating to the dismissal.
- Note: This policy shall not apply to probationary employees.
6. Written records of disciplinary actions shall be kept in a locked file cabinet located in the office of the Sheriff under the control of the Undersheriff. They shall be kept for at least the duration of the employee's affiliation with the SCSO, and only removed at the request of the County Attorney, the Sheriff, or by court order.
  7. The appeals procedures for disciplinary actions include initiation, time frames, recording and scope, and are contained in the employee's contract formally known as the "Agreement, Seneca County and Seneca County Deputy Sheriff's PBA", and the "Agreement, Seneca County and the Seneca County Sheriff's Employee's Association"
  8. In general, all discharge and disciplinary matters shall begin with a written Notice of Proposed Disciplinary Action (NPDA). The NDPA shall specify the charges against the employee, the reasons for them, and the proposed penalty. A copy will be furnished to the bargaining unit. If no written grievance is filed, the penalty will be imposed. If a grievance is filed, no penalty will issue until the grievance procedure is completed.

**F. FORMAL CHARGES** - The Sheriff, Undersheriff, Chief Deputy or Jail Administrator may initiate formal disciplinary action.

**1. FILING OF FORMAL CHARGES**

- a. A statement of charges will be prepared in writing and served on the accused member.
- b. The statement of charges shall include:
  - 1) The charges, indicating completely the law, rule, regulation, directive, policy, procedure, order or other conduct which is alleged to demonstrate incompetence or misconduct;
  - 2) The specifications, setting out the information and facts substantiating each charge;
  - 3) A statement that disciplinary action will be taken if a determination is made that any of the charges are proven to be founded;
  - 4) The name and rank of the person preferring the charges.
- c. The accused member will be directed to acknowledge in writing the receipt of the charges.
- d. The accused member shall have the right to appeal the disciplinary action. The appeal must be made in writing within eight (8) calendar days of the receipt of the charges.
- e. In the event of an employee appeal where the accused disagrees with the penalty proposed or denies the charges brought against him, the employee may grieve the matter within ten (10) working days.
- f. A formal hearing will be conducted within ten (10) working days of the receipt of a grievance.

**2. FAILURE TO REQUEST OR TO APPEAR FOR HEARING**

- a. If the accused member fails to request a hearing within ten (10) days after the submission of an appeal, or fails or refuses to appear for the hearing, or waives his right to such hearing, the Sheriff may make findings and impose such disciplinary action as he deems proper.

**3. SUSPENSION PENDING HEARING**

- a. An accused member may be suspended without pay pending the outcome of a disciplinary action when the Sheriff determines that there is probable cause to believe that the employee's continued presence on the job represents a reasonable expectation of danger to persons or property, or would severely interfere with the orderly operation of the department or substantially discredit the department.
- b. The period of suspension without pay shall not exceed thirty (30) calendar days.

**4. REINSTATEMENT**

- a. Where an arbitrator finds that a suspension without pay was unwarranted, the employee shall be compensated for all lost wages in addition to the restoration of all benefits.

## **5. PENALTIES**

- a. Disciplinary arbitrators shall confine themselves to determination of whether an employee is guilty or innocent of the charges being brought against him, and whether the proposed penalty is appropriate. The disciplinary arbitrator's decision with respect to guilt, innocence, or penalty shall be final and binding upon the parties.

## **6. EMERGENCY SUSPENSION**

- a. A Superior Officer, having a rank of at least a Sergeant, may impose an emergency suspension from duty against any member of a lower rank when it appears such action is in the best interests of the agency. In all cases prior to an emergency suspension being imposed, the Division Commander shall be notified, who in turn will notify the Undersheriff and Sheriff.
- b. Any member receiving an emergency suspension, and the superior officer imposing the emergency suspension, shall report to the Sheriff's Administration Office at 10:00 a.m. on the next business day, unless otherwise directed.

## **7. SUBMISSION AND SETTLEMENT OF GRIEVANCES BY MEMBERS**

- a. To promote a cooperative relationship between the Sheriff and Employees, it shall be policy to establish and provide for the settlement of disputes through an orderly grievance procedure.
- b. For members who are represented by a certified or recognized employee organization, such procedure shall be prescribed by the terms of the collective agreement covering the negotiating unit of such member.
- c. Members outside any recognized negotiating unit may address their grievances, in writing, to the Sheriff.

## **8. SEPARABILITY**

- a. If any section or provision of these Rules, Regulations or Operations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

**G. Legislative restrictions -** In addition to the rules and regulations affecting conduct as set out above, there are legislative restrictions applicable to SCSO members.

1. The Alcoholic Beverage Control Law prohibits police officers from having any interest in the sale or manufacture of alcoholic beverages (ABCL, §128).
2. The Election Law prohibits a police officer from using one's office or powers to aid or oppose any political party, to reward or retaliate against any police officer with respect to voting or party affiliation, or to solicit funds for a political party or other such organization (EL, §17-110).
3. The Racing, Wagering and Breeding Law prohibits police officers from holding any office or employment with any firm that is licensed to conduct its business at a racetrack or that owns, leases or manages a racetrack (RWBL, §107).

4. The General Municipal Law prohibits public officers and employees of municipal governments from:
  - a. Disclosing confidential information learned in the course of official duties, and,
  - b. Providing services relating to matters before an agency of the employing government.In addition, the same law imposes several affirmative duties, including:
  - a. Disclosure of any interest in any contract or dealings with the employing government, and,
  - b. Disclosure of the fact that a municipal or state employee has an interest in any real property for which an application for any sort of variance is made.
5. The Civil Practice Laws and Rules stipulates that when personal property is offered at auction by a sheriff's agency, no sale of such property may be made to any member of that agency (CPLR §5233[a]). Beyond the statutory restriction, in view of the potential for a conflict of interest, members will not bid on any items at an SCSO auction.

## **LIMITS OF AUTHORITY**

STANDARD NO(S):

DATE: March 6, 2009  
REVIEWED: 05/17/2017

REFER TO: John Cleere

### I. OBJECTIVE

To define the legally mandated authority vested in members of the Seneca County Sheriff's Office (SCSO) and to provide guidelines for the use of discretion and the exercise of alternatives to arrest by such members.

### II. POLICY

It shall be the policy of the SCSO that members having law enforcement responsibilities shall neither exceed the limits of their legal authority nor abuse the exercise of legitimate police discretion while in the conduct of official business on behalf of the Seneca County Sheriff.

### III. DETAILS

- A. Sheriff as a Constitutional Officer - Article 13, Section 13 of the Constitution of the State of New York, as amended, identifies the Sheriff of each county outside of New York City as a law enforcement officer to be elected by the people to a definite term of office, which, in Seneca County, is four years.
- B. General Duties of the Sheriff - Section 650 of the County Law of the State of New York provides that "The sheriff shall perform the duties prescribed by law as an officer of the court and conservator of the peace within the county. He shall perform such additional and related duties as may be described by law and directed by the board of supervisors or the county legislature."
- C. Deputy Sheriffs as Police Officers - Section 652 of the County Law provides for the appointment by the Sheriff of regular Deputy Sheriffs. In McMahon v. Michaelien, 1971, 30 N.Y.2d 60, the court held that the Sheriff's power to appoint deputies does not invalidate local law placing such positions into the classified civil service. In Attorney General's Opinion 245, 1980, it was held that a regular Deputy Sheriff appointed pursuant to this section is a Police Officer.

Section 1.20 of the Criminal Procedure Law, paragraph 34 (b), defines the geographical area of employment of "Police Officer: Sheriffs, Undersheriff and Deputy Sheriffs of counties outside of New York City" as the employing county.

- D. Correction Officers - Section 652(2) of the County Law provides for the appointment by the Sheriff of male and female Correction Officers who are authorized to perform correctional duties and have completed training mandated by the State Commission of Correction.

The appointment of an individual as a Correction Officer simultaneously confers the status of a Peace Officer, pursuant to Section 2.10 (25) of the Criminal Procedure Law. In order to maintain this dual status, each member must pass both the Municipal Police Training Council (MPTC) Basic Course for Peace Officers with Firearms and the New York State Commission of Correction's Basic Course for Corrections Officers. The aforementioned courses have been fully integrated into a new course entitled "Basic Course for Peace Officers with Firearms" under the auspices of the New York State Office of Public Safety.

- E. Special Patrol Officers - Section 209-v of the General Municipal Law provides for the employment of retired former members of police or sheriff's departments, retired former members of the division of state police, or retired former corrections, parole, or probation officers as special patrolmen for publicly owned property within such political subdivision, including property of a school district, in order to protect the property or persons on such premises. Persons so employed will have all the powers of Peace Officers, as set forth in section 2.20 of the Criminal Procedure Law, when performing the duties set forth in subdivision one of the General Municipal Law.

Section 2.10 of the Criminal Procedure Law, paragraph 37, provides that nothing shall be deemed to authorize those persons appointed pursuant to Section 209-v of the General Municipal Law to carry, possess, repair or dispose of a firearm unless the appropriate license therefore has been issued pursuant to section 400.00 of the penal law.

- F. General Duties of SCSO Members - When assigned to law enforcement responsibilities, SCLEC members have the authority to enforce the laws and statutes of New York State, as well as local laws and ordinances devised by the legislative bodies of the municipalities within the County of Seneca.
- G. Police Discretion - The very nature of policing permits and requires some latitude in the exercise of judgment, commonly referred to as "police discretion." Police discretion is defined as a choice among alternative actions, or no action at all, the use of which will usually occur in unsupervised situations and must at all times be defensible. The member must realize that the greater the seriousness of a situation, the less likely it is that discretion would be considered appropriate. Simply stated, when encountering a critical event, the member shall be guided by whatever directives are applicable. When encountering a less significant matter, the member could opt to dispose of the matter by using warning, counseling, or referral even though police intervention is warranted.

Crucial to the use of police discretion is the necessity for the member's awareness of what the community's expectations are likely to be in a given situation. For example, if a neighborhood has been plagued by speeders creating a real hazard in their streets, it would be difficult to defend a member's use of discretion in letting a first offender speeder off with a warning to drive more slowly. When a member does elect to choose a course of action other than arrest for an illegal act, the member must be prepared to state their reasons clearly so that it cannot be concluded that they were acting capriciously (for example, simply because the shift was nearly over and the member was anxious to get home).

- H. Alternatives to Arrest - For purposes of this directive, it is understood that "arrest" means a custody arrest whereby the arrestee's liberty is significantly restricted and remains so until they are brought before a magistrate for arraignment.
1. As noted in paragraph III (E)(9) of "Criminal Process," in the LEMOI, one alternative to the custody arrest is the appearance ticket as provided for in Article 150 of the Criminal Procedure Law (CPL). Although authorized for all violations, misdemeanors, and certain "E" felonies, the issuance of an appearance ticket will not be appropriate under any of the following circumstances:
    - a. The offender requires medical care or is unable to provide for their own safety
    - b. The offender cannot or will not offer satisfactory evidence of their identity
    - c. It can be established that there is process outstanding for the offender
    - d. The offender can be identified as having been previously cited for a similar offense
  2. Section 100.10 of the CPL provides for the issuance of simplified information's for violations and/or misdemeanors relating to traffic or other non-felony charges pursuant to the Parks and Recreation Law, the Navigation Law, or the Environmental Conservation Law.
  3. Section 849-b of the New York State Judiciary Law provides for the establishment and administration of community dispute centers which are empowered to conciliate, mediate, arbitrate or offer other

forms and techniques of dispute resolution. The center serving Seneca County in this capacity is:

The Center for Dispute Settlement (CDS)  
48 West William Street, 2<sup>nd</sup> Floor  
Waterloo, New York 13165  
Telephone: 315-539-4570  
Hours of Operation: M/F – 8:30 AM – 4:30 PM

As an alternative to arrest in cases involving disputes between family members or neighbors, even if the facts would support a misdemeanor charge under the Penal Law, members shall consider the option of referral to CDS using the form (RP-001) provided for this purpose.

4. Diversion, as an alternative to referring a person into the Juvenile Justice System, is frequently an option. Agencies equipped to render services in such a situation are listed in “Juvenile Operations,” in the LEMOI.
- I. Warnings - Consistent with the guidelines relative to the use of police discretion under paragraph E above, a member of the SCSO may issue a verbal warning to an offender in a case where it is appropriate and it can be reasonably anticipated that such warning will bring about a change in the offender's behavior. This method may be especially useful in the case of a person who can be released into the custody of their parents with the assurance that parental discipline will ensue.
- J. Pre-Arraignment Confinement - Except for the provisions of Section 210.10 of the CPL and 500-A of the Correction Law, which refer to the procedures to be used following the arrest of a person on the basis of a warrant issued by a superior court [See "**Legal Process**", paragraph III (E) (1) (l) LEMOI ], members of the SCSO have no authority for pre-arrangement confinement. Following arrest, a person may be confined in the Seneca County Correctional Facility only after arraignment and upon the order from the arraigning magistrate for such confinement in lieu of or without bail.

## **ADMINISTRATIVE NOTIFICATION**

STANDARD NO(S):

DATE:

July 8, 2009

REFER TO:

Jack S. Stenberg

**I. OBJECTIVE:** To ensure that members of SCSO Administration are notified of any event that warrants SCSO Administrative attention.

**II. POLICY:** It is the policy of the SCSO that certain members of the SCSO Administration are notified when events, situations or occurrences warrant their immediate notification and attention.

### **III. DETAILS:**

**A.** Upon being advised of any of the following situations, events or unusual occurrences, the Shift Supervisor or if none, the most senior road Deputy on scene, CID Investigator or Corrections Sergeant will be responsible for notifying the component Commander (ie: Road Patrol/Road Patrol Lieutenant; CID/CID Lieutenant, Corrections/Corrections Lt. O.I.C) of the following events:

1. Death or injury to any member or employee of the SCSO, or any unexpected death of the member or employee's immediate family.
2. Major crimes or any crime in which serious physical injury is inflicted to any person located in Seneca County outside of the Correctional Facility
3. Major crimes or any crime in which serious physical injury is inflicted to any inmate or visitor at the Seneca County Correctional Facility.
4. Any suspicious death being investigated by the SCSO regardless of the nature
5. Major mutual aid fires
6. Serious or unusual incidents, including fires within the Correctional Facility
7. Serious personal injury incidents or accidents
8. Accidents involving any SCSO vehicles or boat.

9. Any incident which will result in high public interest
10. Any incident involving a law enforcement response by SCSO or any other law enforcement agency involving any member or employee who is either on or off duty.
11. All fatal motor vehicle accidents or incidents.
12. All boat or watercraft accidents or incidents.
13. Any incident being handled by another agency or serious nature or consequence to either SCSO or Seneca County.
14. Any incident in which any person is injured and requires emergency medical treatment and such injury resulted from or was related to any action taken by any member.
15. Any escape or attempted escape from the Correctional Facility, or from the personal custody of any member.

- B.** The Law Enforcement Division Lieutenant will notify the Chief Deputy, Undersheriff and Sheriff immediately upon learning of any of the above events.

The Corrections Division Lieutenant will notify the Undersheriff and Sheriff immediately upon learning of any of the above events.

- C.** As soon as practical, the Seneca County District Attorney will be advised by the highest ranking command officer on the scene of the accident, incident or event described in section(s): 1-4, and 11, and all death investigations and at any other time that either the Sheriff, Undersheriff or Chief Deputy warrants such notification be made.
- D.** Any activity that occurs in the Correctional Facility which would require the filing of a Reportable Incident to be reported to the New York State Commission of Corrections, such report will be filed in accordance with those guidelines.
- E.** Every member and employee is required to contact their Division Supervisor whenever they are the subject of, or a party to, any law enforcement inquiry, action or investigation.

## **EQUAL OPPORTUNITY & AFFIRMATIVE ACTION**

STANDARD NO(S):

NYSSA # 1

NYSLEAP# 11.1

NYSSA CS# 1

DATE:

July 20, 2009

REVIEWED: 03/15/2017

REFER TO:

W. Timothy Luce

### **I. OBJECTIVE:**

To provide guidelines for the implementation of affirmative action to ensure equal opportunity for all qualified individuals in personnel and employment practices.

### **II. POLICY:**

It shall be the policy of the Seneca County Sheriff's Office to seek out and employ qualified minorities in approximate proportion to their numbers within our service area. In addition, a particular effort will be made to attract qualified females, a protected class, for employment, and further to treat all persons with respect and dignity, affording them equal opportunity for assignment, professional development and advancement.

### **III. DETAILS:**

#### **A. Affirmative action goals and objectives –**

##### **1. Goals:**

- a. To encourage minorities and women to apply for positions within SCSO and to assist them in attaining supervisory status as soon as time-in-rank permits. Other incentives will be explored in order to promote retention of female and minority members.
- b. To hire Deputy Sheriff's and Correction Officers during the calendar year to fill any vacancies that may be created through attrition, as authorized by the Seneca County Board of Supervisors and its' appropriate committees.
- c. Attention to affirmative action hiring will not be limited to sworn personnel; rather, it will encompass all members and divisions of the SCSO.

2. Objectives:

- a. Due to the small number of minority applicants in Seneca County, the Personnel Office will be encouraged to provide certified lists that will include out-of-county residents among those seeking employment with the SCSO.
- b. To establish and maintain liaison with community organizations for recruitment referrals of women and minorities.
- c. To encourage minorities and women members of the SCSO to develop leadership skills and abilities.
- d. To have minority individuals apply for the next Civil Service examination(s) providing opportunities for positions in the SCSO.

B. Evaluation –

1. The Sheriff's administration shall monitor the progress of affirmative action and shall report on its status annually to the Sheriff.
2. This plan and its success in achieving the stated objectives shall be evaluated by the Sheriff. At the time, it shall be continued, or revised as necessary and appropriate in order to meet the overall affirmative actions goals of the SCSO.

- B. Upon review and investigation of a use of force incident, it is required that all intermediate reporting and reviewing personnel insure that a report of their findings be submitted to the Sheriff as soon as possible after the incident.
- C. In an effort to protect the community's interest when a member may have exceeded the scope of authority in the use of deadly physical force, and, conversely, to shield a member from possible confrontation with the community when acting within the scope of authority, the member may be reassigned from line-duty assignment to an administrative assignment pending an administrative review.
- D. Such review may include a Grand Jury investigation or any other process needed to insure a full investigation of the facts and circumstances of the incident. If deemed necessary, other members who may have been involved, however indirectly, may also be reassigned. Following such reassignment under this provision, the return to line-duty assignment shall be only with the express permission of the Sheriff.
- E. In the event a member is reassigned from duty under any of the above provisions, consideration shall be given to providing stress counseling in order to assist the member in coping with the critical or traumatic incident. Seneca County has contracted with a professional organization to provide this service. The Sheriff or his designee may require mandatory attendance on the part of the member for such stress counseling.

# **USE OF FORCE**

STANDARD NO(S):

NYSLEAP: Chapters 20,21,25 ; 32.3-4  
25.1,25.8,33.1-3,35.1,40.2,41.3  
NYSSA #: 20,21,23,34,37,43, 73-80,90  
NYSSACS#: 4-5,9-10,14,16-17

DATE:

October 19, 2009  
REVISED: 06/18/2010  
REVISED: 01/12/2011  
REVISED: 02/22/2011  
REVISED: 02/18/2015  
REVISED: 09/27/2019

REFER TO:

Michael Schell  
Donald Borland

## I. OBJECTIVE:

To establish guidelines affecting the use of force by members of the Correction and Law Enforcement Divisions of the SCSO; the authority for such action, its legal limitations, and the necessity for determining what level of force is appropriate in each and every instance.

**PREAMBLE TO USE OF FORCE** - The use of force by members of law enforcement is a matter of critical concern both to the public and law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

## II. POLICY:

The SCSO's guiding value when using force shall be reverence for human life. When warranted, SCSO members may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the SCSO and fellow officers to legal and physical hazards and violate the rights of individuals upon whom unreasonable force is used. Conversely, SCSO members have a Duty to Act and who fail to use force when warranted may endanger themselves, the community and fellow officers.

## III. PROCEDURES:

**A. DEFINITIONS** - For the purpose of this directive the following definitions apply:

1. **Objectively Reasonable** - The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. (See *Graham v. Connor*, 490 U.S. 386 (1989)). Graham states in part, "The

reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the SCSO examines all uses of force from an objective standard, rather than a subjective standard.

2. **Dangerous instrument** - means any instrument, article or substance, including a "vehicle" as that term is defined below, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.
3. **Deadly physical force** - means physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
4. **Deadly weapon** - means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, dagger, billy, blackjack, or metal knuckles.
5. **Correctional Facility** - means any place used for the confinement, pursuant to an order of a court, of a person charged with or convicted of an offense.
6. **Firearm** - means (a) any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches; or (c) a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.
7. **Reasonable belief that a person has committed an offense** - means a reasonable belief in facts or circumstances which, if true, would constitute an offense.
8. **Serious physical injury** - means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or loss or impairment of the function of any bodily organ.
9. **Vehicle** - means a motor vehicle, trailer or semi- trailer as defined in the vehicle and traffic law, any snowmobile as defined in the parks and recreation law, any aircraft, or any vessel equipped for the propulsion by mechanical means or by sail.

It is the responsibility of each member to be thoroughly familiar with the conduct described in Article 35, and with the definitions pertinent thereto which appear in Articles 10, 35 and 265 of the Penal Law, and with SCSO policy as stated.

B. Use of Force:

1. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
2. Under the 4<sup>th</sup> amendment a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.
3. **Factors Used to Determine Reasonableness** - The SCSO examines reasonableness using Graham and from the articulated facts from the perspective of a Seneca County Sheriff's Deputy with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, SCSO members shall evaluate each situation in light of the facts and circumstances of each particular case. Those factors may include, but are not limited to:
  - a. The seriousness of the crime or suspected offense;
  - b. The level of threat or resistance presented by the subject;
  - c. Whether the subject was posing an imminent threat to officers or a danger to the community;
  - d. The potential for injury to citizens, officers or subjects;
  - e. The risk or apparent attempt by the subject to escape;
  - f. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
  - g. The time available to an officer to make a decision;
  - h. The availability of other resources;
  - i. The proximity or access of weapons to the subject;
  - j. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects; and
  - k. The environmental factors and/or other exigent circumstances.

C. Duty to intervene:

1. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the

circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

2. An officer who observes another officer use force that exceeds the degree of force as described above in sub A of this section should promptly report these observations to a supervisor.

IV. PHYSICAL FORCE -

- A. A member of the SCSO, while effecting or attempting to effect an arrest, or preventing or attempting to prevent the escape from custody of a person who is reasonably believed to have committed an offense, may use physical force when and to the extent it is reasonably believed that such action is necessary to effect the arrest, prevent the escape, or to defend oneself or a third party from what one reasonably believes to be the use or imminent use of physical force.
- B. A member who is charged with the duty of guarding one or more prisoners in the Detention Facility as that term is defined in the New York State Penal Law, Section 205.00, or while in transit to or from the correctional facility, may use physical force when and to the extent necessary to prevent the escape of a prisoner from the correctional facility or from custody while in transit thereto or there from.
- C. A member whose assigned duties include assuring the safety and security of the Seneca County Correctional Facility may, in order to maintain order and discipline, use such physical force as is authorized by New York State Correction Law, Section 137(2) which states "The commissioner shall provide for such measures as he may deem necessary or appropriate for the safety, security and control of correctional facilities and the maintenance of order therein."
- D. Concerning force other than deadly force, members will use only that degree of force necessary to the performance of their lawful duties. Such use of force must be within the limits set out in the Penal Law and must be consistent with training given or authorized by the SCSO.

**NOTE** - In accordance with Section 519 of the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990," members are prohibited from using excessive force against any individuals engaged in nonviolent civil rights demonstrations.

V. DEADLY PHYSICAL FORCE -

- A. The United States Supreme Court in *Tennessee v. Garner* (471 U.S. 1 (1985)) restricts an officer's use of deadly force – In delivering the opinion for the Supreme Court Of The United States, Justice White opined, "We conclude that such force may not be used unless it is necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

- B. Pursuant to Section 35.30 of the New York State Penal Law, a member may use deadly physical force, when he/she believes that the offense committed by such person was;
  - 1. a felony, or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person, or;
  - 2. kidnapping, arson, escape in the first degree, burglary in the first degree, or any attempt to commit such crime, or;
  - 3. the offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefore or attempting to escape from custody, such person is armed with a firearm or deadly weapon, or;
  - 4. regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the member reasonably believes to be the use or imminent use of deadly physical force.
- C. The use of deadly physical force against a "fleeing felon" will be in accordance with the laws, directives and training governing such use of force. The "fleeing felon" will not be presumed to be an immediate danger to the member or a third person unless he poses a clear threat to the life of the member or of a third person; and, that threat demonstrates a wanton disregard for human life.
- D. A "fleeing felon" in a vehicle traveling away from a member does not constitute an imminent danger to that member; therefore, the use of deadly physical force is not justified. A member of the SCSO is prohibited from discharging a firearm from or at a moving vehicle unless it is reasonably believed that the occupants of the vehicle being fired upon are using or are about to use deadly physical force against the member or another person.
- E. Absent these conditions, a member is not justified in using deadly physical force against a "fleeing felon" and, therefore, such use of force is prohibited.
- F. The fact that a member of the SCSO is justified in using deadly physical force under the circumstances described above does not provide justification for reckless conduct.

## VI. EXHIBITING & DRAWING FIREARMS -

- A. A member shall not draw a firearm in any place, except in the line of duty or for inspection by a superior officer.
- B. Nothing in this policy shall prohibit the drawing or exhibiting of a firearm in the line of duty when a member reasonably believes it necessary for his/her own safety or for the safety of others. Members may also draw and be ready to use a firearm anytime they have reasonable cause to believe that they or another person may be in immediate danger of death or serious physical injury.

- C. Any member drawing a weapon in a public place must be able to articulate the reasons for doing so consistent with this policy. Firearms shall not be displayed without justifiable cause.
- D. When a member determines that the danger is eliminated, the weapon will be holstered or in the case of a shotgun or rifle the shoulder weapon will be held in a safe condition and position. If the person is not arrested, the member will tell the individual the reason the weapon was pointed at him/her if the circumstances permit.

VII. MEMBER MEDICAL REQUIREMENTS IN USE OF FORCE INCIDENT -

- A. Whenever any member of the SCSO uses force in discharging one's duties, the member will take the following action:
  1. Evaluate the need for medical attention or treatment for the subject and, if necessary;
  2. Arrange for such attention or treatment when:
    - a. subject has a visible or apparent injury,
    - b. subject complains of an injury, discomfort or requests medical attention,
    - c. a chemical agent was used, or,
    - d. the Taser was deployed.
- B. In the event medical attention is refused by a subject who is considered to be in need of such medical assistance, the member will summon medical assistance. The subject can either refuse or accept such medical assistance in the presence of such medical personnel.

VIII. MEMBER REPORTING REQUIREMENTS –

- A. Officers shall prepare and submit a Use of Force report when:
  1. Physical resistance is encountered – and the officer has to physically respond.
  2. Any act such as striking, punching, kicking or pressure point , arm /wrist / etc.
  3. Any injury occurs or a subject complains of an injury or death occurs as the result of physical force.
  4. The use of force involves the use of a taser , impact weapon or chemical spray.
  5. The force was a display of a taser / firearm / or other weapon in the direction of another person to control him.
  6. The force involves the discharge of a firearm whether or not a person was struck.

7. If a member is directed to do so by a supervisor.
- B. The member will as soon as practical, notify the on-duty Supervisor that a “Use of Force” Incident occurred. If the supervisor is not available the Division lieutenant shall be notified. In the case of off-duty incidents, the member will notify Division duty sergeant.
- C. The member shall attempt to locate and identify any witnesses to the incident and obtain or cause to be obtained their signed sworn statements where possible.
- D. Corrections Division members involved in a “Use of Force” incident will prepare and submit to the on-duty supervisor an “Incident Report” (SCSO-CF-009) and a “Subject Resistance Report” (SCSO-LE-001) containing the details of one’s own activity by the end of the member’s tour of duty. Other members involved in a use of force incident, will complete an “Incident Report” containing the details of their respective actions and activity concerning the use of force incident and will submit the completed report(s) to the on-duty supervisor by the end of their tour of duty.
- E. Law Enforcement Division members involved in a “Use of Force” incident will prepare and submit to the on-duty supervisor a “Subject Resistance Report” (SCSO-LE-001) and prepare a SPILLMAN entry containing the details of one’s own activity by the end of the member’s tour of duty. Other members involved in any such incident shall each prepare a SPILLMAN Supplemental Report containing the details of their respective action and activity concerning the use of force incident and will submit the completed report(s) to the on-duty supervisor by the end of their tour of duty.
- F. In the event that any member involved in a use of force incident is unable due to injury or incapacitation to complete the required reports the member may be assisted in the completion of the required reports by a supervisor.

## IX. LAW ENFORCEMENT DIVISION – SUPERVISORY RESPONSIBILITY-

- A. Upon first learning that a use of force incident has occurred, the on-duty supervising sergeant on the road will take the following action:
  1. Proceed immediately to the scene of the incident.
  2. Provide necessary assistance to members involved including arrangements for medical attention or treatment, bearing in mind that any injuries to members must be fully documented.
  3. Ensure that any injuries to subject(s) are evaluated and receive appropriate medical attention as described in VII(B) above.
  4. Determine if the services of an investigator are required and to what extent, e.g. photographs, measurements and diagrams and cause such notification to be made to the CID Division Lieutenant. In cases of an injury or complaint of pain, photographs are required to be taken utilizing the road patrol sergeant's camera.

**NOTE** - A photograph showing no injury may be as important as one in which an injury is clearly depicted.

5. Cause Administrative Notifications to be made pursuant to “**Administrative Notifications**”, this manual.
6. Ensure that a thorough investigation is conducted and that all reports, including a “Subject Resistance Report” (SCSO-LE-001) are prepared and submitted in accordance with this directive. In the event that a member is unable to complete a report due to injuries, the sergeant will act on the member's behalf, submitting the required reports along with the Sergeant's own report through the chain of command.
7. The complete file consisting of, but not limited to, reports, statements, photographs and attachments shall be forwarded to the Chief Deputy's for review without delay. (See “**Professional Conduct**”) this manual.

X. **CORRECTIONS DIVISION – SUPERVISORY RESPONSIBILITY-**

- A. Upon first learning that a use of force incident has occurred, or if a “code” is called where a use of force is used the supervising sergeant on duty in the Correctional Facility will take the following action:
  1. Proceed immediately to the scene of the incident with all other available staff.
  2. Provide necessary assistance to members involved including arrangements for medical attention or treatment, bearing in mind that any injuries to members must be fully documented.
  3. Ensure that any injuries to subject(s) are evaluated by the facility nurse if on duty. In the event that the facility nurse is not on duty, the Supervisor will follow the guidelines set forth in Section VII(B) above.
  4. Determine if the services of a CID Investigator are required and cause such notification to be made the CID Division Lieutenant. In cases of an injury or complaint of pain, photographs are required to be taken utilizing the Corrections Division camera

**NOTE** - A photograph showing no injury may be as important as one in which an injury is clearly depicted.

5. Cause Administrative Notifications to be made pursuant to “**Administrative Notifications**”, this manual.
6. Ensure that a thorough investigation is conducted and that all reports, including an “Incident Report” (SCSO-CF-009) and “Subject Resistance Report” (SCSO-LE-001) are prepared and submitted in accordance with this directive. In the event that a member is unable to complete a report due to injuries, the sergeant will act on the

member's behalf, submitting the reports along with the Sergeant's own report or comments through the chain of command.

- 7 The complete file consisting of, but not limited to, all reports, statements, photographs and if such case demands, a Reportable Incident Report, pursuant to Section 7022 of the NYS Minimum Standards, Commission of Correction and attachments will be forwarded to the Chief Administrative Officer's office for review without delay. The Chief Administrative Officer will ensure reports required to be filed with the NYS Commission of Correction in connection with the incident are in fact filed and will forward a complete file to the Chief Deputy for review without delay. (See "Professional Conduct Unit") this manual.

## XI. DISCHARGING A FIREARM -

- A. Any member who discharges a firearm other than for training or recreational purposes, whether intentionally or accidentally, shall immediately notify the on duty Division supervisor. The notification will include information concerning the requirement for such action, how many times the firearm was discharged, and whether death or injury resulted to any person or animal.
- B. Also included should be an account of any resulting property damage whether it be public or private. The member discharging a firearm may be required to surrender it along with any spent cartridges for later examination.
- C. The firing of warning shots by members of the SCSO is strictly prohibited.
- D. Members and Division Supervisors will comply with the Member Reporting and Division Supervisory Responsibility sections of this directive in the event of a discharge of a firearm.

## XII. DEADLY PHYSICAL FORCE INCIDENTS-

- A. The following procedures will be followed as applicable in all deadly physical force incidents as described below:
  1. Officer-involved shooting incidents regardless of whether any person is injured or killed, including every intentional discharge of a firearm except those done for the purpose of destroying an animal in accordance with this Order, or done for authorized Department training;
  2. Any accidental discharge of a firearm that results in injury to any person or damage to any property or premises; or
  3. Any police-involved death or serious physical injury, including cases in which a subject is killed or seriously injured by the police, dies or sustains serious physical injury in police custody, or dies or receives serious physical injury fleeing from the police.

- B. These procedures will commence as soon as feasible once the situation has been brought under sufficient control to ensure the safety of all persons involved.
- C. These procedures will be followed in all on-duty deadly physical force incidents and all off-duty deadly physical force incidents in which the officer was acting pursuant to his or her authority as a SCSO Officer.
- D. In the event that a SCSO Officer is involved in a shooting or other deadly physical force incident outside Seneca County, these procedures will be followed to the greatest extent feasible in coordination and cooperation with the responsible investigating jurisdiction.

E.. First Responder Procedures:

- 1. Officers will notify the 911 Center of the situation and request any necessary emergency medical assistance.
- 2. Officers will obtain and broadcast the description of any suspect(s) who are not yet in custody.
- 3. Any uninjured suspect(s) will be taken into custody and removed to the LEC as soon as possible. Injured suspect(s) will be transported to the hospital under the guard of an officer. The officer should be alert to secure any items of potential evidentiary value and to note any statements made by the suspect.
  - a. **Note:** The officer(s) who have used deadly physical force should not be assigned to transport or guard the person(s) against whom such force has been used, unless no other officers are available. In such cases, the Supervisor should relieve the involved officer(s) from transport or guard duty as soon as other officers are available.
- 4. The CID Lt if available, will respond to the scene as quickly as possible and personally assume command of the situation. If unavailable, the duty Supervisor will assume command, assess the situation and request such other assistance and personnel as are required under the particular circumstances. The Supervisor will ensure that all officers and other persons receive any needed medical assistance.
- 5. Officers will secure the scene as quickly and effectively as possible consistent with safety needs and the need for medical treatment of any victims.
- 6. If feasible, officers will photograph the scene before anything is moved.
- 7. Officers will attempt to identify and secure any witnesses to the incident. As soon as possible, the witnesses will be separated and not allowed to discuss the incident.
- 8. In the event any officer(s) or other person(s) are injured and are transported for medical treatment, officers will be assigned to accompany them to the hospital. If officers are not immediately available the Supervisor will make arrangements to secure additional officers for this duty as soon as possible.

- a. In the event that officers are not immediately available to accompany injured persons to the hospital the Supervisor will ensure that ambulance personnel, EMTs, and other medical personnel are interviewed regarding any statements overheard or other observations of potential evidentiary value.
9. The Supervisor will initiate and coordinate a preliminary investigation of the incident.
10. The Supervisor will brief other Supervisory Officers of the situation.
11. The Supervisor will ensure that all officers with involvement or knowledge of the incident are identified and that the necessary reports are completed.
12. If appropriate under the circumstances the Supervisor will commence to establish a Command Post.

F. Notification Procedures:

1. As soon as possible the following persons will be notified of a deadly physical force incident:
  - a. Sheriff / Undersheriff
  - b. Chief Deputy
  - c. Lieutenant/ Road
  - d. Lieutenant/CID
  - e. PBA Union President
2. Upon being advised of the circumstances the CID Lt will arrange for the call-in of such CID personnel as deemed necessary.
3. Depending upon the circumstances the Ranking Officer may also notify such other persons as deemed appropriate. These may include:
  - a. District Attorney;
  - b. Coroner
4. Upon being notified of the circumstances of the incident the Sheriff, or in his absence the Sheriff's designee, may also notify, or arrange for the notification of, other persons as appropriate, including:
  - a. County Manager;
  - b. County insurance (risk management)

c. County Attorney

G. Evidence Procedure:

1. Responding Officers and supervisors will take necessary steps to secure and protect the scene of the incident and all potential items of evidence. The area should be sealed off and civilians and non-essential personnel removed. This should be done as soon as possible.
  - a. Officers should bear in mind that it might be necessary to secure areas beyond the immediate scene. For example, if the incident involved a moving exchange of gunfire, officers should attempt to secure the entire route of the incident.
2. Officers should not touch or move firearms or other weapons involved unless it is necessary to do so for safety reasons or to prevent their removal by unauthorized persons.
3. The Supervisor will ensure that the instrument of deadly physical force (e.g., officer's firearm), all ammunition, all related leather goods, and other uniform or equipment items that may constitute evidence, are secured by an Evidence Technician if available or by the supervisor who will turn the evidence over to a technician as soon as practicable.

**Note:** Any weapon or other equipment taken from an officer as evidence will be replaced as soon as possible unless otherwise ordered by the Sheriff.

4. Upon arrival, CID personnel will assess the situation and assume responsibility for further processing of the scene.
5. All items of evidence associated with a deadly physical force incident must be held until all legal proceedings are complete, including any subsequent civil litigation.

H. Procedures for Officers Involved in Deadly Physical Force Incidents:

1. Officer(s) involved in the use of deadly physical force will remain at or near the scene pending the arrival of a supervisor, unless injured, further pursuit of suspects is required, or removal from the scene is necessary for the officer(s)' safety.
2. Involved officer(s) will describe to a supervisor the basic facts and circumstances of the incident.
3. Another officer should be assigned to accompany the involved officer for support and to attend to his or her immediate needs.
4. While near the scene the officer should be afforded privacy to the greatest extent possible under the circumstances. The involved officer(s) shall remain near the scene so long as necessary to relate the basic facts and circumstances necessary to guide the preliminary stages of the investigation, the securing of the scene, and the location of witnesses and evidence.

5. The supervisor will ensure that involved officer(s) are provided appropriate assistance in contacting family members or other support persons.
6. When relieved by a supervisor, return to the Law Enforcement Center and prepare a written report of the incident. The involved officer must be accompanied by a Supervisor or senior officer.
7. In the event the involved officer(s) are injured, the following procedures will be followed:
  - a. Injured officers will be transported to the hospital for treatment.  
**Note:** In the event both injured suspect(s) and injured officer(s) are taken to the same hospital, the Supervisor must be alert to the possibility that family members and friends of both parties may be in close proximity, leading to the possibility of a confrontation. The Supervisor will ensure that sufficient police personnel are present to maintain order and security of all persons.
  - b. The Supervisor will ensure that the injured officer(s) receives any necessary assistance in contacting family members or other support persons and in facilitating arrangements for them to come to the medical facility.
  - c. The Supervisor will ensure that the officer's firearm and any other equipment of possible evidentiary value is secured as soon as feasible.
8. In the event an injured officer in a deadly physical force incident is admitted to a hospital, at least one officer will be assigned guard detail during the officer's stay to ensure the safety and security of the injured officer. This guard detail will continue for the duration of the officer's stay in the hospital unless the Sheriff or the Sheriff's designee authorizes its discontinuation.
9. Confidential trauma counseling will be provided through the EAP Program, in all cases of use of deadly physical force as follows:
  - a. On-scene, at the LEC, and/or at the Medical facility as soon as possible;
  - b. Immediate follow-up;
  - c. Six-month follow-up;
  - d. One-year follow-up;
10. Other counseling will be provided as requested by the officer or directed by the Sheriff.
11. The Department will also make trauma debriefing available to the family members of involved officers.

### XIII. INVESTIGATION OF DEADLY FORCE-

- A. The CID will be responsible for follow-up investigation of deadly physical force incidents under the overall direction of the Sheriff and his designee. This investigation will comply with SCSO policies and procedures.
- B. The assistance of other law enforcement agencies may be requested by the Sheriff, or the Sheriff's designee, in cases where such assistance is deemed necessary or appropriate.
- C. Involved officer(s) will be given an opportunity to consult with legal counsel and/or Union representatives prior to being subjected to formal interviews and statements.
  - a. The involved officer(s) will be kept apprised of the status of the investigation to the extent that it does not compromise the investigation. In determining what information may be released to the involved officer(s) the District Attorney's Office will be consulted.
- D. All deadly physical force incidents will be referred to the District Attorney's Office for review and such further action as deemed appropriate by the District Attorney, (e.g., presentation to Grand Jury). This will be a standard procedure. Review by the District Attorney and any presentation to the Grand Jury will not imply misconduct by the involved officer(s).
- E. In the event another agency initiates an investigation of the incident, (e.g., the Federal Bureau of Investigation), commences a civil rights investigation, the following procedures will be followed:
  - 1. The Sheriff will determine what information will be made available to the other agency and set up a procedure to forward information to the other agency and to coordinate the investigations. No employee will share information with the other agency unless pursuant to such a procedure or otherwise authorized by the Sheriff.
  - 2. The Sheriff will designate an officer to serve as a liaison to facilitate communication and coordination with the other agency.
- F. The CID Lt will conduct an internal investigation of all deadly physical force incidents and accidental discharge of firearms.
  - 1. If the CID Lt is either involved in, or witnesses the incident, the Sheriff will designate a supervisory officer to conduct the internal investigation.
- G. The CID Lt shall review the incident to ensure that the Use of Force was necessary, reasonable and justified and shall determine whether the Use of Force was:
  - 1. Within department policy and applicable laws; or
  - 2. Out of department policy and/or in violation of applicable laws.
- H. The CID Lt shall report his findings along with any recommendations to the Sheriff.

- I. When an officer is involved in a shooting, or other use of force incident that results in serious physical injury or death, the Sheriff or his designee will assign that officer to temporary administrative leave/duty. The temporary assignment to administrative leave/duties does not imply any misconduct on the part of the officer. Such assignment is standard **procedure**.
- J. The administrative assignment will not place the Officer in a position where the potential for resistance incidents may occur due to the nature of the assignment.
- K. The work schedule of the administrative duty assignment will be set by the Sheriff consistent with the best interests of the Department and the officer.
- L. Officers assigned to administrative duty will:
  - 1. Refrain from routine exercise of police arrest and intervention duties except to the extent that such action is necessary to protect the officer or another person;
  - 2. Refrain from any public discussion of the administrative assignment or circumstances related to the incident.
  - 3. Retain all rights, privileges, and employee benefits; and
  - 4. Retain responsibility for compliance with all laws, Department Rules and Regulations, General Orders, policies and procedures, and directives governing Department personnel that are not specifically exempted by this order.
- M. The administrative duty assignment will continue at least until the completion of the internal investigation and final Grand Jury action if any, unless the administrative assignment is terminated sooner by the Sheriff. It may be continued longer on a case-by-case basis by the Sheriff. Any such extension of the administrative duty assignment will not imply any misconduct on the part of the involved officer.
- N. Officers assigned to administrative leave shall remain available at all times for official department interviews and statements, and shall be recalled to duty at the discretion of the Sheriff.

#### XIV. USE OF FORCE REVIEW -

- A. Upon receipt of a "Subject Resistance Report", or "Citizen Comment Form" indicating unlawful or excessive use of force by any member or employee either through the use of a weapon or other means, the Chief Deputy will review all such reports for policy compliance. If after a review by the Chief Deputy determines that further investigation is warranted, then the Undersheriff and Chief Deputy shall assign the necessary and appropriate personnel to review and investigate the incident (See "**Professional Conduct Unit**"), this manual. Any complaint received by the SCSO by way of a "Citizen Comment Form" or any other means alleging excessive force shall be investigated to the fullest extent

- B. Upon review and investigation of a use of force incident, it is required that all intermediate reporting and reviewing personnel insure that a report of their findings be submitted to the Sheriff as soon as possible after the incident.
- C. In an effort to protect the community's interest when a member may have exceeded the scope of authority in the use of deadly physical force, and, conversely, to shield a member from possible confrontation with the community when acting within the scope of authority, the member may be reassigned from line-duty assignment to an administrative assignment pending an administrative review.
- D. Such review may include a Grand Jury investigation or any other process needed to insure a full investigation of the facts and circumstances of the incident. If deemed necessary, other members who may have been involved, however indirectly, may also be reassigned. Following such reassignment under this provision, the return to line-duty assignment shall be only with the express permission of the Sheriff.
- E. In the event a member is reassigned from duty under any of the above provisions, consideration shall be given to providing stress counseling in order to assist the member in coping with the critical or traumatic incident. Seneca County has contracted with a professional organization to provide this service. The Sheriff or his designee may require mandatory attendance on the part of the member for such stress counseling.
- F. For reporting purposes, Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:
  - 1. When an officer engages in conduct which results in the death or serious bodily injury to another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
  - 2. When one of the following is initiated by an officer:
    - a. Brandishes, uses or discharges a firearm at or in the direction of another person;
    - b. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air.
    - c. Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
    - d. Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
    - e. Brandishes, uses or deploys an electronic control weapon, including, but not limited to an electronic stun gun, flash bomb, or long range acoustic device.
  - 3. The Sheriff or his designee will submit such reports to the Department of Criminal Justice Services.

# TASER

STANDARD NO(S): NYSLEAP # 32.4

DATE: October 19, 2009  
REVISED: 02/21/2011  
REVISED: 12/18/2015  
REVISED: 03/24/2016

REFER TO: Michael Schell  
Douglas Dickensen  
Sheriff Luce

## **I. OBJECTIVE:**

The Objective of this policy is to provide members with guidance and direction on the use of the Taser International X26P & X26® Taser device

## **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office for members to use only that level of force which is reasonably necessary based on the totality of the circumstances, to control or otherwise subdue violent or potentially violent individuals. The Taser International X26P & X26 Taser® device has been proven effective in the furtherance of this policy and is authorized for use in appropriate circumstances by trained personnel.

## **III. DETAILS:**

### **DEFINITIONS –**

- A. X26P & X26 Taser® Device:** A device designed to disrupt a subject's nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and overriding an individual's voluntary motor responses.
- B. Neuro-Muscular Incapacitation (NMI):** Stimulation of a persons sensory nervous system and motor nervous system that results in uncontrolled muscle contractions by means of overriding their nervous system.
- C. Probe Delivery:** The firing of probes attached to electrical wires from an X26P or X26 Taser® device into a subject for the purpose of NMI. This type of delivery delivers the most desired effect.
- D. Drive Stun:** Refers to pressing an active X26P or X26 Taser® device onto the body of the subject with the probe cartridge removed or after a cartridge has been fired. The drive stun affects the sensory nervous system producing pain compliance and may not achieve NMI.

**E. Spark Test:** A demonstration of the X26P or X26 Taser® device to ensure the device is in working condition.

**F. Taser Deployment:** The intentional firing of the X26P or X26 Taser® utilizing probe delivery or in the drive stun mode making direct contact with a person. The purpose of the deployment is to gain compliance of the subject through NMI or pain compliance.

## **IV. PROCEDURE –**

### **A. Authorized Users –**

1. Only members authorized and approved by the Sheriff may carry the X26P or X26 Taser® device and,
2. Only members who have satisfactorily completed the SCSO Taser basic training course will be authorized to carry the X26P or X26 Taser® device.
3. Civilian members are prohibited from using the X26P or X26 Taser® device.

### **B. Weapon Readiness –**

1. Department X26P & X26 Taser® devices and holsters will be assigned at the beginning of each shift unless individually issued. Members will use the approved department holster.
2. If not individually issued, members shall document the X26P or X26 Taser® serial number or unit number on the daily sign out sheet kept in the Road Patrol Sergeants Office or the Corrections Sergeant's Office. (SCSO-LE-002)
3. The Taser® holster will be positioned on the side of the body opposite of the members issued firearm. Those members authorized to use the device and not assigned to the Road Patrol Division or Corrections Division will utilize the X26P or X26 Taser® and carry the device consistent with approved department training.
4. Only battery power sources recommended by the manufacturer shall be used in all X26P & X26 Taser® devices.

### **C. Care and Maintenance –**

1. The X26P & X26 Taser® shall be pointed in a safe direction, in accordance with department and Taser International® training, in the high ready position with the safety on during loading and unloading. During an operational deployment the X26P or X26 Taser® will be pointed in a safe direction in the ready position for deployment.
2. Prior to operational deployment, members shall ensure the proper functioning of the unit to include visual inspection of the battery capacity readout display and conduct a spark test with the probe cartridge removed. (Other than for operational purposes,

spark tests will be conducted outside of general public view) The member will conduct a spark test in a safe area at the beginning of their shift and do the following:

- a. Remove the probe cartridge from the X26P or X26 Taser®.
  - b. Place the probe cartridge aside in an area separate from the X26P or X26 Taser®. The probe cartridge will not be placed into a clothing pocket or other area where static electricity could potentially cause an unintentional discharge of the probes.
  - c. Conduct a five second spark test while pointing the X26P or X26 Taser® in a safe direction.
  - d. Upon completion of a successful spark test the probe cartridge may be retrieved and reattached to the X26P or X26 Taser® for deployment and the X26P or X26 Taser® placed into its holster.
3. A battery reading of 20% or less shall require the unit to be taken out of service and used for training only.
  4. Members will not eject or remove the X26P or X26 Taser© battery pack. This will only be conducted by a Taser® instructor for the purpose of replacing a depleted battery pack.
  5. Members shall avoid exposing the X26P or X26 Taser® device to extended exposures to rain and/or moisture as this may permanently damage the device.
  6. Members will immediately report to a supervisor any malfunctions or defects observed. This notification will be followed up with a written memo to a Taser® instructor describing the malfunction or defect so that this problem can be remedied.
  7. No alterations or modifications shall be made to the X26P or X26 Taser® and all repairs will be conducted by an authorized vendor.
  8. Any discharge, other than a spark test, either intentionally or unintentionally shall be reported immediately to a supervisor. The reporting process will be consistent with SCSO Policy & Procedure 1-5 “**Use of Force**”.
  9. Taser® instructors are responsible for the care and maintenance of all X26P & X26 Tasers®. They are further responsible for the replacement of cartridges and tracking the issuances of the devices and cartridges on the Seneca County Sheriff’s Office Weapon Inventory list.

#### **D. Use of X26P & X-26 TASER® Device –**

1. Members are not authorized to draw or display the X26P or X26 Taser® device other than for what the officer determines, based on the totality of the circumstances to be a justified use of force or for an authorized training purpose.

2. In preparation for firing, the X26P or X26 Taser® will be first pointed at the threat, the safety then taken off and the fixed sights used as the primary aiming device. The laser dot will then be used as a secondary aiming device.
3. Members will target primary or secondary areas of the body consistent with Taser International® and Seneca County Sheriff's Office training guidelines.
4. When possible, attempts should be made to avoid hitting the subject in sensitive tissue areas such as the head, face, neck, groin, or female breast area.
5. When practical, members shall give proper warning to other members and particularly to the intended subject prior to firing the X26P or X26 Taser®.
6. The X26P & X26 Taser® is use of less lethal force options available to members. The X26P & X26 Taser®, like the baton, OC spray and empty hand techniques may not be effective in every situation. Members must assess the effectiveness in each application and determine whether further applications are warranted or a different tactic should be deployed. The least number of cycles necessary should be used to gain control of the subject.
7. The subject should be secured as soon as practical while disabled by the X26P or X26 Taser® to minimize the need for additional deployment cycles.
8. X26P & X26 Taser® devices are one form of a less lethal options and decisions to deploy require the same basic justification as other less lethal options; however, when determining whether to use the X26P or X26 Taser®, the totality of the circumstances should be considered together with the following:
  - a. The likelihood of physical injury resulting from the deployment of the X26P or X26 Taser® device to include, accidental probe contact to a sensitive tissue area or a secondary injury to the subject from falling post deployment.
  - b. The optimal effective range of the X26P & X26 Taser® is 7 to 15 feet; 2 feet being the minimum recommended range and the maximum range is dependant on the particular cartridge being used.
  - c. Number of members or suspects on scene.
9. The device may also be used in drive stun mode. The probe cartridge does not need to be removed and the unit is pressed firmly onto an appropriate area such as the abdominal region, hips, or legs. Drive stuns shall only be used when the officer feels based on the totality of the circumstances he/she is justified. It is important to note that when the device is used without deploying the probes, it is:
  - a. Primarily a pain compliance tool due to lack of probe spread.
  - b. Minimally effective compared to conventional cartridge-type deployments.

- c. More likely to leave marks on the subjects skin.
  - d. Subject to the same deployment (use) guidelines and restrictions as those of the X26P & X26 in cartridge deployments.
10. The X26P & X26 Taser® will not be used under the following circumstances (unless under exigent circumstances that can be clearly articulated):
- a. In an environment where the member knows that a potentially flammable, volatile or explosive material is present (including but not limited to OC spray with volatile propellants, gasoline, natural gas or propane).
  - b. On a handcuffed or secured prisoner, absent overtly or violent behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - c. On any subject who does not demonstrate an overt intention, (1) to use violence or force against the member or another person, or (2) to flee in order to resist or avoid detention or arrests (in cases where the member would pursue on foot).
  - d. As in all uses of force, certain individuals, may be more susceptible to injury. Members should be aware of the greater potential for injury when the X26P & X26 Taser® is deployed against children, the elderly, persons with small stature irrespective of age, or those who the member has reason to believe are pregnant, or in obvious ill health.
  - e. On subjects in physical control of a vehicle in motion, including automobiles, motorcycles, ATV's, bicycles and scooters.
  - f. When the subject is in a position where a fall may cause substantial injury or death.
  - g. Punitively or for the purposes of coercion and/or any other reason outside of the member's scope of employment.
11. The X26P & X26 Taser® may be used in a defense against animals where proper justification exists. (**See: SPECIAL CONSIDERATION – Police K-9 – Para. E**)
12. Members are not required to use the X26P or X26 Taser® in situations where the use or threatened imminent use of deadly physical force against them or a third person. The X26P & X26 Taser® does not replace the member's firearm and should not be used alone in deadly physical force situations unless that is the only option available. In deadly physical force situations the member should only utilize the X26P or X26 Taser® if other members are present and provide lethal cover by means of the department issued handgun, shotgun, or rifle. Factors that may be taken into account when considering use of the X26P or X26 Taser® in deadly physical force situations with lethal cover include, but are not limited to:
- a. The amount of time the member has to react to a threat.

- b. The members relative proximity to the person posing the threat.
- c. The members ability to isolate the person posing the threat.
- d. The limitations of the X26P & X26 Taser®, and the manner in which it is being employed.
- e. The belief that the application is likely to be successful.

**E. SPECIAL CONSIDERATION –** (Police K-9) – Taser operators and Police K-9 handlers must work closely together when deploying the Taser device when a Police K-9 is present. If a Police K-9 bites the suspect between the probes, the Police K-9 can receive a shock and reduce the effectiveness of the Police K-9.

**F. Post Deployment and Aftercare -**

- 1 . X26P & X26 Taser® probes must be removed from the subject by qualified personnel. This will be done only after the subject has been restrained using procedures outlined during training. Universal precautions shall be followed to protect the officer from the transfer of bodily fluids. In the event that an X26P or X26 Taser® probe penetrates a sensitive tissue area (i.e. groin, eye, female breast, face, or neck) the subject will be taken to an emergency care facility for removal of the probe(s), or in cases where the deploying officer or their supervisor determines that it is otherwise necessary. If it is determined that transporting the subject to an emergency care facility for treatment via a Police vehicle may aggravate the probes imbedded in the sensitive tissue area, an ambulance will be contacted to transport the individual.
- 2. Photographs of the affected area(s) must be taken after the probe(s) have been removed. Any secondary injuries as a result of the X26P or X26 Taser® deployment will be photographed as well.
- 3. If a subject is to be secured at a detention facility, the detention booking staff will be notified that the subject had an X26P or X26 Taser® deployed on them. The detention facility staff will be advised of the method of deployment, any injuries suffered and the location of any probe or drive stun contacts. The detention facility staff will also be advised of the medical treatment rendered to the subject and by whom.
- 4. When the device has been deployed operationally, the member deploying the X26P or X26 Taser® will collect the probe cartridge, wire leads, probes, and AFID's (Anti-Felon Identification) as evidence. Probes shall be secured in the empty probe cartridge and clearly marked as a biohazard.
- 5. Members will notify a supervisor regarding all X26P or X26 Taser® deployments. The reporting process will be consistent with a verbal discussion of the incident as well as the reporting process consistent with SCSO Policy and Procedure 1-5 “**Use of Force.**”

6. Following an operational X26P or X26 Taser® deployment, the supervisor will ensure proper procedures are followed to include taking the X26P or X26 Taser© temporarily out of service and logging it into evidence so that a Taser® instructor can inspect the device and extract the data contained therein. The Taser® instructor will be notified of a device that is out of service due to a deployment via a written memo. Once the X26P or X26 Taser® device is inspected and the data extracted, it can then be placed back into service by the Taser© instructor member. The member who deployed the X26P or X26 Taser® will then retrieve a different Taser®, if available, from the Road Patrol Division or Corrections Devision Taser® storage locker prior to going back into service.

#### **G. Reporting -**

1. A Seneca County Sheriff's Office Subject Resistance Report (SCSO-LE-001) will be completed following any X26P or X26 Taser® deployment. Included on this report will be the deploying member's point of aim, the point of contact made by the X26P or X26 Taser® and/or its probe(s) upon the subject, whether penetration of the skin was made, and any medical attention that was provided.
2. The deploying member will complete the appropriate reports as described in SCSO Policy & Procedure 1-5 "**Use of Force.**"

#### **H. Training -**

1. Members authorized to carry the X26P or X26 Taser® devices must have satisfactorily completed a SCSO Taser basic training course.
2. All members authorized to carry the X26P or X26 Taser® device will complete the minimum of four hours of annual in-service refresher training as determined by the department Taser® instructor.
3. Department instructors on the X26P & X26 Taser® device shall receive refresher training prior to the expiration of their certification every two years.

## Social Media

STANDARD NO(S): NYSLEAP: 14.1

DATE: March 18,2013  
REVIEWED 12/09/2019

REFER TO: John P Cleere

### I. PURPOSE:

The Seneca County Sheriff's Office (SCSO) endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the SCSO's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

### II. POLICY:

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

### III. DEFINITIONS:

- A. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log".
- B. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
- C. Post: Content an individual shares on a social media site or the act of publishing

content on a site.

- D. Profile: Information that a user provides about themselves on a social networking site.
- E. Record: Any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes (§86 (4) NYS Public Officers Law).
- F. Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but not limited to, social networking sites (Facebook, MySpace), micro-blogging sites (Twitter, Nixle), photo and video -sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg edit).
- G. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- H. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- I. Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- J. Wiki: Web page(s) that can be edited collaboratively.

#### **IV. PROCEDURES:**

- A. Seneca County Sheriff's Office Sanctioned Presence-Official Use
  - 1. Determine Strategy
    - a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
    - b) Where possible, the page(s) should link to the SCSO official website.
    - c) Social media content will be designed with the specific target audience in mind.
  - 2. Content Procedures

- a) All SCSO social media sites or pages must be approved by the Sheriff or their designee and will be administered, including regular monitoring.
- b) Content originators are responsible for ensuring accuracy of their content.
- c) Where possible, social media pages shall clearly indicate that they are maintained by the SCSO and will have SCSO contact information displayed prominently.
- d) Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.
  - (1) Content is subject to public records law. The MU-1 Records Retention and Disposition Schedule indicates the minimum length of time that public officials must retain their records before they may be disposed of legally. Relevant sections apply to social media content.
  - (2) Content may be subject to applicable Freedom of Information Law (F.O.I.L.) regulations as required by the NYS Public Officers Law §87.
  - (3) Content that is specific to a criminal investigation should be retained in the appropriate case file and is likely discoverable and, as such, should be brought to the prosecutor's attention.
  - (4) Content must be managed, stored, and retrieved in compliance with open records laws, e-discovery laws and policies.
- e) Social media pages should state that opinions expressed by visitors to the page do not reflect the opinions of the SCSO.
  - (1) Pages will clearly indicate that posted comments will be monitored and that the SCSO reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### 3. Posting Procedures

- a) Personnel representing the SCSO will:
  - (1) Comply with all SCSO standards of conduct, conventionally

- accepted protocols and proper decorum.
- (2) Identify themselves as a member of the SCSO.
- (3) Not make comments or statements regarding their opinion of the guilt
- (4) Not post, transmit, or otherwise disseminate confidential information, including photographs or videos of SCSO training activities, other SCSO activities, or work related assignments without express permission from the Sheriff.
- (4) Not conduct political activities or private business.
- (a) The use of SCSO computers by SCSO personnel to access social media is prohibited without authorization.
- (b) The use of personally owned devices to manage the SCSO social media is prohibited without express Permission of the Sheriff.
- (c) Personnel shall observe and abide by all copyright, trademark and service mark restrictions when posting materials to social media.

4. Undercover Profiles

- a) Nothing in this policy will prohibit the use of a fictitious name, identity, business or organization strictly for official investigative purposes with prior authorization by the Sheriff or Undersheriff. In all such cases members will adopt a criminal investigation case number containing all relevant information on the identity used and members responsible for such investigation.

5. Potential Official Uses

- a) Investigative tool:
- (1) Missing persons
- (2) Wanted persons
- (3) Gang participation
- (4) Online crime (cyber-bullying, cyber stalking, etc)
- (5) Source of photo or video evidence posted by observer or participant.

- (6) Criminal intelligence gathering
  - (7) Creation or corroboration of an undercover or fictitious identity for official use and when expressly authorized by the SCSO.
- b) Community Outreach and Engagement:
- (1) Crime prevention tips
  - (2) Online reporting opportunities
  - (3) Data sharing (crime maps, statistics, etc)
  - (4) Soliciting crime information and tips
  - (5) Customer satisfaction surveys
  - (6) Employee recognition
  - (7) Monitoring and responding to community concerns with the SCSO.
  - (8) Time sensitive notifications:
    - (a) Road closures
    - (b) Special events
    - (c) Weather emergencies
    - (d) Missing or endangered persons
- c) Agency Employee Recruitment:
- (1) Employment opportunities
  - (2) Hiring process preparation aids
- d) Applicant Background Investigation:
- (1) Pre-employment investigations may include internet-based content related to the potential employee.
  - (2) Searches should be conducted by personnel who do not otherwise influence hiring decisions. Any reference to a candidate's protected class status should be filtered from the

search results prior to their submission to personnel making hiring decisions.

- (3) Those authorized to conduct online background searches should be deemed to hold a sensitive position.
- (4) Searches will be conducted in accordance with applicable laws.
- (5) Uniform vetting techniques will be applied to all candidates, making every effort to validate internet based information considered during the hiring process.

B. Personal Use

- 1. Precautions and Prohibitions: Absent State law or binding labor agreements to the contrary, personnel shall abide by the following when using social media:
  - a) Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair the working relationships of the SCSO for which trust and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the SCSO.
  - b) Leader and Subordinate relationships: Because of the nature of social media, formal leaders may interact and function in the same social media spaces as their subordinates. It is suggested that the online relationship function in the same manner as the professional relationship.
  - c) As public employees, SCSO personnel are cautioned that speech, on or off duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the SCSO. SCSO personnel should assume that their speech and related activity on social media sites would reflect upon their office and the SCSO. Speech and conduct should be representative of SCSO values.
  - d) SCSO personnel are prohibited from creating a fictitious identity under the auspices of conducting duty related activities without express written authorization from the Sheriff and/or Undersheriff. Such activities would be governed by the official SCSO use provisions of this policy.

- e) SCSO personnel will not post, transmit, or otherwise disseminate any information or imagery, such as arrest photos, accident scene photos, crime scene photos, official or unofficial reports, or information gained in their official capacity to which they have access as a result of their employment without written permission from the Sheriff or his designee.
- f) For safety and security reasons, SCSO personnel are cautioned not to disclose their employment with the SCSO, nor shall they post information pertaining to any other member of the SCSO without their permission.
  - (1) As such, SCSO personnel are cautioned not to:
    - (a) Display SCSO 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 the SCSO. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
  - (2) Members should be alert to the content and nature of their postings including online conversations and those of family and friends. When certain strings of information are compiled, persons viewing such information may be able to identify shift schedules, location of your residence, when the residence is unoccupied, family members, vacations and other private information.
- g) When using social media, SCSO personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the SCSO's code of conduct is required in the personal use of social media. In particular, SCSO personnel are prohibited from the following:
  - (1) Speech containing obscene or sexually explicit language, images, acts, statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

- (2) Speech involving themselves, or other SCSO personnel, reflecting behavior that might reasonably be considered reckless or irresponsible.
  - h) Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. SCSO personnel thus sanctioned are subject to discipline up to and including termination of office.
  - i) Personnel may not divulge information gained by reason of their authority without express authorization from Sheriff. This includes, but is not limited to:
    - (1) Any statements, speeches, appearances or endorsements;
    - (2) Publishing materials that could reasonably be considered to represent the views or positions of the SCSO.
2. SCSO personnel should be aware that they may be subject to civil litigation for:
- a) Publishing or posting false information that harms the reputation of another person, group or organization (defamation);
  - b) 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;
  - c) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d) Publishing the creative work of another, including trademarks, or certain confidential business information without the permission of the owner.
  - e) SCSO personnel should be aware that privacy settings and social media sites are constantly changing and they should never assume that personal information posted on such sites is protected.
  - f) SCSO personnel should expect that the SCSO, at any time

and without prior notice, might access any information created, transmitted, downloaded, exchanged or discussed in a public online forum.

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

## **FIREARMS AND AMMUNITION**

STANDARD NO(S): NYSLEAP: Chapters 20, 21.1, 32.3-4  
33.1, 41.3  
NYSSA #: 20,21,23,34,37,43, 73-80,90  
NYSSACS#: 5, 14, 16-17

DATE: February 25<sup>th</sup>, 2020

REFER TO: John Cleere

**I. OBJECTIVE:**

To establish guidelines effecting the issuance, approval, storage and carriage of firearms and ammunition by members of the Correction and Law Enforcement Divisions of the SCSO..

**II. POLICY:**

It is the policy of the SCSO to have uniform guidelines and standards for the issuance of firearms, carriage of firearms and firearms qualifications. It is also the policy of the SCSO to store such weapons and any associated ammunition or chemicals in a safe and accountable manner compliant with all State and Federal regulations.

**III. FIREARMS – AMMUNITION - CHEMICALS - EQUIPMENT “GENERALLY” -**

- A. Members who are required to carry possess or transport firearms will receive instruction, individually, prior to being issued any firearm. In addition, the policies and regulations of the SCSO, relative to the use of force, are set forth in the Manual of Instructions, available to each member, which each member is expected to be entirely knowledgeable at all times.
- B. The use of weapons such as, pistols, shotguns, tear gas guns, tasers and rifles as issued and approved by the SCSO will be limited to members who have demonstrated proficiency for such use. Certification in this regard will be handled by the SCSO Firearms Instructors who will insure that members having such weapons are thoroughly familiar with safe-handling procedures and have achieved and maintained their qualifications through authorized training. Members may carry an SCSO issued firearm while off-duty. The SCSO has placed limitations on the off-duty use of weapons owned by the SCSO and assigned to members, (See “**Code of Conduct**”), this manual.
- C. In order to assure accountability of weapons, ammunition and chemicals, all such equipment and supplies shall be inventoried on a semi-annual basis by the ranking Firearms Instructor from each division, ie: Corrections and Law Enforcement. Chemical munitions will be inventoried by the chemical agent instructors also in each division, ie: Corrections and Law Enforcement. Corrections Personnel will ensure compliance with NYS Minimum Standards section 7063. The results of the inventory

shall be provided to the Chief Deputy for record purposes and to the Fiscal Manager, who is responsible for property and inventory control.

- D. Controlled access to Law Enforcement Division stored weapons and ammunition shall be limited to the SCSO armorer(s), key command staff, and firearms instructors. The Corrections Division has in its inventory ten (10) stored weapons for the purpose of transporting inmates outside of the Correctional Facility. (See "**Facility Firearms**"), eCMOI.
- E. All service ammunition and spare duty weapons and specialized weapons systems will be stored in the SCSO weapons vault located at the Seneca County Law Enforcement Center, 6150 State Route 96 in the Town of Romulus, New York. The weapons vault is a secured room with access being monitored through the card access computer also monitored in the Correctional Facility by the Central Control Unit.
- D. Only weapons, ammunition and chemicals meeting the specifications as authorized by the Sheriff of Seneca County, the New York State Commission of Corrections and determined to be in compliance there in by the SCSO armorer(s) may be carried and used by members of the SCSO in the performance of their duties.
- F. Only that equipment which has been issued or approved may be carried by a member while on duty and only such equipment may be used in the necessary application of physical force, except that in emergency situations and with justification, a member may use any resources at one's disposal.
- G. Members are required to use restraining devices on all prisoners unless in the member's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary, e.g. an elderly or handicapped prisoner. The mere placing of handcuffs on a prisoner is not construed to be a use of physical force; however, when the handcuffs become an instrument to exert force to further subdue a prisoner or when a subject physically resists the application of handcuffs, a use of physical force has occurred and must be reported.
- H. A member may carry a personal side arm while on duty only under the following conditions:
  - 1. When the assignment makes it essential that the weapon be concealed and the issued SCSO weapon cannot accomplish this;
  - 2. The member has demonstrated proficiency by qualification in the preceding twelve months with the personal sidearm to be carried; and,
  - 3. The action was authorized by the Firearms Instructor and the Sheriff or his designee.
- I. Inspection of weapons – (ARMORER.) Prior to its being issued for duty use, each weapon, whether new or used, is inspected by a certified SCSO armorer and approved for deployment.

- J. When a weapon is received for inventory, its serial number is recorded in an inventory log and in a maintenance log, both of which are kept in the weapons vault. In the future a computer record will be kept so reports of inventory and maintenance can be kept and recalled in a more efficient manner.
- K. The weapon is completely disassembled, cleaned and inspected for function, wear and condition. It is lubricated, reassembled and tested.
- L. When issued, the member, firearms instructor or armorer will proceed to the firing range for a qualification exercise for the purpose of weapon familiarization and to insure the weapon is properly sighted.
- M. In compliance with the requirements of New York State Penal Law §400.00, a letter showing the make, model and serial number of the weapon is forwarded to the New York State Police in Albany.
- N. At least bi-annually, and more often if there is a perceived deficiency, each weapon is reinspected during a range firearms session. Any problems noted are immediately repaired. If the armorer cannot make the needed repairs, the weapon is returned to the factory.
- O. Any weapon found to be unsafe and unrepairable is removed from service, and the pertinent records are marked "unserviceable, do not issue." The weapon is stripped of all useable parts and the frame and barrel are given to the Evidence Section for subsequent destruction. The New York State Police are notified by letter that the weapon has been deleted from SCSO's inventory.

**IV. SCSO APPROVED DUTY WEAPONS –** All sworn Law Enforcement Division members Engaged in field assignments are required to carry a firearm in the performance of their duties.

- A. Duty issued Hand Guns must be of a make and model approved by the Sheriff.
- B. The shotguns approved for on-duty use are all 12 gauge pump action which must be of a make and model approved by the Sheriff.

**V. SCSO PATROL RIFLES**

- A. The department issued patrol rifle shall be a .223 caliber rifle of a make and model Approved by the Sheriff.
- B. Training
  - 1. The patrol rifle will be issued only to those officers who have received qualifying training and orientation for the rifle and proven proficiency in its' use and knowledge of deployment. Only officers who have successfully completed the SCSO Patrol Rifle School will be authorized to carry and use a patrol rifle.

2. The SCSO Patrol Rifle School will consist of 16 hours of instruction and include the firing of five hundred (500) rounds of ammunition. Officers must demonstrate safe handling of the rifle at all phases of the training and demonstrate the ability to fire accurately and score a minimum of 80% to pass the rifle course. A written test will also be administered with a passing score of 80% required.
3. Officers who are issued rifles or authorized to carry same must qualify with them on a semi-annual basis at the department's range qualifications. A minimum qualifying score will be established by the range master.

#### C. Deployment

1. Patrol rifles may be deployed only in situations where the officer reasonably believes that the tactical advantage afforded by the rifle may be necessary and can be articulated by the officer. This policy does not specify the only situations where rifle deployment is appropriate. The on scene judgment of the officer and/or supervisor is the first indicator of appropriate deployment.

Examples of some general guidelines for deploying the patrol rifle may include, but not be limited to the following:

- a. Situations where the officer reasonably anticipates an armed encounter or a subject wearing protective body armor.
  - b. Situations that may require the delivery of accurate and effective fire at long range.
  - c. "Active shooter" situations.
  - d. Situations where it may be necessary to deliver fire on a barricaded subject or a person holding a hostage.
  - e. Situations where the subject is afforded a tactically superior position, either by location, firepower or other aspect.
  - g. When authorized or requested by a supervisor.
2. At any point of deployment officers must consider that the rifle has a range of approximately two miles, but the recommended distance for deployment is fifty yards and closer.

#### D. Storage

1. Patrol rifles will only be stored in the front of a marked patrol vehicle that is equipped with an approved rifle/shotgun rack. In vehicles not equipped with a rifle rack,

patrol rifles will be stored in the trunk of the issued officer's vehicle within the SCSO issued gun case.

2. While the rifle is in the vehicle rack, or the gun case and not in use, the weapon will be stored UNLOADED, with the safety ON, bolt forward. While in the rifle rack the magazine will be inserted. The rifle will NOT have a round in the chamber while in the rack or trunk gun case.
3. All rifles will have three (3) loaded 30 round magazines and an additional sixty (60) rounds of .223 ammunition stored in the case with the rifle.

#### E. Maintenance

1. Patrol rifle will be cleaned by the assigned officer after every live fire, including the range and periodically as required by the department armorer.
2. Rifles are subject to periodic inspections by supervisory personnel and/or department armorer.

### VI. CORRECTIONS DIVISION – FIREARMS -

- A. The following will be the Correctional Facility Standard for Weapons Inspection and C are in accordance with NYS Commission of Corrections Minimum Standards \* Section 7003.8.\* Firearms control.
- B. Except as otherwise provided, firearms or ammunition shall not be permitted within the secure area of any local correctional facility.
- C. All persons in possession of any firearms or ammunition shall be required to deposit such items in a secure storage depository or with a facility staff member prior to entering the secure area of the any local correctional facility. Any person so depositing firearms or ammunition may demand, and upon demand shall receive, a receipt for such items. Any firearms or ammunition deposited pursuant to this subdivision shall be maintained in a safe and secure manner.
- D. All facility firearms or ammunition shall be maintained in a safe and secure area. An inspection of all facility firearms or ammunition shall be conducted at least every six months. A written record of such inspections shall be maintained and shall include:
  1. the name of the person conducting the inspection;
  2. the date of inspection;
  3. the type and quantity of firearms or ammunition; and, any other information relative to the condition of the firearms or ammunition.

4. Facility firearms or ammunition shall be issued only upon the determination of the chief administrative officer. Such determination shall be in writing and shall include the:
  - a. specific facts and reasons underlying the determination;
  - b. date and time of issuance and return of any firearms or ammunition
  - c. type and serial number of firearms or ammunition issued; and
  - d. name of any person issued the firearms or ammunition.
5. Firearms or ammunition shall be issued only to facility staff members trained in the use of such equipment by a certified firearms instructor.
6. Except as otherwise provided in this subdivision, only firearms and ammunition issued and approved by the SCSO will be used by facility staff members in the performance of their official duties.
7. Facility firearms may be issued to off-duty members who participate in a ride-along program with SCSO Road Patrol Deputies (See “**Facility Firearms**”), eCMOI..
8. A member may carry a personal side arm while on duty only under the following conditions:
  - a. When the assignment makes it essential that the weapon be concealed and the issued SCSO weapon cannot accomplish this;
  - b. The member has demonstrated proficiency by qualification in the preceding twelve months with the personal sidearm to be carried; and,
  - c. The action was authorized by the Firearms Instructor, C.A.O. and the Sheriff or his designee.
9. The storage, inspection, issuance and administration of chemical agents shall be in accordance with the provisions of Part 7063 of the NYS Minimum Standards.

## VII. SCSO APPROVED ON-DUTY AMMUNITION –

- A. Ammunition for all SCSO weapon systems will be approved by the Sheriff and issued by the firearms instructor(s) or armorer and will be the only ammunition approved for on-duty and off duty use.
- B. Notwithstanding the above, in the event a particular tactical situation should require, the firearms instructor(s), after consulting with either the Sheriff, Undersheriff, or Chief Deputy, may authorize the use of a different ammunition to be deployed.

VIII. DISCHARGING A FIREARM -

- A. Any member who discharges a firearm other than for training or recreational purposes, whether intentionally or accidentally, shall immediately notify the on duty Division supervisor. The notification will include information concerning the requirement for such action, how many times the firearm was discharged, and whether death or injury resulted to any person or animal.
- B. Also included should be an account of any resulting property damage whether it be public or private. The member discharging a firearm may be required to surrender it along with any spent cartridges for later examination.
- C. The firing of warning shots by members of the SCSO is strictly prohibited.
- D. Members and Division Supervisors will comply with the Member Reporting and Division Supervisory Responsibility sections of this directive in the event of a discharge of a firearm.

IX. ACQUISITION OF PERSONAL FIREARMS –

- A. Section 400.00 (12-c) of the New York State Penal Law imposes certain reporting responsibilities on employees of agencies who would otherwise be exempt from the licensing requirements for purchasing, possessing, carrying or disposing of a firearm. The employee "shall promptly report in writing to his employer, the make, model, caliber, and serial number of each such firearm ... within ten days of acquisition or disposal ... including the name and address of the person from whom the weapon was acquired or to whom it was disposed." Thereafter, the employer must submit the information to the Superintendent of the New York State Police. Failure to comply with the provisions of this section is a misdemeanor.
- B. In order to avoid inadvertent noncompliance, it shall be the policy of the SCSO that an employee be prohibited from using SCSO identification to purchase a firearm for which there is a licensing requirement under Section 400.00. Instead, any such purchase must be made on the basis of a valid New York State Pistol Permit, in which case all the required information will be reported routinely.

X. FLYING ARMED –

- A. As a result of an initiative by the Federal Aviation Administration, the New York State Office of Public Safety (OPS), formerly Bureau for Municipal Police (BMP) has instituted a two-hour course of study concerning law enforcement officers carrying firearms aboard commercial aircraft. This course has been added to the Basic Recruit Academy and results in certification for the trainee. For reference and to make clear SCSO's policy affecting members who may be required to fly armed there are the following points:
  1. Member must be authorized by the SCSO to carry a firearm; and,

2. Member must have completed the required FAA training through Basic School, in-service, roll call, or other scheduled session presented by a qualified instructor; and,
3. Member must have a "valid need to fly armed." In this regard it shall be SCSO's policy to recognize as valid the following reasons:
  - a. When providing a protective escort for a dignitary or for one who is in a witness protection program.
  - b. When engaged in transporting a prisoner. It should be understood that airlines do not have an obligation to transport prisoners and may choose not to accept a prisoner as a ticketed passenger.
  - c. When the subject of an ongoing surveillance has, without prior notice boarded the commercial aircraft.
4. Travel to a training session wherein a firearm will be needed for the program is NOT a valid reason for being armed during the flight.
5. The member will be required to present credentials plus a letter (required by Federal Aviation Regulations Part 108) showing travel dates and itinerary for flights on which the firearm is needed, certification or letter attesting to member's FAA training, the reason member needs to be armed, and signed by the Sheriff.
6. An UNLOADED firearm may be transported in checked baggage provided it is in a locked, hard-sided container such as a suitcase, briefcase, or something smaller that could be placed inside other luggage.
7. At each airline carrier's station there is a Ground Security Coordinator who is responsible for liaison with law enforcement personnel.
8. The Pilot-In-Command is the In-flight Security Coordinator and is the final authority concerning the safety of the aircraft.
9. Whether armed or not armed, the law enforcement officer should not attempt to intervene in any in-flight disturbance unless specifically asked to do so by a uniformed crew member. No matter what the circumstances discharging a firearm while the aircraft is in flight should never be considered.

XI. FIREARMS QUALIFICATION –

- A. Any member who is authorized to carry a SCSO issued firearm shall be required to maintain a demonstrated proficiency in the use thereof by attaining a score of at least 70% in each of two annual firearms qualification sessions; one daytime and one nighttime. These semi-annual firearms training sessions will be conducted as a portion of the members annual 21 hour in-service training requirement. Instructors will be certified in accordance with instructor standards and qualifications set forth in Part 6023 or 6024 of the NYS Codes, Rules and Regulations. Accurate training records will be kept

up to date and properly documented for all sworn personnel. Qualifying sessions will be held at the SCSO range under the following conditions:

1. Ammunition will be supplied by the firearms instructor(s).
  2. The course of fire at each session will be determined by the firearms instructor(s) according to the needs of the SCSO, and subject to the approval of the Sheriff.
  3. Distances will include, but will not be restricted to 50, 25, 20, 15, 10, 7, 5, and 3 yards.
  4. Targets for each session will be determined by the firearms instructor(s), subject to the approval of the Sheriff, and will include but not be restricted to the B-27 target and the anatomical silhouette target.
  5. Courses of fire will be timed according to the design of the firearms instructor(s) with particular attention to the training needs of the unit being trained, e.g. Corrections Officers, Road Patrol, etc., and subject to the approval of the Sheriff.
  6. SCSO firearms training activities comply with OSHA standard 1910.95 - Occupational Noise Exposure; Hearing Conservation Amendment. The program requires:
    - a. That all firearms instructors receive annual audiometric testing as directed by the Seneca County Sheriff;
    - b. That approved hearing protection be worn by all firearms instructor(s) while engaged in activities wherein firearms are being discharged;
    - c. In addition, firearms instructor(s) will insure that all SCSO personnel will be provided with suitable ear and eye protection while receiving firearms training and that such protection is properly worn.
- A. Upon receipt of a "Subject Resistance Report", or "Citizen Comment Form" indicating unlawful or excessive use of force by any member or employee either through the use of a weapon or other means, the Chief Deputy will review all such reports for policy compliance. If after a review by the Chief Deputy determines that further investigation is warranted, then the Undersheriff and Chief Deputy shall assign the necessary and appropriate personnel to review and investigate the incident (See "**Professional Conduct Unit**"), this manual. Any complaint received by the SCSO by way of a "Citizen Comment Form" or any other means alleging excessive force shall be investigated to the fullest extent
- B. Upon review and investigation of a use of force incident, it is required that all intermediate reporting and reviewing personnel insure that a report of their findings be submitted to the Sheriff as soon as possible after the incident.

- C. In an effort to protect the community's interest when a member may have exceeded the scope of authority in the use of deadly physical force, and, conversely, to shield a member from possible confrontation with the community when acting within the scope of authority, the member may be reassigned from line-duty assignment to an administrative assignment pending an administrative review.
- D. Such review may include a Grand Jury investigation or any other process needed to insure a full investigation of the facts and circumstances of the incident. If deemed necessary, other members who may have been involved, however indirectly, may also be reassigned. Following such reassignment under this provision, the return to line-duty assignment shall be only with the express permission of the Sheriff.
- E. In the event a member is reassigned from duty under any of the above provisions, consideration shall be given to providing stress counseling in order to assist the member in coping with the critical or traumatic incident. Seneca County has contracted with a professional organization to provide this service. The Sheriff or his designee may require mandatory attendance on the part of the member for such stress counseling.

## **Appendix A**

### **Legal Issues**

The use of social media has presented personnel conduct challenges for law enforcement executives that have resulted in employee discipline and terminations. There are many examples of employee misconduct across the United States. These cases highlight the issues associated with such misconduct.

#### **Garcetti V. Ceballos, 126 S. Ct. 1951 (2006)**

A deputy district attorney filed a §1983 complaint against county and supervisors at district attorneys' office, alleging that he was subject to adverse employment actions in retaliation for engaging in protected speech, that is, for writing a disposition memorandum in which he recommended dismissal of a case on the basis of purported government misconduct.

The Court held that: (a) when public employees make statements pursuant to their official duties, they are not speaking as citizens for the First Amendment purposes, and the Constitution does not insulate their communications from employer discipline; and (b) here, district attorney did not speak as a citizen when he wrote his memo and, thus, his speech was not protected by the First Amendment.

#### **City of San Diego v. Roe, 125 S. Ct. 521 (2004)**

Police officer (Roe) who was discharged for offering home-made, sexually explicit videos (in a police uniform) for sale on online auction site sued police department, city, and his supervisors under 1983, alleging that his off-duty, non-work-related activities could not be grounds for terminating his employment.

The uniform apparently was not the specific uniform worn by the San Diego police, but it was clearly identifiable as a police uniform. Roe also sold custom videos, as well as police equipment, including official uniforms of the San Diego Police Department, and various other items such as men's underwear. Roe's eBay user profile identified him as employed in the field of law enforcement.

The Court held that officer's speech did not touch on a "matter of public concern" (that is, subject of legitimate news interest or general interest, and of value and concern to public activities); and officer's activities, though outside the workplace and purportedly about subjects not related to his employment, had injurious effect on mission of his employer. Therefore were not entitled to First Amendment protection.

**Brady v. Maryland**, 83 S. Ct. 1194 (1963); **Giglio v. United States**, 92 S. Ct. 763 (1972).

Prosecutor must disclose evidence or information that would prove the innocence of the defendant or would enable the defense to more effectively impeach the credibility of government witnesses. This disclosure requirement may apply to social media communications made by police officers.

## CHAPTER 2 - Organization and Management

- 2-1      Awards and Recognition
- 2-2      Communications
- 2-3      Collective Bargaining & Grievance Procedure
- 2-4      Direction and Supervision
- 2-5      Fiscal Management
- 2-6      Injury and Death Benefits
- 2-7      Inspectional Services
- 2-8      Organization
  - 2-9      County Office Building Security Unit
- 2-10     Records & Reports
- 2-11     Professional Conduct Unit
- 2-12     Public Information and Community Relations
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## **AWARDS & RECOGNITION**

STANDARD NO(S): NYSLEAP 17.1  
NYSSA # 51

DATE: July 30, 2009  
REVIEWED: 05/17/2017

REFER TO: John Cleere

**I. OBJECTIVE:**

To establish definitions of and procedures for the recognition of outstanding acts of heroism or bravery, life saving, exceptional performance above and beyond the call of duty, as well as sustained excellence on the part of members and employees of the Seneca County Sheriff's Office.

**II. POLICY:**

It is essential to effective supervision and employee morale that outstanding actions or exceptional performances by SCSO personnel, regardless of rank or assignment, are appropriately encouraged and recognized. Any member or employee learning of or participating in an action which may be worthy of such recognition, is urged to provide details in accordance with the procedures set forth in this directive.

**III. DETAILS:**

A. **Awards Committee** - There shall be an awards committee consisting of five members or employees appointed by the Sheriff. The naming of persons to serve on the committee shall be on the basis of at least one each from Civilian Support (Administration), Road Patrol, CID (Law Enforcement Bureau), Corrections Bureau and one member at large. It shall be the responsibility of the awards committee to screen proposals for awards or recognition, and to make appropriate recommendation to the Sheriff in each case. In carrying out this responsibility the awards committee shall:

1. Meet at a convenient time within two weeks after the receipt of an award proposal by one of the committee members.
2. Carefully review each proposal for an award or recognition and take one or more of the following actions in any order:
  - a. Endorse the proposal as submitted, or
  - b. Request that additional details or documentation be submitted, or;
  - c. Invite the person making the proposal to appear before the committee for amplification, or;

- d. With the approval of the Sheriff, request that an investigator be assigned on a time available basis to make inquiry or conduct interviews of employees or others to verify and/or establish additional facts concerning the laudable conduct, if needed, or;
  - e. Recommend that an award or recognition other than that which was proposed be presented, or
  - f. Recommend that no award or recognition be presented.
- B. **Procedure to initiate award or recognition proposal** - Any employee of the SCSO who witnesses or otherwise learns of an exemplary act by another employee may initiate a proposal for an award or recognition by submitting, in writing, a narrative account which includes the date, time and location of the act. The narrative should clearly describe what occurred, with names and addresses of any additional witnesses. The proposal may or may not suggest a specific award, and should be forwarded through the chain of command to the Chief Deputy for the Law Enforcement Bureau or the Jail Administrator for the Corrections Bureau for referral to the awards committee.

C. **Nomenclature of awards** -

**Medal of Valor** - The Medal of Valor shall represent the highest award to be given within the SCSO. It shall be reserved for a member who, in the line of police duty, gives one's life or exceptionally distinguishes oneself by performing a courageous act at the risk of one's own life, with knowledge of such risk, which act is above and beyond the call of police duty. Such an act must have been performed in saving or protecting another.

**Distinguished Service Award** - The Distinguished Service Award shall be presented to a member or employee who, intelligently and in connection with one's official duties, distinguishes oneself by performing a courageous act at the risk of serious injury to oneself, with knowledge of such risk, for the purpose of saving or protecting another; or who performs an extraordinarily creditable and unusual police accomplishment.

**Purple Heart Medal** - The Purple Heart Medal shall be presented to a member who, in the line of police duty, sustains a serious injury resulting from the hostile behavior of another; or, given posthumously to an employee who is killed in the performance of duty. The Purple Heart may be awarded in addition to any other appropriate recognition.

**Life Saving Award** - The Life Saving Award shall be presented to a member or employee who, whether on or off duty, renders first aid of a distinguished or unusually creditable nature to a person whose life is in immediate jeopardy, and in doing so sustains the life of such person enabling his deliverance to a medical facility. Recommendation for this award may include a statement from the attending physician attesting to the fact that life was in immediate jeopardy, that the first aid rendered was effective, and that the expiration of life would have been likely without the employee's skillful intervention.

**Employee of the Year** - Selected from the Office of Sheriff at large, the person designated as recipient of this award shall have demonstrated, to a singular degree, all of the attributes and accomplishments necessary for the Meritorious Service Award (below), thus being worthy of recognition by the entire community. In any year in which such recognition is appropriate, the recipient shall be featured in SCSO's Annual Report.

**Meritorious Service Award** - The Meritorious Service Award shall be presented to a member or employee who has performed one's duties with exceptional and noteworthy skill, and has sustained such excellence for at least one year. Factors to be considered for this special recognition shall include, but are not limited to, initiative, motivation, accomplishments in the face of adversity, or demonstrable exemplary citizenship, the latter of which may occur outside the scope of one's employment. The recipient of this award will, in some manner, have acted in the best traditions of professional law enforcement, reflecting great credit upon oneself and the Seneca County Sheriff's Office.

**STOP-DWI Law Enforcement Officer of the Year** - This award is presented to a member or employee who has demonstrated dedication to the STOP-DWI effort through action, attitude and education.

**Community Policing Excellence Award** - This award is presented to a member or employee in recognition of an outstanding commitment to the community in the areas of crime prevention, public safety, education and problem solving. The recipient shall demonstrate an unusual dedication toward improving the quality of life in Seneca County.

**Letter of Commendation** - The Letter of Commendation, signed by the Sheriff, shall be presented to a member or employee who deserves recognition for an individual act or accomplishment for which another award is not deemed appropriate. It is expected that recommendation for this recognition will begin with the employee's immediate supervisor and that general concurrence will be obtained through the chain of command. Once authorized, the original will be given to the recipient and a copy will be placed in the employee's official personnel file.

**Longevity Award** - The Longevity Award is presented in recognition of years of dedicated service to the SCSO. Presentation will be made to members and employees upon the completion of five years service and recognized by an appropriate award ribbon and certificate. At the completion of each successive five year period the award will consist of an award ribbon denoting the cumulative years of service and certificate at the completion of each successive five year period. Members assigned to plain clothes assignments will receive an appropriate lapel pin denoting their years of service as indicated above.

**Prior Military Service** -An honorable discharge from active military duty in the armed forces, including reserve or national guard service (but not training) by a member or employee shall be recognized by an appropriate ribbon authorized for uniform wear.

**Marksman** – Members may at their expense purchase and display on their SCSO uniform a Pistol Marksman Award Ribbon for demonstrated proficiency with a SCSO issued sidearm as certified by a SCSO or other Certified Firearms Instructor. Pistol marksman award ribbons are authorized for the following marksman categories and certified scores during the most recent SCSO firearms qualification period:

Marksman	(80-85)
Sharpshooter	(86-91)
Expert	(92-97)
Master	(98-100)

In the event a member's firearms proficiency falls below the currently held marksman level, he/she may at their own expense purchase and display on their SCSO uniform an award ribbon appropriate to the level of proficiency. At no time is a member authorized to display an award ribbon that is not appropriate to the currently certified proficiency level.

**Certified Instructors** – The Achievement Award Ribbon will be awarded to those members of the SCSO, possessing current instructor certification(s) awarded by either the NYS Division of Criminal Justice Services, NYS Commission of Corrections or any other certifying agency or body. Members may display on their SCSO an appropriate award ribbon signifying certification as an “Instructor” appropriate to the discipline in which the certification is possessed.

**Field Training Officer (F.T.O)** – The Achievement Award Ribbon will be awarded to those members of the SCSO who have been certified by the NYS Division of Criminal Justice or the NYS Commission of Correction as a Field Training Officer.

**Achievement Award** – The Achievement Award may be awarded to those members of the SCSO whose performance of duty and or professional knowledge sets them apart from their peers but is not sufficient merit for a specific commendation award.

**Civilian Employees** – Certificates of Achievement and Commendation may be awarded to civilian employees upon recommendation of any employee of the SCSO with the approval of the Sheriff.

**Other – Non-employees** – Certificates of Appreciation and Commendation may be awarded to non agency personnel upon recommendation of any member with the approval of the Sheriff.

**D. Wearing of Ribbons -**

Award ribbons will be worn above the right breast side pocket of the member's uniform starting in a single line upwards from the members name tag. Award ribbons are not authorized for wear on a sweater or outer garment

**E. Order of Precedence**

Award ribbons will be worn from the highest to the lowest, as follows: Medal of Valor, Purple Heart, Longevity, Achievement Award.

**F. Medals, Commendations Bars & Ribbons –**

V. H. Blackinton & Company, Inc., 221 John L. Dietsch Boulevard, P.O. Box 1300, Attleboro Falls, Massachusetts 02763, telephone (800) 699-4436, has been selected as vendor for the devices which will be presented to SCSO personnel in connection with this directive. Literature and other information pertaining to the specific pieces needed is retained by and available from the Awards Committee.

**G. Award notification and presentation -**

After recommendation of the Awards Committee as to a specific action, and with the approval of the Sheriff, the Sheriff will notify the employee by letter of being selected to receive an award.

The two appropriate times during the year for the presentation of awards are at an awards ceremony to be determined by the Sheriff, and/or during National Law Enforcement Week, which occurs in May. The Sheriff will select one or both of these occasions for presentations; however, nothing contained in this directive will interfere with the Sheriff's prerogative to confer recognition at any time upon any employee who has performed an act consistent with the standards contained herein.

**H. The Seneca County Employee Recognition Program** was established by the Seneca County Board of Supervisors and was in effect in January 2009 as part of the Official Seneca County Policy Manual whose goal was to recognize excellence in departmental and county performance and public service for the good of the people in Seneca County.

The purpose of the Employee Recognition Program was to recognize excellence in the areas of quality service, process improvement, teamwork, and to acknowledge long standing commitment to the county.

The Seneca County Employee Recognition Program operates under the following guidelines, which in part state the following:

“A full-time or part-time staff/administrative employee working for Seneca County can be nominated by completing an Employee of the Quarter Nomination Form. Nominations must be submitted by the 20<sup>th</sup> of the second month in the quarter for award consideration for the following quarter.”

An individual can win the award once in any calendar year. Recipients will receive the following recognition: a designated parking space for the quarter, a certificate signed by the Chairman of the Board, County Manager and Department Head. All recipients will have their name and photo placed on a plaque which will be located in the two most visible entrances of the County Office Building.

There will be four recipients each year and from these four, one will be chosen as Employee of the Year. The plaque will encompass the Employee of the Year and photo as well.

In the Month of January, there will be a dinner held for the employee of the year with each Department Head present along with County Supervisors and other employees wishing to attend.

### **CRITERIA FOR COUNTY EMPLOYEE RECOGNITION PROGRAM NOMINATION**

1. Exhibits commitment to service and to serving the Seneca County Community or Organization.
2. Sustained high level of productivity and consistent quality of work.
3. Demonstrates high degree of initiative in the performance of responsibilities.
4. Maintains, demonstrates and exhibits effective relationships with others.

If someone you know portrays these kinds of qualities or has done something above and beyond normal duties, nominate them for the Employee of the Year.”

Nomination forms are available to all SCSO members and employees and are located at Section 105.101 of the Seneca County Policy Manual via the Seneca County intranet computer system. Completed forms should be directed and forwarded to the Seneca County Personnel Officer, located at the Seneca County Office Building, One DiPronio Drive, Waterloo, New York.

This program is for all county employees and is administered separately from SCSO's; however, it shall be the responsibility of the Sheriff to serve official notification on the chairperson of any awards presented under SCSO's program in the event that the Seneca County Board of Supervisors wishes to consider an award recipient for county recognition as well.



SENECA COUNTY SHERIFF'S OFFICE

MEMORANDUM

TO: ALL SCSO MEMBERS AND EMPLOYEES  
FROM: W. Timothy Luce  
DATE: July 27, 2016  
SUBJECT: APPOINTMENT OF AWARDS COMMITTEE

Pursuant to SCSO Policy and Procedure 2-1, III, A, I hereby appoint the following members and employee's to serve on the Awards Committee.

Jamie Conkey (CID)

Thomas Mulheron (CORRECTIONS)

Danielle Thompson (CLERICAL-SUPPORT)

Richard Reed (ROAD PATROL)

John Cleere (AT-LARGE)

There is no greater honor than to be recognized by your peers.

I encourage every member and employee to submit nominations to the Awards Committee for conduct deserving and outlined in SCSO 2-1

---

W. Timothy Luce,  
Sheriff

## **COMMUNICATIONS**

STANDARD NO(S): NYSLEAP 43.2-4, 55.1-2

REFER TO: Jack S. Stenberg  
Gary S. Sullivan

DATE: June 9, 2009

**I. OBJECTIVE:**

To define the Seneca County Department responsible for Communications and procedures for radio, telephone, teletype communications, alarm monitoring, misdirected emergency calls and data communications.

**II. POLICY:**

It shall be the policy of the SCSO to utilize the Seneca County Emergency Communications Department, hereinafter referred to as the E-911 Center, an independent department within the framework of Seneca County Government, as the primary operations center. The E-911 Center is responsible for all radio, telephone, teletype, alarm monitoring, misdirected emergency calls for not only the SCSO, but for all law enforcement agencies, fire departments and emergency medical services within Seneca County and operates 24 hours per day, 7 days per week.

**III. DETAILS:**

- A.** Every member and employee of the SCSO is assigned a unique three digit number to be used as either a shield number, radio call number, or personal identification number. Members and employees of the SCSO when using any radio frequency under the authority of the SCSO are required to use their assigned unique three digit number in any and all radio transmissions.
- B.** E-911 Center dispatchers conduct administrative and operational duties as outlined in the "Policies and Procedures" of the Seneca County E-911 Emergency Communications Department. Excerpts from the E-911 Center's "Policies and Procedures" which have an impact on SCSO operations are referenced in this policy.
- C. Function** - The function of the E-911 Center shall be to receive and process information communicated by radio, telephone, teletype, data transmission, alarm systems, or by individuals who appear in person at either the E-911 Center, Seneca County Law Enforcement Center, or any other law enforcement agency. (E-911 P&P 1.4)

#### **D. Security -**

1. Access - The E-911 Center is located on the basement floor of the Seneca County Office Building, located at 1 DiPronio Drive, Waterloo, New York 13165 in space to which the public has no access. A backup E-911 communications center, located at 44 W. Williams Street, Waterloo, NY 13165, is available for use in the event that the primary E-911 center is either out of service or is needed to be put out of service and is, also, secured from public access. In an effort to assure the uninterrupted operation of the E-911 Center, entry is prohibited unless permission is given by the Senior Dispatcher on duty and the entry is job related. (E-911 P&P 1.4)

Any SCSO member on official duty is authorized to enter the E-911 center and may do so by speaking into the intercom at the E-911 center, identifying themselves and if permitted, will be able to enter and access the E-911 center. (E-911 P&P 1.4)

2. Equipment - Equipment associated with the E-911 Center is located within the E-911 Center and subject to the same restricted access. Off-premises equipment, identified as the backup E-911 communications center and remote radio relay sites, are all limited access to authorized personnel only. (E-911 P&P 1.4)
3. Alternative resources - An automatic generator provides a back-up power supply to the E-911 Center in the case of a power failure. The generator is tested monthly as per the Policies and Procedures of the Seneca County Emergency Communications Department. (E-911 P&P 1.4)

#### **E. Personnel -** Members of the E-911 center assigned to perform duties associated with the above functions are referred to as "E-911 Dispatchers" and are supervised by a "Senior Dispatcher" directly and by the "E-911 Coordinator" indirectly. The E-911 Coordinator is responsible for establishing the rules, regulations, policies, directives and other memoranda which govern the operations of the E-911 center and its employee's. E-911 center dispatchers are provided with documents constituting the required procedures, mentioned below, and shall have immediate access to tactical dispatching plans. (E-911 P&P 1.4)

#### **F. Responsibilities of E-911 Center Employees - (E-911 P&P 1.4)**

1. E-911 center employees are required to report for duty 5 minutes prior to the assigned shift in order to receive a briefing on pertinent activities from the previous shift.
2. The off-going Senior Dispatcher should direct the shift change order for the sign-out and sign-in to ensure that adequate staff is signed into Vesta and Aries during the shift change period.

3. Upon commencing duty, the Dispatcher shall ascertain the identities of on-duty road patrol officers, where they are assigned and the current status of each. The dispatcher shall also determine if there are any fires or emergency medical service units active at that time.
4. Once the previous shift has been relieved, the Dispatcher is responsible:
  - a. To answer all telephone calls to determine what type of assistance the caller acting as the complainant or calling for someone else needs.
    1. If police assistance is requested, (It is not ever the dispatcher's role to determine whether or not a violation or crime has been committed. At any request for police response, an officer will be sent or notified of the request or complaint.) to prepare a record of the complaint and dispatch the appropriate patrol unit in accordance with E-911 center SOP, and,
    2. If administrative call, to direct the caller to the appropriate source from which they may receive the needed assistance.
  - b. To answer calls on the county's fire and emergency telephones, determine what assistance is needed, (e.g. fire, rescue, emergency medical) then dispatch the appropriate service to the scene.
  - c. To keep the appropriate Dispatcher informed of any serious or unusual happenings, and if any are among those occurrences described in the SOP, to make all notifications as indicated in E-911 P&P 4.2
  - d. To be aware that all E-911 center equipment is functioning properly and to report any problems promptly to the Dispatch Supervisor;
  - e. To complete all emergency teletype work arising from the shift;
  - f. To serve as an answering service for other county agencies, such as Department of Social Services, Highway Department, Community Counseling, Codes, Waterloo Police Department, Buildings & Grounds, etc., which are unmanned during nights and weekends, and to make notifications to their personnel, if appropriate;
  - g. To respond to radio calls from officers and to accommodate their requests;
  - h. To respond to radio calls from county emergency service units and to accommodate their needs;

- i. To be knowledgeable of all applicable rules, regulations and procedures affecting the E-911 center, including Federal Communications Commission procedures and requirements; and,
- j. To perform other tasks necessary to the daily operation or upon the request of duly authorized command personnel.

**G. Operational resources -** (E-911 P&P 1.4) The procedures which provide specific guidance for the Communications Officer are contained in the following publications:

1. Seneca County E-911 Center's Standard Operating Procedures Manual,
2. Local procedural manuals which may be adopted for use such as those of the Seneca County Fire Service and the ambulance services and etc.

**H. Informational resources -** Through the E-911 Center's ARIES system, E-911 Dispatchers have immediate access to the following information systems:

1. eJusticeNY (eJusticeNY Integrated Justice Portal, formerly NYSPIN) These files contain law enforcement information including references to stolen articles, stolen vehicles, wanted or missing persons and descriptive information regarding parolees
2. DCJS (Division of Criminal Justice Services) Maintained by the New York State agency DCJS, these files contain the criminal histories of all persons arrested in the state, as well as providing access to criminal records in all other states.
3. DMV (Department of Motor Vehicles) These files contain information pertaining to vehicle registration, insurance carriers, drivers licensing and operators driving records, etc.
4. NCIC (National Crime Information Center) Maintained by the Federal Bureau of Investigation, these files enable inquiries concerning persons or property in various categories.
5. NLETS (National Law Enforcement Telecommunications System) Located in Phoenix, Arizona, this system provides the user with access to criminal justice and vehicle information submitted by police agencies in all 50 states and the territories.
6. ARIES CAD (Computer Aided Dispatch) System - The E-911 center has in place a computerized data system which includes a "street detail file" accessible to the E-911 dispatchers. By entering the name of any street or road within the county, the Communications Officer can display the following information:

- a. Other names by which the street is known,
  - b. Names of crossroads or landmarks,
  - c. Range of house numbers on that street,
  - d. Names of emergency and other service providers, including fire, rescue, ambulance, telephone, electric and gas, and
  - e. Any specific comments which will assist the responder in providing the requested service.
7. VESTA PALLAS Phone System, is an "info file" which contains specific information concerning the procuring of essential services outside the SCSO. These services are:
- a. Environmental services supplied by the Department of Environmental Conservation, Region 8 Headquarters in Avon, New York, for hazardous material incidents.
  - b. Helicopter and aircraft services supplied by the Onondaga County Sheriff (for searches), Medivac (for medical emergencies) and the New York State Police.
  - c. Towing services supplied by commercial operators.
- In addition to the computer capability, E-911 dispatchers also have ready access to the following lists and publications:
- 8. The National Directory of Law Enforcement Administrators, Correctional Institutions, and Related Agencies. This document, which is updated annually, contains the addresses and telephone numbers of all municipal, county and federal agencies having criminal justice responsibilities.
  - 9. Telephone numbers for the military service branches, used to verify AWOL status of arrestees.
  - 10. Local lists and directories to provide 24-hour contact with SCSO members as well as personnel of the District and County Attorney's Offices.
  - 11. Indices providing telephone numbers for emergency service agencies within SCSO's jurisdictional area.
    - a. Monthly on-call lists are provided by the Department of Social Services and Home Health Care staffed by county nurses, and
    - b. Other lists identify persons and services concerning public utilities, coroners, roads and highways, probation supervision, and forest lands.

- I. Recordings -** All voice communications into and out of the E-911 Center via telephone or radios are recorded on a continuous 24-hour recording system known as Exacom Computerized recording system. This system allows for the preservation of recorded information on CD's which are stored in the E-911 Center's Coordinators office for a minimum of one year, after which the discs are reused. (E-911 P&P 11.1)

Each phone line into the center and each radio frequency are recorded on an individual channel on the disc. In addition, there are automatic playback recorders, "call checks," connected to the phone lines.

1. The E-911 center has developed procedures for the handling of these CD's which are outlined in E-911 center policy and procedures # 11.1 which state the following:
  - a. The current CD tapes which are labeled A Deck and B Deck are removed from the recorder upon reaching full capacity of 95%. Both CD's are placed in the locked cabinet located in the E-911 Coordinators Office where they remain until needed for play back of phone calls or radio transmissions or until they are erased and reused.
  - b. In the event a recording needs to be reviewed, the reviewer must execute a form which serves as a chain of evidence form and shows the date of the recording, the channel being reviewed, and the reason for the review, the date of the review, and the signatures of the reviewer and the 911 Dispatcher providing the recording. Recording review forms are kept on file in the 9-1-1 Center.
  - c. A member of the SCSO below the rank of Investigator or Sergeant is required to have the approval of a supervisor in order to review a recording.
  - d. The Seneca County Fire Coordinator and EMS Coordinator have frequent need to review the recordings. These officials will be permitted to do so at any time with the completion of the regular review form.
  - e. In order to assure safe handling of all recordings, a Dispatch Supervisor or E-911 Coordinator will provide technical assistance anytime a recording is reviewed, on a time available basis.
2. The use to which recorded radio transmissions and/or telephone conversations may be put are:
  - a. As evidence in criminal or civil proceedings and by subpoena.
  - b. To determine if proper procedures were followed by E-911 members where there have been allegations to the contrary.

- c. As illustrative material for Communications Officer training, and

The Recording Room must remain locked at all times. Only authorized personnel are allowed in the Recording Room. Shift Supervisors from each shift will check security and temperature of Recording Room at least once during shift.

- J. Incident Request Procedure** - (E-911 P&P 11.2) the following describes the means by which documentation or recordings of an incident involving either the Emergency Communications Department, or any agency served by the E-911 center may be reviewed. The process by which the requests are processed is outlined as follows:

1. **Agencies Requesting Information** – Any agency served by the Emergency Communications Department has privilege and right to access either documentation, or recordings of incidents dispatched, coordinated or monitored by the Emergency Communications Department. Any requests must originate from an officer of the organization requesting the information.

The form entitled “Request for 911 Incident Information” must be used to document the request, and shall document the receipt of requested material by personnel receiving such documents or tapes. There will be no financial charge to any agency served by the E-911 Center for such services. These forms are available to any SCSO member by contacting the E-911 Center directly.

Unless said information is required on an emergency basis, the request form shall be completed by the requestor and submitted to the E-911 Coordinator. The requested material, if available, shall be made available within seven days of the request. In the event that the material is needed on an emergency basis, any supervisor of the Emergency Communications Department shall have the authority and right to access the subject information with the approval of the E-911 Coordinator.

Statistics shall not be subjected to completion and approval of the “Request for 911 Incident Information Form”, but instead shall be made readily available to the agencies served by the E-911 Center.

2. **Information Requested by Court Order** – Incident information, including recorded and documented information, may also be requested by court order. In such case, the request shall be granted without the completion of the “Incident Review Request Form.” The requested information shall be relinquished only directly to the judge or official requesting such information, or an employee or representative of his/her office.

A District Attorney or municipal attorney for any municipality in Seneca County, acting on behalf of the County or municipality shall also be entitled to incident information.

Those agencies or individuals described in this section shall submit either a subpoena or a written request for incident records which includes a clear description of the records or CD's requested. The subpoena or request shall serve as documentation in lieu of completion of the "Request for 911 Incident Information Form."

3. **Information Requested by the General Public** – All other persons or agencies which have not been described in Sections 1 or 2 requesting information shall be required to submit a written request for such information to the Seneca County Attorney. Information shall be retrieved and compiled only following the receipt by the E-911 Coordinator of written instructions from the Seneca County Attorney to do so. Following the accumulation of such information, all documents and tapes requested shall be turned over to the Seneca County Attorney who will be responsible for forwarding of such material to the requestor. Note that any attorneys who are not acting on the behalf of a municipality in Seneca County are subject to this section of E-911 Center policy and procedure.

**K. Status Checks** – (E-911 P&P 2.2) are a procedure implemented by the E-911 Center to ensure Officer Safety by checking on an Officer via radio at various time intervals as outlined in E-911 Center policy and procedure # 2.2 as outlined below:

1. All Officers on an "In Progress" call with a possibility of violence, or aggression of any type will be checked every five minutes.
2. All Officers on a Traffic Stop will be checked every five minutes.
3. All SCSO Officers will be checked every 30 minutes from 10:00 p.m. through 6:00 a.m..
4. If an Officer does not answer, the status check will be checked twice more, and if;
  - a. The Officer is on an "In Progress" call with a possibility violence E-911 dispatchers will send the closest car and will advise the on-duty Road Patrol Sergeant.
  - b. The Officer is on a "Traffic Stop"; E-911 dispatchers will send the closest car to the location of the traffic stop and will advise the on-duty Road Patrol Sergeant.

- c. The Officer is not on a complaint; E-911 dispatchers will advise the Road Patrol Sergeant and send the closest car to the direction of the last recorded complaint.

**L. Alarms** - Alarm monitoring is an important function of any law enforcement agency, since it can provide instant and continuous notification of a crime in progress; however, to be effective the alarm system must meet the standard of reliability.

(E-911 P&P 7.1) The E-911 Center has established a uniform procedure for the handling of residential and business alarms, including bank, direct line, medical and fire alarms.

1. Alarm types are designated as perimeter, interior, outside bell, robbery, fire, medical or other.
2. Alarms may be received via telephone from an alarm/security company, by an automatic tape dialer or from an officer or civilian who has become aware of an audible alarm sounding outside a building.
3. Upon receipt of an alarm, it will be considered as bona fide, e.g., a crime in progress, until information to the contrary is received.

The E-911 Center pursuant to policy and procedure # 7.1 outlined above have differing operational responses and activities in dealing with Bank, Business, Residential, Fire and Medical alarms.

**M. Public access** - The telephones at the E-911 Center are manned 24 hours a day by trained E-911 dispatchers. Telephone service in Seneca County is provided by numerous companies and is divided between two different area codes.

1. In order to provide toll-free calling to areas outside the county seat of Waterloo, New York the E-911 Center maintains an 800 number (800-458-0886). Callers from all areas of the county can dial 911, toll-free, to secure emergency services or can use the 800 number, also toll free, for other business.
2. Telephone numbers to be used in calling the E-911 Center are printed prominently in area directories and appear on all police, fire and ems vehicles in Seneca County.

**N. Misdirected emergency calls** - Municipal boundaries and police jurisdictions are not always clear to the caller who is further stressed by an emergency. The E-911 dispatcher receiving an emergency call, and recognizing that it was intended or should have been made to another police agency, shall, nevertheless, obtain all necessary information for processing the complaint and then relay it to the appropriate agency. In those instances where the caller is obviously distraught, the E-911 dispatcher will endeavor to keep the caller on the line while

obtaining details of the caller's location, name, telephone number and nature of the emergency. If, in the judgment of the E-911 dispatcher, it appears that the situation could deteriorate, one should attempt to keep the caller on the line while relaying information to the proper jurisdiction by radio, if possible.

Having obtained the critical information and determining that the caller is in no immediate danger, the E-911 dispatcher should ask the caller to remain on the line while the call is patched through to the appropriate agency.

If it can be determined that a misdirected call is not of an emergency nature, the caller is transferred to the agency having jurisdiction, and the E-911 Dispatcher remains on the line until it is determined that the call transfer has been complete.

1. Complaints from the Villages of Seneca Falls and Waterloo (which have their own police agency, but are within the County of Seneca) will be received by the E-911 dispatcher. Calls received for service within those municipalities will be directed to the police department having jurisdiction.
- O. Reporting** - Because of its communications functions, the E-911 Center is in the best position to be aware of incidents when and where they occur. In order to collect this information systematically, so that it may be considered in making management personnel decisions, the E-911 Center, as part of their monthly report, includes a tabulation of incidents by agency and makes that information available to any law enforcement agency in Seneca County.
- P. Mercy Flight** - A Canandaigua firm known as Mercy Flight has the capability of transporting ill or injured persons, via a specially equipped helicopter, to a medical center for treatment. Seeking to minimize lost time in responding to a medical emergency, Mercy Flight has offered to place their equipment on stand-by when requested to do so. They estimate that this action can save 4 to 5 minutes, and can be cancelled without cost if no actual flight is made.

Consistent with its responsibilities in dispatching emergency services, the E-911 Center may place Mercy Flight on stand-by. Once EMS personnel have arrived at the scene, any decision to request an actual flight will be made by the appropriate EMS technician.

In the case of emergency situations not requiring the presence of the EMS, the decision to request the assistance of any helicopter service, including Mercy Flight, may be made by the Sergeant or any superior officer in command at the scene. See paragraph F(7) above.

- Q. E-911 police dispatching policy** - Telephone calls that originate within Seneca County and that are made by dialing 911, are received in the E-911 Center, regardless of the nature of the emergency, i.e. police, fire or medical. The following procedures were developed by the committee that addressed this matter and have been endorsed by the Seneca County 911 Advisory Board and

contained in a "Memorandum of Understanding, Seneca County E-911 Center, Procedures for requests for police services, Nearest Available Unit Concept, approved May 8, 2009"

1. The E (enhanced) 911 system shall be under the control of the Seneca County E-911 Emergency Communications Department and will handle all calls for police services in the unincorporated areas of the county. Under certain circumstances, responses to calls from a municipality having its own police agency will be dispatched to that agency in accordance with existing agreements. (See "Jurisdiction," ¶ B, this Manual.)
2. Calls will be assigned to either a SCSO car or a New York State Police (NYSP) car, using the "closest car concept," in the following manner:
  - a. Routine, non-emergency calls for police service will be dispatched to the closest car available, whether county or state, that is assigned to patrol coverage in the post that the call for service is located. This determination of the closest post car will be made using a "radio polling" of available on-duty police Officers in relation to the location of the routine, non-emergency call for service. Should a particular police agency be requested by the caller, only that agencies Officer will be sent unless they have notified the E-911 dispatcher they would not be available for the complaint, in that event, the other County-wide police agency will be dispatched.
  - b. If both the SCSO and NYSP units are unavailable the Sheriff's Patrol Sergeant will be notified and so noted on the job record. The sergeant will decide whether to assign another unit from another post or hold the job until one of the post units becomes available.
  - c. Calls for service received from a NYSP station are handled by the NYSP unless the officer is unavailable and requests the closest car handle the call. (E-911 P&P 2.1)
  - d. Emergency calls (PI Crash, crimes in progress, etc.) will be dispatched using the "closest car" system without regard for the post the unit is assigned to.
  - e. This E-911 Center policy and procedure has been implemented in order to afford the citizens of Seneca County the best possible police response to their calls and in order to meet the closest car standards as set forth by the New York State 911 Board.
3. By resolution number 285-06, dated 11/14/06, the Seneca County Board of Supervisors has provided for an Operational Review Board to oversee the Seneca County Emergency Communications Department procedures and to resolve differences wherever possible. The review board is known as the 911 Board and membership is comprised of representatives of the following agencies or departments:

Seneca County Manager  
Seneca County Department of Emergency Services  
E-911 Coordinator  
New York State Police  
Seneca County Sheriff's Office  
New York State Park Police  
Interlaken Police  
Seneca Falls Police  
Waterloo Police  
Seneca County Fire Chief's Association  
North Seneca Ambulance  
South Seneca Ambulance  
Department of Environmental Conservation

4. Dispatch procedures shall be reviewed at least annually, but in an ongoing manner by the 911 Committee as necessary or when any dispute among the parties needs to be resolved. Any complaints regarding dispatch policies and procedures will be resolved by the 911 Committee. (E-911 P&P 2.1)
- R. Terrorism Alerts** – Within the E-911 Center there is a NYSPIN/eJustice link to the state-wide Terror Alert System. In the event an alert is transmitted the E-911 staff must read the alert. If there is an incident or imminent threat affecting Counter Terrorism Zone 11 (Ontario, Livingston, Wayne, Yates and Seneca Counties) as well as Rochester or Monroe County, the E-911 Coordinator shall be notified immediately and the E-911 Coordinator will make notifications to Law Enforcement Officials.
- S. Suspicious Airborne Activity** – The E-911 Center is prepared to receive information about emergencies occurring on an aircraft or concerning an aircraft that is being operated in a suspicious manner, suggesting a possible terrorist threat. Procedures are in place for the immediate notification of the North American Aerospace Defense Command (NORAD).
- T. Vehicle Pursuit** - SCSO members should refer to “**Vehicle Operations**” in the LEMOI for specific procedures concerning SCSO policies and procedures with regards to vehicle pursuits.

The following policy and procedure entitled “Vehicle Pursuit” (E-911 P&P 7.8) defines the responsibility of the E-911 dispatcher when an officer or deputy calls out with a vehicle chase.

#### **BACKGROUND:**

1. When a motor vehicle pursuit is initiated, the pursuing member will immediately report same to the dispatcher by stating the member has a pursuit and advise the following:

- a. Member's assigned radio call number
  - b. Reason for pursuit (member will clearly articulate this)
  - c. Route, direction of travel and areas being approached (to be reported as frequently as safety permits.)
  - d. Description of pursued vehicle an license plate number
  - e. Number of occupant(s) and description
  - f. Weapons involved, if any
  - g. Speed of pursuit
  - h. Operation of pursued vehicle, e.g. reckless, slow, etc.
2. All employees on the same channel will refrain from radio transmissions during the pursuit except for short transmissions of their locations as safety permits.

**DISPATCHERS SHOULD ATTEMPT TO GET THE ABOVE INFORMATION IF NOT PROVIDED. OFFICER SAFETY TAKES PRIORITY.**

**PROCEDURE:**

When an officer or deputy calls out with a pursuit, the dispatcher will:

1. Move all Routine traffic to the TAC 2 frequency leaving the pursuit vehicles on the main radio frequency.
2. Create a CAD incident
3. If a patrol supervisor has not called out in command of the pursuit, make all attempts to notify supervisor. This supervisor shall be soley in charge regardless of what geographic area the pursuit enters until or unless relieved by a higher-ranking authority
4. Accurately status all units involved in the pursuit
5. Notify surrounding police agencies, if pursuit may enter their jurisdiction
6. Run the plate in NYSPIN e-justice interface and broadcast the information as soon as time permits.
7. When the pursuit is terminated, the dispatcher will note the time and location of the stop
8. If the suspect is apprehended, the dispatcher will note "suspect in custody" on the event.

When a vehicle pursuit extends beyond the boundaries of the jurisdiction in which it was originally started, the dispatcher will:

1. Notify the appropriate dispatcher or dispatchers that a chase is in progress and which car is currently calling the chase.
2. Advise other dispatcher to notify the Town(s) toward which the pursuit is progressing.
3. Advise other responding units that they should signal the chase frequency.

**U. Domestic Violence/Family Trouble** - Members will respond to every request for police assistance in a domestic dispute and will treat these calls in the same manner as any other offense, in progress or after the fact. Whenever practicable, at least two officers will be dispatched on domestic violence complaints.

The following policy and procedure entitled "Family Trouble" (E-911 P&P 7.7) defines the responsibility and procedures of the E-911 dispatcher:

1. When dispatching personnel to a family trouble call, two cars will be sent.
2. The E-911 dispatcher taking the call will attempt to obtain as much information as possible. This information will be relayed to the responding officers. This information should include:
  - a. Any information that would be helpful in locating the residence, i.e. house description, vehicles in the driveway, landmarks, specific location on the road.
  - b. Whether the suspect is present and, if not, the suspect's description and possible whereabouts. If suspect left in vehicle; get description of vehicle, direction of travel and a license plate, if possible.
  - c. Whether weapons or dangerous instruments are involved. If the dispatcher is made aware that there are weapons at the residence, ascertain where those weapons are at the time.
  - d. Inquire should be made regarding other threats to officer (e.g. dogs);
  - e. Whether medical assistance is needed at the scene;
  - f. Whether there are children present and, if so, their ages and their physical and emotional status;
  - g. Whether the suspect or victim is under the influence of drugs or alcohol;
  - h. Whether the victim is in possession of a current protective or restraining order
  - i. Complaint history at that location;
  - j. Identity and relationship of caller (i.e. victim, neighbor, child).
3. The computerized registry for orders of protection is to be checked prior to the arrival of the officers and this information relayed to them.

4. Response to a domestic incident complaint will not be cancelled based solely upon the complainant's request. The responding officers shall be advised of the request, and directed to continue their response.
- 5 Once the officers are on scene, status checks will be done every 5 minutes unless the officer advises that they are all set.

**V. Other E-911 policies and procedures -**

The E-911 Center has various other written policies and procedures which govern such functions as: Administrative, Operational, Technical and Record Keeping.

## **COLLECTIVE BARGAINING & GRIEVANCE PROCEDURE**

STANDARD NO(S): NYSLEAP# 16.1

DATE: January 8, 2010  
REVIEWED: 12/16/2019

REFER TO: Timothy Luce

### I. OBJECTIVE:

To establish guidelines for the personnel administration function of grievance procedures and collective bargaining.

### II. POLICY:

It shall be the policy of the SCSO to take all necessary steps to insure the terms and conditions outlined in employer/employee collective bargaining agreements are complied with.

### III. DETAILS:

A. **Collective bargaining** - The conditions of employment, and the collective bargaining that is conducted in order to arrive at such conditions, are stipulated in an agreements made pursuant to Article 14 of the Civil Service Law entitled "Public Employees' Fair Employment Act."

1. Two Collective Bargaining Agreements (CBA) exist and are in force between the County of Seneca, and the Seneca County Sheriff, referred to as the "Employers." One such CBA is with the Seneca County Sheriff's Employees' Association, referred to as the "Association" the other with the Seneca County Deputy Sheriff's PBA, referred to as "PBA"
2. The CBA's are authenticated for the County by the Chairman of the Seneca County Board of Supervisors, Chairman of the Personnel Committee, County Personnel Director and the Sheriff; and for the Association and PBA the President of the Seneca County Sheriff's Employees' Association or President of the PBA and their Counsel.
3. Negotiations on behalf of the County during the collective bargaining process are carried out by the Personnel Director.
4. Ground rules for the conduct of negotiations are usually stipulated informally between the Personnel Director, representing the County and the Sheriff, and the negotiating team.

5. **Impasse** - resolving procedures shall follow the provisions of Civil Service Law, Section 209.2 which empowers public employers to enter into written agreements with employee organizations "setting forth procedures to be invoked in the event of disputes which reach an impasse in the course of collective negotiation."

**B. Grievance procedures -**

1. Section 13 of the CBA's, between the "Employer" the "Association" and "PBA", set forth procedures to be used in the filing of a grievance, which is defined as a dispute or controversy between an individual employee or the "Association" or "PBA" covered by the CBA and the "Employer", arising out of the application, interpretation, or alleged violation of such CBA.
2. Both CBA's outline and describe the procedures for submitting and responding to grievances.

## **DIRECTION & SUPERVISION**

STANDARD NO(S):	NYSLEAP 2.3, 2.7 NYSSA # 33,42, 48 - 50 NYSSA CD# 33
DATE:	March 16, 2009 REVISED 10/14/2010 REVISED 03/30/2011 REVISED 03/15/2017
REFER TO:	W. Timothy Luce

### I. OBJECTIVE:

To recognize the lawful authority of the Chief Executive Officer of the Seneca County Sheriff's Office (SCSO); to designate those who are authorized to act in the Sheriff's absence; to define the accountability of supervisors for the performance of their subordinates; and, to establish the Law Enforcement Manual of Instructions (LEMOI) and Corrections Manual of Instructions (CMOI) as the principal authorized publications for the dissemination of written directives.

### II. POLICY:

It will be the policy of the SCSO to provide all employees with direction in order that they may have a clear understanding of what is expected of them in meeting their various responsibilities. It is intended that, with few exceptions, the Manual of Instructions will be the primary reference containing policies, procedures, rules and regulations, knowledge of which is necessary in order to accomplish the mission of the SCSO in the community.

### III. DETAILS:

- A. **Chief Executive Officer** - Pursuant to Article 650 of the New York State County Law, authority and responsibility for the management, direction and control of the operation and administration of the Office of Sheriff will be vested in the Sheriff of Seneca County, elected by the voters for a term of four years.
- B. **Chain of Command** - As noted in "Code of Conduct", Section A, "Orders and discipline", paragraph 6, Chain of Command, this Manual, no member will fail to follow the chain of command. If an immediate superior officer is absent or unavailable, the next higher ranking officer will be consulted. In the event of the

Sheriff's absence or unavailability, the order of precedence for command authority will be as noted in the above citation.

- C. **Supervisory accountability** - In order to insure that the chain of command stands as an effective tool for supervision, it is expected that each supervisor, regardless of level, will bear accountability for the performance of employees under their immediate control. Except in a clear emergency, a supervisor will refrain from making assignments to or granting requests made by an employee who does not report directly to that supervisor. In the rare case where a personality conflict prevents clear communication between an employee and their immediate supervisor, the employee will attempt to communicate to their immediate supervisor first; however, the employee may appeal to the next level if the matter remains unresolved. In all cases, the immediate supervisor will be included in any discussion prior to any action taken.
- D. **Lawful orders** - As noted in "Code of Conduct", Section A, "Orders and discipline", paragraphs 3 and 4, each member or employee will promptly and obediently comply with any lawful order of a superior. An order relayed from a superior by an employee of the same or lesser rank is to be similarly obeyed.
- E. **Conflicting orders** - As noted in "Code of Conduct", Section A, "Orders and discipline", paragraph 5, a member or employee who is given an instruction or order which conflicts with any previous instruction or order will, in a civil manner, call this fact to the attention of the person issuing the second order. In the event the second order is not altered or retracted, the latter order will be obeyed and the employee will not be responsible for disobedience of the order or directive previously issued. Countermanding an existing directive or prior order is not to be done unless absolutely necessary and in all cases where a supervisor takes such action, that supervisor will bear the responsibility for justifying the action.
- F. **Written directives** - The Manual of Instructions (MOI) is a comprehensive system of written directives inclusive of all the instructional materials previously contained in the Rules and Regulations, the computerized procedure file and various memoranda issued from time to time. The two MOI's for the SCSO are the Law Enforcement Manual of Instructions (LEMOI) and Corrections Manual of Instructions (CMOI). Chapters One, Two and Ten of both MOI's are identical in nature and substance and apply equally to both the Law Enforcement and Corrections divisions. The remaining chapters of each MOI are specific to the operational aspects of the particular division indicated in the title of the MOI being referenced and/or used.
  - 1. The LEMOI and CMOI, will enunciate agency objectives and policies and will describe procedures for their implementation. It is anticipated that with knowledge of its contents, each employee, regardless of assignment, can avail oneself of the unambiguous direction necessary to assist in the performance of all duties.

2. The format for the preparation of written directives will consist of a header block identifying the subject matter, the applicable standard numbers, the member responsible for keeping that topic current, and the most recent effective date for that directive. Thereafter, in the common method for an outline, the material will cover the objective, policy and details pertinent to that directive.
3. The LEMOI will be organized into eleven sections entitled: Conduct & Authority, Organization & Management, Law Enforcement, Legal Functions, Investigations, Training, Traffic Operations, Special Operations; Equipment & Vehicles, Court Security Operations and Special Orders & Policies.
4. The CMOI will be organized into ten sections entitled: Conduct & Authority, Organization & Management, Administration (Corrections Division), Post Orders, Staff Operations, Medical Operations, Food Service Operations, Staff Security, Inmate Operations and Special Orders & Policies.
5. DELETED.
6. DELETED
7. Pagination of the MOI's will be shown using a three part number referring to section, subject and page, thus allowing for the accurate insertion of changed or new material. Indexing will be under the cognizance of the Undersheriff, Chief Deputy and Jail Administrator and will be as complete as possible. As material is revised, added or deleted, specific directions will be given to employees for the updating of their MOI.
8. By its inclusion in the LEMOI and CMOI, each directive will have received the specific approval of the Sheriff of Seneca County, and no directive or part thereof will be included without such approval.
9. Although final approval for inclusion rests with the Sheriff, any employee may propose changes to the MOI. Such action will be accomplished by use of the form entitled "Proposed Change Affecting the Manual of Instructions (MOI)."
10. This form is directed to the Undersheriff as the officer responsible for keeping the LEMOI and CMOI valid and current. The form is designed to identify the proposed change (addition, deletion or modification), set out the present applicable text (if any, with reference and date), furnish the proposed text, and the reason(s) for the proposed change. The form will also provide for comments by the Chief Deputy (LEMOI) or Jail Administrator (CMOI) as to the impact the change will have on existing standards, the budget, and the results of any staff conference discussion, with recommendations.
11. If approved in principle, the matter will be assigned for preparation and submitted for final approval. Thereafter, the form will record the fact and

location of its inclusion in the MOI(s) and that copies were distributed appropriately.

12. Each change order will certify that all policy and/or procedural changes brought about by memoranda, computer messages, or otherwise have, in fact, been approved by the Sheriff or designee and incorporated into the MOI(s).

- G. Distribution** - Beginning in January, 2009, written directives and other explanatory material contained in the LEMOI and CMOI, are available to all employees having access to the Sheriff's Intranet computer network. Notification of change orders is given by e-mail to employees, the receiving of which signifies cognizance and responsibility for complying with the changed material. In addition, as each change order is published there will be a few hard copies made as required by command staff. The LEMOI and CMOI whether in electronic or hard copy format, are to be considered SCSO property and are not to be further distributed without proper authorization. A record of LEMOI and CMOI distribution is kept by the Undersheriff.

- H. Staff conferences** - The Sheriff, Undersheriff, Chief Deputy or Jail Administrator will have the authority to call a staff conference. Such meetings are usually held monthly, but may be called whenever necessary. Their purpose is aimed towards improving the overall operation of the SCSO by encouraging discussion of issues relevant to the SCSO and/or reviewing administrative decisions, policies and procedures.

1. Participation in staff conferences may include, but is not limited to, the Jail Administrator, Division Lieutenants and Sergeants. Conferences may also be attended by invited members of their staffs or members of other agencies.

- I. Emergency staffing** - In the event it becomes necessary to close county offices due to severe weather conditions, the Sheriff, in consultation with the Chairman of the Board of Supervisors and/or the County Manager, may suspend certain non-emergency functions of the SCSO. Non-emergency functions shall include clerical, fiscal management and civil process activities. Emergency or essential functions are law enforcement and corrections.

1. The Sheriff, or designee, will notify or cause to be notified employees that offices and/or roads are to be closed for the day or part of a day. Notification will be accomplished through the chain of command by command staff and division supervisors until all affected employees are notified. It will be the responsibility of command and supervisory staff to excuse, retain or recall employees based upon emergency, essential or non-essential factors.
2. Prior to the workday - Whenever possible, the Sheriff will be contacted before 7:30 AM if any county buildings are to be closed. It is expected that radio and television stations will make periodic announcements identifying

any closed facilities. These announcements will serve as notification to employees in non-emergency functions that they need not report to work for the duration of the emergency.

3. During the workday - Employees will be excused from closed offices at the designated time by the supervisory staff acting with the authority of the Sheriff and will be given any special instructions that may be necessary.
4. Personnel will refer to the Table of Organization (see "**Organization**," in the CMOI, LEMOI) as the emergency notification chart. This will provide a smooth and systematic method for timely notifications to affected personnel.

## **FISCAL MANAGEMENT**

STANDARD NO(S):

NYSLEAP Chapter 5  
NYSSA # 55-62

DATE:

September 14, 2009

REFER TO:

REVIEWED: 03/29/2017  
REVISED: 11/28/2018

John Cleere  
Ciara Fasciana-Mastellar

### I. OBJECTIVE:

To define and establish the authority and responsibilities for fiscal management within the Seneca County Sheriff's Office as they relate to budgeting, accounting, and fiscal control procedures.

### II. POLICY:

The Fiscal Services Manager shall be designated as the responsible person for the Office of Sheriff's fiscal management functions. The Fiscal Services Manager shall analyze record, summarize, evaluate, and interpret the Office of Sheriff's financial policies established by the Seneca County Board of Supervisors.

### III. DETAILS:

In accordance with the provisions of Article 17 of New York State's County Law, entitled "Sheriff", the Sheriff, as the chief executive officer for the Office of Sheriff, County of Seneca, is designated as having the authority and responsibility for the fiscal management of the agency and, as such, may delegate these functions to another. The Sheriff of Seneca County has delegated the Fiscal Services Manager to have the day to day responsibility for the fiscal management of the SCSO, but, retains overall authority and responsibility for the fiscal operations of the SCSO.

The Fiscal Services Manager shall ensure that all SCSO financial practices are in compliance with the policies established by the Board of Supervisors of Seneca County.

#### **A. Annual budget development –**

1. Based on guidelines as provided by the County Manager identifying the essential tasks and procedures relating to the budget preparation process, the

Fiscal Services Manager shall prepare the necessary budget request documents and then disseminate them to the organizational components of the SCSO. With the approval of the Sheriff, these documents will address:

- a. The budget calendar and required format
  - b. Personnel requests,
  - c. Required services and supplies,
  - d. Equipment requests, and
  - e. Capital improvement requests.
2. The Fiscal Services Manager will insure that all requests have included justification for major continuing expenses or changes in continuing expenditures of budget items.
  3. Budget recommendations concerning personnel resources shall be the logical and necessary result of analytic and programmatic review. The analysis shall include an assessment of both present and future personnel needs to ensure that positions allocated to agency functions are appropriate.
  4. The Fiscal Services Manager shall prepare a summary of each budget request, detailing the total cost of any new positions, including the required equipment and supplies.

**B. Revenue Management –** The Sheriff's Handbook, published by the New York State Sheriff's Association, has been developed to provide uniformity in accounting for financial transactions by Sheriff's in New York State. The procedures described therein have been designed to conform to all legal requirements. (Accounting Procedures for County Sheriffs, State of New York, Department of Audit and Control, Albany, NY)

1. **Receipts –** The SCSO receives revenues, both cash and non-cash from a variety of sources; such as, credits from a budgeted activity for which there is a state or local grant, e.g. for drug investigations or DWI enforcement; payments from defendants for bail or outstanding fines, and other fees paid by interested parties for copies of reports, etc.. All cash received is fully documented by written receipt given to the source showing the date, amount, purpose, etc.. Non-cash transactions are usually by charge-back and are documented. The Fiscal Services Manager has oversight if the described activities in which the following agency components are engaged:
  - a. The Civil Division collects payments for civil fees or for judgments entered by a court of competent jurisdiction. Section responsibilities are described in "Civil Process," this Manual.
  - b. The Records Division collects payments for photocopies of accident reports, Incident Reports, and any other documents to which an individual, insurance company or attorney might be entitled. Section responsibilities are described in "Records and Reports" this manual.

- c. The Corrections Division collects cash from persons remanded to the Seneca County Correctional Facility by a court of competent jurisdiction. At the time of booking an inmate into the Seneca County Correctional Facility, the booking officer, will amongst his/her other duties count in the presence of the inmate, all monies in their possession at the time of booking. The booking officer will request a second Correction Officer to count the funds presented at the time of booking, in the presence of the booking Officer and the inmate. The booking officer will place the inmate's money into a Money Transaction Envelope (CF-015) and check the inmate commissary (Initial Admission) box, and complete the remaining fields on the CF-015. Both Corrections Officers will sign the envelope verifying the funds contained within. The funds in possession of the inmate at the time of booking will be credited into the inmate's commissary fund account. The completed sealed (CF-015) will be placed into the secure lock-box at the booking desk.
  - d. The Corrections Division collects cash bail or fine monies from inmates, defendants or others acting on their behalf at all times. Written and numbered receipts are issued and the money is placed in a Money Transaction Envelope (CF-015) used for this purpose. The envelope must be sealed by two (2) correction officers through signature verifying the amount of bail or fine money contained therein. These monies are stored in a lockbox for this purpose in the Bail office.
  - e. The Corrections Division also accepts money orders sent from a contributor to an inmate's commissary account via U.S. Mail. The Correction Officer assigned to mail duty will notify the Housing Unit escort officer assigned to the inmate's housing unit of the fact that a money order was received for a particular inmate in the escort officer's assigned housing unit. The escort officer will personally take the commissary money order received via U.S. Mail, locate the inmate, request he/she sign the money order and the escort officer will return the completed money order and place it into the commissary lockbox in the booking office. The face value of the money order is entered into the inmate's commissary account by the booking officer. The Jail Administrator is responsible for maintaining the Inmate Commissary Account. Monies received into this account are from the sales of the commissary items, and monies received from inmates at the time of their initial in-booking into the Correctional Facility.
  - f. The Fiscal Services Manager also collects funds in the form of checks for the compensation for inmate housing – from appropriate sending jurisdiction, fees for police photographs and reimbursements, rebates, etc.. These instruments, once recorded, are sent to the Seneca County Treasurer.
2. **Custody of funds –** Employees of Seneca County are bonded to the limit of \$75,000.00 under a Public Employees Blanket Bond – coverage Form P.

- a. Responsibility for the custody of most of the funds held by the SCSO lies with the Civil Division. Both full time members of the Civil Division are authorized to receive monies periodically for deposit. The full time sworn deputy is authorized and will cause the actual transportation of the various deposits received by the Civil Division on a daily basis to be deposited in the appropriate account at the Community Bank, N.A. for that purpose.
- b. The Records Division accepts monies in the form of cash or checks for such items including, but not limited to, accident and/or incident reports, pistol permit fees FOIL request charges and background checks. The Records Division maintains a petty cash bank in the amount of \$135.00 for the purpose of making change for persons seeking and paying for reports. The petty cash bank is secured at the close of each business day by Records Division personnel. The Fiscal Services Manager is authorized to receive from the Records Division on a weekly basis, all monies received by that Division for deposit into the appropriate account for that purpose. The Fiscal Services Manager will verify by the numbered receipts issued during the week a total of all monies received by the Records Division. A member of the Records Division will co-verify the accuracy of all receipts and funds received by the Records Division during the week. Both the Fiscal Services Manager and member of the Records Division will sign the appropriate form verifying the total monies identified by numbered receipts matches the monies taken in during the week by the Division.
- c. The Fiscal Services Manager is authorized to receive the cash bail, fine monies and commissary funds from the Correction Division lock-boxes and to prepare the necessary bank deposit. On Monday's, Wednesday's and Friday's, the Fiscal Services Manager, along with a Corrections Sergeant or above are authorized to remove the cash bail, fine monies and commissary funds contained in the Corrections Division lockboxes. The Fiscal Services Manager along with the Corrections Division Sergeant or above, will remove the CF-015 envelopes containing the cash bail, fine monies and/or commissary funds from the lockboxes. Both will verify the number of envelopes and reported monies in the bail and fine logbook. The Fiscal Services Manager will open each envelope individually and count and verify the funds contained therein. The Corrections Sergeant or above will verify the funds contained in each individual envelope and along with the Fiscal Services Manager will sign and date the envelope as containing the listed funds and both will initial and date the bail and fine log book. The Fiscal Services Manager is responsible for depositing the funds into the appropriate accounts at the Community Bank, N.A..
- d. The SCSO maintains a petty cash fund consisting of \$280.00 which is in the custody of the Fiscal Services Manager who is responsible for its authorized use and accuracy.

### **3. Disbursements –**

- a. The Civil Division is authorized to disburse funds from an account handled by this component. All disbursements are made by check. The payees are various individuals, attorneys, Seneca County or another county, any of whom may be entitled to monies collected through the SCSO. One employee has the responsibility for disbursements.
- b. Disbursements from the Petty Cash Fund are made by the Fiscal Services Manager and are usually limited to reimbursement for items costing \$25.00 or less. Employees requesting reimbursement from the Petty Cash Fund will be required to execute a Petty Cash Voucher showing what was purchased, date of purchase, amount, and signature of purchaser. This voucher must be validated with an authorized signature. The voucher should be accompanied by a receipt obtained from the vendor.
- c. Disbursements from the Inmate Commissary Account are made by check. Checks must be signed by the Jail Administrator. Purposes for which funds from this account may be used are:
  1. To return any balance credited to an inmate at the time of his release from custody.
  2. To release inmate's funds to him/her for the purpose of meeting the requirements for bail. In this event, the funds are deducted from his account and the inmate is given a bail receipt for the amount of bail.
  3. All profits resulting from sales through the commissary are utilized for purposes of inmate welfare and rehabilitation. The purchase of recreational, educational, occupational or religious items or services for the exclusive use and benefit of the inmates.
- d. Disbursements from the cash bail and fine account are made by the Fiscal Services Manager. All disbursements are made by check to the various courts, or government entities entitled to bail and/or fines.
- e. Each division responsible for disbursement of funds reconciles the bank statements of each of these accounts on a monthly basis and otherwise ensures that the proper procedures have been followed. The Fiscal Services Manager oversees the reconciliation of these accounts on a monthly basis, with the exception of the cash bail and fine account which is overseen by the Finance Clerk assigned to the Sheriff's Office.

- f. All these accounts are subject to internal audits by the County Auditor at the discretion of the County Finance Director, and, by the State Comptroller.

**C. Procurement** – As any agency of the County of Seneca, the SCSO has no independent means for the acquisition of services or supplies. This function is carried out by the County Finance Department headed by the Finance Director. Authority for the Purchasing Department to make expenditures from public funds on behalf of the SCSO comes from the Seneca County Board of Supervisors which approves and sends to the Seneca County Treasurer, the annual budget.

1. It is the responsibility of the Finance Director, Finance Clerk assigned to the Sheriff's Office and the Sheriff to procure services, equipment and supplies on a timely basis and at the least cost. The purchase order is the mechanism through which goods and services are obtained and paid for. As appropriate, the SCSO prepares a purchase requisition which is forwarded to the Finance Director. The Finance Director or designee issues the purchase order and distributes copies to the vendor, the SCSO, and retains a file copy. Encumbrances are recorded when purchase orders are issued. Upon receipt of the item ordered, the SCSO copy is signed and returned to the Finance Director or designee.
2. Any new equipment purchase must be approved by the Board of Supervisors. (Purchasing Procedures, County of Seneca, Purchasing Department).
3. Purchasing contracts for materials, equipment, and supplies involving an estimated annual expenditure of over \$10,000 will be awarded only after public advertising, and soliciting formal bids in accordance with Section 103 of the General Municipal Law.
4. Opportunity will be provided to all responsible suppliers to do business with the municipality.
5. When soliciting bids, a statement of "General Conditions" will be included with all specifications submitted to suppliers. These general conditions will be incorporated in all contracts awarded for the purchase of materials, equipment, and supplies.
6. All contracts which require public advertising and competitive bidding will be awarded as provided by law and the rules and regulations of the Board of Supervisors of Seneca County.
7. Where formal bidding procedures are not required by law and/or Resolution, quotations will be solicited where deemed advantageous by the Purchasing Director.

8. Purchases should be made through available state contracts of the Office of General Services, Division of Purchasing, or under County contract pursuant to section 408-a of the County Law, whenever such purchases are in the best interest of the County.
9. Supplies used by various officers and departments should be uniform whenever consistent with operational goals in the interest of efficiency or economy.
10. No official or employee will be interested financially in any contract entered into by the municipality (Section 800 of the General Municipal Law). This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the municipality.
11. The County of Seneca will not be deemed responsible for commitments made circumventing these procedures.
13. Sales persons are required to visit the Finance Director or designee prior to initial, individual department contact.

**D. Accounts Receivable/Accounts Payable** - The Fiscal Services Manager is responsible for all account(s) receivable and payable(s), which includes, but is not limited to:

1. Processing of purchase orders and vouchers for payment on a monthly basis.
2. Preparing requisitions for orders and verifying merchandise received prior to processing invoices for payment.
3. Preparing Travel & Conference Request forms.
  - a. The Travel and Conference policy is established by the Seneca County Board of Supervisors and may be located by all employees on the Seneca County intranet, in the County Policy Manual at section 101.409 for all employees and elected officials. Any expenses incurred without prior approval for such activity may be deemed unauthorized and reimbursement may be denied.
  - b. Each conference must be approved. The approval must be indicated on the "Request for Conference and Travel Form". The form must be signed by the endorsing official who is authorized to approve attendance at the conference (Resolution #352-05 effective 12/27/2005).
  - c. Expenses incurred must be reasonable, necessary, actual, and in accordance with the guidelines established by the Board of Supervisors. Travel and Conference expenses must not exceed the funds appropriated in the approved budget, unless budget transfers are initiated and approved prior to the requested travel.

- d. The Board of Supervisors reserves the right to periodically review the funds expended on travel and conference and may ask for reports detailing the conference attended. Full justification for attending a conference may be required by the Division Manager or other endorsing official prior to granting approval.
  - 4. Maintaining records regarding revenues including year-to-date figures.
  - 5. Verifying interdepartmental charge backs.
  - 6. Acting as the SCSO custodian of inventory records.
  - 7. Maintaining records regarding applicable grants.
  - 8. Preparing annual voucher to New York State for reimbursement under Article 79-a of the Navigation Law and Article 27.15 State Aid for Snowmobile Enforcement.
- E. Fiscal Liaison** - The Fiscal Services Manager serves as liaison with other government fiscal officers in matters related to the fiscal policies of the office such as budget preparation, purchasing policies, encumbrances, etc.
- F. Position Control** - The Fiscal Services Manager shall be responsible for maintaining position control in relationship to budget authorization. The Fiscal Manager will work under the direction of the Sheriff and will assure adherence to the policies established by the Board of Supervisors of Seneca County.
- G. Property Control** – The Sheriff has the responsibility to conduct and maintain the individual inventory pertaining to the Office of Sheriff. It is also the responsibility of the Sheriff to evaluate on a continuing basis the suitability and need for materials, supplies, and equipment. The Sheriff may designate this function to the Fiscal Services Manager for implementation.
- 1. Assets are defined as items of property acquired by an agency of Seneca County for utilization in rendering service to the citizens of the County.
  - 2. If any asset should become obsolete by reason of age, wear or technical advancement, or should it become surplus property, the Office of Sheriff shall notify the Finance Director or designee. The Finance Director or designee shall then determine the disposition of the asset.
  - 3. Assets are recorded at their acquisition cost; however, only items costing \$1000 or more will be tracked by inventory serial number. Items between \$500 and \$1000 will be marked “Property of Seneca County.” Items under \$500.00 will be considered as supplies.
  - 4. Inventory control on behalf of the county is the responsibility of the Seneca County Treasurer located in County Office Building, 1 DiPronio Drive, Waterloo, New York.

5. Within the SCSO, the Fiscal Services Manager shall oversee the maintenance of the county's fixed asset inventory program.
6. As described under paragraph C (1)(a) above, the Fiscal Services Manager is responsible for preparing requisitions, consistent with the agency needs and budgetary allocations, for approval by the Sheriff or a designee. Upon receiving requisitioned items, distribution is made by the Fiscal Services Manager to whatever supervisor has oversight of that item, for example, firearms equipment to the range officer, corrections supplies to the Corrections Lieutenant, etc.
7. Every item of agency-owned property, including expendables, is overseen by a supervisor having that specific responsibility and that person is accountable to the Fiscal Services Manager for its availability and condition. Office supplies are distributed and issued from the Fiscal Services Manager's office.
8. Depending upon its nature, as noted above, agency owned equipment which is stored is maintained in a state of operational readiness by whichever supervisor has been delegated the responsibility to do so. This individual insures that such equipment is inspected at regular intervals and, in the event of its consumption or obsolescence, is responsible for initiating the process for its replacement through the Fiscal Services Manager.
9. Under certain circumstances, damaged or lost property may be eligible for repair or replacement with the cost borne by Seneca County's Self- Insurance Program. However, all other property claims, including any damaged property that may have been within a vehicle, are handled by the Fiscal Services Manager and the Sheriff. Complete information regarding the damage or loss should be included in an Incident Report and forwarded to the Fiscal Services Manager who will prepare the appropriate damage claim form.

**H. Payroll -** The Staff Resource Assistant II performs general bookkeeping operations pertaining to the SCSO payroll. Specifically they:

1. Process and enter time sheets;
2. Prepare and enter adjustments;
3. Maintain payroll and attendance records;
4. Prepare records pertaining to sick days, disability, workmen's compensation, leave, and vacation leave;
5. Process initial stages of workers compensation claims; and,
6. Maintain overtime records.

- I. The County Finance Director** - is responsible for generating a budgetary status report (Statement of Expenditures, Encumbrances and Appropriations – General Fund) for the SCSO on a monthly basis. This report contains the following information, the use of which enables the Finance Clerk assigned to the Sheriff's Office to monitor expenditures for budgeted items:
1. The Board approved appropriation for each account (or program),
  2. Any budget modification due to a prior year encumbrance,
  3. Encumbrances made from prior year and current year,
  4. Current month expenditures,
  5. Year-to-date expenditures and encumbrances,
  6. Percentage of expenditures and encumbrances,
  7. Unencumbered balance,
- J. Financial Statements** - At the discretion of the Sheriff, the Fiscal Manager shall prepare a financial statement on cash collection and disbursement. Except for petty cash, only members authorized by the Sheriff will be permitted to accept or disburse agency funds. The Fiscal Manager is responsible for maintaining a list of authorized members. In addition, the Fiscal Manager is responsible for maintaining records of cash appropriations among organizational areas.
- K. Internal Audits** - The County Finance Director shall conduct scheduled or random internal audits of cash and non-cash fiscal activities throughout the Sheriff's Office.
- L. Independent Audits** - All independent audits of the Sheriff's fiscal activities will follow generally accepted accounting and auditing procedures and standards.
- M. Special Accounts** – The County Finance Director is authorized to create and establish special accounts for use by the SCSO. Accounts established by the County Treasurer may have a specific or special purpose(s) such as to receive donations for such programs as D.A.R.E. or other programs administered by the SCSO. These accounts are under the control of the Finance Clerk assigned to the Sheriff's Office with fiscal oversight provided by the County Finance Director and the Sheriff.

# **SERIOUS INJURY & DEATH TO AGENCY PERSONNEL**

STANDARD NO(S): NYSLEAP 18.1, 43.7

DATE: May 28, 2016

REFER TO: W. Timothy Luce  
John Cleere

## **I. OBJECTIVE:**

To establish guidelines for compassionate and effective assistance to be rendered to the family and dependents of any member who loses one's life or suffers serious injury while engaged in the performance of one's duty or while off duty.

## **II. POLICY:**

In the time-honored practice of police agencies everywhere, it shall be the policy of the SCSO "to take care of our own." There is no more suitable occasion for the exercise of such care than when one of our members is seriously injured or killed while in performance of one's duty or while in an off duty capacity. The procedures set forth herein will be administered conscientiously, with an absolute minimum of delay, while keeping the appropriate next-of-kin fully informed of the progress made toward resolution of any questions or problems they may have.

## **III. PROCEDURE:**

- A. Notification- This procedure should be adhered to in cases of a seriously injured employee or a death of an employee. Notification shall be done in a timely manner and always be made in person, preferably by two members.
  1. As per provisions of paragraph III (A) (1) in the section *3-4 "Notifications"* of this manual, in the event a member of the SCSO suffers serious injury, illness, or death, it is imperative that the Sheriff, Undersheriff, Chief Deputy, and the member's Division component Lieutenant be notified as soon as possible.
  2. Death notifications regarding police personnel shall be made in person, and whenever possible, by the Sheriff, or his designee, and another member of the department.
  3. Serious injury notifications shall be made by the senior ranking personnel available and one other member of the department.
  4. Suggested steps in making notification:
    - a. As soon as you are observed by the family, they will realize something is wrong. Ask to be admitted to the house. Do not make the notification on the doorstep or outside of the home.

- b. Gather everyone in the home and ask them sit down. Inform them slowly and clearly of the information you have on the incident. Make sure you use the injured or deceased name during the notification.
    - c. If the member has already died, relay that information using words like “died” and “dead” rather than “gone away” and “passed away”. Never give the family a false sense of hope.
  - 5. If specifics of the incident are known, the officer should relay as much information as possible to the family.
  - 6. If the department members responsible for the notification have been seriously affected by the incident, he/she should understand that showing emotion is perfectly acceptable.
  - 7. The family should hear of the incident from a department representative first and never from the press or other source. If the media has already obtained information, they should be asked to withhold the information until after notifications have been completed.
  - 8. The notification personnel will be responsible for identification of additional family to notify. Any immediate family beyond the County of Seneca and the immediate area should be made through personal notification by the local law enforcement in that area.
  - 9. If the department is aware that young children may be present, arrangements for caring for the children should be considered.
  - 10. Personnel will provide the family with contact information for the various department personnel who will assist them in the coming days, weeks and months.
  - 11. All reasonable efforts to garner first-hand support from another family member, friends, neighbors, clergy, crisis counselor or social service agency should be made in order not to leave a family member unattended.
  - 12. Also refer to LEMOI 3-4 *Notifications III A* for additional direction.
- B. Transportation to the hospital shall be made via department vehicle, if at all possible.
- 1. It is highly recommended that the family **NOT DRIVE THEMSELVES TO THE HOSPITAL, OFFER TO DRIVE THEM TO HOSPITAL**. If they insist on driving, one member should escort them in their car, and the other leading them to the hospital in a sheriff vehicle.
  - 2. If it is possible for the family to visit the member prior to death, they should be afforded the opportunity. **IT IS ESSENTIAL THAT THE FAMILY NOT BE OVERPROTECTED. THERE IS A DEFINITE NEED TO TOUCH AND HOLD THE PERSON WHILE THERE IS STILL LIFE AND BEING PRESENT WHEN DEATH OCCURS CAN BE COMFORTING TO THOSE FAMILY MEMBERS WHO ASK TO BE PRESENT WITH THE MEMBER.**

3. Transporting personnel should notify the E-911 that the family is enroute to the hospital. Personnel shall refrain as much as possible from any discussions of the incident over the police radio during the time the family is in transit. If appropriate, the transporting officers may turn off the police radio after notifying headquarters.

C. MEMBER FAMILY ASSISTANCE AT HOSPITAL

1. The Sheriff shall designate a supervisor or an investigator to be assigned to the hospital immediately for the purposes of assisting the family and providing support at the hospital.
2. The supervisor/investigator at the hospital shall meet with hospital personnel to arrange appropriate waiting facilities for the family and a separate area for fellow police officers. In addition, a separate staging area for the media, if necessary.
3. The supervisor/investigator should ensure that medical personnel relate pertinent information to the family on the officer's condition on a timely basis and advise the family regarding visitation with the injured and/or visitation with the body following the demise.
4. The supervisor/investigator will see that the family is updated on the incident as soon as possible after the family arrives at the hospital.
5. The supervisor/investigator or his designee should be present the entire time the family is at the hospital and should arrange whatever assistance the family may need at that time.
6. The personnel who made the initial notification should be available at the hospital for as long as necessary.
7. A family member should not be sedated unless medication is requested by the person.
8. The supervisor/investigator will make sure that all departmental and personal property of the seriously injured or deceased member is recovered and secured by sheriff's office personnel appropriately.
9. Arrangements should be made for transportation of the family back to their residence.
10. Arrangements should be made by the supervisor for all medical bills related to the services rendered to the injured or deceased officer to be sent to Seneca County for payment. THE FAMILY SHOULD NOT RECEIVE ANY OF THESE BILLS AT THEIR RESIDENCE.
11. All press releases regarding this incident shall be released following LEMOI  
*2-12 Public Information & Community Relations.*

**D. MEMBER FUNERAL ASSISTANCE AND ARRANGEMENTS**

1. The Sheriff will assign a liaison officer to the family to serve as a facilitator between the family and the department. The person selected should not be so emotionally involved with the loss that he/she would become ineffective.
2. The duties of the Liaison Officer will include:
  - a. Ensure that the needs of the family come before the wishes of the department.
  - b. Explain his/her responsibilities to the family.
  - c. Meet with the family regarding funeral arrangements and determine their wishes.
  - d. Be aware of all information concerning the death and the continuing investigation, if applicable in order to answer family questions.
  - e. Be as readily available as possible to the family throughout this traumatic time.
  - f. Brief the family on the funeral procedure if they have decided to have a "Law Enforcement Funeral."
  - g. Assisting with arrangements for travel and lodging for out of town family.
  - h. Coordinating of all law enforcement notifications and arrangements for a "Law Enforcement Funeral", including honor guards, pallbearers, traffic control, and contacts with visiting law enforcement agencies.
  - i. Arrange for property checks of the survivors' residence during the time the family is away at the wake and funeral or following the incident, if necessary.
  - j. If the family decides to grant interviews to the press, make arrangements for the Sheriff and/or the CID Lieutenant to attend in order to "screen" all questions presented to the family that might jeopardize the investigation or upcoming legal proceedings, if applicable.
  - k. Arrange for department vehicles to be available to the family if they desire transportation to and from the funeral home.
  - l. Make periodic calls to the immediate survivors for six to eight weeks following the funeral to maintain contact and to determine if any further assistance is needed.

**E. ASSISTANCE TO SURVIVORS AWAITING COURT PROCEEDINGS**

1. The Chief Deputy will be responsible for keeping the family informed of all legal proceedings regarding the deceased and notify the survivors of upcoming court proceedings.

- The reason for not being able to share certain information with the surviving family should be explained by the Chief Deputy. The family should never learn of developments in the case from the media, prior to learning them from the department.
2. The family should be encouraged to attend court proceedings. A support person should be assigned to accompany the family during the proceedings. If physical material or evidence is going to be presented that would be upsetting to the family, the support person can suggest to the family that they leave the court room for that portion.
  3. Department personnel should be encouraged to show support for the family by attending the court proceedings, if possible.
  4. As soon as possible at the conclusion of the court case, the Sheriff, Undersheriff and the Chief Deputy should meet with the family and answer all questions regarding this ordeal. **IT IS IMPERATIVE THAT THE FAMILY KNOW THE FACTS AND NOT BE OVERPROTECTED.**

#### F. SUPPORT/SERVICES

1. On-going support/services for seriously injured employees, family members, and/or department personnel, who were affected by the incident, will be offered in a timely manner and shall be guided by the Employee Assistance Program (EAP).
2. The surviving family should continue to receive support and invitations to appropriate Sheriff's Office social activities in the future.

#### **IV. BENEFITS:**

- A. The Undersheriff, or an experienced officer as designee, shall undertake the responsibility for liaison with the deceased member's family or the seriously injured member, for assistance with all aspects relating to benefits. This relationship shall commence as soon as possible, with assurances given that the resources of the SCSO will be available for any and all assistance as needed.
- B. The liaison officer shall immediately become acquainted with the various benefits, which may be secured on behalf of the member, and be prepared to work closely with the family in obtaining the necessary documentation to support any claims, which are to be made. This includes having access to any otherwise confidential information from personnel files; actively following requests for information or pursuing steps to be taken by other departments, such as the Personnel Officer, the Medical Examiner, etc.; and, rendering assistance to survivors in the actual execution of the required forms.

- C. Workers' Compensation - Benefits from this source are administered by the Workers' Compensation Board, which has a district office covering Seneca County at 155 Main Street West, Rochester, NY 14614. Circumstances will dictate the degree of assistance needed in submitting the various forms.
- D. General Municipal Law § 207-c - Separate and distinct from the benefits allowed by Workers' Compensation, New York State's General Municipal Law § 207-c provides that an officer "injured in the performance his duties" shall be paid by the employer the full amount of regular salary or wages for the duration of the disability and is covered for all medical treatment and hospital care necessitated by reason of the injury.
- E. New York State Retirement - Benefits from this source may be obtained through the Seneca County Personnel Officer who notifies the New York State Employees' Retirement System (NYSERS) by submitting a form entitled "Notification of Death." This is accompanied by a certified copy of a New York State Department of Health "Certificate of Death". It is the Personnel Officer's procedure to request that NYSERS contact the survivor concerning what action should be taken.

In an Application for Accidental Death Benefit, NYSERS requires a statement covering the accident and any other accident sustained by the member for a period of one year prior to the member's death, together with a schedule of lost time due to each and the reasons for each absence.

If a report was filed with the Workers' Compensation Board, NYSERS requires a copy of the report, plus a complete description of the member's activities for the three-day period prior to death. NYSERS also wants a copy of the autopsy report, the death certificate and any public safety laboratory report concerning blood alcohol content.

- F. Public Safety Officers' Benefits Program - Administered by Bureau of Justice Assistance (BJA), U. S. Department of Justice, Public Safety Officer's Benefits Office, Washington, DC, this program provides a cash benefit to the survivor(s) of a police officer killed in the line of duty. The amount is a fixed amount. Each October 1st, the benefit rate is adjusted to reflect the percentage of change in the Consumer Price Index. Claims may be filed through the SCSO or directly on line to the BJA at [www.psob.gov](http://www.psob.gov). For further information call 1-888-744-6513. In order to apply for this benefit, two forms must be submitted.

- 1. The Report of Public Safety Officer's Death form is signed by the Sheriff and must include the following documentation:
  - a. Detailed statement of circumstances from the initiation of the incident to the pronouncement of the officer's death.
  - b. A copy of the investigation, incident or accident report signed by the investigating officer and notarized. If an investigation was not conducted, there must be a detailed statement of the circumstances, signed by the Sheriff and notarized.

- c. A copy of the autopsy report, signed by the pathologist who performed the autopsy and either notarized or with the county coroner's raised seal. If an autopsy was not performed, a notarized statement to that effect, signed by the county coroner or the Sheriff will suffice.
- d. A copy of any toxicology report (blood/urine analysis) signed by the toxicologist of record, either notarized or bearing the coroner's raised seal. If a toxicology analysis was not performed, a notarized statement to that effect, signed by the county coroner or the Sheriff will suffice.
- e. A copy of the death certificate, bearing the raised seal of the county coroner or the Department of Health.

**\*\*NOTE\*\* FOR DOCUMENTATION NEEDED FOR HEART ATTACKS OR STROKES, please refer to Section H below, Hometown Heroes Survivor's Benefits Act, or on line at [www.usdoj.gov/BJA/grant/psob/psob\\_main.html](http://www.usdoj.gov/BJA/grant/psob/psob_main.html).**

2. The Claim for Death Benefits form is completed and signed by the survivor claimant. If an authorized representative signs for the claimant, an affidavit by the claimant authorizing such action must be included. The following documentation is required:
  - a. A copy of the decedent's current marriage certificate, bearing the raised seal of the issuing office, if applicable.
  - b. Divorce Decrees for all the officer's and current spouses previous marriages, including references to physical custody of any children, if applicable.
  - c. Death Certificates for all the officer's current spouses previous marriages, if any of the marriages ended in death, if applicable.
  - d. A copy of the birth certificate for all the officer's surviving children and step children regardless of age, or dependency identifying the children's parents, if applicable.
  - e. For each child who was between the ages of 19-22 and a full time student at the time of the officers death, a copy of the child's transcript and a statement from the school confirming the child's status as a full time student when the officer passed away.
  - f. For each child who was between the ages of 19-22 and not a full time student at the time of the officer's death a statement from the child that he/she was capable of self-support.
  - g. For each step child who, at the time of the officer's death, was either under the age of 19 or between the ages of 19-22 and a full time student.
  - h. A statement from the child's parent stating that, at the time of the officer's death, the child's principal place of residence was the home of the officer OR a statement that the child did not live at the officer's home, but was dependent on the income of the officer for more than one third of the child's support OR affidavits from two non-family members explaining how the officer accepted the child as his/her own. If one of these

conditions applies to the step child who was between the ages of 19 and 22 at the time of the officer's death, a copy of the child's transcript and a statement from the school confirming the child's status as a full time student when the officer passed away.

- i. For each step child who was between the ages of 19-22 and not a full time student at the time of the officer's death, a statement from the child that he/she was capable of self-support.

- G. Hometown Hero's Survivor Benefits Act as of December 15, 2003, establishes a presumption that public safety officers who die from a heart attack or stroke following a non-routine stressful or strenuous physical public safety activity or training, died in the line of duty for benefit purposes. The Hometown Hero's presumption may be overcome by "competent medical evidence to the contrary."

The Hometown Hero's Act excludes actions of a "clerical, administrative or non-manual nature" from consideration.

Claims may be filed through the SCSO or directly on line to the BJA at [www.psob.gov](http://www.psob.gov). For further information call 1-888-744-6513. In order to apply for this benefit, two forms must be submitted.

1. The completed PSOB Report of Public Safety Officer's Death form to be signed by the Sheriff and will include the following information:
  - a. A statement, on agency letterhead and signed by the Sheriff, accounting for the 24 hours period prior to the onset of the officer's heart attack or stroke. The statement should note the hours the officer was on duty, and give detailed information on the entire officer's on duty actions during that time.
  - b. All investigation, incident and/or accident reports for the officer's on-duty activities in the 24 hours prior to his or her heart attack or stroke.
  - c. All medical documentation about any response to the heart attack or stroke (like an ambulance run sheet) and any treatment of the officer prior to his/her death.
  - d. A copy of the autopsy and toxicology report(s), if available. If these reports do not exist, provide a statement by the head of the agency (or the medical examiner) explaining that no autopsy and/or toxicology was performed.
  - e. A copy of the officer's death certificate.

2. The PSOB Claim for Death Benefits form is completed and signed by the survivor/claimant. If an authorized representative signs for the claimant, an affidavit by the claimant authorizing such action must be included. The following documentation is required:
  - a. A copy of the decedent's current marriage certificate, bearing the raised seal of the issuing office, if applicable.
  - b. Divorce Decrees for all the officer's and current spouses -previous marriages, including references to physical custody of any children, if applicable.
  - c. A copy of the birth certificate for all the fallen officer's surviving children and step children regardless of age, or dependency identifying the children's parents, if applicable.
3. Administrators of both of these federal programs have asked that the agency representative assisting the family in the preparation of a claim insure that documentation is complete and properly certified, so that delays in processing the claim will not be incurred. They suggest that both the agency and family material be submitted in one package to the following address:

Public Safety Officers' Benefits Program  
Bureau of Justice Assistance  
810 7th Street, NW  
Washington, DC 20531  
FAX: 202-616-0314

- H. The concern and support of friends is of immeasurable help in encouraging the injured or comforting the bereaved. With this in mind, it shall be the responsibility of the liaison officer, within the bounds of good taste and in consideration of the circumstances, to insure that employees of the SCSO are kept current as to the status of any situation in which the officer is required to render assistance. The wishes of the family or caregiver in this regard must be determined and followed.

the medical examiner) explaining that no autopsy and/or toxicology was performed.

- e. A copy of the officer's death certificate.
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## **INSPECTIONAL SERVICES**

STANDARD NO(S):

NYSSA # 37  
NYSLEAP # 41.3, 42.2

DATE:

February 24, 2010

REFER TO:

Jack S. Stenberg

**I. OBJECTIVE:**

To establish guidelines for conducting inspections at the line level in order to ensure that all personnel, equipment and assigned vehicles are conforming to SCSO standards for personal appearance, routine care and preventative maintenance of such equipment and vehicles.

**II. POLICY:**

Line inspections will be constructive in nature and conducted to ensure compliance with equipment routine care standards and the SCSO preventative maintenance program schedule.

**III. DETAILS:**

**A. Line inspections -**

1. The purpose of the line inspection is to:
  - a. Determine the condition and appearance of SCSO equipment and facilities;
  - b. Determine the condition and appearance of SCSO personnel, especially those who are in regular contact with the public; (See "Equipment & Apparel") this manual.
  - c. Reveal the needs of the SCSO;
  - d. Determine if assigned duties are being performed in accordance with established SCSO policies and procedures;
  - e. Establish goals and determine if goals are being met;
  - f. Inform command personnel of overall SCSO condition; and,
  - g. Inform command personnel of deficiencies observed and any necessary corrective action.

2. The responsibility for line inspections rests with the first line supervisors, such as Uniform Sergeants, who meet with members assigned to them during roll call held at the beginning of each shift. At this time, it is appropriate that the inspecting officer call any deficiency in personal appearance or equipment to the member's attention. In the case of minor discrepancies, the member shall be verbally informed of any necessary corrective action, with the expectation that the discrepancy will be addressed and resolved prior to beginning the tour of duty.
- B. **SCSO Vehicle Preventative Maintenance Program (PMP)** - As custodians of public funds and equipment purchased by Seneca County taxpayers, the SCSO bears the responsibility to protect those assets. The costliest of which are vehicles assigned to members to perform the mission of the SCSO. To ensure that these assets are maintained in proper working condition at all times and to gain the longest life possible for such equipment the SCSO has developed and put into place a Preventative Maintenance Program (PMP) for all SCSO vehicles.
1. All members assigned an SCSO vehicle are hereby on notice that vehicles assigned to them for their official duties will be maintained in accordance with the PMP, attached as "Appendix A" of this policy.
  2. It is the member's responsibility to understand the SCSO PMP and to ensure that preventative maintenance work is scheduled and completed with the contracted vendor according to the PMP mileage schedule.
  3. Law Enforcement Division Members assigned an SCSO assigned vehicle will contact the Road Patrol Division Lieutenant to advise of PMP work needed pursuant to the PMP schedule. The Road Patrol Division Lieutenant will review such PMP request and authorize the member to schedule such PMP work with the contracted PMP vendor. and approve such request to be
  4. Once the member receives authorization from the the Road Patrol Lieutenant, the member will contact the PMP vendor directly, schedule the PMP appointment, complete the Vehicle Preventative Maintenance Request, (SCSO-LE-007) and make arrangements to have the assigned SCSO vehicle at the PMP vendor at the scheduled time.
  5. The member shall leave the completed Vehicle Preventative Maintenance Request on the driver's of the assigned vehicle at the time of drop off at the PMP vendor.
  6. If any SCSO vehicle requires any preventative or emergency maintenance not addressed in the PMP, the assigned vehicle operator shall follow the procedures set forth in ¶3,4 and 5 of this section.

7. SCSO vehicles assigned to the Corrections Division will adhere to the SCSO PMP schedule. The Fleet Commander for the Corrections Division will be responsible to ensure that all PMP or any other work is scheduled and completed with the contracted vendor.
8. Every member assigned an SCSO vehicle will keep an up to date Vehicle Maintenance Log (SCSO-LE-009) in the glovebox of such vehicle for inspection at any time.
9. Every member assigned an SCSO vehicle is expected to keep such vehicle clean to present a positive image of the SCSO.

#### **C. SCSO Law Enforcement Division Vehicle Inpections -**

1. Vehicle Inspection - By the 10th day of each month, every member assigned an SCSO vehicle will inspect, prepare and submit to the Road Patrol Lieutenant the Section A - Monthly Vehicle Inspection Report (SCSO-LE-008).
2. The Road Patrol Lieutenant will or will cause to be performed monthly inspections on all "Lot" or unassigned SCSO vehicles. The Road Patrol Division Lieutenant or such member performing such inspections at the direction of the Road Patrol Division Lieutenant will prepare and submit the Monthly Vehicle Inspection Report (SCSO-LE-008) as outlined in ¶1.
3. No later than the last day of January, May and September, the Road Patrol Lieutenant will cause inspections to be performed by Division Sergeants of their respective subordinates assigned vehicle, including equipment carried therein, noting the results of such inspection on Section B – Monthly Vehicle Inspection Report (SCSO-LE-008) which will be submitted to the Road Patrol Division Lieutenant upon completion. The Road Patrol Division Lieutenant will cause the inspection of all "lot" unassigned and Civil Division SCSO vehicles at this time as well.
4. The CID Lieutenant will follow the inspection and reporting procedures outlined in ¶ 4 for members assigned to the Criminal Investigation Division.
4. The Road Patrol Division Lieutenant will review all Monthly and Tri-Annual Inspection Reports (SCSO-LE-008) and will forward such reports to the Sheriff's designee for computerized entry into the Fleet Maintenance database.
5. In the event that a member assigned an SCSO vehicle fails to perform the required routine preventative maintenance set forth in the PMP, such member's use of an SCSO vehicle may be temporarily restricted by the Sheriff. In the event that a member assigned an SCSO vehicle willfully fails or neglects to maintain their assigned SCSO vehicle pursuant to the PMP on more than one occasion, that member's use of an SCSO assigned vehicle may be further restricted by the Sheriff and the member will be subject to disciplinary action.

6. In the event the same discrepancies are noted in two successive Supervisory vehicle inspections, it shall be the responsibility of the Supervisor making the inspection to prepare a counseling memorandum for inclusion in the member's personnel files.
7. SCSO Corrections Division vehicles are exempt from the monthly inspection as vehicles assigned to this Division are inspected before and after every use. The Corrections Fleet Commander will submit to the Road Patrol Division Lieutenant the Tri-Annual Inspection, Section B, SCSO-LE-008 for entry into the Fleet Maintenance electronic database.

**SENECA COUNTY SHERIFF'S OFFICE**  
**VEHICLE PREVENTIVE MAINTENANCE SCHEDULE**  
**APPENDIX "A"**

**NOTE TO REPAIR FACILITY:**

Check the following fluid levels during every scheduled Preventative Maintenance.

- Transmission
- Power steering
- Windshield washer fluid
- Brake fluid
- Cooling system

- PM# 1     Change engine oil and filter  
Complete chassis lubrication  
Check Steering linkage and ball joints  
Visually check front and rear brake pads, rotors, calipers and hoses  
Note measurements of brake pads (3/32 or close change pads)  
Rotate tires (when appropriate)  
Check tire pressure; inflate to maximum as tire and manufacturers recommendations  
Check battery connections-Clean as necessary  
Check engine accessory drive belts  
Inspect air conditioning and radiator for debris-clean if necessary  
Lubricate hood, doors and deck lid hinges and locking mechanism  
Overall safety inspection of vehicle. (Example-lighting, suspension, exhaust, undercarriage damage, etc.)
- PM#2     Replace fuel filter, rotate tires.
- PM#3     Replace air filter, lube chassis parts, doors, and body bushings, check tire pressure, check front-end alignment, lube emergency brake cable, check front & rear suspension parts and include ball joints, drag link, tie rods, springs, shocks, sway bar, U-joints, and complete undercarriage for damage. Check exhaust parts, check for oil leaks, check lights, check wipers.
- PM#4     Replace spark plugs
- PM#5     Change transmission fluid, replace filter, check cooler lines for leaks, Flush radiator.
- PM#6     Complete tune up, plugs, air filter, fuel filter, ignition wires, PVC valve check, timing and clean throttle body.
- PM#7     Change rear axle lubricant

**IF ANY VEHICLE COMPONENTS ARE DAMAGED OR MISSING, THE VEHICLE WILL BE REMOVED FROM SERVICE UNTIL THE APPROPRIATE REPAIRS ARE MADE.**

## **ORGANIZATION**

STANDARD NO(S): NYSLEAP 1.1, 1.2, 2.1, 12.9  
NYSSA# 45-46, 52-54

DATE: July 23, 2009  
REVISED: 10/18/2010  
REVISED: 04/10/2012  
REVIEWED: 12/16/2019

REFER TO: Timothy Luce

### **I. OBJECTIVE:**

To define the goals the Seneca County Sheriff's Office; to describe the organizational and command structure responsible for attainment of the goals; and to provide for personnel alternatives for staffing agency components.

### **II. POLICY:**

In modern times the Office of Sheriff in most of New York State has undergone significant changes, adding to the largely custodial and civil functions the responsibility for public safety as well. Although elective, the Office of Sheriff in Seneca County is nevertheless professional as evidenced by the complexity of duties, the extensive training administered, and the expectations of the community. It is essential that its members understand the basic principles of its goals, objectives and organizational structure.

### **III. DETAILS:**

**A. Mission Statement(s)-** Every organization needs to define its fundamental purpose, philosophy and values. The mission statement answers the basic question of why the organization exists, and describes the needs the organization was created to fill. A mission statement provides the basis for judging the success of an organization and its programs. It helps verify if the organization is on the right track and making the right decisions. Attention to a mission helps the organization adhere to its primary purpose and serves as a touchstone for decision making during times of conflict.

The Seneca County Sheriff's Office has a clearly defined mission, developed by members and employees of the Seneca County Sheriff's Office as the foundation of who we are and what we are about. The Seneca County Correctional Facility, as an integral part of the Sheriff's Office has a unique mission which it places a value on the safety and security of not only inmates but employees as well. The

Seneca County Sheriff's Office and Correctional Facility Mission Statements are displayed proudly and prominently throughout the Seneca County Law Enforcement Center as well as in the Court Security, Records and Civil Division Offices as a daily reminder of why we exist. To demonstrate to the citizens of Seneca County, these two mission statements are proudly displayed on the Seneca County Sheriff's Office website. The Mission Statements are also found at the end of this section.

- B. Goals and Objectives-** The development of and adherence to goals and objectives for the Seneca County Sheriff's Office is essential to ensure the agency's direction and unity of purpose. Annually, each employee shall be solicited via the computerized message system for input into the development, and/or improvement, of the relevancy and coverage of agency goals. It shall be the objective of the SCSO to provide the services, generally described, within the organizational framework detailed below.
- C. Organizational Chart-** The organizational structure of the Seneca County Office is depicted on an organizational chart showing the chain of command, lines of authority within the agency, and the titles and numbers of the functionaries in each component. The organizational chart is to be reviewed and updated annually or when there has been a significant change. It's current form is displayed on the administration bulletin boards located in the Administration, Law Enforcement and Correction sections of the Sheriff's Office and is accessible to any member or employee. The organizational chart for the Law Enforcement and Corrections Bureau of the SCSO are depicted at the end of this section.
- D. Organizational Structure-** As noted in "**Direction & Supervision**" this Manual, the Sheriff, as Chief Executive Officer, is responsible for the overall management and control of the SCSO. Assisting, and empowered to act in the Sheriff's absence, is the Sheriff's appointee, the Under-Sheriff. The next ranking member of what is referred to as the "administration" is the Chief Deputy, who occupies a competitive civil service position and is authorized to act in the absence of both the Sheriff and the Under-Sheriff. The SCSO provides round-the-clock service; therefore, shall at all times be under the direction of the highest ranking officer on duty.

**E. Personnel, Generally-**

1. Section 652 of the County Law of New York State provides authorization for the Sheriff of a county to appoint "regular deputy sheriffs" and... "may also appoint keepers, guards, clerks, and employees as may be authorized by the board of supervisors..." This section also requires that "Each such appointment shall be in a writing filed and recorded in the office of the county clerk."
2. Section 209-v of the General Municipal Law provides for the employment of retired former members of police or sheriff's departments, retired

members of the division of state police, or retired former corrections, parole or probation officers as special patrolmen for publicly owned property within such political subdivision, including property of a school district, in order to protect the property or persons on such premises. Persons so employed will have all the powers of Peace Officers, as set forth in section 2.20 of the Criminal Procedure Law, when performing the duties set forth in subdivision one of the General Municipal Law.

3. Section 62 of the Civil Service Law provides that "Every person employed by the state and any of its civil divisions, except an employee in the labor class, before he shall be entitled to enter upon the discharge of any of his duties, shall take and file an oath or affirmation in the form and language prescribed by the constitution for executive, legislative and judicial officers, which may be administered ... by an officer in whose office the oath is required to be filed.

"In lieu of such oath administered by an official, an employee may comply with the requirements of this section by subscribing and filing the following statement:

'I \_\_\_\_\_ of \_\_\_\_\_ do solemnly swear that I will support the Constitution of the United States, and of the State of New York; and that I will faithfully discharge the duties of the office of \_\_\_\_\_, in and for said County according to the best of my ability.' Such oath or statement shall be required only upon original appointment or upon a new appointment following an interruption of continuous service, ... The oath or statement of ... every employee shall be filed ... in the office of the clerk of the county..."

The refusal or willful failure of such employee to take and file such oath or subscribe and file such statement shall terminate his employment until such oath shall be taken and filed or statement subscribed and filed as herein provided."

4. Based upon the above provisions, all employees of the Seneca County Sheriff's Office are sworn to an Oath of Office which is filed with the county clerk. Nevertheless, there shall be a distinction between employees who are sworn under Section 62 and sworn officers who are commissioned as such and who possess general peace officer powers prescribed by constitution, statute or ordinance in the jurisdiction.
5. There are two Opinions of the Attorney General which bear on the status of employment and differentiate between officer and clerical employees, even though both are "sworn". One, recorded as Number 130 in 1979, stated that a person appointed solely as a jail keeper is not a deputy sheriff and cannot engage in police officer functions, which include road patrol duties. The second, recorded as Number 245 in 1980, stated that a regular deputy sheriff appointed pursuant to County Law, Section 652 is a police

officer.

6. Pursuant to an opinion rendered in McMahon v. Michaelien, 1971, 30 N.Y.2d 507, the section of the County Law that confers on a sheriff the power to appoint deputies and other employees does not invalidate local law placing the positions of all deputies, officers and employees of the Sheriff, except the appointed Under-Sheriff, into the classified civil service.

#### **F. Part-Time Deputy Sheriff & Deputy Sheriff Recruit-**

1. Section 653 of the County Law provides for the employment of "part time deputy sheriffs who shall be paid a salary or on a per diem basis as the board of supervisors may determine. They are appointed in the same manner as regular deputies and shall perform only those duties and powers authorized by the Sheriff." Persons in this category shall be designated Deputy Sheriff/Part time.
2. Deputy Sheriff Recruit are those part time deputy sheriffs who are employed pursuant to Section 653 of the County Law and are paid a salary or on a per diem basis as determined by the board of supervisors. Deputy Sheriff Recruits shall remain in this status until they have successfully completed a Basic Course for Police Officers as outlined by Bureau for Municipal Police. Deputy Sheriff Recruits shall in addition to being paid a salary or on a per diem basis shall have all tuition costs for registration into a Basic Course for Police Officers paid for by Seneca County and will enter into a written agreement with the Sheriff prior to the commencement of such Basic Course for Police Officers. The written agreement by and between the Deputy Sheriff Recruit and the County of Seneca will outline an agreement whereby the Deputy Sheriff Recruit will reimburse all tuition costs associated with such Basic Course for Police Officers on a sliding scale for a 36 month period in the event the recruit leaves...
3. The Deputy Sheriff Recruit shall generally perform the same duties as the full-time officer and shall be certified as a police officer under requirements of the Municipal Police Training Council. In many cases, such training will have been completed prior to appointment as a reserve officer, where the appointee is retired from this or another police agency. The reserve officer shall meet all the selection criteria of the full-time officer, and shall be provided with the same uniforms, equipment, firearms and in-service training, bonding and liability protection as are full-time officers performing like functions.

#### **G. Civilians-** Positions of trust within the SCSO that do not require the holder to have police powers, nor to assist those who do, are designated as civilian positions. In an effort to ensure that law enforcement officers are not assigned to positions not requiring law enforcement authority, an annual review of all positions within the SCSO shall be conducted by the Under-Sheriff who shall

make a recommendation concerning any changes by March 31<sup>st</sup>. Presently, the following are considered to be civilian positions:

1. Clerical, stenographic, typing and bookkeeping positions in the various SCSO components;
2. Jail Physician/Physician's Assistant;
3. Jail Nurse;
4. Jail Cooks;
5. Fiscal Services Manager.

**H. Code of Ethics-** Sworn officers are expected to abide by the Law Enforcement Code of Ethics as provided by the International Association of Chiefs of Police, a copy of which appears at the end of this section. In addition, all employees are bound by the provisions of the code of ethics as required by Section 806 of the General Municipal Law. Seneca County's code is contained in original Board Resolution No. 167-03 and revised on 07/22/05, revised Board Resolution No. 206-05, a copy of which appears at the end of this section.

**I. Administrative Bureau-**

1. **Civil Division-** Two part-time officers assigned to executing civil papers and one account clerk/typists are under the direction of a Deputy/Sergeant. Responsibilities for serving civil process are described in "**Civil Division Legal Functions**" in the Law Enforcement Manual of Instructions (LEMOI). Responsibilities for the collection, handling, deposit and disbursement of certain monies received by the SCSO are described in "**Fiscal Management**" this Manual.
2. **Fiscal Services Division-** One Fiscal Services Manager under the direction of the Seneca County Sheriff. Division responsibilities are described in "**Fiscal Management**" this Manual.
3. **Records Division-** One Senior Clerk and one typist. Division responsibilities are described in "**Records & Reports**" this Manual.

**J. Corrections Bureau-** The responsibility of the Corrections Bureau is to operate a safe and secure detention facility in conformance with the New York State Corrections Law and with regulations promulgated by the New York State Commission of Corrections. Written directives that are unique to the operation of the jail are contained in the publication Corrections Manual of Instructions (CMOI). All functions relating to the Seneca County Correctional Facility are under the direct supervision of the Chief Administrative Officer.

These functions include:

1. Administration- One Chief Administrative Officer and one Corrections Lieutenant.
  2. Corrections Division- Eight Corrections Sergeants, forty three Corrections Officers, and a maximum of twenty two part-time Corrections Officers.
  3. Medical Division- One Jail Physician/Physician's Assistant, one full time Head Jail Nurse and up to a maximum of five part-time Registered Nurses.
  4. Food Service Division- Two full time Jail Cooks and up to a maximum of nine part-time Jail Cooks.
- K. Law Enforcement Bureau**- Responsibilities for law enforcement and related functions are divided between the Criminal Investigation Division, Road Patrol Division and Court Security Division.
1. Criminal Investigation Division (CID)- CID is supervised by a Lieutenant who directly supervises the activities of three sections, as follows:
    - a. Juvenile Aid Section- Two investigators. Section responsibilities are described in "**Juvenile Operations**," in the Law Enforcement Manual of Instructions (LEMOI).
    - b. Criminal Investigation Section- One Sergeant Investigator and two Investigators. Section responsibilities are described in "**Criminal Investigations**," in the Law Enforcement Manual of Instructions (LEMOI).
    - c. Crime Scenes- Supervised by the CID Lieutenant and consisting of one or more CID Investigators who have received training in the processing, collection and preservation of evidence. Responsibilities are described in "**Collection, Preservation & Disposition of Evidence**," in the Law Enforcement Manual of Instructions (LEMOI).
    - d. Property Evidence Section- One part-time Deputy Sheriff. Section responsibilities are described in "**Evidence**," in the Law Enforcement Manual of Instructions (LEMOI).
  2. Road Patrol Division- Because services provided by the road patrol are scheduled on a 24 hour basis, overall supervision of these functions is shared by one Lieutenant, who also oversees the activities of the particular functions mentioned below:
    - a. Road Patrol- Five Sergeants who directly supervise their particular rotating shifts on which twelve sworn Officers plus up to a maximum of ten part-time Officers serve. Division responsibilities

are described in “**Road Patrol**,” in the Law Enforcement Manual of Instructions (LEMOI).

- b. Canines- Two sworn Officers and their K-9 partners. Specialized responsibilities pertaining to this function are described in “**Canine Section**,” in the Law Enforcement Manual of Instructions (LEMOI).
3. Court Security Division- One Sergeant, one full time Deputy Sheriff, and up to a maximum of eleven part-time Special Patrol Officers provide security for County, Family, Surrogate and Supreme Court as well as physical security for the County Court House Campus. Division responsibilities are described in “**Court Security**,” in the Law Enforcement Manual of Instructions (LEMOI).

**L. Specialized Assignments-** Drawing personnel on an “as needed” basis from both the Corrections and Law Enforcement Divisions, are other components identified as “units” or, in some cases “teams”. Personnel participating in these activities do so having volunteered and been selected to receive training in specialized procedures and equipment. Because these components do not exist on permanent basis, they do not appear on the organizational chart; rather, their implementation is authorized by the chain of command and is directed by a supervisor who is qualified by virtue or training in that specialty. Examples of these support services, described in this Manual, are:

1. Marine Unit- Responsibilities are described in “**Road Patrol**” and “**Special Operations**,” this Manual. The unit consists of the:

- a. Marine Patrol

In connection with the budgetary process, it shall be the responsibility of the Officer assigned control of each of the aforementioned specialties to review and Evaluate the continuing need for that activity.

Personnel who participate in specialized assignments do so voluntarily and usually because of an interest in that particular activity. Since candidates for these activities may be drawn from both the Law Enforcement and Corrections Bureau of the SCSO, notification when a need arises will be given throughout the agency.

**M. Command Structure-** In order to ensure clear understanding, efficiency and accountability, each member shall be aware of one’s position in the chain of command. The command structure is based on the principle that each member has a specific supervisor to whom that member is responsible; each supervisor reports to a specific commander; and so on to the top of the chain, the Sheriff of Seneca County.

A member must also be aware that under certain circumstances, particularly when availability is a factor, that one may receive and must carry out an order given by a

supervisor who is outside one's normal chain of command. In this case, the latter is accountable for the action, and the member's responsibility to the regularly assigned supervisor is in no way lessened.

1. **Authority**- Scheduling for 24 hour coverage makes changes in leadership inevitable; however, each road patrol shift will be under the direction of a shift Sergeant assigned for that purpose. In the Sergeant's absence, responsibility for the activities of the shift will fall to the Senior Road Patrol Deputy. Notwithstanding the above, the Road Patrol Lieutenant retains overall command authority of Road Patrol operations until such time it is relinquished to an equal ranking member of another component of the Chief Deputy, Under-Sheriff or Sheriff.

As shown on the organizational chart, the Lieutenant in charge of the Criminal Investigation Division directs the activities of the Criminal Investigation Division. In the Lieutenant's absence, direction is assumed by the Chief Deputy who may delegate this authority on a temporary basis.

2. **Protocol**- Command protocol in situations where personnel of different components are engaged in a single operation shall be as follows:

- a. Authority will be in accord with the chain of command as set out in **“Code of Conduct,”** this Manual.
- b. Whenever authority cannot be easily distinguished by virtue of a member's rank, the burden of command shall lie with the officer having the primary functional responsibility.
- c. Whenever authority is readily apparent by virtue of rank, but the officer having primary functional responsibility is of the lesser rank, the burden of command shall, nevertheless, remain with the officer having the higher rank.
- d. For purposes of this directive, primary functional responsibility is defined as that which attaches because of a member's duty assignment, or because of a particular talent or capability acquired as a result of special training, and officially recognized as such by the Sheriff.

- N. **Span of Control**- To achieve effective direction, coordination and control, the following limitations shall be in effect:

1. First line supervisors shall be responsible for no more than ten employees. During times of special assignment or training, this limit may be exceeded, but only after the matter of safe operation has been considered and can be assured.
2. Lieutenants shall be responsible for no more than six Sergeants or a

combination of first line supervisors and employees not exceeding twelve. This limit may be exceeded, temporarily, during emergencies, training, or periods of adjustment, with due regard given for the safety of those being supervised. In the event it appears that safety cannot be assured, or that control cannot be satisfactorily maintained, authority is to be delegated and/or assistance is to be sought through the chain of command.

3. Exceptions to the above limits may be made in the Corrections Bureau where the jail environment is designed to provide maximum safety and security for employees.

- O. Individual Authority-** Individual members and employees are encouraged to exercise their authority to make decisions necessary for the effective execution of their responsibilities. Members should take full advantage of the training and experience resources available to them to become more proficient in their duties.
- P. Delegating Authority-** The effective manager soon discovers that one can cope with increasing responsibilities only by delegating portions of one's authority to those supervised. While this is encouraged, it shall be clearly understood that the delegation of authority does not provide an escape from responsibility. Each employee is fully accountable for the use of delegated authority, as well as for the failure to use it appropriately.

## **Law Enforcement Code of Ethics**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me, or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit my feelings, prejudices, political beliefs, aspirations, animosities, or friendships influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public truth to be held as long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedication myself before God to my chosen profession...Law Enforcement.

**503.100            SENECA COUNTY CODE OF ETHICS**

Revised 7/22/05 Board Resolution #206-05

**Section One: Statement of Purpose:**

- A. As government becomes increasingly complex, as our democratic processes draw citizens from every walk of life, there is increasing need for known standards of ethical conduct as a guide for public officers and employees, the Board of Supervisors of Seneca County desires to review and revise its Code of Ethics to meet the challenges of a new millennium.
- B. The purpose of this local Code of Ethics is to promulgate rules of ethical conduct for the officers and employees of Seneca County. These rules shall serve as a guide for official conduct of said officers and employees.

**Section Two: Definitions:**

When used in this article and unless otherwise expressly stated or unless the context otherwise requires:

- A. “Chief Fiscal Officer” means a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties.
- B. “Contract” means (i) any claim, account or demand against or agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law; (ii) any offer or acceptance of any position of employment, whether said position is competitive, confidential and/or exempt under the Civil Service laws of the State of New York.
- C. “Interest” means a direct or indirect pecuniary or material benefit accruing to a county officer or employee as the result of a contract with the County which such officer or employee serves. For the purposes of this article a county officer or employee shall be deemed to have an interest in the contract of (i) his spouse, minor children and dependants, except a contract of employment with the County which such officer or employee serves, (ii) a firm, partnership or association of which such officer, director or employee is a member or employee, (iii) a corporation of which such officer or employee is an officer, director or employee and (iv) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.
- D. “County” means the County of Seneca, all departments and/or agencies thereof.
- E. “County Officer or Employee” means an officer or employee of the County,

whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of the County, shall be deemed to also include any officer or employee paid from county funds.

- F. "Treasurer" means the County treasurer, or other officer possessing similar powers and duties.

**Section Three: Conflicts of Interest Prohibited:**

- A. No County officer or employee shall have an interest in any contract with the County of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (i) negotiate, prepare, authorize or approve the contract, or authorize or approve payment there under (ii) audit bills or claims under the contract, or (iii) appoint an officer or employee who has any of the powers or duties set forth above and no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the County.
- B. Any County officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the County of which he is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

The provisions this section chapter shall not apply to:

1. The designation of a bank or trust company as a depository, paying agent or for investment of funds of the County except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the County would be required because of the foregoing restriction, a bank or trust company within the County may nevertheless be so designated;
2. A contract with person, firm, corporation or association in which the County officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;

3. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;
4. The purchase by the County of real property or an interest therein, provided the purchase and the consideration therefore is approved by order of the Supreme Court upon petition of the governing board;
5. The acquisition of real property or an interest therein, through condemnation proceedings according to law;
6. A contract with a membership corporation or other voluntary non-profit corporation or association;
7. The sale of bonds and notes pursuant to section 60.10 of the New York State local finance law;
8. A contract in which the County officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
9. A contract with a corporation in which the County officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
10. A contract for the furnishing of public utility services when the rates or charges therefore are fixed or regulated by the public service commission;
11. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office of chamber;
12. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
13. A contract in which the County officer or employee has an interest if the total consideration payable there under, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum set forth in Section 802(2)(e) of the General Municipal Law of the State of New York;

14. A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract;
15. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any County officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

#### **Section Four: Certain Action Prohibited:**

No County officer or employee shall engage in any of the following:

- A. Directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties, or was intended as a reward for any official action on his part;
- B. Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;
- C. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any County agency of which he is an officer, member or employee or of any County agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee;
- D. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this County, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered;
- E. Submit or bid upon any contract with the county where such contract is subject to sealed bid.

#### **Section Five: Contracts Void:**

Any contract willfully entered into by or with the County in which there is an interest or activity prohibited by this Code of Ethics shall be null, void and wholly enforceable as against the County.

## **Section Six: Interpretation:**

- A. To the extent practical, this ethics code shall be interpreted in accordance with Article 18 of the New York State General Municipal Law, as well as any statutory, regulatory and/or decisional authority interpreting same, including, but not limited to, written opinions of the New York State Attorney General and the New York State Comptroller relating to the operations of local government. The rules of ethical conduct of this chapter as adopted shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.
- B. Requests for opinions or interpretations of actual or contemplated conduct by any County officer or employee under this Code of Ethics shall first be referred to the Director of Personnel and then, if necessary, to the County Attorney. The County Attorney may, in his or her discretion, research the matter and render an opinion, or request an opinion from the New York State Attorney General and/or the New York State Comptroller.
- C. Any employee or officer who aggrieved by the decision of the County Attorney may appeal the decision of the County Attorney to the County's Ethics Advisory Board, pursuant to Section "Seven," below.

## **Section Seven: Ethics Advisory Board:**

- A. Membership. The members of the Board of Supervisor's Personnel Committee, as appointed by the Chair of the Board of Supervisors, shall serve as the County's ethics advisory board during their appointment to the personnel committee. The Chair of the Personnel Committee, or his or her designee, shall serve as the Chair of the Ethics Advisory Board. In the event that a quorum can not be had due to the disqualification of a board member, the Chair of the Board of Supervisors may sit as a voting member of the Ethics Advisory Board.
- B. Quorum. One more than half of members of the Ethics Advisory Board shall constitute a quorum, with the vote of a majority members being required for action by the Board.
- C. Procedure.
  - 1. Any county officer or employee, who is aggrieved by the written decision of the County Attorney interpreting the County Code of Ethics, shall have the right to appeal the decision to the Ethics Advisory Board. The aggrieved county officer or employee must submit in writing to the Chair of the Personnel Committee, a complete statement outlining the grievance. The statement must be submitted to the Chair of the Personnel Committee within five

- days of the decision of the County Attorney.
2. The Ethics Advisory Board shall meet in Executive Session to review the grievance and make a decision, which is final and binding on the matter. The County Attorney shall be permitted to submit documentary evidence or decisional authority in support of his or her decision. The appellant shall be permitted to submit documentary evidence or decisional authority in opposition to the County Attorney's decision.
  3. The Ethics Advisory Board shall serve upon all parties, within fifteen (15) days, written copies of the decision reached. Balloting and deliberations of particular committee members shall remain secret but the numbers deciding any issue shall not.

D. Disqualification of Committee Members:

1. Any committee members may disqualify him or herself from hearing any grievance dispute due to that member's personal liability to render a fair or impartial hearing.
2. Any party may request that a Board member disqualify himself or herself except that such request shall not be considered except for good cause shown by the requesting party.
3. The Chair of the Seneca County Board of Supervisors shall have final authority to disqualify any Board member but only for a good cause shown.
4. In the event that a quorum cannot be had due to the disqualification of a board member, the Chair of the Board of Supervisors may sit as a voting member of the Ethics Advisory Board, or in his or her discretion, may appoint a temporary replacement for any committee member disqualified. Good cause shown shall consist of the following: a prohibited interest in a contract, as such term is defined by this code of ethics, demonstrable bias, prejudice, hostility, or partiality.

**Section Eight: Code of Ethics Rescinded:**

The previously enacted Code of Ethics of Seneca County is hereby rescinded and replaced in its entirety.

**Section Nine: Savings Clause:**

If any clause, sentence, paragraph, section or part of this Code of Ethics shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision section or part thereof directly involved in the

controversy in which such judgment, decree or order shall have been rendered, and the remainder of this Code of Ethics shall not be affected thereby and shall remain in full force and effect.

**Section Ten: Effective Date:**

This Code of Ethics shall take effect immediately. Upon its passage, the Clerk of the Board shall cause a copy to be transmitted to each department head in the County.

Original Creation Date: September 16, 2003 Resol. #167-03  
Revised 7/22/2005 Resol. #206-05

## County Office Building Security Unit

STANDARD NO(S): NYSLEAP: 43.6

DATE: April 29, 2014  
REVISED: 07/02/2014  
REVISED: 05/28/2019

REFER TO: John Breese

### **I. OBJECTIVE:**

To ensure the safety and security of all persons within the Seneca County Office Building, (COB) by screening all persons entering the COB for weapons and/or contraband.

### **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office, COB Security Unit, to screen/search all parties entering the COB for weapons and/or contraband to ensure the safety and well-being of all persons within the COB.

### **III. DETAILS:**

#### **A. Security Screening Station – Location & Hours of Operation**

1. **Location:** A walk through weapons screening station consisting of a Deputy Sheriff, Magnetometer and package x-ray machine is located at the South Entrance of the Seneca County Office Building. All other entrances are closed to the public.
2. **Hours of operation:** Normal hours of operation for the Security Screening Station are Monday, Tuesday, Wednesday and Friday, from 8:00 A.M. through 5:00 P.M., Thursday 8:00 AM to 7:00 PM, or at other times as authorized by the Sheriff or his designee.

#### **B. Equipment – The Security Screening Station will consist of the following equipment.**

1. Walk-through Magnetometer hereinafter referred to as magnetometer.
2. Package X-ray machine.
3. (2) Hand held scanners
4. Numbered trays or small containers

5. Locking gun locker
6. Numbered property cards
7. Computer, capable of monitoring security cameras.

**C. Staffing-**

1. The Security Screening Station shall be manned during all hours of operation by one full time deputy sheriff and either one part time deputy sheriff or one part time special patrol officer.
2. The Officers assigned to the Security Screening Station shall not leave their assigned post until properly relieved, or in the event of an emergency.

**IV. PROCEDURES:**

**A. Beginning and End of Tour of Duty**

1. The assigned officer will retrieve the Security Screening Station key ring which consists of the following keys: MASTER COB key and Security Station filing cabinet from its assigned location in the E-911 Coordinators office.
2. The COB exterior doors lock and unlock automatically by a timer.
3. The assigned officer utilizing the aforementioned keys will unlock the Security Station filing cabinet and retrieve the x-ray machine key from the filing cabinet
4. The assigned officer utilizing the aforementioned keys will turn on the X-Ray machine.
5. The assigned officer will turn on the magnetometer.
6. The assigned officer will turn on and log into the Security Station Computer and activate the assigned cameras throughout the COB.
7. At the conclusion of the assigned officer's tour of duty, the officer will, turn off the magnetometer and x-ray machine, lock the x-ray machine key into the Security Station Filing Cabinet, log off and turn off the Security Station Computer, and return the Security Station Key Ring to the assigned location in the E-911 Coordinator's Office.

- B. Screening/Searches** - All persons, except those identified in subsection 7 & 8 will undergo security screening/searches, as follows:

**NOTICE: Magnetometer and hand-scanner searches have the potential to cause temporary interference of an Implantable Cardioverter Defibrillator (ICD). For that reason, persons with such medical devices should be screened by means of a pat down search conducted by an officer.**

1. By courteous verbal instructions, the Officer will control passage of the public through the Security Screening process.
2. The Officer will instruct all individuals to remove all metal objects from their person and place such objects in the tray or container provided. Any package, purse, box or similar objects will be passed through the X-ray machine in an attempt to detect weapons and/or contraband.

**NOTICE – Edged Weapons** - If an edged weapon, is either produced or discovered, control of same shall be retained by the Officer. Said weapon shall be placed in a numbered container and a corresponding numbered receipt will be given to subject, owner. Upon exiting the COB said weapon will be returned upon receipt of numbered receipt.

**NOTICE – Firearms** - If a firearm is either produced or discovered, the Officer shall request the individual to produce a valid pistol permit listing said weapon. If possession is authorized, then the individual will be asked to surrender such firearm which will be placed by the Officer into the numbered gun locker and locked. The Officer will turn over the numbered gun locker key to the individual, who upon exiting the COB will return the numbered gun locker key to the Officer who will return such firearm.

If an unauthorized weapon/firearm is discovered, the Officer shall take possession of the weapon, detain the subject and notify the E911 Center to have the closest car respond to take possession of the weapon and individual. An arrest will be made if appropriate. The Officer will complete an incident report of the incident. The road patrol Sergeant or Lieutenant will be notified as soon as possible. All policies for evidence handling and report filing shall be followed in the arrest of any individual and the taking of any evidence.

3. The Officer will run the objects placed in the tray through the package x-ray machine being observant for illegal or dangerous contraband.
4. The Officer will instruct the individual to pass through the magnetometer.
5. When the individual steps through the magnetometer, if metal is detected, and an alarm sounds, repeat instructions that metal objects be removed and request the individual to step back through the magnetometer.

6. If metal is detected again, the Officer will use the hand held scanner to scan the individual and to identify the cause of the detection. If object is innocuous, return property and allow entry.
7. Exceptions to the screening process will be made for employees of the COB with proper Identification (employee badge), properly identified Law Enforcement Officers and/or others approved by the Sheriff or his designee.
8. Handicapped individuals. Special consideration must be taken for individuals who are either confined to a wheel chair, can't walk without the assistance of metal objects(canes,crutches,etc.). Individuals will either be searched with the use of a hand held metal detector, and at last resort a pat down search may be utilized.
9. The Assigned officer will note daily the number of knives, firearms, contraband vouchered and returned along with the number of arrests made and report that data to the Chief Deputy no later than the 5 day of the following month in the form of a written monthly report.

## **V. EMERGENCIES WITHIN THE COB**

In the event, that an emergency occurs in the COB, the assigned Security Screening Station Officer on post will respond immediately. Officer will call the 911 Center requesting assistance from the closest available car.

Upon closest car assistance arriving the assigned Security Screening Station Officer will return to his/her post as soon as possible to resume security screening.

## **RECORDS & REPORTS**

STANDARD NO(S): NYSLEAP Chapter 8  
NYSSACD#: 69-70

DATE: September 20, 2010  
REVISED: 05/28/2019

REFER TO: John Cleere  
Danielle O'Mara

### I. OBJECTIVE

To define and describe the records maintained by the SCSO; procedures for their execution, review, retention or disposition; and, to identify specific personnel having responsibilities for these functions.

### II. POLICY

Accurate, intelligent and complete record-keeping ensures quality performance and full accountability of the modern law enforcement agency. Every member of the SCSO is expected to recognize and fulfill the responsibility to generate the reports required and, thereafter, to handle them in accordance with the approved procedures.

### III. DETAILS

- A.** The Records Division is the central records component of the SCSO. In accordance with statutory and operational requirements this division shall be responsible for maintaining and keeping all SCSO public information and general business records, including but not limited to incident reports, certain correction related reports, arrest reports, criminal records, motor vehicle accident reports, traffic citations, pistol permit records, other agency licenses, e.g., ABC permits or permits for the use of explosives. Records of the SCSO not under the control of the Records Division are those generated and maintained by specialized units of the SCSO and include records pertaining to juveniles, civil matters, the correctional facility, identification, matters still under investigation and others.
- B.** Information in the custody of the Records Division will be available to operations personnel at all times during normal business hours. After the normal workday business hours of 8:00 AM to 4:00 PM and on Saturdays, Sundays and Holidays, access to the records repository will only be permitted with authorization by the Sheriff, Under Sheriff or Chief Deputy. Requests for information made by other than members of the SCSO will be handled only during regular business hours unless it involves a high priority law enforcement matter and in those cases only with authorization by the Sheriff, Under Sheriff or

Chief Deputy. The CID and Road Patrol Lieutenants will have access to the Records Division after normal business hours once authorization has been received as previously outlined. In all other cases the Records Division will be secure. Corrections Division Supervisors will have access to the Records Division after normal business hours, provided authorization to access has been granted as previously indicated.

**C. SCSO RECORD KEEPING SYSTEMS-** Over time and with the advent of modern electronic case reporting and computer aided dispatching systems, the SCSO Records Division has transformed its record keeping system to keep pace with modern technology.

1. Commencing in the 1960's through the 1980's, the first formalized record keeping system utilized by the SCSO was referred to as a "Master Name Index File". The master name index file contains names taken from field reports during the January 1, 1960 through December 31, 1979. This included the names of the complainant as well as all other names on the field reports. This information was typed onto a 3x5 index card which contained the name, address, date of birth, the complaint number and date of complaint. During this time frame, the complaint and supplement were one in the same. The SCSO Communications Officer completed the top portion of the report and placed it in the deputy's box to complete the bottom portion. The 3x5 index card would be filed alphabetically in a card file cabinet.
2. The information contained on the 3x5 index card would include the following information:
  - a. For person who were complainants:
    - 1) Last Name, First Name, MI
    - 2) Street Address, Village, Town, City, State
    - 3) Any and all complaints filed by the individual with the SCSO, for example;

Doe, John M.  
123 Main Street, Waterloo, New York  
Complaint# 3245- 04/02/72  
Complaint# 10369- 09/01/74  
Complaint# 10637- 11/05/74  
Complaint# 17296- 01/30/76

- 4) Utilizing the information contained on the 3x5 index card, for this complainant, one should ascertain that John Doe was a complainant to the SCSO on four separate instances from 1972 through 1976 with the corresponding case number.

- b. For persons whose names appeared in SCSO reports, they would be reported as a Reference, for example:
- 1) Last Name, First Name, MI
  - 2) Street Address, Village, Town, City, State
  - 3) Any and all SCSO reports where the person's name was mentioned, for example;
- Smith, Mary E.  
6136 County Road 121, Fayette, New York  
Ref; # 12-37-86  
Ref; #01-827-87 (324 Route 89, Seneca Falls, N.Y.)  
Ref; # 02-538-89 (49 Whiskey Hill Rd., Waterloo, N.Y.)  
Ref; # 06-436-93
- 4) Utilizing the information contained on the 3x5 index card, for this individual, one could ascertain that Mary Smith was mentioned as a reference in four SCSO reports on four separate instances from 1986 through 1993 with the corresponding case number. Moreover, if Mary Smith's address was reported as being changed, that change was noted on the 3x5 index card.
  3. On January 1, 1980, the Master Name Index System was enhanced with another record keeping system known as the two-part "Complaint Report" system. The physical complaint card consisted of a two-part NCR form- the top part (yellow) and the hard copy (white). This reporting system identified SCSO calls for service and investigations utilizing a "Complaint or CR number" as the unique identifier. The unique identifier was made up of the two digit calendar month, for example- 05 (May), the next sequential call for service for during the month, followed by the two digit calendar year, for example- 87 (1987). A typical SCSO case number during this time would appear, for example 05-303-87, which indicated this particular case is the 303<sup>rd</sup> call for service or investigation commenced to or by the SCSO in the month of May, 1987. Each month, was started at 001, as the call for service or investigation commenced for the particular month. The Complaint Card would be completed by SCSO Communications Personnel who would complete applicable fields contained on the Complaint Card and assign a SCSO CR number to the case.
    - a. The SCSO Records Division would file separately the top and hard copy portions of the Complaint Card. The top (yellow) copy would be filed and retained by the Records Division in numerical order by month and year. The hard (white) copy would be filed in a storage cabinet by alphabetical order using the name of the complainant on the Complaint Card. Personnel in the Records Division would continue to read and identify any and all persons mentioned in SCSO Official Reports and add those

names to the 3x5 Master Index File cards as a Reference.

4. It was the responsibility of those assigned to the Records Division to include the appropriate names in the index in accordance with any legal requirements and the procedures of the SCSO. Names in the Master Index will not be deleted from the index except upon proper authority, i.e., a court order.
  5. Names that were included in the Master Name Index are those of the Complainant, the victim, the owner and/or operator of boat or vehicle involved, the owner of property damaged or of an animal killed or injured, and the defendant/defendant.
- a. The reports from which the names of the above were taken are:
    - 1) SCSO Incident Reports (includes attached Supplemental);
    - 2) Motor Vehicle Accident Reports (includes ATV's and bicycles);
    - 3) Boat Accident Reports (includes snowmobiles);
    - 4) Stolen Vehicle Reports;
    - 5) Arrest Reports;
    - 6) Jail Bookings (includes arrests from other agencies where arrestee is lodged in SCSO Correctional Facility);
    - 7) Missing Persons Reports; and,
    - 8) Center for Dispute Settlement Reports.

- D.** The information extracted from all reports were entered along with the indexed name includes, full name, address, date of birth and CR number.
- E.** The information extracted from arrest reports and jail bookings and entered along with the indexed name includes all of the above and, in addition, the social security number, physical description, arresting agency, arresting officer, the arrest charges, judge's name, arraignment date, appearance ticket number, bail amount, and release status.
  1. After booking, the following numbers were added to the record: SCSO Criminal Number, NYS Identification Number, FBI Number, Booking Number, Court Control Number, and Fax Number. Once an individual number is assigned by the SCSO, NYS, or FBI, it remains with that individual.
  2. The enhanced "Master Name Index" was the primary record keeping system used by the SCSO from 1980's through 1995.
- F.** On June 1, 1995, the SCSO entered the electronic reporting period with an electronic reporting system known as "The CAD" an acronym, for Computer Aided Dispatching. Personnel assigned to the SCSO Communication Division during this period would enter calls for service electronically into "The CAD"

which would automatically assign a unique SCSO case identifier. The complainant information would be entered into the fields on "Screen 1" of "The CAD". Personnel assigned to the Records Division would continue to review every official SCSO report and enter the names and addresses of every person associated with a particular case into "Screen 3" of "The CAD". This system was the electronic reporting system used by the SCSO from 1995 through May 2008.

- G.** During the Fall of 2006, the Seneca County Board of Supervisors created the Seneca County E-911 Center to handle Emergency Communications Dispatching in Seneca County thus removing it from the command and control of the SCSO. The new independent E-911 Center utilizes ARIES Computer Aided Dispatch System (CAD) for its computer aided dispatching, which the SCSO has access to on a 24/7 basis. ARIES CAD assigns a unique identifier to each call for service received by the Seneca County E-911 Center. The SCSO utilizes the unique sequential identifier assigned automatically by the E-911 Center as the official SCSO case number for a particular case.

**H. COMPLAINT RECORD (EXTERNAL TO SCSO) (Calls for Service)-**

Whenever a request for service is received by the Seneca County E-911 Center, a record of that request and any subsequent action is created in the ARIES Computer Aided Dispatch System (CAD).

1. Information is entered, either manually or automatically, into various fields providing a retrievable and permanent record of the transaction. The computer assigns a complaint (control) number, by which that case is thereafter known, and records the date, time, nature of call, names of persons involved, action, if any taken by the agency and the Communication Officer's ID.
  2. The program then prompts the dispatcher to enter the complainant's name, a call-back number, the type of incident, cars dispatched, time of arrival, and any other pertinent remarks. The record remains under the dispatcher's exclusive control until the complaint has been handled by the responding officer.
  3. The CAD system provides for the regular review and approval by supervisory personnel and for access by the SCSO Records Division to ensure compliance with reporting and filing procedures.
- I.** Since May 2008, the SCSO utilizes a NYS standardized electronic reporting system known as Spectrum Justice System (SJS). This record keeping system has replaced all previous systems employed by the SCSO. The SJS electronic reporting system allows for the storage, search and retrieval of any and all names associated with any SCSO call for service or investigation. The SJS system consists of electronic fields in which case data is entered manually or may be populated automatically by the SJS system when a report is started in a patrol

vehicle utilizing TracS. The SCSO case number assigned to a particular case is the unique identifier assigned to the call for service from CAD at the E-911 Center. This is commonly referred to as the “CR” (complaint report) number. There are however, several classes of activity performed by SCSO members that are not usually issued CR numbers from E-911, such as programs/details. These activities, as determined by command personnel, are documented in SJS and automatically assigned an SJS incident number.

Since October of 2016, the SCSO utilizes the SPILLMAN electronic incident management system. This record keeping system has replaced all previous systems employed by the SCSO. The SPILLMAN electronic reporting system allows for storage, search and retrieval of any and all names associated with any SCSO call for service or investigation. The SPILLMAN system consists of electronic fields in which case data is entered manually or may be populated automatically by the SPILLMAN system when a report is started in a patrol vehicle utilizing TracS or by the E-911 Center. All assignments are documented by a SPILLMAN incident number including programs and details. The number system for the SCSO consists of the two digit year, followed by the letters “SH”, followed by the sequence number for that year. This SPILLMAN number functions as the previously known “Complaint Number” or “SJS Number”. It is interchangeably referred to as a “SPILLMAN number” or “Complaint number”.

SPILLMAN is an all-inclusive system that allows the attachment of electronic documents, photographs, videos and recordings. Electronic Partitions can be entered to protect and limit access to sensitive data and confidential cases.

SPILLMAN reports are reviewed through an electronic workflow by the appropriate supervisor before being approved and forwarded to records.

- J. The Records Division has no responsibility for the distribution of reports and records to organizational components of the SCSO since this need is determined through the review process and is accomplished prior to Records Division’s receipt of the completed package.
  - 1. In like manner, the reviewing procedure, i.e. Sergeant, Lieutenant, and Chief Deputy, Chief Administrative Officer will ensure that there is appropriate accountability for the status of reports. Accurate review of SCSO produced reports are an essential element of conducting quality control of SCSO member performance. It is imperative the reviewing officer pay meticulous attention to reviewing SCSO produced records to ensure all pertinent information pertaining to a case is included in the official SCSO reports. Reviewing officers will be held accountable and will retain responsibility until reports which are found deficient are brought into compliance with SCSO reporting requirements.

- a. Members charged with reviewing SCSO produced records and reports will ensure prior to approval that all spelling and grammatical errors are corrected.
- K.** The Records Division shall be responsible for the distribution of certain documents outside the SCSO.
  - 1. There are statutory requirements that the original or copy of the following reports be routinely sent to the appropriate state agency:
    - a. Motor vehicle accidents;
    - b. Child abuse;
    - c. Boating/Snowmobile accidents;
    - d. Violations of laws affecting premises licensed to sell alcoholic beverages;
    - e. The Standard Domestic Violence Incident Report.
  - 2. In addition, the Records Division handles the distribution of the following, upon request:
    - a. Copies of motor vehicle accident reports to parties involved, including attorneys and insurance companies;
    - b. Copies of Incident Reports to individuals or organizations having a legitimate need to receive them, e.g., owner of stolen property, victim of assault, etc.; and,
    - c. Copies of reports of interest to other county entities, e.g., accident report to County Attorney and Risk Manager, report of death investigation to County Coroner, etc.
  - 3. The Records Division receives written requests from organizations (public, private and military) for criminal background checks pertaining, but not limited to an applicant for housing, employment or military enlistment. Each request must include the applicant's authorization to release any such information. Only information that has originated with the SCSO will be released. The requesting agency will be notified that a reply may be expected within **five** days, unless a special need exists.

**L. POSSESSION, RELEASE and/or DUPLICATION of SCSO RECORDS or WRITTEN MATERIAL-** Members and/or employees are restricted in their possession, use and storage of SCSO written material.

- 1. No member or employee will duplicate, copy, print or process any SCSO

record, report or any other written material kept and/or filed on behalf of the SCSO for their own personal use or file.

2. Any and all written or electronic material prepared or received by any member or employee of the SCSO in the performance of his/her duties is SCSO property and will be stored and filed in the SCSO Records Section or within the Division component files. No member or employee will keep, store, or otherwise retain written or electronic material prepared or received in the performance of his/her duties at any location other than the SCSO or within the SCSO Division component.

**M.** Personnel of the Records Division are authorized to accept monies on behalf of the SCSO in payment for copies of records at the current rates.

1. Personnel may accept, on behalf of the SCSO, the regular fee for the execution of a subpoena to produce records in a court proceeding. All funds so received will be receipted and maintained in a locked cash drawer in the Records Division. On a weekly basis the Fiscal Services Manager will audit the funds taken in by the Records Division for the week, a deposit slip prepared and deposited into the Sheriff's account for records and reports by the Fiscal Services Manager in the appropriate banking institution. (See "**Fiscal Management**") this manual.

**N.** Records pertaining to Uniform Traffic Tickets shall be kept and maintained by the Records Division in accordance with the procedures set out by the New York State Motor Vehicle Department in the police agency handbook under the Traffic Safety Law Enforcement and Disposition System. With the advent of the computerized TraCS (Traffic and Criminal Software) database, members utilize this system for issuing traffic tickets and reporting crash events. Records personnel have access to TraCS reporting database.

**O. FREEDOM OF INFORMATION-** All records generated and maintained by the SCSO are kept within the confines of the SCSO building and, as such, are considered to be secure from unauthorized access and review. Requests from members of the public for information from records which are considered to be non-public, citing the Freedom of Information Act (FOIA) are the responsibility of the Undersheriff and handled with assistance from Records personnel. FOIA requests received by SCSO are reviewed by the Undersheriff, who after review may authorize a release of all or part of the requested information. The Undersheriff may advise and counsel prior to any such release or may direct the FOIA request be sent to the Seneca County Attorney, who serves as the Records Access Officer along with the requested records or his determination of such release as requested.

1. Neither the public nor defendant's counsel is entitled to documents or other material under the FOIA while a case (even a misdemeanor) is still pending. Any questions about such demands should be cleared with the County

Attorney's Office or the District Attorney's Office.

**P. DIVISION SPECIFIC RECORDS**- Certain records may be in the custody of and maintained under secure conditions by operational components of the SCSO, such as CID, Corrections, Court Security and Civil Divisions. The Criminal Investigation Division will maintain under secure conditions all ORIGINAL documents associated with any CID investigation. CID Investigators will provide COPIES of any and all documents associated with criminal investigations to the Records Division.

**Q. RECORDS RETENTION**- The Seneca County Board of Supervisors by Resolution Number 133-99 adopted the Records Retention and Disposition Schedule CO-2, as prepared by the New York State Education Department, as the official subject matter list of the County of Seneca and all department and agencies thereof.

1. To ensure compliance with both state and local regulations pertaining to the minimum retention of records, members should be familiar with the provisions of the New York State publication entitled "Records Retention and Disposition Schedule CO-2", copies of which are kept in the Records Division.

**R. INCIDENT BASED CRIME REPORTING (IBR)**- The SCSO Records Division shall be responsible for the review of reports submitted by patrol or investigating members for the purpose of collecting the data necessary for submission to the Incident Based Reporting (IBR) system.

1. From these data, a written report consisting of Part I and Part II offenses shall be submitted monthly to the New York State Division of Criminal Justice Services. They, in turn, submit a comprehensive state-wide report to the Federal Bureau of Investigation in accordance with Executive Law, Article 35, Section 837.

**S. WARRANTS**- See "Warrants" contained in the LEMOI.

**T. FINGERPRINTING/CRIMINAL HISTORY**- The SCSO Correctional Facility submits all fingerprints required to be taken pursuant to law electronically to the Onondaga County Sheriff's Office. The SCSO contracts with the Onondaga County Sheriff's Office, who, acting as a regional hub, captures and saves all of the information and fingerprints and then re-sends them to the New York State Division of Criminal Justice and Federal Bureau of Investigation.

1. The SCSO has web-based access (Web-RICI) to all booking information stored by the Onondaga County Sheriff's Office from all counties/agencies that use them as a regional hub. A current criminal history report is on file for every person booked into or processed by the Seneca County

Correctional Facility staff.

**U. JUVENILE RECORDS-** The State of New York Family Court Act, Section 381.3, entitled “Use of Police Records” states:

1. “All police records relating to the arrest and disposition of any person under this article shall be kept in files separate and apart from arrests of adults and shall be withheld from public inspection.”
2. In the State of New York, a juvenile is a person under the age of 16 years, and arrest and disposition records pertaining to such persons shall be kept under secure conditions in the Juvenile Aid Section of the SCSO. (See “**Juvenile Operations**”) contained in eLEMOI.

**V. SEALED RECORDS-** New York State Laws provide that upon court order certain criminal history records are closed to ensure against their review by any person or agency, except in circumstances specifically authorized by statute.

1. The SCSO complies with all lawful sealing orders issued by a Court of competent jurisdiction. All records sealed pursuant to a lawful sealing order are maintained in a secure location within the Seneca County Correctional Facility.
2. Examples of records that may be sealed are those generated by a criminal action that is: terminated in favor of the accused (CPL 160.50); terminated by conviction of a non-criminal offense (CPL 160.55); adjudicated a youthful offender (CPL 720.35); or, removed to Family Court (CPL 725.15). SCSO’s Records Division complies with such laws by designating the computer record as “sealed arrest”, which limits its accessibility to those few personnel actually having responsibility for record maintenance.
3. In cases that fall under the provisions of CPL 160.50 and 160.55, that part of the record consisting of fingerprints or photographs are returned to the defendant or defendant’s representative by SCSO Records.

**W. GENERATION of RECORDS and REPORTS-** SCSO records and reports are generated by SCSO members by using either paper forms provided or electronically into various electronic reporting and tracking systems and database(s) by the laptop or desktop computers available to SCSO personnel. Computers are approved only for official use while on duty. They may be used in the preparation of arrest, incident, domestic violence, accident and DA reports and/or press releases, accusatory instruments, statements, depositions, as well as other electronic records or reports filed by the Civil and Corrections Divisions or others that may be added from time to time. All software required to prepare these documents is provided by the SCSO.

Unauthorized software, games, music or any other non SCSO business related

programs or software will not be installed on either the laptop or desktop computers dedicated for SCSO business related purposes. No member or employee will make or cause any non-business related information to be included in any official SCSO report.

## X. PERSONS ENTITLED TO FREE COPY OF POLICE REPORTS-

1. Victims are entitled to receive a free copy of the police report related to the crime. (NYS Executive Law, Section 646).

**VICTIM- (DEFINED)**- Any person alleged or found, upon the record, to have sustained physical or financial injury to person or property as a direct result of the crime charged; or a person alleged to have sustained, upon the record, an offense under Article 130 of the Penal Law, or in the case of a homicide or minor child, the victim's family; or a person alleged to have been the victim of incest as described in Section 255.25 of the Penal Law.

- a. A victim of crime shall be entitled, regardless of physical injury, without charge to a copy of a police report of the crime.
- b. An individual whose identity was assumed or whose personal identifying information, as defined in Section 190.77 of the Penal Law, was used in

violation of Section 190.78, 190.79 or 190.80 of the Penal Law, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of Section 190.78, 190.79, 190.80, 190.82 or 190.83 of the Penal Law, who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another, may make a complaint to the local law enforcement agency of the county in which any part of the offense took place regardless of whether the defendant was actually present in such county, or in the county in which the person who suffered financial loss resided at the time of the commission of the offense, or in the county where the person whose personal identification information was used in the commission of the offense as provided in paragraph (1) of subdivision four of section 20.40 of the criminal procedure law. Said local law enforcement agency shall take a police report of the matter and provide the complainant with a copy of such report free of charge.

## **PROFESSIONAL CONDUCT UNIT**

STANDARD:

NYSLEAP Chapter 25  
NYSSA # 72, 81-88

DATE:

January 27, 2010  
REVIEWED: 04/04/2017

REFER TO:

John Cleere

### I. OBJECTIVE:

To establish a functional component within the SCSO, on an as needed basis, with the responsibility to investigate and resolve, fully and objectively, complaints about the SCSO or allegations of misconduct made against its members; and, to monitor the professional conduct, integrity and discipline of each SCSO member.

### II. POLICY:

It shall be the policy of the SCSO to investigate fully complaints against the agency and its members. It shall also be the policy of the SCSO to reach a prompt resolution of such complaints or allegations, after an objective and impartial investigation, in order that, while maintaining the credibility and integrity of the SCSO, the public will be assured that police misconduct will not be tolerated, but, at the same time, provide a mechanism through which a member, unjustly accused, can be vindicated.

### III. DETAILS:

**A. Functions** - The Professional Conduct Unit (PCU) shall be responsible for receiving, processing, supervising and controlling any investigation arising from a complaint or allegation made against the SCSO, any of its members or employees from the general public.

**B. General** – It is essential that the citizens of Seneca County have confidence in their Sheriff's Office and in the administration which supervises the exercise of police authority. Toward this end, procedures for expeditious processing of allegations of misconduct or excessive use of force by members must be instituted.

1. Citizens are encouraged to come forward with any legitimate complaints of misconduct or excessive use of force by SCSO members. These complaints will be received courteously and handled in an efficient manner. All SCSO members will assist and cooperate in this process in accordance with established procedures.

2. It is recognized that SCSO employees are often subject to intense pressures in the discharge of their duties. It is imperative that employees remain calm and neutral under circumstances that are likely to generate tension, excitement and emotion. In such situations, words, actions and events frequently result in misunderstanding and confusion.
3. It benefits both the community and SCSO employees to have in place a procedure for the investigation of allegations and their underlying causes. Standardized procedures insure that the investigations will be conducted in a consistent and professional manner.
4. These procedures will apply to any legitimate complaint or allegation of misconduct or excessive use of force against an employee or the Sheriff's Office. Anonymous complaints will be investigated insofar as possible with the information provided.

**C. Organization and authority** -The Undersheriff and Chief Deputy, for the purpose of this policy will as co-equals shall share command and responsibility for the Professional Conduct Unit (PCU) and shall have the duty to coordinate and delegate investigative efforts by command or supervisory personnel. Because of the sensitivity and potential impact of investigations alleging misconduct, the Undersheriff and Chief Deputy shall report to the Sheriff the commencement, status and disposition of all PCU investigations. The Undersheriff shall keep and secure all records of internal investigations making copies only with the approval of the Sheriff.

**D. Duties and responsibilities –**

1. Assuring proper employee conduct is a responsibility of first line supervisors and extends through every level to the top of the chain of command. This directive is not intended to relieve supervisory personnel of their responsibility. Supervisors shall, whenever practical, take action on any complaint against an employee which is of a minor nature, the result of a misunderstanding, or which needs little or no investigation or mitigation before it can be resolved.
2. Alleged behavior or conduct involving rudeness, tardiness, insubordination, misuse of county property, unsafe driving, improper procedural matters or any other conduct unbecoming a member of the SCSO, depending upon the seriousness of the allegation, may not result in an investigation by the PCU, but rather, may be investigated by a member's immediate supervisor as a disciplinary matter. (See "**Code of Conduct**" paragraph E., this Manual). Supervisors are encouraged to provide counseling to members and or employees who violate SCSO policy, procedures and rules in an attempt to modify and change behavior to bring the member or employee into compliance with SCSO policies, procedures and rules. Supervisor's when counseling a member or employee are required to document any such counseling session on SCSO-AD-100. Both the Supervisor and member or employee are required to sign and date the counseling

form, which is not an admission of guilt by the member or employee, but, merely an acknowledgement of receiving such counseling form. Counseling is not a form of discipline as defined by the NYS Civil Service Law and respective employee contract agreements. All such counseling memorandums, with original signatures, will be forwarded to the Undersheriff.

3. Citizen complaints against employees that cannot be resolved by line supervisors will be referred to the PCU, who will conduct a thorough investigation and thereafter, render fair and impartial evaluations of all complaints so referred.
4. The PCU shall review all complaints of the following (in addition to conducting investigations into complaints that cannot be resolved by line supervisors), or any complaint which the PCU warrants its attention to, including, but, not limited to:
  - a. Allegations of excessive force;
  - b. Allegations of criminal conduct;
  - c. Deprivation of civil rights;
  - d. Allegations of corruption or dishonesty; and,
  - e. Allegations of unlawful arrest.

#### **E. Receiving and recording complaints –**

1. A "Citizen's Comment Form" (SCSO-AD-001) shall be made available for receiving comments from citizens, and shall be publicized through the regular community relations activities. The form shall also be available at the Sheriff's Office, at substations and on the Seneca County Sheriff's website at:  
<http://sheriff.co.seneca.ny.us>
2. The Chief Deputy receives all "Subject Resistance Reports" (SCSO-LE-001) from all SCSO Divisions for review with respect to violation of SCSO policies, procedures and rules. If, after review, the Chief Deputy indicates a PCU investigation is warranted, such investigation will be initiated.
3. If it becomes apparent there is a possibility that both criminal violations and violations of SCSO policies, procedures or rules exist, the PCU will ensure that two separate and distinct investigations are undertaken. One such investigation conducted by members assigned by the PCU will focus on criminal law violations, and the other such investigation will focus on violations of SCSO policies, procedures and rules. Information gleaned from either investigation will not be shared with the other. Members are afforded certain constitutional protections (See "**GARRITY v. NEW JERSEY, 385 U.S. 493 (1967)**" where they may be required to answer truthfully questions posed to them during an administrative investigation. The results of those interviews will not be shared with members conducting a criminal investigation unless so ordered by a Court of competent jurisdiction.
4. Any employee of the Sheriff's Office is authorized to receive a complaint against or comment in favor of any other employee, pursuant to the following SCSO rules or procedures.

- a. Any employee receiving a minor complaint from a citizen, if knowledgeable about the situation, should attempt to resolve the complaint by giving an explanation to the citizen, if possible.
  - b. If the employee cannot resolve the complaint with an explanation, or if the citizen wishes further action, the latter shall be provided with a "**Citizen's Comment Form**" at that time or by mail immediately thereafter.
5. All employees are strictly charged with the responsibility of courteously receiving any complaints that may be lodged against the SCSO or any employees thereof, whether made in person, by telephone or mail.
  6. The following procedure will be followed upon receipt of a complaint against personnel of the Seneca County Sheriff's Office, which complaint cannot be resolved as in Section E, paragraph 4(a) above:
    - a. As noted above, the vehicle for recording complaints is the Citizen Comment Form, to be executed by the receiving member. Calls to the Seneca County E-911 Center shall be forwarded to the appropriate duty supervisor for handling or call back. If the PCU will obviously be involved, the caller should be advised by the duty supervisor that the matter will be handled administratively.
    - b. If the complaint concerns an employee, the completed Citizen Comment Form shall be referred to the employee's immediate supervisor. If this person is not available, referral shall be to the next level of supervision.
    - c. If the complaint can be resolved by the supervisor, the supervisor shall document the resolution and forward the completed form to the Chief Deputy or to the Jail Administrator, as appropriate. If the complaint cannot be resolved by the supervisor, a memorandum setting forth the facts and circumstances surrounding the complaint along with an explanation as to why the complaint can not be resolved by the Supervisor will be attached to the Citizen Comment form and it will be forwarded through the chain of command to the Chief Deputy or the Jail Administrator.
    - d. The Chief Deputy or Jail Administrator shall acknowledge receipt of the form by signing and retaining one copy. The original and one copy shall be forwarded to the PCU.
    - e. The PCU shall forward the copy to the Sheriff for notification and shall retain the original in a file kept for this purpose.
    - f. The PCU shall maintain a log of all comment forms received, indicating those resolved at the supervisory level and those requiring investigation.
    - g. Upon receipt of a complaint for investigation, the PCU shall notify the complainant by sending a written notice acknowledging the complaint. The complainant shall also be notified upon completion of the investigation.

## **F. Employee Rights**

1. Sheriff's Office employees shall not be afforded any preferential treatment in cases involving violations of the law.

**G. Records** - To ensure the confidentiality of all records generated in connection with an internal affairs investigation by the PCU, the Undersheriff shall arrange for and supervise their secure storage within the confines of the SCSO. Such records shall be maintained outside both the regular personnel files and the Records Division and shall not be released except to comply with state or local laws, or a court order. [See Public Officers Law, Section 87(2)(b)]

## **H. Time limits/communications -**

1. The Sheriff shall be notified immediately and in writing (a copy of the Citizen's Comment Form will suffice) of accusations against members involving criminal activity, gross misconduct, or in any case in which the PCU would be required to investigate.

Citizen complaints involving less serious transgressions, such as rudeness, tardiness, etc., shall be brought to the attention of the Sheriff when appropriate, through the chain of command, with a copy of the Citizen's Comment Form, no later than 48 hours after receipt.

2. Complainants will receive an update or final disposition of the complaint within 90 days of its receipt.

Protracted investigations will be updated to the complainant every 30 days thereafter, with final disposition to occur within 90 days of the original receipt, unless extended by the authority of the Sheriff. That member of the PCU to whom the investigation is assigned shall be responsible for complying with the provisions for such notification.

3. The Sheriff shall be advised of the progress of the PCU investigation at least once a week.
4. In the event the Citizen's Comment Form indicated that the complainant intends to file a notice of claim against the county or, if subsequent developments suggest that a claim may result, the County Attorney shall be notified immediately and all further correspondence with the complainant will be conducted by the County Attorney's Office. The County Attorney will attempt to comply with times set for response and disposition and will keep the Sheriff advised as to the progress of the complaint.

**I. Consultation with the County Attorney/District Attorney** -In order to further protect the integrity of the SCSO and its members, accusations against members alleging criminal activity or activity which would reasonably incur liability for the County, will require consultation with the appropriate office by the PCU.

At any time, during the course of any internal or PCU investigation, the Sheriff, members of the PCU or their designee will consult with either the County Attorney and/or District Attorney in any case involving alleged criminal conduct on the part of the member or employee. It should be recognized that the Sheriff or his designee(s) are also free to consult with the County Attorney and/or District Attorney during any investigation in order to obtain legal advice or assistance in case preparation.

In some cases the extent of the investigation may be limited to substantiating the falsity of the accusations. In others, the investigation may conclude with the matter being referred to the District Attorney's Office for prosecution under New York State statutes proscribing false statements and false reports.

- J. Supervisory investigations** - As stated under paragraph D. above, supervisory personnel shall have the authority to investigate allegations of minor misconduct; however, when criminal conduct is alleged or if the incident, by itself or with other incidents, threatens the proper operation of the SCSO, the matter shall be referred to the PCU, via the Undersheriff and Chief Deputy, who shall cause an investigation without delay. In cases of questionable circumstances or outcome, the supervisor shall consult with the Undersheriff and Chief Deputy to determine the course of the investigation.
- K. Purging PCU files** - Those investigations where litigation is pending and the complaint was unfounded will not be purged until final disposition. Investigations that are three years old and classified as unfounded may be purged with the approval of the Sheriff. Sustained complaints will not be purged.
- L. Dispositions** - Completed investigations by the Professional Conduct Unit will be classified as one of the following:
  - 1. Sustained – dispositions are those in which the PCU investigation has determined misconduct, incompetence, or a violation of a Rule, Regulation, Directive, Policy, Procedure or Order has occurred. These PCU investigations will be closed by the imposition of penalties as provided, “Paragraph M”. A report of such action will be entered into the accused members personnel file. The accused member shall be notified of such action or;
  - 2. Not Sustained – dispositions are those in which the PCU investigation has determined there was insufficient information or evidence to prove, or disprove, the accusation; or
  - 3. Exonerated - The member's conduct described in the complaint was justified, lawful and proper; or
  - 4. Unfounded – dispositions are those in which the PCU investigation has determined there is no basis upon which to believe any misconduct, incompetence, or violation of any Rule, Regulation, Directive, Policy, Procedure or Order occurred.
  - 5. Policy Failure - The member's conduct, while not desirable under the circumstances, could be justified under some interpretation of a regulation and may indicate a failure of that policy to be pertinent, current and unambiguous. In

the event of this finding, the matter will be submitted through the chain of command for clarification and determination.

PCU investigations which result in Not Sustained, Exonerated or Unfounded dispositions may be purged from PCU files with the approval of the Sheriff.

**M. Penalties** - The Sheriff may after a thorough review of the results of a PCU investigation impose penalties ranging from a counseling memorandum, to discipline including, but not limited to, suspension without pay, not exceeding 30 days, loss of leave credits, demotion of rank, fine not to exceed \$100.00 or termination

**N. Administrative Leave** – The Sheriff has sole discretion in placing a member or employee on administrative leave for a short period of time. Administrative leave may be granted by the Sheriff after consulting with the Personnel Director, County Attorney and Risk Manager and will be time specific. No member shall be charged with accruals during time spent on administrative leave.

The authority to relieve a member from duty shall extend to supervisory personnel levels. If a member or employee is relieved from duty by a supervisor, such supervisor will prepare a comprehensive report outlining the facts and circumstances surrounding such relief from duty which will be submitted to the Sheriff within twenty four (24) hours. The Supervisor will order the affected member or employee to report to the SCSO Administration Bureau at 10:00 a.m., on the first business day following such relief from duty. The supervisor affecting such relief from duty will make such administrative notifications as outlined in “**Administrative Notifications**”, this manual.

The authority to fire an employee rests solely with the Sheriff or Undersheriff, but may be based on a recommendation from supervisory or administrative personnel. Arrest or indictment for a crime may cause immediate suspension of a member from the SCSO.

## PUBLIC INFORMATION & COMMUNITY RELATIONS

STANDARD NO(S):

NYSLEAP Chapters 28 & 29  
NYSSA # 41, 89

DATE:

August 17, 2009  
REVISED: 10/14/2010  
REVISED: 01/21/2016  
REVIEWED: 12/09/2019

REFER TO:

W. Timothy Luce  
John P Cleere

### I. OBJECTIVE:

To insure community support and understanding for the role and activities of the SCSO in Seneca County and to promote and facilitate the public's right to know.

### II. POLICY:

It shall be the policy of the SCSO to promote and maintain effective and positive community relations by insuring the public's access to information concerning SCSO's activities; by dealing with the news media openly, candidly and without favor; and by developing programs which will enhance the public's trust and confidence in the SCSO.

### III. DETAILS:

**A. Public information** - The SCSO is committed to informing the community, through the news media and otherwise, of events within the public domain that are handled by or involve the SCSO.

1. The SCSO shall have a public information function to include:
  - a. Assisting news personnel in covering newsworthy events at the scene of incidents,
  - b. Being available for on-call responses to the news media,
  - c. Preparing and distributing agency news releases,
  - d. Arranging for and assisting at news conferences,
  - e. Coordinating and authorizing the release of information about victims, witnesses, and suspects,
  - f. Assisting in crisis situations within the agency, and,

- g. Coordinating and authorizing the release of information concerning confidential investigations and operations, to insure that such information is disseminated as soon as possible without jeopardizing the investigation.
2. Information pertaining to operations of the SCSO which have the potential for news media interest, or when it is deemed desirable to generate such interest, the information shall be disseminated by:
  - a. Preparation of a news release,
  - b. Holding an announced press conference, or
  - c. In some cases, inviting news personnel to ride with SCSO members on select patrol, such as a STOP-DWI or Traffic Enforcement patrol or touring the correctional facility.
- These activities are to be conducted only upon the knowledge and authority of the Sheriff, the Undersheriff, or the Chief Deputy.
3. Although the responsibility for disseminating information in a particular case may be delegated, the single point of control for the public information function, including that information which is passed to the community, the news media or to other criminal justice agencies, is the Sheriff.
  - a. Daily press releases which follow the prescribed format as to both form and content, especially insofar as it applies to the prior record of an arrestee, may be made upon the authority of the Lieutenants supervising the Road Patrol Division and the Criminal Investigation Division. The Chief Deputy shall periodically review these releases for compliance.
  - b. Press releases reporting multi-agency investigations or arrests shall be reviewed and approved by the Chief Deputy prior to dissemination to the public.
  - c. On-the-scene news releases have the potential for embarrassment due to an inadvertent misstatement made to an aggressive member of the news media.

For this reason, SCSO members should attempt to refer all requests for newsworthy information made at the scene of a crime, catastrophe, fatal accident, or other unusual occurrence to the senior member present, usually the Chief Deputy, the Undersheriff or the Sheriff. This directive illustrates the necessity for timely notification through the chain of command, so that the option for a command presence may be evaluated.

**4. Press releases** - Press releases are prepared routinely upon the arrest of a person by a member of the SCSO. A form is provided for this purpose, and shall be executed by the member effecting the arrest as part of the paperwork to be completed prior to the cessation of duty on the date of the arrest.

a. An arrestee's eligibility for adjudication as a youthful offender is not a bar to the release of that person's name, address or age in providing the usual details of the arrest and charge to the public or news media. A youthful offender is defined as one who commits a crime at age 16, 17 or 18.

b. An arrestee who is less than 16 years of age is a juvenile and that person's name shall not be released to the public or to the news media.

b. Subject matter to be included in a news release pertaining to an arrest shall be limited to the appropriate arrest information, which is:

1) Arrestee's name, address and age.

2) Crime(s) charged and locations thereof.

3) Brief description of crime without jeopardizing arrestee's case or any future or related cases, or revealing the seizure of physical evidence or statements obtained.

4) Date, place, court and magistrate before whom defendant will be or was arraigned.

5) If arraignment has occurred, state conditions of release or remand.

c. Prepared news releases shall be submitted electronically to the Road Patrol Lieutenant who shall review same and upon his/her approval release such press release to both print and electronic media. The Road Patrol Lieutenant shall maintain all issued press releases for ready reference in handling telephone inquiries or for pick up by media representatives.

d. Occasionally it is considered proper to release information pertaining to the statistical accomplishments of the SCSO deemed to be of interest to the public. Releases of this nature, of whatever frequency, shall be made with the approval of the Sheriff.

e. Information pertaining to SCSO activity which is not to be disseminated to the public or news media is any which:

1. Could jeopardize the safety of the public or a member of the SCSO,

2. Might interfere with the success of a pending investigation,

3. May adversely affect the civil rights of any person,

4. Pertains to a personnel matter, or

5. Is restricted in accordance with the U.S. or New York State Constitution, state or local law.
- 5. Persons authorized to release information** - As stated in paragraph 4 above, the point of control for the dissemination of information on behalf of the SCSO is the Sheriff, and it is the Sheriff who will function as the Public Information Officer (PIO), with the following exceptions:
  - a. At the scene of an incident, and in the absence of the Sheriff (PIO), the Undersheriff , Chief Deputy, or the officer in charge, whether Lieutenant or Sergeant, may furnish certain information to the press.
  - b. Authorization for the dissemination of information from SCSO files is restricted to the Sheriff, Undersheriff, Chief Deputy or Jail Lieutenant (for Corrections records and files only)
  - c. With the approval of the Sheriff, Undersheriff, or Chief Deputy, information concerning an ongoing criminal investigation may be disseminated. See paragraph 9, below.
  - d. Whenever the Sheriff is unavailable for approval to release information, and the request is not made at the scene of an incident, approval for release should be sought from the Undersheriff or Chief Deputy.
- 6. News media access** - SCSO members responding to the scene of a major fire, natural disaster, catastrophic event, or to a crime scene attended by numerous units must expect that the attention of the news media will be attracted. The presence of representatives of newspapers, including photographers, and of radio and television stations, including cameramen should be considered a certainty. It is essential that the supervisor or command officer at the scene quickly formulate a plan for providing or limiting news media access, as appropriate. Some guidelines for such circumstances are as follows:
  - a. A news media representative shall never be allowed into a position where he can interfere with law enforcement functions at the scene of an incident.
  - b. The public's "right to know" will never supersede the SCSO's responsibility for public safety, apprehension of criminals and the orderly collection of evidence at a crime scene; therefore, it is entirely consistent with this responsibility to limit news media access to the outside perimeter.

c. Frequently, the extent and hazard posed by a major fire, disaster or catastrophe requires the establishment of a command post or staging area located sufficiently distant to ensure public safety and containment of contaminants. Media access to these events shall be limited to a point no nearer than the command post.

**7. Ongoing criminal investigations** - Occasionally, it is deemed advisable to provide the public with specific information pertaining to an investigation which is still in progress; for instance, in a case in which details of a crime are being solicited from the public, or in a ~~crime~~ of a particularly brutal nature which has caused widespread outrage or fear for safety among the citizenry. With the approvals required under paragraph 6.(c) above, the following guidelines shall govern the content of news releases in these cases:

a. Photographs of an accused, made for purposes of identification at the time of his arrest processing, may be released provided administrative data such as the arrest number and agency identification are deleted.

b. Notwithstanding paragraph B(3) below, neither the accused's prior criminal record nor any information which might disparage his reputation may be volunteered. If specific information of such nature is requested, it may not be released without prior approval of the Sheriff.

c. The fact that an accused made a statement, or that he provided a confession or an admission, or that he failed or refused to do any of these, may be released; however, the content of any such statement made shall not be released.

d. The results of a chemical test for alcohol or drug intoxication following a charge for driving while intoxicated or under the influence of drugs may be released; no other test or examination results may be released.

e. No reference shall be made to the identity, possible testimony or credibility of any prospective witness.

f. The stating of an opinion of the accused's guilt or innocence by a member of the SCSO is to be strictly avoided.

g. Similarly, any opinion reflecting on the merits of the case or the quality of the evidence gathered shall not be released.

h. Personal information which tends to identify the victim in any case in which the revelation of such detail might cause the victim or the victim's family harm or embarrassment shall be avoided.

Public disclosure of the identity of a sex offense victim is prohibited by Section 50-b of the Civil Rights Law. See paragraph K, "Victim/Witness Assistance," this Manual.

- i. Any information which identifies an accused who is a juvenile may not be released,
- j. Information which is received from other law enforcement agencies may not be released, except upon the approval of the providing agency.
- k. Once prosecution of a defendant has begun, all inquiries concerning the matter shall be referred to the District Attorney's Office.

**8. Multi-agency operations** - Occasionally, the SCSO participates in a mutual criminal investigation or provides services at the scene of a fire or other disaster which, because of location or nature, is within the jurisdiction of another agency. In these cases, it shall be the responsibility of the agency having primary jurisdiction to release or coordinate the release of newsworthy information. If the SCSO's participation is deemed significant enough to warrant a news release, and there is no indication that the primary agency intends to accommodate the news media, the approval of the primary agency shall be obtained prior to disseminating any release generated by the SCSO.

**B. Fair Trial/Free Press guidelines in criminal cases** - The proper administration of justice is the concern of the judiciary, bar, the prosecution, law enforcement personnel, news media and the public. None should relinquish its share in that concern. None should condone injustices on the ground that they are infrequent. These guidelines are intended to protect the right to a speedy and public trial by an impartial jury, not to prevent the press from inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement and the administration of justice.

1. When and after an arrest is made, the following information should be made available for publication:
  - a. The accused's name, age, residence, marital status and similar background information.
  - b. The substance or text of the charge such as a complaint, indictment, information and, where appropriate, the identity of the complainant.
  - c. The identity of the investigating and arresting agency and length of the investigation.
  - d. The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and a description of items seized at the time of arrest.

2. The release of certain types of information by law enforcement personnel, or by the bench and bar, and the publication of this information by news media may tend to create dangers of prejudice without serving a significant law enforcement or public interest function. Therefore, all concerned should be aware of the dangers of prejudice in making pretrial disclosure of the following:
  - a. Statements as to the character or reputation of an accused person or a prospective witness.
  - b. Admissions, confessions or the contents of a statement or alibi attributable to an accused person.
  - c. The performance or results of tests or the refusal of the accused to take a test.
  - d. Statements concerning the credibility or anticipated testimony of prospective witnesses.
  - e. The possibility of a plea of guilty to the offense, or other disposition.
  - f. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.
3. Prior criminal charges and convictions are matters of public record and are available to the news media. Police, corrections and other law enforcement agencies should make such information available to the news media on request [see paragraph A(7)(b) above]. The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.
4. Law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. They should neither encourage nor discourage pictures or televising but they should not pose the accused.
5. Photographs of a suspect may be released by law enforcement personnel provided a valid law enforcement function is served thereby. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of prior arrests and convictions.
6. Particular care should be taken not to disseminate prejudicial information, including information adduced in pretrial hearings and closed hearings, when a trial is approaching or is underway and the information is likely to be seen or heard by potential jurors.

7. Once a trial has begun, the news media may report anything done or said in open court, provided that any statement or matter excluded from evidence is described as having been excluded. When matter or statements excluded from evidence outside of the presence of the jury, disclosure may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.
8. No one should make, publish or broadcast a statement designed to influence, forecast or prejudge the outcome of a trial. Accused persons, however, should have the privilege of issuing denials of allegations made against them.

**C. Community relations** - The SCSO is fully cognizant of the importance of establishing and maintaining close ties with the people of Seneca County. The Sheriff or his designee will be responsible for the Community Relations Function. Every member shall be alert for and quick to repudiate any manifestation of the "them versus us" mentality. Without "grass root" community support, successful enforcement of traffic and criminal laws may be difficult if not impossible. A well-organized community relations operation can be an effective means of eliciting public support and can serve to identify problems at an early stage. Therefore, the SCSO encourages the establishment of direct contacts with the community through the following activities:

1. **Speaking engagements** - The SCSO shall provide, upon request from civic, service, religious, media, educational and professional organizations, an experienced staff member to speak on law enforcement issues ranging from crime prevention to drug abuse. All requests for the SCSO to provide members for speaking engagements will be made in writing to the Sheriff.
  - a. Members are encouraged to accept speaking engagements at schools, service clubs and civic organizations. Preparation for such an assignment is an excellent way to review subjects within the knowledge and experience of law enforcement officers and enhances one's confidence in the ability to perform one's job.
  - b. Varied programs of informative material relating to law enforcement may be developed by each Division of the SCSO. Topics should be of general interest. Presentation should include the use of audio-visual aids and live demonstrations which illustrate the tasks performed by our members.
  - c. Members accepting speaking engagements should develop the ability to listen. Such exposure almost always brings forth many questions which are often indicative of the concerns held by members of the community. Should a problem concerning a law enforcement service be identified in this way, the speaker will often be in an excellent position to determine how the problem can best be solved and then make recommendations to do so. Speakers shall avoid initiating the discussion of controversial subject matter in a public forum.

- d. Sometimes a question posed is hostility in disguise and the questioner is trying merely to embarrass the speaker. Every effort should be made by the member to answer openly and diplomatically, avoiding any appearance of concealment. In cases in which the speaking member is not in possession of the answer sought, the questioner should be assured that he will be recontacted with some kind of reply. An obligation to do this must be taken seriously and, if appropriate, the reply, written or oral, should also be furnished to the organization sponsoring the forum.
- e. Speakers shall not be assigned to address political or fund-raising functions, unless the latter are clearly for charitable purposes.
- f. Relevant information obtained by any member, whether received individually from a citizen or as a result of a speaking engagement as noted below, shall be relayed promptly to the Chief Deputy for evaluation and further action, if warranted.
2. **School programs** - The SCSO is committed to making children aware of the need to be safety conscious and to have respect for the law. Programs conducted chiefly by the Juvenile Aid Section (JAS) include:
- a. Protect-A-Kid (An identification program through fingerprinting);
  - b. Deputy Friendly (Grades K through 6);
  - c. Bike safety (K through 5);
  - d. "Take a bite out of crime," McGruff (K - 6);
  - e. Rap with a cop (7 through 12); and,
  - f. DARE (5 and 6).
3. **Crime prevention** – Crime prevention activities will be the responsibility of all Department personnel under the direction of the Sheriff or his designee. The JAS shall also have responsibility for the presentation of programs which address the prevention, resistance and suppression of crime within Seneca County. These are designed to be proactive and to heighten crime awareness in the community. The programs include but are not limited to:
- a. Neighborhood Watch;
  - b. Burglary prevention, both home and business; and,
  - c. Safety for the elderly. See ¶ D. below.
4. **Victim assistance** - Members of the SCSO shall be aware of and comply with the Fair Treatment Standards for Crime Victims as stated in the New York State Executive Law. (See "Victim/Witness Assistance," this Manual)

**5. Operation Safe Child-** The SCSO participates in the State-wide Operation Safe Child program administered by the New York State Division of Criminal Justice.

Statistics show that 34 percent of parents in the United States do not know their child's exact height, weight and eye color. And, when a child is reported missing, time can be the greatest adversary. Possessing up-to-date photographs and detailed information about a child can prove to be important proactive measures that can greatly assist local law enforcement officials to quickly respond to a child's disappearance.

Using equipment that contains the latest digital fingerprinting technology and high resolution photography capabilities, the SCSO is able to produce a SAFE CHILD card for parents and guardians.

The cards contain a child's name, biographical information (date of birth, gender, height, weight, hair color, eye color, etc.), and a fingerprint image of both index fingers. The card can be made in less than two minutes and can be easily carried in a wallet or pocketbook. Interested parents can choose to store the fingerprints, basic biographical information and photographs of children who are not missing -- information critical to expediting the return of a missing child. The storage of information is entirely voluntary and requires the written consent of a parent or legal guardian. The information gathered is digitally recorded and stored in a database at the Division of Criminal Justice Services (DCJS) in Albany. In the event DCJS receives a missing child report, the fingerprints of that child will be included in a special search file and compared against all incoming fingerprints submitted to the agency.

In addition to being able to quickly provide important details to police agencies investigating child disappearances, the New York State SAFE CHILD Card will serve as an important tool when used in conjunction with the New York State AMBER Alert and Missing Child Alert programs. These cards will allow essential missing child information to be electronically disseminated, statewide if necessary, within minutes and dramatically increase the possibility of bringing a missing child home unharmed. SCSO members hold Operation Safe Child programs during various County-wide events such as the annual County Safety Fair and at other time and locations. Parents may contact the SCSO at anytime to arrange for an individual appointment to participate in this most valuable program.

**D. Seniors and Lawmen Together (SALT) Council** – The Sheriff of Seneca County, has his cooperation and assistance to identify and address safety and security concerns of the elderly in our community. Representatives of the AARP Chapters, the Seneca County Office of the Aging and any other groups of “senior citizens” are encouraged to meet with the Council to learn of programs that are in place to notify police of the need for help in an emergency. Some of these are the “blue light” signaling that aid is needed at the location immediately.

**E. “Offender Watch”** – In 2008 the SCSO acquired the web-based program “Offender Watch” from the Louisiana company, Watch Systems. It is a computerized, automated process that provides enhanced capabilities to the public and SCSO members accessing information regarding registered sex offenders. The sex offender management and community notification system allows for high community visibility, mapping and reporting, convenient citizen links and community awareness tools. “Offender Watch” is maintained by the CID Lieutenant with administrative oversight by the Chief Deputy.

**F. Victim Information and Notification Everyday (VINE)** – Is a free service through which victims of crime can use the telephone or Internet to search for information regarding an offender’s custody status and register to receive telephone and/or e-mail notification when that offender’s custody status changes. VINE is currently available in 46 states. If an inmate for whom a person is searching for is in custody at a corrections facility that participates in VINE, users should be able to locate custody information on VINELink ([www.vinelink.com](http://www.vinelink.com))

VINE receives offender information very 15 minutes from jails and twice a day for prisons. This may vary depending upon the jail activity and the resources the facility has on site to update the day, however, most are current within 15 minutes.

VINE does not receive charge information from all facilities and therefore it is not always available to be displayed on VINELink. It is recommended that users call the facility in which it is believed the offender is housed and inquire about the charges of the offender. VINE does not track outstanding warrants. However, Appriss, provider of the VINE service, is working directly with several states to provide VINE Protective Order, a product that allows PO petitioners to receive notification when the warrant is served.

The SCSO provides two methods (telephone & internet) for persons to search for offenders and register with VINE.

**Telephone** - Persons may contact the SCSO Administrative Division at 315-220-3200 (Option #9) whereby they will be automatically connected VINE.

1. Users will be automatically prompted to begin the search or registration process in either English or Spanish.
2. Users will then be given a choice of telephone menu options to either search for an offender in custody or register for telephone notification of custody status changes.
3. Users who register to be notified by telephone of an offender custody status change will receive telephone notification of such custody change. Users will see the following telephone number on their caller ID: 502-213-2798.

**Internet** - Persons may visit the SCSO website at: [www.sheriffs.co.seneca.ny.us](http://www.sheriffs.co.seneca.ny.us) and click on the VINE hyperlink to either search for or register with VINE. When an offender’s custody status changes, the user will be notified by email of such a custody change. Users requesting email notification will receive a message from the following email address: [vine@globalnotifications.com](mailto:vine@globalnotifications.com). Users utilizing the internet also have the option to view an offender’s intake photograph

**G. Child Safety Seat Safety Inspection Program -** The SCSO provides the services of certified child safety seat inspection technicians to inspect, recommend and install child safety seats in the vehicles of members of the public. The SCSO has a limited supply of child safety seats available at no charge for Seneca County residents. Residents interested in the services of the SCSO child safety seat inspection program can contact the SCSO at 315-220-3200 to arrange for such individual inspection. The SCSO from time to time throughout the year sponsors child safety seat inspection programs throughout Seneca County. The SCSO announces the dates and locations of such inspection programs in the press and via the Sheriff's website.

## **SEX OFFENDER MANAGEMENT**

STANDARD NO(S): NYSLEAP#: 29.6

DATE: September 20, 2010  
REVISED: 05/16/12  
REVISED: 01/23/13

REFER TO: Joseph Stevens  
Brian Tomkins

**I. OBJECTIVE:**

To provide a uniform set of guidelines for the registration and management of all Sex Offender data and intelligence, its dissemination and to facilitate community notification pursuant to the New York State Correction Law and all provisions governing the Sex Offender Registration Act.

**II. POLICY:**

The Seneca County Sheriff's Office adopts this policy as to the finding of the New York State Legislature in that the danger of recidivism posed by Sex Offenders, especially those violent Sex Offenders who commit predatory acts characterized by repetitive and compulsive behavior. The SCSO recognizes that the protection of the public is a paramount concern of the government and those elected officials charged with that protection. The SCSO will work with other law enforcement agencies with regards to the dissemination of information concerning all levels of Sex Offenders who reside within the boundaries of Seneca County. This policy will address the sharing of information and the dissemination of information on certain levels of Sex Offenders to the public in order to alert entities with vulnerable populations and to protect all residents of Seneca County.

**III. DETAILS:**

**A. DEFINITIONS –**

1. **SORA** – The New York State Sex Offender Registration Act defined in Article 6-C, Section 168 of the NYS Correction Law.
2. **SCSO** – The Seneca County Sheriff's Office
3. **DCJS** – The NYS Division of Criminal Justice Services

4. **SEX OFFENDER** –Any of the following:

- a. Level One Offender – Low risk of repeat offense, or
- b. Level Two Offender – Moderate risk of repeat offense, or.
- c. Level Three Offender – High risk of repeat offense.

5. **SHERIFF** – The Seneca County Sheriff or his designee

**B. SEX OFFENDERS REGISTRATION ACT** - Effective January 21, 1996, Article 6-C, Section 168 of the NYS Correction Law, the Sex Offender Registration Act, (**SORA**) popularly known as "Megan's law" was enacted by the New York State Legislature. SORA was enacted to assist local law enforcement agencies and to protect communities by: 1) requiring sex offenders to register with the State; and, 2) providing information to the public about certain sex offenders living in their communities.

1. SORA requires the registration of individuals convicted in New York State of certain sex offenses as well as the registration of those individuals convicted in another jurisdiction if the offense is equivalent to a New York State registerable sex offense. In addition, if the individual is convicted of a felony requiring registration in the conviction jurisdiction or the individual is convicted of one or more specific federal or military offenses, the individual will be required to register in New York State. Individuals convicted of one or more registerable offenses on or after the effective date of SORA must register with the NYS Division of Criminal Justice Services. Additionally, any person convicted of a registerable offense who was incarcerated or under parole or probation supervision on January 21, 1996 is required to be registered.
2. SORA requires the NYS Division of Criminal Justice Services to maintain a public *Subdirectory* on the internet which can only include Level 2 and Level 3 sex offenders. While the Registry also contains information on low-risk (Level 1) sex offenders, this site provides the public with access to the *Subdirectory* only. Therefore, accessing this site will not provide the public with information about Level 1 offenders. Anyone may, however, learn if an individual is a convicted sex offender listed in the Registry by calling the Sex Offender Registry – **at this time the telephone number is 1-800-262-3257.**
- C. SORA also imposes certain duties on the SCSO as a facility having correctional as well as law enforcement and record-keeping responsibilities. Oversight of these functions, to the extent that they fall within the purview of the act, will be conducted by the Division Supervisor having administrative responsibilities.

## **CORRECTIONS DIVISION (CD)-**

1. Using the criteria set out in the act, SCSO personnel assigned to the Corrections Division (CD) will coordinate the following:
  - a. One hundred and twenty (120) days prior to the release of a sex offender, or in the case of a lesser sentence as soon as possible, will notify the Board of Examiners at the NYS Department of Correctional Services, in order to permit that agency to assess the offender's "risk level." If the offender is sentenced by a local criminal court and the sentence includes jail and/or probation, that court determines the risk level.
  - b. The criteria to be used by the Board in assessing the offender's likely risk to the public, and the effect a specific risk level has on any subsequent notifications that may be made by the SCSO are set out in "Notifications," this Manual.
  - c. Within Fifteen (15) days prior to release date, the Corrections Division will notify an incarcerated sex offender of the duty to register with DCJS; will review the requirements of the act with the offender; will provide the offender with the necessary form to be completed by the offender and will explain the duty to register and the procedure for registration.
2. Upon completion of the form and within 10 days from release date, the SCSO will give a copy of the completed form to the offender, retain a copy for the Correctional Facility, and send one copy to the NYS Division of Criminal Justice Services.

## **CRIMINAL INVESTIGATION DIVISION (CID) -**

1. The SCSO Criminal Investigation Division (CID) is responsible for maintaining files on each registered sex offender residing within the jurisdiction of the SCSO, regardless of the risk level assigned. Note that for purposes of this policy, the Town of Seneca Falls and Village of Waterloo are excluded. The records will include:
  - a. Offender registration form with any supplements,
  - b. Photographs
  - c. SCSO generated forms including, but not limited to:
    - i. SJS reports
    - ii. Agency notification form,
    - iii. Ninety (90) day sex offender verification request form. (applicable to level 3 sex offenders only),
    - iv. Copies of any other change of address forms.

- v. Updated photographs are sent to the SORA via the state's e-justice system; levels 1 and 2 every three years and level 3 annually.
  - d. Any legal documents from other agencies that pertain to the offender and his conviction, which required registration under the act.
2. SCSO CID will receive change of address forms from sex offenders and ensure that the change is made part of the offender's file. The act requires an offender to advise of such change within ten (10) calendar days. SCSO CID will then notify DCJS, and, if appropriate, the law enforcement agency having jurisdiction in the new place of residence, within three (3) calendar days.
3. A level 1 sex offender is required to re-register with DCJS on the anniversary date of the initial registration, annually for a period of 20 years. A level 2 sex offender must re-register annually for life; however certain of these may petition for relief after 30 years. A sex offender deemed to be at risk level 3 must reregister annually for life and is not eligible for relief, nor is any person designated a sexual predator, a sexually violent offender or a predicate sex offender. An individual so designated, is required to personally verify such registration with the local law enforcement agency every ninety calendar days after the initial release or commencement of parole.
- a. In processing the verification, SCSO CID will:
    - i. Use the "Offender Watch Verification Request Form";
    - ii. Require offender to read and sign form, affirmed under penalty of perjury;
    - iii. Enter date and time of verification into offender's file; and,
    - iv. Place original form in offender's paper file, attached to offender's original registration form.
4. SCSO CID will be aware of verification commitments and in the event a level 3 sex offender fails to appear as required, will notify the Seneca County Probation Department or the NYS Division of Parole as appropriate. Further action, depending upon response, could include arrest of the offender under the provisions of the act.
5. Members of the public will be permitted access to information concerning convicted sex offenders **assessed at level two and three** and, in some cases level one **offenders whose crimes were committed after January 21, 1996**.
- a. The SCSO CID will not furnish any written information about a sex offender to the public unless authorized to do so by the Sheriff or designee.

6. SCSO CID maintains a current list of Vulnerable Organizational Entities, which includes, but is not limited to, all State Certified / Registered Day Care Facilities within Seneca County as recorded by the New York State Department of Family Assistance, Bureau of Early Childhood Services, 52 Washington St. Room 338, North Building, Rensselaer, NY 12144 and has reported and entered those addresses into the address search function of “Offender Watch.” Whenever a Sex Offender’s submits an address change or registration form, the offenders address is cross referenced with State Certified and Registered Day Care Facilities in Seneca County.
7. Whenever any sex offender fails to verify their current address as required by law, members of the C.I.D., will take the following steps to locate such offender:
  - a. personally visit the last known address of such sex offender
  - b. conduct National, State and local database searches in attempt to locate offender.
  - c. canvass neighbors and any other person at such offenders last known address.
  - d. Interview offender if located
  - e. Secure an arrest warrant

#### **D. PROCEDURES -**

1. COMMUNITY NOTIFICATION
  - a. **OFFENDER WATCH** - The public, as well as SCSO members, have access to information of convicted sex offenders from the SCSO web-based program, “Offender Watch.” Acquired through Watch Systems of Louisiana in 2008, the registered sex offender management and community notification system allows for enhanced capabilities between the public and the SCSO (including the New York State Department of Correctional Services, Seneca Falls and Waterloo Police Departments). It provides for high community visibility, mapping and reporting capabilities, convenient citizen links and community awareness tools. “Offender Watch” is maintained by the SCSO CID with administrative oversight by the CID Lieutenant. The public may access “Offender Watch” through the Seneca County Sheriff’s Office website at <http://sheriff.co.seneca.ny.us> and clicking on the “Offender Watch” link. Information consistent with SORA is available on “Offender Watch” for all Level One, Two and Three Sex Offenders.

- b. Upon the release of information on a Level 2 or 3 Sex Offender, SCSO will:

Redact the following information from any form being viewed by the public:

Social Security Number  
NYSID Number  
FBI Number

In regards to the release of information on a Level 1 Sex Offender, the following information will also be redacted in addition to above:

The Sex Offenders exact address, except for Zip Code.

- c. The release of information in regards to Level 2 and 3 Sex Offenders shall include reactive notifications, by the Sheriff, to all Vulnerable Organizational Entities in the immediate area where any given Sex Offender resides. The Sheriff may, at his discretion, send a letter of notice to Vulnerable Organizational Entities that a Sex Offender does reside in their area. To maintain public awareness, the Sheriff may release information to the media on any Risk Level 2 or 3 Sex Offender, not being restricted by Court Order, who is registered with SCSO. All information being released for public view will be governed by the provisions set forth under SORA.
- d. Residents of Seneca County may also be referred to the New York State Division of Criminal Justice Services where anyone may inquire about a Sex Offender listed on the New York State Sex Offender Registry.

At this time this number is: **1-800-262-3257**

## 2. DETERMINATION OF VULNERABLE ORGANIZATIONAL ENTITIES.

- a. Vulnerable Organizational Entities (VOE) as defined in SORA, Section 168-l(a)(b)(c) include, but are not limited to Superintendent(s) of Schools, or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, places of worship—Nursing Homes, Crime Victim Organizations, or any other group deemed by the Sheriff to be living in close proximity to a registered Sex Offender shall be considered a Entity. The SCSO will maintain a current list of Vulnerable Organizational Entities and annually will review such VOE's and make the necessary additions, modifications or deletions to such list.

Semi-annually, the SCSO will send a notice in writing to each VOE explaining the methods to obtain sex offender information electronically utilizing the websites for the New York State Division of Criminal Justice Services and Seneca County Sheriff's Office "Offender Watch." In addition, such notice will contain information and contact numbers for the Seneca County Sheriff's Office, Waterloo and Seneca Falls Police Department for those VOE's who do not have access to the internet.

- b. Additional criteria to be used in determining a Vulnerable Organizational Entity and shall include consideration of the offense committed by the Sex Offender.
- c. Upon receipt of a notification from DCJS on a Level 2 or Level 3 Sex Offender, SCSO will make notification upon request to the following entities within Seneca County:
  - i. Seneca County Law Enforcement Agencies

- ii. A Superintendent of a School System
  - iii. The Administrator of the Department of Social Services
  - iv. Any member of the New York State Police
- d. Upon the receipt of an inquire from an Entity claiming to have a Vulnerable Population, the inquiry will be reviewed by the Sheriff. If the inquiry is denied by the Sheriff on the determination that the Entity does not constitute a Vulnerable Population, upon request from the Entity the inquiry shall be reviewed by a Hearing Officer appointed by the County Attorney of Seneca County.
  - e. SCSO is not authorized by Statute to provide any form of community notification on a Sex Offender who is only employed within the boundaries of Seneca County and not officially registered with SCSO. Such application for notification shall be forwarded to the jurisdiction where the Sex Offender is deemed to reside.

### 3. FILING OF CHANGE OF ADDRESS

- a. SCSO will facilitate any Change of Address to be filed with DCJS from any Sex Offender who presents themselves personally at the Seneca County Law Enforcement Center. The Sheriff then forwards the completed DCJS-3231 to DCJS in Albany and provides a copy of the completed form to the Sex Offender.
- b. SCSO will forward all completed copies of DCJS-3231 to the following address:

New York State Sex Offender Registry  
Division of Criminal Justice Services  
4 Tower Place  
Albany, New York 12203-3764

- c. DCJS has assumed the responsibility of providing to proper notification to the local law enforcement agency having jurisdiction over the Sex Offender's new address.

### 4. ANNUAL ADDRESS VERIFICATIONS

- a. All Sex Offenders registered with SCSO will personally present themselves to the SCSO CID in accordance with the provisions of SORA. For all Level 1 & 2 Sex Offenders they will present themselves to SCSO CID whenever there is a change in their address, employment status or employment location; attendance, employment or enrollement at an Institution of Higher Education; change in access to motor vehicles; or changes or subscriptions to an internet account. Sex Offenders designated with a Risk Level of Pending, Level 1 or Level 2 and registered with SCSO, are required by statute to make contact with SCSO every three (3) years, from their original registration date or a date set forth by the Sheriff, to update their Sex Offender information at DCJS with a current

photograph. Any Risk Level Pending, Level 1 or Level 2 Sex Offender who is still under the supervision of the New York State Department of Parole or on Seneca County Probation shall also be mandated to report to the SCSO on their annual date. All Sex Offenders designated as Level 3 will personally report to SCSO CID every ninety days to verify their Sex Offender information.

- b. The Sheriff will ensure each Sex Offender's file contains the proper and authorized Sex Offender Registration paperwork, as provided for by statute, and each Sex Offender's file is ready for review upon request.
- c. Within fourteen (14) calendar days of any new Sex Offender being put on the SCSO Sex offender Registry, a CID Investigator will be assigned to process the Sex Offender's address as provided on the Change of Address Form or DCJS Notification Form.
- d. An SJS report will be completed by the SCSO CID Investigator to each registration or annual verification by the Sheriff. The assigned CID Investigator assigned to complete the annual verification will make an appropriate SJS entry in connection with the verification process.

## 5. ENFORCEMENT

- a. The Sheriff will take the appropriate law enforcement action against:
  - i. The unlawful use of any information disseminated under this Policy or SORA.
  - ii. Non-compliance with the duties of the registered Sex Offender covered by SORA.
  - iii. Non-compliance with the personal address verification requirements of all Level 3 Sex Offenders as required by statute.
6. The Sheriff shall not allow the use of photographic equipment, video equipment, or photocopying equipment to reproduce any information or forms contained within a Sex Offender's file. The Entity viewing the material may take written notes of the information contained within the file, but they may not add or delete any information contained within any given file.

## 7. SORA NOTICES SENT TO SCSO IN ERROR

- a. In the event a DCJS Sex Offender notification form is sent to SCSO in error, the Sheriff will notify the appropriate law enforcement agency having jurisdiction over the Sex Offender and forward the notification form to the appropriate law enforcement agency.
- b. The Sheriff shall then notify DCJS by telephone that the notification form on that particular Sex Offender was sent to SCSO in error and that the form has

been forwarded to the appropriate law enforcement agency having jurisdiction over the Sex Offender.

#### 8. SEX OFFENDERS FROM OTHER STATES

1. In the event a Sex Offender from another State presents themselves to the Seneca County Law Enforcement Center to notify the SCSO of their new address, the Sheriff will make the appropriate notification to DCJS to ensure the out of state Sex offender is in compliance with the New York State Sex Offender Registration Act and does in fact have to register with SCSO.
2. The Sheriff will then ensure that DCJS-3231 is completed by the out-of-state Sex Offender and the Sex Offender's contact information is available in the event New York State places the out-of-state Sex Offender on the New York State Sex Offender Registry.
3. In the event SCSO is notified by DCJS that the out-of-state Sex Offender is being placed on the New York State Sex Offender Registry, the Sheriff shall take the appropriate steps as outlined above.

#### 9. RETENTION OF SEX OFFENDER RECORDS

1. With the exception of Change of Address Forms, DCJS-3231, all forms and records retained in regards to the SCSO application of SORA will be maintained in the Criminal Investigation Division and shall be known as the Sex Offender Registry.
2. All individual Sex Offender files shall be indexed by the Sex Offender's name and Risk Level and any paperwork in regards to that Sex Offender shall be maintained permanently in that file by the Sheriff.
3. All information, paperwork, forms and correspondence in regards to the SCSO Sex Offender Registry shall be kept in a binder designated for SORA use. The Sheriff shall appoint two designees to oversee the direct care and control of all SORA files and these two designees shall be the primary line of contact between all Risk Levels of Sex Offenders and DCJS in Albany.

These designees shall be: CID Lieutenant John Cleere & Investigator Joseph Stevens

## **INFECTIOUS DISEASE PROTECTION**

STANDARD NO(S)

NYSLEAP 3.1

NYSSA # 145

DATE:

November 1, 2009

REVIEWED: 04/19/2017

REFER TO:

John Cleere

### **I. OBJECTIVE:**

To enable SCSO members to minimize on-the-job risk of contracting serious blood borne infections, such as Hepatitis A (HAV) & B (HBV), or the human immunodeficiency virus (HIV) that has been identified as a probable causative agent of the Acquired Immunodeficiency Syndrome (AIDS); as well as the airborne bacterial disease, tuberculosis (TB).

### **II. POLICY:**

It shall be the policy of the SCSO to provide its members with information, training, protective equipment and, with consent, voluntary testing and immunization in order that they be aware of and avoid certain infections caused by blood, body fluids and human tissue, which may be encountered in connection with their duties.

### **III. DETAILS:**

The information and procedures set out in this directive were obtained from; (1) a publication provided as an educational service by Merck Sharp & Dohme entitled, "Protecting Yourself against Serious Blood borne Infections on the Job - A GUIDE FOR FIRST RESPONDERS"; (2) the "Officer's Handbook for Management of HIV/AIDS and Other Infectious Diseases" published by the New York State Commission of Correction in 1991; (3) "Guidelines for the Control of Tuberculosis in Correctional Facilities," a 2007 publication of the New York State Health Department, Bureau of Tuberculosis Control and the New York State Commission of Correction; (4) Sections 2780- 2787 of the New York State Public Health Law; and, (5) an amendment to Part 1910 of Title 29 of the Code of Federal Regulations, effective 3/6/92 (1910.1030 (c)(1)(ii)(A). The last requires a written Exposure Control Plan designed to eliminate or minimize member exposure. This directive includes the pertinent parts of the regulation and, as such, constitutes SCSO's plan.

#### **A. Understanding the infections -**

- 1. Hepatitis A – (HAV)** Hepatitis A is a liver infection caused by a virus. It goes away on its own in almost all cases. The disease is caused by the hepatitis A virus and is found in the stool of an infected person and is spread when a person eats food or drinks water that has come in contact with infected stool. After being exposed to

the virus, it can take from 2 to 7 weeks before seeing any signs of the virus. Common symptoms include feeling very tired, sick to your stomach and not feeling hungry. Losing weight without trying, pain on the right side of the belly, under the rib cage, a fever or experiencing sore muscles are other common symptoms. Only a blood test can tell if you have been exposed to hepatitis A or another form of the disease. This test will tell if your liver is inflamed and whether you have antibodies to the hepatitis A virus. The presence of these anti bodies prove that you have been exposed to the virus. There are several forms of protecting oneself from contracting Hepatitis A, which include washing your hands with soap and hot water after using the bathroom or changing a diaper or before preparing food. Steps to prevent passing hepatitis A onto others include telling people you live with or have sex with that you have hepatitis A.

**2. Hepatitis B – (HBV)** Hepatitis B is a disease of the liver that is caused by the Hepatitis B Virus. Many people infected with HBV never feel sick, while others get a mild flu-like illness. Other people get jaundice (yellow eyes and skin), feel very tired, lose their appetites, and have other severe health problems after being infected with HBV. These symptoms can last as long as six months. HBV infection leads to death in about 1 in 100 cases.

While most infected people completely recover, up to 10 in 100 carry the virus for a long time without having any symptoms. These carriers are infectious, which means they can spread HBV to others. Carriers are at risk of developing serious and sometimes fatal, liver diseases such as cirrhosis and liver cancer.

In the United States, there are about one million HBV carriers and 300,000 new HBV infections each year. Some important points about HBV are:

- a. HBV is spread mostly through contact with blood, semen, vaginal fluids or saliva (from a bite).
- b. The chance of being infected after being stuck with an infected needle is from 6 to 30 %.
- c. The survival of the virus outside of the body is 7 days or longer.
- d. There is a vaccine available for HAV & HBV.

**3. Acquired immunodeficiency syndrome (AIDS)** -The Human Immunodeficiency Virus (HIV) can cause AIDS. HIV destroys the body's natural defenses against a wide range of illnesses and leads to death in most cases. A person infected with HIV may carry the virus for years before starting to look or feel sick. Even though that person may not appear to be sick, the virus is still present and can be transmitted to others.

In the U.S. the number of HIV carriers is one million or more, with at least 40,000 new infections among adults and adolescents each year. As of 1990, 22 cases of job-

related AIDS infections have been documented in the world and none involved first responders. However, it is important to note again that nearly every case of AIDS results in death.

Effective February 1, 1989, sections were added to the New York State Public Health Law (PHL), concerning HIV and AIDS related information and were written to protect the confidentiality of persons infected with HIV. The law defines a "contact" as "an identified spouse or sex partner of the protected individual or a person identified as having shared hypodermic needles or syringes with the protected individual." More casual relationships are not mentioned as having any risk of exposure. The legislative intent is significant:

"The legislature recognizes that maximum confidentiality protection for information related to human immunodeficiency virus (HIV) infection and acquired immune deficiency syndrome (AIDS) is an essential public health measure. In order to retain the full trust and confidence of persons at risk, the state has an interest both in assuring that HIV related information is not improperly disclosed and in having clear and certain rules for the disclosure of such information."

"By providing additional protection of the confidentiality of HIV related information, the legislature intends to encourage the expansion of voluntary confidential testing for the human immunodeficiency virus (HIV) so that individuals may come forward, learn their health status, make decisions regarding the appropriate treatment, and change the behavior that puts them and others at risk of infection."

"The legislature also recognizes that strong confidentiality protections can limit the risk of discrimination and the harm to an individual's interest in privacy that unauthorized disclosure of HIV related information can cause. It is the intent of the legislature that exceptions to the general rule of confidentiality of HIV related information be strictly construed."

Some important points about AIDS are:

- a. HIV is spread mostly through contact with blood, semen and vaginal fluids.
- b. The chance of being infected after being stuck with an infected needle is .5 %.
- c. The survival of the virus outside the body is several hours.
- d. There is no vaccine available for AIDS.

**4. Tuberculosis (TB)** -Tuberculosis is a bacterial disease usually affecting the lungs (pulmonary TB). Other parts of the body can also be affected, for example lymph nodes, kidneys, bones, joints, etc. (extra pulmonary TB). Approximately 1,300 cases are reported each year in New York State (NYS DOH, 2007). Tuberculosis can affect anyone of any age. People with weakened immune systems are at increased

risk. Tuberculosis is spread through the air when a person with untreated pulmonary TB coughs or sneezes. Prolonged exposure to a person with untreated TB usually is necessary for infection to occur. Initial symptoms of TB disease include fatigue, low grade fever, night sweats, weight loss and a persistent cough. Some people may not have obvious symptoms. The most common site of TB disease is in one or both lungs. TB can also occur at any other site in the body, including the kidneys, brain, or spine. Symptoms vary depending on the site affected.

TB was once the leading cause of death in the United States. The number of cases reported annually had been declining steadily since 1954; however, beginning in 1984, no decrease occurred, and in 1990 there was a 9% **increase** over the year before. TB has made a comeback and is accompanying the epidemic of HIV infection. TB rates have been increasing dramatically where HIV infection is most prevalent; in certain regions (particularly large urban centers) and among those population groups at greatest risk (especially 25 to 44 year-old males). But TB is both curable and preventable, even in those with HIV infection.

- a. TB is treatable with medication; however, the present regimens can last as long as one year. Recently, it has been determined that when treatment is prematurely discontinued, a more drug-resistant strain of the germ can develop. After only one week of medication, most persons with active TB will no longer be infectious, provided the medication is continued. Untreated TB results in long term chronic, debilitating illness, which spreads to organ systems outside the lung and leads to eventual death.
  1. TB is spread when a person with tuberculosis of the respiratory tract coughs, sneezes, or exhales and airborne infectious particles consisting of sputum (saliva and discharge from respiratory passages) is produced.
  2. TB can be contracted by exposure to the airborne droplets, particularly in enclosed spaces, or by prolonged exposure to a person with untreated TB.
  3. TB bacterial can be rendered harmless by good ventilation or sunlight.
  4. A healthy immune system very rapidly suppresses symptoms of TB infection. The infection becomes dormant or latent and the host looks and feels well. Infected persons exhibit a reactive skin test, about 4 to 12 weeks after infection, but otherwise are without signs.
  5. **Latent TB** infection may become active at any time but is usually associated with advancing age, diabetes, malnutrition, alcoholism or other factors which diminish or impair the immune system, in particular infection with HIV.
  6. **Multi-drug resistant tuberculosis** (MDR-TB) refers to the ability of some strains of TB to grow and multiply even in the presence of certain drugs which would normally kill them.

7. **Extensively drug-resistant TB** (XDR-TB) is a subset of MDR-TB in which the strains of TB bacteria are resistant to several of the best second line drugs for TB. These strains are very difficult to treat. XDR-TB cases make up approximately 10 percent of MDR-TB cases.
  8. TB patients with drug sensitive disease may develop drug resistant tuberculosis if they fail to take anti-tuberculosis medications as prescribed as well as TB patients who have been prescribed an ineffective treatment plan. TB cases diseased with MDR-TB can transmit the drug resistant infection to other individuals.
- b. Contact with serious blood borne infections
1. Members working in corrections (while inside a facility or while transporting prisoners), law enforcement (including civil), and court security (including special patrol officers) can be exposed to HAV, HBV and/or HIV by direct contact with infected blood or other body fluids by:
  2. Being stuck with infected needles or other "sharps" (term used for any implement capable of penetrating the skin). These objects could be present at the scene of a drug incident, a domestic dispute, or for that matter, at about any place to which a member might be expected to respond.
  3. Having infected blood or other body fluids splashed into the mouth, eyes, nose or onto skin that is cut, scratched, or has sores, rashes, or other skin conditions.
  4. Suffering a human bite from one whose saliva may be carrying the HBV.
- c. The risk of infection - Direct contact with a virus does not always mean that you will become infected; however, the more frequently you are exposed to infected blood or other body fluids, the more likely you are of becoming infected. For HAV, HBV and HIV, the risk of infection from splashes of infected blood into the mouth, eyes or nose is lower than the risk from being stuck with a needle. You are unlikely to catch HBV through casual contact, such as touching or shaking hands with an infected person, eating food prepared by an infected person, or from contact with drinking fountains, telephones, toilets or other surfaces. Neither will you catch HIV through casual contact.
- d. Body fluids that carry the viruses' -
1. Blood is an important source of HAV, HBV and HIV in the work setting that may be encountered by the first responder.

2. Semen, vaginal fluids and fecal material.
  3. Fluid from the brain, spine, chest cavity, stomach, heart, and joints, as well as fluids in the womb of a pregnant woman.
  4. Saliva (from a bite).
- e. Universal precautions - Universal precautions are procedures developed by the Centers for Disease Control and incorporated into the Occupational Safety & Health Act (OSHA) guidelines. These precautions, set out below, should be practiced whenever a member is exposed to blood or other body fluids. This rule is important because it is often impossible to tell if the person you come in contact with has HAV, HBV or HIV.

**In an emergency when you cannot identify body fluids or tell whether they contain blood, treat all body fluids as potentially infectious.**

- f. Protecting yourself against serious blood borne infections on the job - Appropriate protective attire should always be worn to help reduce the risk of exposure. Standard personal protection equipment and procedures for infection control are described below. Blood borne pathogen response kits containing the necessary supplies are furnished for all SCSO vehicles, at all officers' stations within the Seneca County Correctional Facility, and in the Court Security Office as well as the Civil, Records and Administration Divisions.

Members finding themselves in a situation where exposure is likely are required to use the appropriate protective equipment except under rare and extraordinary circumstances; where it is the member's professional judgment that in the specific instance its use would prevent the delivery of rescue or first aid services, or would pose an increased hazard to the member's safety or to the safety of others. When the member makes this judgment, the circumstances will be investigated and documented in order to determine if changes can be instituted to prevent such occurrences in the future.

## **B. Personal Protective Equipment –**

All SCSO vehicles will be equipped with personal protective equipment in the form of Blood borne pathogen response kits to be used in the event that any member comes into contact with unknown bodily fluids. In addition, such kits will be available at select fixed locations of the SCSO such as within the Correctional Facility, Administrative, Records, Civil and Court Security Divisions.

1. **Gloves** - Disposable surgical-type gloves will be worn when it can be reasonably anticipated that the member may have hand contact with blood or other body fluids, and when touching contaminated items. Two pair are supplied in the kit. Two pair are to be carried on the officer's equipment

belt in a leather pouch provided for this purpose. Gloves should be changed between handling different people.

- a. Before putting on gloves, make sure they have no holes, cracks or tears.
  - b. Change gloves if they become torn, punctured or dirty. Gloves are not to be washed or de-contaminated for reuse.
  - c. After contamination, gloves should be removed as follows: (1) Carefully remove one glove by grasping it with the other gloved hand just below the wrist and pulling it off; (2) While holding the removed glove in the gloved hand, carefully slip two bare fingers under the wrist band and pull down over the gloved hand, thereby ending with the first glove contained within the second, which will be inside out.
  - d. Dispose of surgical gloves in a container identified as being for medical waste.
  - e. Use fire fighter's gloves, or similarly rugged protection, over the latex or vinyl gloves when working around broken glass or sharp surfaces; for instance, when removing a person from a motor vehicle accident. Utility gloves may be decontaminated for reuse if the integrity of the glove is not compromised; however, they must be discarded if they are cracked, peeling, torn, punctured, or show other signs of deterioration or when their effectiveness as a barrier is in doubt.
2. **Masks, eyewear, gowns** - Protective clothing as well as safety glasses or a face shield is essential since blood and/or body fluids may be splashed onto a member responding to an emergency. In this circumstance, uniforms that become contaminated should be removed as soon as possible. The above mentioned kit contains a plastic disposable gown along with a mask, nose and mouth cover all of which can offer some protection.
  3. **Resuscitation equipment** - The kit contains a CPRprotector – mouth to mouth barrier which should be used whenever rescue breathing is required. If questioned concerning its use, it may be desirable to explain that this precaution is taken for the protection of both the officer and the victim. It should be stressed that this is standard procedure.
  4. **Preventive procedures**
    - a. Hand washing is the best overall protective measure against most communicable diseases, including Hepatitis A & HBV. Hands and other skin surfaces should be thoroughly washed with soap and running water

immediately after contact with blood or other body fluids, as well as upon the removal of gloves or other protective clothing.

When running water is not available, a waterless substitute may be used. Hand wipes, isopropyl alcohol, and paper towels are contained in the aforementioned kits and can serve until washing facilities are available.

- b. If it is necessary to take possession of any kind of hypodermic needle and/or glass syringe, great care must be taken to avoid being stuck. Do not recap, bend, or break needles or manipulate them by hand in any way. Broken glassware that may be contaminated will not be picked up directly with the hands. It will be retrieved using some mechanical means such as a brush and dust pan, tongs, or forceps. All needles and other sharp objects should be placed in a puncture resistant container and clearly labeled if evidential.
- c. Discarded contaminated materials (regulated waste) can be disposed of in a sharps container carried for this purpose in the patient compartment of every ambulance or in a hospital emergency room. Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, the State of New York and the County of Seneca.
- d. Specimens of blood or other potentially infectious materials will be placed in a container that prevents leakage during collection, handling, processing, storage, transport or shipping. Containers of blood are to be appropriately labeled.
- e. The cleaning, laundering, disposal, repair and replacement of personal protective equipment will be provided by the SCSO.
- f. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited under circumstances where there is a likelihood of exposure to infectious materials.
- g. Food and drink will not be kept in refrigerators, freezers or cabinets or upon shelves, counter or bench tops where blood or other potentially infectious materials are present.
- h. Members shall attempt to avoid close or prolonged exposure to persons with TB, particularly in enclosed spaces. When transporting such an individual, consideration should be given to providing adequate ventilation within the vehicle.

**C. Information and training** -The Occupational Safety and Health Act, as amended, has mandated that persons assumed to have occupational exposure (includes members in both Law Enforcement and Corrections Bureau) must be provided with training prior to

the initial assignment and at least annually thereafter. SCSO members will receive this instruction in connection with FTO sessions, or equivalent, training to be supplemented in the event new exposures or safeguards become available. The training program, making use of both classroom and video presentations, shall contain:

1. An accessible copy of the regulatory text as it appears in the Federal Register, Vol. 56. No. 235 for Friday, December 6, 1991, and an explanation of its contents;
2. A general explanation of the epidemiology (the sum of the factors controlling the presence or absence of a disease or pathogen) and symptoms of blood borne diseases;
3. An explanation of the modes of transmission of blood borne pathogens;
4. An explanation of the Manual of Instructions subject "Infectious Disease Protection," with attention drawn to the fact that this directive constitutes SCSO's official Exposure Control Plan;
5. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
6. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate controls, work practices, and personal protective equipment;
7. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
8. An explanation of the basis for selection of personal protective equipment;
9. Information on the TWINRIX hepatitis A & B vaccine, including information on its efficacy (the power to produce an effect), safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
10. Information on the appropriate actions to take and persons to contact in an emergency involving blood or potentially infectious materials;
11. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
12. Information on the post-exposure evaluation and follow-up that is required to be provided for the member following an exposure incident;

13. An explanation of the signs and labels and/or color coding required for regulated waste; and,
14. An opportunity for interactive questions and answers with the person conducting the training session.

#### **D. TWINRIX (Hepatitis A & B Combination Vaccination)& Tuberculosis Testing**

1. **TWINRIX**, combination Hepatitis A & B vaccinations will be available to all members and employees, unless the member has previously received the complete hepatitis B vaccination series; or unless antibody testing has revealed that the member is immune; or unless the vaccine is contraindicated for medical reasons. TWINRIX consists of a series of three vaccine doses within six months. TWINRIX is indicated for active immunization of persons 18 years of age older against disease caused by hepatitis A virus and infection by all known subtypes of hepatitis B virus. The most common solicited adverse events were: soreness and or redness at the injection site, headache and fatigue. As with any vaccine, rare adverse events may occur and as with any vaccine, TWINRIX may not protect 100% of individuals receiving the vaccine. The Correctional Facility Medical unit will provide at no charge to the member or employee the TWINRIX vaccination.
2. Every member or employee who either accepts or declines to accept the TWINRIX, hepatitis A & B combination vaccination shall so indicate on a form (SCSO-AD-004) provided for this purpose and retained in the member's personnel file.
3. Any member or employee who initially declines the TWINRIX hepatitis A & B combination vaccination, and at a later date and while still an active member, decides to accept the vaccination, may do so. The vaccination will be made available prior to any additional activities that would create occupational exposure.
4. All members and employees will be offered a tuberculosis skin test (TST) each year administered by the Correctional Facility Medical Staff at no cost to the member or employee. All members and employees shall so indicate on a form (SCSO –AD-002) provided for that purpose and retained in the member or employee's personnel file.
5. In the event that a member or employee's skin tuberculosis test indicates a positive reading, the member or employee will be relieved from duty pending a chest x-ray to determine the positive or negative effect. The member or employee will not suffer any diminution of salary pending the results of the x-ray results. In the event that test results are positive, the member or employee will be governed by the provisions of such member or employee's collective bargaining agreement.

#### **E. Information for Vaccine Recipients:** Vaccine recipients will be informed by the Correctional Facility healthcare provider of the potential benefits and risks of

immunization with TWINRIX.

Vaccine recipients will be advised regarding potential side effects, the Correctional Facility Nurse will emphasize that components of TWINRIX cannot cause hepatitis A or hepatitis B infection.

Vaccine recipients will be instructed to report any severe or unusual adverse reactions to their healthcare provider.

The vaccine recipients will be given the Vaccine Information Statements, which are required by the National Childhood Vaccine Injury Act of 1986 to be given prior to immunization.

These materials are available free of charge at the CDC website ([www.cdc.gov/vaccines](http://www.cdc.gov/vaccines)). The Vaccine Adverse Events Reporting System (VAERS) toll-free number is 1-800-822-7967. Reporting forms may also be obtained at the VAERS website at [www.vaers.hhs.gov](http://www.vaers.hhs.gov).

**F. The Ryan White Act** -This federal legislation, effective April 20, 1994, (59 F.R. 13418) requires medical facilities to evaluate and disclose relevant information when an Emergency Response Employee (ERE) has been exposed to specified airborne and blood borne infectious diseases, including HIV. EREs are defined as firefighters, law enforcement officers, emergency medical technicians, and other professional emergency responders, paid or volunteer.

The new federal regulations provide for the disclosure of exposure under certain circumstances, even without the consent of the patient (the source of the infection) preempting state laws in this regard.

1. The designated officer (DO) - Each emergency response agency is required to appoint a DO, who shall be the only person to request, receive and provide information relating to exposure. SCSO's DO is the Sheriff.
2. It shall be the responsibility of the DO, upon receipt of a request from an ERE (the SCSO member), to determine if an exposure occurred, assisting the ERE in evaluating the risk of exposure. If warranted, the DO shall request (in writing) the medical facility to provide the results of any testing for infectious diseases, either positive or negative.
3. The DO shall hold confidentially any information on exposure, disclosing it only to the ERE who suffered the exposure. Any unauthorized re-disclosure violates the Public Health Law.
4. If an exposure is confirmed, the ERE will be offered confidential medical evaluation and follow-up as required by OSHA regulations.
5. Response to the DO's written request for information must be made by the medical facility (hospital) within 48 hours. Their response may be that no

exposure existed (that is, the patient had no infectious disease), that an exposure may have occurred, or that there was not enough information furnished to make a determination. The information to be disclosed by the medical facility may not include the patient's name or address. Hospitals also have an affirmative responsibility to notify the DO of a possible exposure to infectious pulmonary tuberculosis.

6. Regulations provide that the hospital is obligated to report admission of a patient suffering from an infectious disease to the transporting agency (ambulance). It is important that SCSO members who suspect they might have been exposed insure that the hospital has this information and that the hospital is aware of the identity of our Designated Officer and how the DO may be contacted.
7. If the medical facility later determines that the patient has an infectious disease, it must so inform the DO. This requirement applies until the patient is discharged, or for 60 days after admission, whichever comes first.
8. Upon request of the DO, a public health official shall review those cases in which a facility states that the facts were insufficient to make a determination. The public health officer may then advise the DO concerning the collection of necessary information to establish risk of exposure or may resubmit the request to the facility.
9. A form for the use of the DO to request information from a medical facility and for the facility's response entitled "Request for Evaluation of Possible Infectious Disease Exposure to an Emergency Response Employee." (Form SCSO-AD-003)

**G. Post exposure evaluation and follow-up** -Members who have had an exposure incident are entitled to a professional and confidential medical evaluation, laboratory testing, and prophylaxis at no cost to the member. The evaluation and follow-up, to be provided by the County of Seneca, shall include:

1. Documentation of the circumstances of exposure.
2. Identification and documentation of the source individual unless it can be established that identification is infeasible or prohibited by state or local law.
3. Testing of the source individual's blood as soon as feasible, and after consent to determine HBV and HIV infectivity. In the case of the latter, the PHL requires that a "written informed consent" be given to the testing facility. If consent cannot be obtained, this fact must be documented. If source is already known to be infected, testing need not be repeated.
4. Results of an HBV test shall be made available to the exposed member, and member shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual. However, in the case of an HIV test of a source individual, disclosure of results

to a member is generally prohibited under PHL Section 2782. Exceptions do exist and disclosure may be made when there has been a written authorization for disclosure to a specified person; or when the source individual is deceased and the "test is conducted to determine the cause of death or for epidemiological purposes"; or when ordered by a court of competent jurisdiction. In the latter circumstance, advice should be sought from the Seneca County Attorney's Office.

5. Collection and testing of exposed member's blood after consent is obtained (If member consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, member elects to have the baseline sample tested, such testing shall be done as soon as feasible).
6. Post exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.
7. Counseling and evaluation of reported illnesses.

#### **H. Procedures after exposure –**

1. In the event a member is exposed to blood or body fluids, which substances have breached the protective equipment, the member shall immediately notify the on-duty supervisor. The exposure shall be considered to be a work related injury and the member may seek a medical evaluation and treatment from a physician, a hospital, or any health care professional of choice.
2. The member's supervisor will obtain the details of the exposure from the member and will prepare an Incident Report to include:
  - a. A description of the member's duties as they relate to the exposure incident;
  - b. Documentation of the route(s) of exposure and circumstances under which exposure occurred; and
  - c. Results of the source individual's blood testing, if available. See paragraph F. above.
3. In addition to filing his report in the member's personnel file, the supervisor shall furnish this information through channels as is done with a worker's compensation case.
4. The supervisor will provide the member with a copy of Part 1910.1030 of Title 29 of the Code of Federal Regulations, with instructions that this information is to be given to the health care professional for use in any treatment and subsequent follow-up. **A copy of which is attached to this policy as APPENDIX A; 1910.1030**

5. The health care professionals (of the member's choice) who conduct the evaluation must be provided with the specified information to facilitate the evaluation and to ensure that the written report required does not reveal confidential information.
6. Following an evaluation by a health care professional, the SCSO will obtain and provide the member with a copy of the written opinion within 15 days of the evaluation. The written opinion for hepatitis B vaccination shall be limited to whether the vaccination is indicated and if the member has received such vaccination.
7. Concerning the opinion for post exposure evaluation and follow-up, the information shall be limited to the following: that the member has been informed of the results of the evaluation; and, that the member has been told about any medical conditions resulting from the exposure which require further evaluation or treatment. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

## I. Recordkeeping

1. **Medical records** - An accurate record for each member having an occupational exposure shall be established and maintained in the member's personnel file. The record shall include:
  - a. The name and social security number of the member;
  - b. A copy of the member's hepatitis B vaccinations and any medical records relative to the member's ability to receive vaccinations;
  - c. A copy of all results of examinations, medical testing, and follow-up procedures as set out in paragraph G. above;
  - d. A copy of the health care professional's written opinion as described in paragraphs G. (6) and (7) above; and,
  - e. A copy of the information provided to the health care professional as described in paragraph G. (2) above.
2. **Confidentiality** - As part of member's personnel file, the confidentiality of any medical records generated as a result of a work related exposure to potential infectivity can be assured since access to personnel records is strictly limited.
  - a. The records shall not be disclosed or reported without the member's express written consent to any person within or outside the SCSO except as required by law.
  - b. Medical records described herein shall be retained for at least the duration of member's employment plus 30 years.

3. **Training records** - Records generated in accordance with the provisions of paragraph D. above shall be in the custody of the appropriate Training Officer, or designee. The records will include:

  - a. The dates of the training sessions;
  - b. The contents or a summary of the training sessions;
  - c. The names and qualifications of persons conducting the training; and,
  - d. The names of all persons attending the training sessions.
  - e. Training records will be maintained for 3 years from the date on which training occurred.
4. **Availability** - All records required to be maintained will be made available to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, or their designees for examination and copying.

  - a. Member's medical records will be provided upon request for examination and copying to the member or to anyone having written consent of the member.
  - b. Member's training records will be provided on request for examination and copying to the member or to the member's representative.

## APPENDIX A – ATTACHMENT TO SCSO POLICY 2-17



UNITED STATES DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

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### Regulations (Standards - 29 CFR)

### Bloodborne pathogens. - 1910.1030



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- **Part Number:** 1910
- **Part Title:** Occupational Safety and Health Standards
- **Subpart:** Z
- **Subpart Title:** Toxic and Hazardous Substances
- **Standard Number:** [1910.1030](#)
- **Title:** Bloodborne pathogens.
  
- **Appendix:** [A](#)

#### 1910.1030(a)

**Scope and Application.** This section applies to all occupational exposure to blood or other potentially infectious materials as defined by paragraph (b) of this section.

#### 1910.1030(b)

**Definitions.** For purposes of this section, the following shall apply:

**Assistant Secretary** means the Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.

**Blood** means human blood, human blood components, and products made from human blood.

**Bloodborne Pathogens** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**Clinical Laboratory** means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

**Contaminated** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

**Contaminated Laundry** means laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

**Contaminated Sharps** means any contaminated object that can penetrate the skin

including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

**Decontamination** means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**Director** means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designated representative.

**Engineering Controls** means controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

**Exposure Incident** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

**Handwashing Facilities** means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

**Licensed Healthcare Professional** is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by paragraph (f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.

**HBV** means hepatitis B virus.

**HIV** means human immunodeficiency virus.

**Needleless systems** means a device that does not use needles for:

(1) The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established; (2) The administration of medication or fluids; or (3) Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

**Occupational Exposure** means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

**Other Potentially Infectious Materials** means (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

**Parenteral** means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

**Personal Protective Equipment** is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or

blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

**Production Facility** means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

**Regulated Waste** means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

**Research Laboratory** means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

**Sharps with engineered sharps injury protections** means a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

**Source Individual** means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

**Sterilize** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**Universal Precautions** is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

**Work Practice Controls** means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

1910.1030(c)

**Exposure Control --**

1910.1030(c)(1)

**Exposure Control Plan.**

1910.1030(c)(1)(i)

Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure.

1910.1030(c)(1)(ii)

The Exposure Control Plan shall contain at least the following elements:

1910.1030(c)(1)(ii)(A)

The exposure determination required by paragraph (c)(2),

1910.1030(c)(1)(ii)(B)

The schedule and method of implementation for paragraphs (d) Methods of Compliance, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping, of this standard, and

1910.1030(c)(1)(ii)(C)

The procedure for the evaluation of circumstances surrounding exposure incidents as required by paragraph (f)(3)(i) of this standard.

1910.1030(c)(1)(iii)

Each employer shall ensure that a copy of the Exposure Control Plan is accessible to employees in accordance with 29 CFR 1910.1020(e).

1910.1030(c)(1)(iv)

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update of such plans shall also:

1910.1030(c)(1)(iv)(A)

Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

1910.1030(c)(1)(iv)(B)

Document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

1910.1030(c)(1)(v)

An employer, who is required to establish an Exposure Control Plan shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan.

1910.1030(c)(1)(vi)

The Exposure Control Plan shall be made available to the Assistant Secretary and the Director upon request for examination and copying.

1910.1030(c)(2)

### ***Exposure Determination.***

1910.1030(c)(2)(i)

Each employer who has an employee(s) with occupational exposure as defined by paragraph (b) of this section shall prepare an exposure determination. This exposure determination shall contain the following:

1910.1030(c)(2)(i)(A)

A list of all job classifications in which all employees in those job classifications have occupational exposure;

1910.1030(c)(2)(i)(B)

A list of job classifications in which some employees have occupational exposure, and

1910.1030(c)(2)(i)(C)

A list of all tasks and procedures or groups of closely related task and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in accordance with the provisions of paragraph (c)(2)(i)(B) of this standard.

1910.1030(c)(2)(ii)

This exposure determination shall be made without regard to the use of personal protective equipment.

1910.1030(d)

### ***Methods of Compliance --***

1910.1030(d)(1)

**General.** Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

1910.1030(d)(2)

### ***Engineering and Work Practice Controls.***

1910.1030(d)(2)(i)

Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

1910.1030(d)(2)(ii)

Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

1910.1030(d)(2)(iii)

Employers shall provide handwashing facilities which are readily accessible to employees.

1910.1030(d)(2)(iv)

When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

1910.1030(d)(2)(v)

Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

1910.1030(d)(2)(vi)

Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

1910.1030(d)(2)(vii)

Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in paragraphs (d)(2)(vii)(A) and (d)(2)(vii)(B) below. Shearing or breaking of contaminated needles is prohibited.

1910.1030(d)(2)(vii)(A)

Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure.

1910.1030(d)(2)(vii)(B)

Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

1910.1030(d)(2)(viii)

Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

1910.1030(d)(2)(viii)(A)

Puncture resistant;

1910.1030(d)(2)(viii)(B)

Labeled or color-coded in accordance with this standard;

1910.1030(d)(2)(viii)(C)

Leakproof on the sides and bottom; and

1910.1030(d)(2)(viii)(D)

In accordance with the requirements set forth in paragraph (d)(4)(ii)(E) for reusable sharps.

1910.1030(d)(2)(ix)

Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

1910.1030(d)(2)(x)

Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or other potentially infectious materials are present.

1910.1030(d)(2)(xi)

All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

1910.1030(d)(2)(xii)

Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

1910.1030(d)(2)(xiii)

Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

1910.1030(d)(2)(xiii)(A)

The container for storage, transport, or shipping shall be labeled or color-coded according to paragraph (g)(1)(i) and closed prior to being stored, transported, or shipped. When a facility utilizes Universal Precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility.

Labeling or color-coding in accordance with paragraph (g)(1)(i) is required when such specimens/containers leave the facility.

1910.1030(d)(2)(xiii)(B)

If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

1910.1030(d)(2)(xiii)(C)

If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics.

1910.1030(d)(2)(xiv)

Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

1910.1030(d)(2)(xv)(A)

A readily observable label in accordance with paragraph (g)(1)(i)(H) shall be attached to the equipment stating which portions remain contaminated.

1910.1030(d)(2)(xv)(B)

The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

1910.1030(d)(3)

***Personal Protective Equipment --***

1910.1030(d)(3)(i)

**Provision.** When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

1910.1030(d)(3)(ii)

**Use.** The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgement, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

1910.1030(d)(3)(iii)

**Accessibility.** The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees.

Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

1910.1030(d)(3)(iv)

**Cleaning, Laundering, and Disposal.** The employer shall clean, launder, and dispose of personal protective equipment required by paragraphs (d) and (e) of this standard, at no cost to the employee.

1910.1030(d)(3)(v)

**Repair and Replacement.** The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

1910.1030(d)(3)(vi)

If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

1910.1030(d)(3)(vii)

All personal protective equipment shall be removed prior to leaving the work area.

1910.1030(d)(3)(viii)

When personal protective equipment is removed it shall be placed in an appropriately

designated area or container for storage, washing, decontamination or disposal.

1910.1030(d)(3)(ix)

**Gloves.** Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; when performing vascular access procedures except as specified in paragraph (d)(3)(ix)(D); and when handling or touching contaminated items or surfaces.

1910.1030(d)(3)(ix)(A)

Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

1910.1030(d)(3)(ix)(B)

Disposable (single use) gloves shall not be washed or decontaminated for re-use.

1910.1030(d)(3)(ix)(C)

Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

1910.1030(d)(3)(ix)(D)

If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

1910.1030(d)(3)(ix)(D)(1)

Periodically reevaluate this policy;

1910.1030(d)(3)(ix)(D)(2)

Make gloves available to all employees who wish to use them for phlebotomy;

1910.1030(d)(3)(ix)(D)(3)

Not discourage the use of gloves for phlebotomy; and

1910.1030(d)(3)(ix)(D)(4)

Require that gloves be used for phlebotomy in the following circumstances:

1910.1030(d)(3)(ix)(D)(4)(i)

When the employee has cuts, scratches, or other breaks in his or her skin;

1910.1030(d)(3)(ix)(D)(4)(ii)

When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

1910.1030(d)(3)(ix)(D)(4)(iii)

When the employee is receiving training in phlebotomy.

1910.1030(d)(3)(x)

**Masks, Eye Protection, and Face Shields.** Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

1910.1030(d)(3)(xi)

**Gowns, Aprons, and Other Protective Body Clothing.** Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

1910.1030(d)(3)(xii)

Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

1910.1030(d)(4)

**Housekeeping --**

1910.1030(d)(4)(i)

**General.** Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

1910.1030(d)(4)(ii)

All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

1910.1030(d)(4)(ii)(A)

Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning.

1910.1030(d)(4)(ii)(B)

Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

1910.1030(d)(4)(ii)(C)

All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

1910.1030(d)(4)(ii)(D)

Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

1910.1030(d)(4)(ii)(E)

Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

1910.1030(d)(4)(iii)

***Regulated Waste --***

1910.1030(d)(4)(iii)(A)

***Contaminated Sharps Discarding and Containment.***

1910.1030(d)(4)(iii)(A)(1)

Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

1910.1030(d)(4)(iii)(A)(1)(i)

Closable;

1910.1030(d)(4)(iii)(A)(1)(ii)

Puncture resistant;

1910.1030(d)(4)(iii)(A)(1)(iii)

Leakproof on sides and bottom; and

1910.1030(d)(4)(iii)(A)(1)(iv)

Labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard.

1910.1030(d)(4)(iii)(A)(2)

During use, containers for contaminated sharps shall be:

1910.1030(d)(4)(iii)(A)(2)(i)

Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

1910.1030(d)(4)(iii)(A)(2)(ii)

Maintained upright throughout use; and

1910.1030(d)(4)(iii)(A)(2)(iii)

Replaced routinely and not be allowed to overfill.

1910.1030(d)(4)(iii)(A)(3)

When moving containers of contaminated sharps from the area of use, the containers shall be:

1910.1030(d)(4)(iii)(A)(3)(i)

Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

1910.1030(d)(4)(iii)(A)(3)(ii)

Placed in a secondary container if leakage is possible. The second container shall be:

1910.1030(d)(4)(iii)(A)(3)(ii)(A)

Closable;

1910.1030(d)(4)(iii)(A)(3)(ii)(B)

Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and

1910.1030(d)(4)(iii)(A)(3)(ii)(C)

Labeled or color-coded according to paragraph (g)(1)(i) of this standard.

**1910.1030(d)(4)(iii)(A)(4)**

Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

**1910.1030(d)(4)(iii)(B)**

***Other Regulated Waste Containment --***

**1910.1030(d)(4)(iii)(B)(1)**

Regulated waste shall be placed in containers which are:

**1910.1030(d)(4)(iii)(B)(1)(i)**

Closable;

**1910.1030(d)(4)(iii)(B)(1)(ii)**

Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;

**1910.1030(d)(4)(iii)(B)(1)(iii)**

Labeled or color-coded in accordance with paragraph (g)(1)(i) this standard; and

**1910.1030(d)(4)(iii)(B)(1)(iv)**

Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

**1910.1030(d)(4)(iii)(B)(2)**

If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

**1910.1030(d)(4)(iii)(B)(2)(i)**

Closable;

**1910.1030(d)(4)(iii)(B)(2)(ii)**

Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;

**1910.1030(d)(4)(iii)(B)(2)(iii)**

Labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard; and

**1910.1030(d)(4)(iii)(B)(2)(iv)**

Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

**1910.1030(d)(4)(iii)(C)**

Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, States and Territories, and political subdivisions of States and Territories.

**1910.1030(d)(4)(iv)**

***Laundry.***

**1910.1030(d)(4)(iv)(A)**

Contaminated laundry shall be handled as little as possible with a minimum of agitation.

**1910.1030(d)(4)(iv)(A)(1)**

Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

**1910.1030(d)(4)(iv)(A)(2)**

Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard. When a facility utilizes Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions.

**1910.1030(d)(4)(iv)(A)(3)**

Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

**1910.1030(d)(4)(iv)(B)**

The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

**1910.1030(d)(4)(iv)(C)**

When a facility ships contaminated laundry off-site to a second facility which does not utilize Universal Precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with paragraph (g)(1)(i).

**1910.1030(e)**

***HIV and HBV Research Laboratories and Production Facilities.***

**1910.1030(e)(1)**

This paragraph applies to research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

1910.1030(e)(2)

Research laboratories and production facilities shall meet the following criteria:

1910.1030(e)(2)(i)

**Standard Microbiological Practices.** All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

1910.1030(e)(2)(ii)

**Special Practices.**

1910.1030(e)(2)(ii)(A)

Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

1910.1030(e)(2)(ii)(B)

Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled or color-coded container that is closed before being removed from the work area.

1910.1030(e)(2)(ii)(C)

Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

1910.1030(e)(2)(ii)(D)

When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with paragraph (g)(1)(ii) of this standard.

1910.1030(e)(2)(ii)(E)

All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

1910.1030(e)(2)(ii)(F)

Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

1910.1030(e)(2)(ii)(G)

Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

1910.1030(e)(2)(ii)(H)

Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

1910.1030(e)(2)(ii)(I)

Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

1910.1030(e)(2)(ii)(J)

Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A needle shall not be bent, sheared, replaced in the sheath or guard, or removed from the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

1910.1030(e)(2)(ii)(K)

All spills shall be immediately contained and cleaned up by appropriate professional staff or others properly trained and equipped to work with potentially concentrated infectious materials.

1910.1030(e)(2)(ii)(L)

A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

1910.1030(e)(2)(ii)(M)

A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

1910.1030(e)(2)(iii)

**Containment Equipment.**

1910.1030(e)(2)(iii)(A)

Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

1910.1030(e)(2)(iii)(B)

Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

1910.1030(e)(3)

HIV and HBV research laboratories shall meet the following criteria:

1910.1030(e)(3)(i)

Each laboratory shall contain a facility for hand washing and an eye wash facility which is readily available within the work area.

1910.1030(e)(3)(ii)

An autoclave for decontamination of regulated waste shall be available.

1910.1030(e)(4)

HIV and HBV production facilities shall meet the following criteria:

1910.1030(e)(4)(i)

The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

1910.1030(e)(4)(ii)

The surfaces of doors, walls, floors and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

1910.1030(e)(4)(iii)

Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

1910.1030(e)(4)(iv)

Access doors to the work area or containment module shall be self-closing.

1910.1030(e)(4)(v)

An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

1910.1030(e)(4)(vi)

A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The proper direction of the airflow shall be verified (i.e., into the work area).

1910.1030(e)(5)

**Training Requirements.** Additional training requirements for employees in HIV and HBV

research laboratories and HIV and HBV production facilities are specified in paragraph (g)(2)(ix).

1910.1030(f)

***Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up --***

1910.1030(f)(1)

***General.***

1910.1030(f)(1)(i)

The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

1910.1030(f)(1)(ii)

The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

1910.1030(f)(1)(ii)(A)

Made available at no cost to the employee;

1910.1030(f)(1)(ii)(B)

Made available to the employee at a reasonable time and place;

1910.1030(f)(1)(ii)(C)

Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

1910.1030(f)(1)(ii)(D)

Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place, except as specified by this paragraph (f).

1910.1030(f)(1)(iii)

The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

1910.1030(f)(2)

***Hepatitis B Vaccination.***

1910.1030(f)(2)(i)

Hepatitis B vaccination shall be made available after the employee has received the training required in paragraph (g)(2)(vii)(I) and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

1910.1030(f)(2)(ii)

The employer shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

1910.1030(f)(2)(iii)

If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

1910.1030(f)(2)(iv)

The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in Appendix A.

1910.1030(f)(2)(v)

If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available in accordance with section (f)(1)(ii).

1910.1030(f)(3)

***Post-exposure Evaluation and Follow-up.*** Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

1910.1030(f)(3)(i)

Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

1910.1030(f)(3)(ii)

Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

1910.1030(f)(3)(iii)

The source individual's blood shall be tested as soon as feasible and after consent is obtained

in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

**1910.1030(f)(3)(ii)(B)**

When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

**1910.1030(f)(3)(ii)(C)**

Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

**1910.1030(f)(3)(iii)**

Collection and testing of blood for HBV and HIV serological status;

**1910.1030(f)(3)(iii)(A)**

The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

**1910.1030(f)(3)(iii)(B)**

If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

**1910.1030(f)(3)(iv)**

Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service;

**1910.1030(f)(3)(v)**

Counseling; and

**1910.1030(f)(3)(vi)**

Evaluation of reported illnesses.

**1910.1030(f)(4)**

***Information Provided to the Healthcare Professional.***

**1910.1030(f)(4)(i)**

The employer shall ensure that the healthcare professional responsible for the employee's Hepatitis B vaccination is provided a copy of this regulation.

**1910.1030(f)(4)(ii)**

The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

**1910.1030(f)(4)(ii)(A)**

A copy of this regulation;

**1910.1030(f)(4)(ii)(B)**

A description of the exposed employee's duties as they relate to the exposure incident;

**1910.1030(f)(4)(ii)(C)**

Documentation of the route(s) of exposure and circumstances under which exposure occurred;

**1910.1030(f)(4)(ii)(D)**

Results of the source individual's blood testing, if available; and

**1910.1030(f)(4)(ii)(E)**

All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

**1910.1030(f)(5)**

***Healthcare Professional's Written Opinion.*** The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.

**1910.1030(f)(5)(i)**

The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

**1910.1030(f)(5)(ii)**

The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

**1910.1030(f)(5)(ii)(A)**

That the employee has been informed of the results of the evaluation; and

1910.1030(f)(5)(ii)(B)

That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

1910.1030(f)(5)(iii)

All other findings or diagnoses shall remain confidential and shall not be included in the written report.

1910.1030(f)(6)

**Medical Recordkeeping.** Medical records required by this standard shall be maintained in accordance with paragraph (h)(1) of this section.

1910.1030(g)

***Communication of Hazards to Employees --***

1910.1030(g)(1)

***Labels and Signs --***

1910.1030(g)(1)(i)

***Labels.***

1910.1030(g)(1)(i)(A)

Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in paragraph (g)(1)(i)(E), (F) and (G).

1910.1030(g)(1)(i)(B)

Labels required by this section shall include the following legend:

1910.1030(g)(1)(i)(C)

These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

1910.1030(g)(1)(i)(D)

Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

1910.1030(g)(1)(i)(E)

Red bags or red containers may be substituted for labels.

1910.1030(g)(1)(i)(F)

Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of paragraph (g).

1910.1030(g)(1)(i)(G)

Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

1910.1030(g)(1)(i)(H)

Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.

1910.1030(g)(1)(i)(I)

Regulated waste that has been decontaminated need not be labeled or color-coded.

1910.1030(g)(1)(ii)

***Signs.***

1910.1030(g)(1)(ii)(A)

The employer shall post signs at the entrance to work areas specified in paragraph (e), HIV and HBV Research Laboratory and Production Facilities, which shall bear the following legend:

(Name of the Infectious Agent)

(Special requirements for entering the area)

(Name, telephone number of the laboratory director or other responsible person.)

1910.1030(g)(1)(ii)(B)

These signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color.

1910.1030(g)(2)

***Information and Training.***

1910.1030(g)(2)(i)

The employer shall train each employee with occupational exposure in accordance with the requirements of this section. Such training must be provided at no cost to the employee and during working hours. The employer shall institute a training program and ensure employee

participation in the program.

1910.1030(g)(2)(ii)

Training shall be provided as follows:

1910.1030(g)(2)(ii)(A)

At the time of initial assignment to tasks where occupational exposure may take place;

1910.1030(g)(2)(ii)(B)

At least annually thereafter.

1910.1030(g)(2)(ii)(C)

[Reserved]

1910.1030(g)(2)(ii)(D)

Annual training for all employees shall be provided within one year of their previous training.

1910.1030(g)(2)(ii)(E)

Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

1910.1030(g)(2)(ii)(F)

Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

1910.1030(g)(2)(vii)

The training program shall contain at a minimum the following elements:

1910.1030(g)(2)(vii)(A)

An accessible copy of the regulatory text of this standard and an explanation of its contents;

1910.1030(g)(2)(vii)(B)

A general explanation of the epidemiology and symptoms of bloodborne diseases;

1910.1030(g)(2)(vii)(C)

An explanation of the modes of transmission of bloodborne pathogens;

1910.1030(g)(2)(vii)(D)

An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

1910.1030(g)(2)(vii)(E)

An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

1910.1030(g)(2)(vii)(F)

An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

1910.1030(g)(2)(vii)(G)

Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

1910.1030(g)(2)(vii)(H)

An explanation of the basis for selection of personal protective equipment;

1910.1030(g)(2)(vii)(I)

Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

1910.1030(g)(2)(vii)(J)

Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

1910.1030(g)(2)(vii)(K)

An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

1910.1030(g)(2)(vii)(L)

Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

1910.1030(g)(2)(vii)(M)

An explanation of the signs and labels and/or color coding required by paragraph (g)(1); and

1910.1030(g)(2)(vii)(N)

An opportunity for interactive questions and answers with the person conducting the training session.

1910.1030(g)(2)(viii)

The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the

training will address.

1910.1030(g)(2)(ix)

Additional Initial Training for Employees in HIV and HBV Laboratories and Production Facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements.

1910.1030(g)(2)(ix)(A)

The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

1910.1030(g)(2)(ix)(B)

The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

1910.1030(g)(2)(ix)(C)

The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

**1910.1030(h)**

***Recordkeeping --***

1910.1030(h)(1)

***Medical Records.***

1910.1030(h)(1)(i)

The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.1020.

1910.1030(h)(1)(ii)

This record shall include:

1910.1030(h)(1)(ii)(A)

The name and social security number of the employee;

1910.1030(h)(1)(ii)(B)

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);

1910.1030(h)(1)(ii)(C)

A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (f)(3);

1910.1030(h)(1)(ii)(D)

The employer's copy of the healthcare professional's written opinion as required by paragraph (f)(5); and

1910.1030(h)(1)(ii)(E)

A copy of the information provided to the healthcare professional as required by paragraphs (f)(4)(ii)(B)(C) and (D).

1910.1030(h)(1)(iii)

Confidentiality. The employer shall ensure that employee medical records required by paragraph (h)(1) are:

1910.1030(h)(1)(iii)(A)

Kept confidential; and

1910.1030(h)(1)(iii)(B)

Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

1910.1030(h)(1)(iv)

The employer shall maintain the records required by paragraph (h) for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.1020.

1910.1030(h)(2)

***Training Records.***

1910.1030(h)(2)(i)

Training records shall include the following information:

1910.1030(h)(2)(i)(A)

The dates of the training sessions;

1910.1030(h)(2)(i)(B)

The contents or a summary of the training sessions;

1910.1030(h)(2)(i)(C)

The names and qualifications of persons conducting the training; and

1910.1030(h)(2)(i)(D)

The names and job titles of all persons attending the training sessions.

1910.1030(h)(2)(ii)

Training records shall be maintained for 3 years from the date on which the training occurred.

1910.1030(h)(3)

**Availability.**

1910.1030(h)(3)(i)

The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

1910.1030(h)(3)(ii)

Employee training records required by this paragraph shall be provided upon request for examination and copying to employees, to employee representatives, to the Director, and to the Assistant Secretary.

1910.1030(h)(3)(iii)

Employee medical records required by this paragraph shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.1020.

1910.1030(h)(4)

**Transfer of Records.**

1910.1030(h)(4)(i)

The employer shall comply with the requirements involving transfer of records set forth in 29 CFR 1910.1020(h).

1910.1030(h)(4)(ii)

If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director, at least three months prior to their disposal and transmit them to the Director, if required by the Director to do so, within that three month period.

1910.1030(h)(5)

**Sharps injury log.**

1910.1030(h)(5)(i)

The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

1910.1030(h)(5)(i)(A)

The type and brand of device involved in the incident,

1910.1030(h)(5)(i)(B)

The department or work area where the exposure incident occurred, and

1910.1030(h)(5)(i)(C)

An explanation of how the incident occurred.

1910.1030(h)(5)(ii)

The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under 29 CFR 1904.

1910.1030(h)(5)(iii)

The sharps injury log shall be maintained for the period required by 29 CFR 1904.6.

1910.1030(i)

**Dates --**

1910.1030(i)(1)

**Effective Date.** The standard shall become effective on March 6, 1992.

1910.1030(i)(2)

The Exposure Control Plan required by paragraph (c) of this section shall be completed on or before May 5, 1992.

1910.1030(i)(3)

Paragraph (g)(2) Information and Training and (h) Recordkeeping shall take effect on or before June 4, 1992.

1910.1030(i)(4)

Paragraphs (d)(2) Engineering and Work Practice Controls, (d)(3) Personal Protective Equipment, (d)(4) Housekeeping, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, and (g)(1) Labels and Signs, shall take effect July 6, 1992.

[56 FR 64004, Dec. 06, 1991, as amended at 57 FR 12717, April 13, 1992; 57 FR 29206, July 1, 1992; 61 FR 5507, Feb. 13, 1996; 66 FR 5325 Jan., 18, 2001; 71 FR 16672 and 16673, April 3, 2006; 73 FR 75586, Dec. 12, 2008]



[Next Standard \(1910.1030 App A\)](#)



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Occupational Safety & Health Administration  
200 Constitution Avenue, NW  
Washington, DC 20210

## **SEXUAL HARASSMENT**

STANDARD NO(S)

NYSLEAP 14.7

DATE:

January 28, 2010

REVIEWED: 05/18/2017

REFER TO:

John Cleere

### I. OBJECTIVE:

To describe various forms of sexual harassment, identify the procedure for the investigation of sexual harassment complaints and the penalties for such conduct. The purpose of this policy is to abolish sexual harassment, in whatever form, within the Seneca County Sheriff's Office.

### II. POLICY:

It is the policy of the SCSO to provide and maintain an environment characterized by respect for the individual and encouragement for the development of one's full potential. Any behavior, verbal or physical, which constitutes sexual harassment will not be tolerated and may, upon due process, lead to disciplinary action including termination of employment. Certain conduct, prohibited by both state and federal laws, could result in criminal prosecution. For example, §40-d of the Civil Rights Law describes sexual harassment as a class A misdemeanor and provides for a penalty of from one to five hundred dollars to be paid to the aggrieved person.

### III. DETAILS:

**A.** Sexual harassment may be described generally as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, by either male or female. It may include, but is not limited to:

1. Sexually objectionable words or gestures used to describe another;
2. Comments about a person's lifestyle, body or clothing when such comments have sexual implications;
3. Offensive sexual advances including flirtations, leering or suggestions designed to further an unwelcome sexual encounter;
4. Verbal abuse of a sexual nature;
5. Unnecessarily touching, patting, pinching or brushing the body or clothing of another;

6. Conduct, which by its common and plainly understood sexual nature, interferes with a person's work performance or creates an intimidating, hostile or offensive environment;
  7. Display within the SCSO of sexually demeaning objects, pictures, cartoons or other written material;
  8. Solicitation of sexual activity or behavior using the promise of rewards or other favorable action affecting a person's evaluation, wages, advancement, assignments, duties or career opportunities;
  9. Direct or implied threats or insinuations that a person's rebuff of a sexual advance will adversely affect one's status, evaluation, wages, advancement, assignments, duties or career opportunities; and,
  10. Forced sexual contact, including rape.
- B.** The SCSO will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation. As much as possible, confidentiality will be maintained with respect to a sexual harassment complaint and only those who need to know about such a complaint will be advised of its existence. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.
- The SCSO will not condone any sexual harassment of its employees. All workers, including supervisors, will be subject to severe discipline, up to and including termination.
- C. Investigation of complaints** - If necessary, consistent with the procedures described below, complaints regarding sexual harassment will be investigated by the Professional Conduct Unit. (See "**Professional Conduct Unit**") this manual.

The designated sworn member will conduct interviews, assemble the facts and report the findings to the Chief Deputy and Undersheriff, who will present a completed investigative packet to the Sheriff, with recommendation as to appropriate action.

As with any other accusation, innocence of the accused is presumed until facts indicate otherwise. The complainant should expect the matter to be thoroughly investigated. Any false accusation, made out of malice or for any other reason, may lead to disciplinary action against the accuser.

The designated sworn member will also be responsible to monitor the situation carefully to insure that neither the SCSO nor any member within it acts in reprisal against the complainant or any other individual reporting or witnessing objectionable conduct.

**D. Procedures -**

1. If you think you have been subjected to harassment by any employee of the SCSO, including those who may be in your own chain of command, you should:
  - a. Attempt to resolve the matter directly with the person who has offended you, or;
  - b. Discuss the matter with a trusted friend or family member who may be able to furnish advice from an objective point of view, or;
  - c. Promptly notify your immediate supervisor within your division; or, if the offender is a supervisor within your chain of command, promptly notify the Chief Deputy.
  - d. Contact a professional counselor through the Employee Assistance Program at:

Seneca County Personnel Office  
1 DiPronio Drive  
Waterloo, NY 13165  
315-539-5655  
ask for Personnel Employee Assistance Officer

Or in Rochester at

One Mount Hope Avenue  
Rochester, NY 14620-1088  
(585) 325-2980  
(585) 423-9490

Counseling services for employees are free and confidential and can be scheduled by calling any of the above number between 9:00 AM and 5:00 PM, Monday through Friday.

**ANY MATTER BROUGHT TO THE ATTENTION OF THE SCSO  
WILL BE KEPT IN THE STRICTEST CONFIDENCE.**

2. If acceptable to the complainant, the PCU will attempt to resolve the matter informally.
3. If an informal resolution is not acceptable or if it cannot be satisfactorily obtained, the PCU will follow the procedures outlined in "**Professional Conduct Unit**", this manual.

- E. The Seneca County Employee Policy Manual in effect on January 1, 2009 and available to all employees on the Seneca County intranet has a similar Sexual Harassment Policy at policy section - 101.601, in effect as follows:

Policy:

The Sexual Harassment Policy has been established to further emphasize Seneca County's commitment to proper treatment of employees in the workplace and to set clear guidelines.

Purpose:

To stress the organization's strong opposition to sexual harassment and identify the complaint procedures available to victims, as well as the disciplinary penalties that could be imposed for sexually harassing conduct or behavior by managers, co-workers, or visitors.

Guidelines:

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment that interferes with an individual's work performance or simply creates an intimidating, hostile or offensive work environment.

It is illegal and against the employer's policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing or encouraging:

- physical assaults on another employee, including but not limited to, rape, sexual battery, molestation, or attempts to commit these assaults; or
- intentional physical conduct that is sexual in nature, including but not limited to, touching, pinching, patting, or brushing up against another employee's body; and
- unwanted sexual advances, propositions, or sexual comments. Including making sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct in his/her presence is unwelcome; and
- posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic; and
- electronic sexual harassment will not be tolerated in the work place, which includes lewd messages and suggestive graphics being flashed across computer screens.

The creation of an intimidating, hostile, or offensive working environment may include such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect may not be viewed as harassment. The employer will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation. As much as possible, confidentiality will be maintained with respect to a sexual harassment complaint and only those who need to know about such a complaint will be advised of its existence. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

The employer will not condone any sexual harassment of its employees. All workers, including supervisors and managers, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.

Employees who feel victimized by sexual harassment are encouraged to report the harassment to the Personnel Officer immediately. The following procedure should be used when sexual harassment has occurred:

#### Complaint Procedure

Any employee who feels that he/she has been the victim of sexual harassment should contact the Personnel Officer within 15 days of the incident. This report can be oral or written, but a written and signed statement of the complaint must be submitted by the complaining employee within 3 days of the initial report before an investigation can proceed.

Upon receipt of the written complaint, the Personnel Officer will contact the person who allegedly initiated the sexual harassment, and inform that person of the basis of the complaint and the opportunity to respond within 7 days to the complaint, in writing.

Upon receipt of the written response, the Personnel Office, after conducting a thorough investigation, will submit in writing a confidential summary of the complaint, the response, and the facts of the investigation to the County Manager.

The County Manager, after conducting a thorough review of the facts of the investigation, including possible interviews with all parties involved, will determine whether sexual harassment has occurred. Both parties will be notified of the County Manager's decision.

If it is determined that sexual harassment has occurred, appropriate disciplinary action up to and including discharge will be taken. The severity of the discipline will be determined by the severity and frequency of the offense, or other conditions surrounding the incident.

An employee's failure to report the occurrence of sexual harassment within 15 days may be deemed a waiver of any County action. Failure to file a written complaint within 3 days of the verbal report will be considered a withdrawal of that report. If the person against whom the complaint of sexual harassment is filed fails to respond to the complaint within 7 days of notification, the complaint will be taken as true, and the appropriate disciplinary measure will be taken if circumstance warrant.

- F. The Office of Sheriff endorses the Sexual Harassment policy of Seneca County in its' entirety, which includes its definitions and process for an employee making a complaint. We recognize because of the sensitive nature of this type of situation an employee may feel more comfortable making the complaint to the County. The Sheriff would most likely still be involved in the follow-up investigation and disposition. SCSO employees may take advantage of using either the SCSO Sexual Harassment Policy and Procedures or the Seneca County Sexual Harassment Policy and Procedures in the event they feel they have been the subject of a Sexual Harassment incident as identified.

# **PERFORMANCE EVALUATIONS**

STANDARD NO(S): NYSLEAP#: 13.1  
NYSSA#: 29  
NYSSA CIVIL#: 29

DATE: March 8, 2010  
REVISED: 03/22/2019

REFER TO: John Cleere

## **I. OBJECTIVE:**

The objectives of the SCSO's performance evaluation system are:

- A.** To enable fair and impartial decisions affecting personnel, and to standardize the nature of the decision-making process;
- B.** To maintain and improve employee performance, and to insure the public that SCSO personnel are qualified to carry out their assigned duties;
- C.** To provide a medium for personnel counseling, to reinforce appropriate behavior, discourage inappropriate behavior, and to suggest when behavior modification is necessary;
- D.** To facilitate proper decisions regarding probationary employees;
- E.** To provide an objective and fair means for recognition and measurement of individual accomplishments; and,
- F.** To identify training needs.

## **II. POLICY:**

The SCSO must be able to depend on satisfactory work performance from all employees. In order to measure such performance, each employee will be evaluated, at least annually, by their immediate supervisor, in accordance with the objectives and procedures set out below. Evaluations will be documented using the appropriate forms.

## **III. DETAILS:**

### **A. Performance evaluation -**

- 1. Measurement definitions -** In order that evaluations will be standardized throughout the SCSO, supervisors will be familiar with the following definitions:

- a. **Permanent employee** - For the purpose of this directive, an employee who has completed the initial employment probationary period.
  - b. **Permanent employee, probationary status** - One who has completed the initial probationary period, but who is subsequently placed in a probationary status due to transfer, promotion, demotion or for special disciplinary reasons.
  - c. **Probationary employee** - One who has not completed the initial employment probationary period.
  - d. **Rater** - Supervisor who evaluates an employee, normally the employee's immediate supervisor. Training to qualify as a rater is included in the Office of Public Safety course in Police Supervision, which course is required within one year of promotion to the rank of Sergeant.
  - e. **Rating or evaluation period** - The interval of time covered by the current evaluation.
  - f. **Regular evaluation** - The regularly scheduled annual evaluation for a permanent employee.
  - g. **Special evaluation** - Any evaluation other than a regular evaluation. May include probationary evaluations due to new employment, transfer, promotion, demotion, disciplinary action or in consideration for special recognition.
2. **Evaluation process** - The evaluation process is based on several approved forms designed for use by both the employee for self-rating and by the employee's supervisor doing the rating.
- 1. The following approved forms will be utilized for the purpose of evaluating employee performance:
    - a. SCSO-AD-007 – All full and part-time Deputy Sheriff's, Deputy Sheriff Recruits, Special Patrol Officers and Corrections Officers.
    - b. SCSO-AD-008 – All Divisions - Sergeants and Lieutenants.
    - c. SCSO-AD-009 – All Investigators assigned to the Criminal Investigations Division
    - d. SCSO-AD-010 – All Civilian/Clerical Employees
    - e. SCSO-AD-011 – Goal Achievement Inventory Form
    - f. SCSO-AD-012 - Probationary Evaluation

**B. Evaluation procedure -**

1. **Sworn members** - Immediately following the evaluation period, the Law Enforcement and Corrections Division Lieutenants will assign their respective division supervisors the task of conducting performance evaluations for division members.

The Division Lieutenants will make every effort to ensure Division Supervisors conduct performance evaluations of subordinates who worked directly for such supervisor during all or a majority of the rating period.

The Division Lieutenants will assign certain Division Supervisors to conduct performance evaluations of all part time members assigned to their respective Divisions.

Division Supervisors assigned to conduct performance evaluations of part time members may seek counsel and guidance from fellow Division Supervisors who have had the occasion to supervise such part time member's work ethic and product. The Division Supervisor conducting such performance evaluation who seeks and receives such counsel and guidance with respect to a part time member's work ethic and product, will note those comments attributed to such supervisor on the required evaluation instrument.

**Investigators** - The CID Lieutenant will conduct performance evaluations of all members of the Criminal Investigation Division.

**Court Security Division** - The Court Security Sergeant will conduct performance evaluations of all Deputy Sheriff's and Special Patrol Officers assigned to the Court Security Division.

**Division Sergeants** - Division Lieutenants will conduct performance evaluations of all Sergeants within their respective Divisions.

**Law Enforcement Division Lieutenants** - The Chief Deputy will conduct performance evaluations of all Lieutenants assigned to the Law Enforcement Division.

**Corrections Division Lieutenant(s)** - The Chief Administrative Officer will conduct performance evaluations of all Lieutenants assigned to the Corrections Division.

**Chief Deputy – Chief Administrative Officer** - The Undersheriff will conduct performance evaluations of the Chief Deputy and Chief Administrative Officer

2. **Civilian Employees** – The Corrections Division Lieutenant will conduct performance evaluations for all civilian employees within the Corrections Division. The Chief Deputy will conduct performance evaluations of all civilian employees of the Administration and Civil Divisions.
3. Division supervisors assigned to conduct performance evaluations will obtain the appropriate evaluation instrument from the SCSO Forms Folder located on the

SCSO “G” drive (Administration Forms Folder). The rating supervisor will review the language used in the rating scale for the ratings Unsatisfactory and Satisfactory as well as the language on all required performance evaluation instruments.

- a. The assigned rating supervisor will first obtain all assignments the member has been assigned to during the rating period, ex: Booking, Escort Officer, Road Patrol, Housing Unit Officer, etc..
- b. The assigned rating supervisor will request from the either the Corrections Division Training Unit, or Law Enforcement Division Training database, a printout of all in-service training the member participated in during the rating period and attach those records to the official performance evaluation instrument.
- c. The assigned rating supervisor will print the required performance evaluation instrument and provide it to the subject member with instructions to complete the employee portions and return it to the assigned rating supervisor within five (5) working days.
- d. When returned, the rating supervisor will verify that all rating factors have been addressed and will complete the rater's sections of the form within seven (7) days. The rater may consult with other supervisors where there has been a change of shift or assignment to special details during the rating period. When completed, the supervisor will meet with the employee to discuss the evaluation. The rating supervisor may add additional comments in the spaces provided for those comments.
  1. Goal Achievement Inventory Form – Whenever a (U) Unsatisfactory rating is given by a supervisor, a Goal Achievement Inventory Form (SCSO-AD-011) will be completed with the employee or member in an effort to identify steps and measures for goal accomplishment. The rating supervisor will maintain the member or employee's Goal Achievement Inventory Form and will report on such form when specific goals are achieved. Upon the successful completion of all stated Goals on the Goal Achievement Inventory Form, such form will be reviewed with the employee or member and a signed by both. A copy of the completed form will be submitted up the chain of command for placement into the member or employee's personnel file.

**C. Evaluation period** - Except for special evaluations the normal period will run from January 1st to December 31st, and will be based only on performance during that period. Preparation of the documentation for the rating period will be completed by the rater no later than March 15th.

**D. Probationary Evaluation** – In accordance with New York State Law Enforcement Accreditation, and New York State Sheriff's Association Corrections standards, entry level law enforcement and corrections officers required to complete a period of probation must be evaluated at least three times during this period. Division Lieutenants will ensure entry level members of their Divisions are officially evaluated three times

during within their first 52 weeks of service following the procedures outlined in Section B.

- E. Criteria** - The criteria to be used for a performance evaluation will be specific to the position held by the employee during the rating period. It will relate to the tasks as noted in the appropriate job description. The rater will assess the quality of work in terms which are descriptive, measurable, and allow a characterization of its relevancy to the job description.
- F. Explanatory comments** - Performance evaluation forms provide for narrative comments in support of the rating given and are required whenever the rating is "unsatisfactory".
- G. Counseling** - At the conclusion of each rating period, the supervisor responsible to rate an employee will review with said employee:
  - 1. Results of the performance evaluation just completed;
  - 2. The level of performance expected for the new reporting period based on the employee's experience and in consideration of the tasks of the position occupied (from the job description), and the specific criteria to be used (from the evaluation form);
  - 3. Opportunities for advancement, through specialization or training appropriate for the employee's position.
- H. Review** - During the interview the employee is permitted to add comments to the narrative to indicate agreement, contention or plans to change a specific behavior. Thereafter, the employee is given an opportunity to sign the evaluation as having read it, without indicating either agreement or disagreement.
- I. Acknowledgment** - In order to insure the uniform application of ratings prepared by subordinate raters, each performance evaluation will be reviewed and signed by the rater and employee, up the chain of command to Chief Deputy for the Law Enforcement Division or the Jail Administrator for the Corrections Division and ultimately to the Sheriff. Each signature indicates that person's review of the rater's evaluation and with the rating being given.
- J. Utilization of evaluations** - Performance evaluation reports will be used, as appropriate, to:
  - 1. Determine training needs;
  - 2. Assess strengths and weaknesses of the individual to determine suitability and effectiveness in present assignment as well as for any future assignment;
  - 3. Provide information for use in considering promotional potential, or one's ability to shoulder added responsibility;

4. Determine extension or abbreviation of probationary period; and,
  5. Serve as the basis for special recognition.
- K. Contested evaluation** - Performance evaluations may be contested through the chain of command until resolved with a final review and determination by the Sheriff.
- L. Retention** - Once completed, the original performance evaluation is maintained, under secure conditions, in the employee's personnel file at the SCSO.

# COMPUTERS

STANDARD NO(S) NYSLEAP 2.3;55.1  
NYSSA # 33,42

DATE: May 18, 2009

REFER TO: Gary S. Sullivan

## I. OBJECTIVE:

To establish procedures that will ensure the integrity of SCSO's computer system and preserve its usefulness as a vital tool in the generation of records and the production of essential reports.

## II. POLICY:

Seneca County and its agencies, including the SCSO, are committed to the use of computers to provide efficient services to the public. Virtually every employee has access to a computer and is responsible for having the skills and knowledge necessary for the legitimate discharge of one's duties. Portions of the document captioned "Email, Telephone & Other Electronic Communications Policy" identified as Seneca County Policy # 101.717, located in the Seneca County Policy Manual accessible by SCSO members and employees through the County intranet computer system, have been adopted as Official SCSO policy and procedures, more fully explained in Section III, D of this policy and procedure.

## III. DETAILS:

**A.** Seneca County Information Services Department - This department oversees and manages computer systems countywide, including that used by the SCSO. Responsibilities include:

1. The installation of systems approved for agency use.
2. Insuring that the County owns any license required for any software to be used on County owned computers.
3. Assistance and training, if necessary, for individual users of county-owned equipment to enable efficient work performance by the user.

**B.** System Security Officer - Responsibility for the security of SCSO's computer system as it applies to the verification of passwords, access codes and the enforcement of access violations shall rest with the Undersheriff, who has been designated System Security Administrator.

1. The SCSO shall depend upon Information Services to furnish any data

that becomes available that indicates an SCSO user is or has been engaged in conduct constituting an access violation.

2. All SCSO computers have been codified with a unique identification number assigned by the IT Department which will enable the IT Department and the SCSO to identify any and all members and employee's individual computer and internet usage.

**C. Procedures –**

1. Security - A laptop computer is assigned to every member and supervisor of the Road Patrol Division who will secure it in the standard mounting bracket in the patrol vehicle at the beginning of the shift.
2. Virus protection – Laptops with network cards shall be brought in once a month to download the current virus signature from a desktop PC. Those laptops without network cards shall be presented to an Information Systems employee once a month to download the virus signature.
3. Integrity and use - Under no circumstances will any user of an Seneca County computer maliciously or otherwise destroy or modify any software supplied with the system. It will be considered a serious personnel matter for anyone to intentionally, maliciously, or otherwise attempt to and/or succeed in creating, loading or introducing any so-called virus, bug or any other software nuisance application that interferes with the proper use of the computer system. This prohibition includes the downloading and/or installing any pornographic images, screensavers, games, music or any other unauthorized software. See "Code of Conduct," ¶ III B 26 & 27, this Manual, which refers to prohibited activities while on duty and which applies to computer use.
4. Software - No software shall be loaded on any SCSO computer without approval by a supervisor, and the supervisor shall consult with Information Services prior to approval. This includes, but is not limited to shareware, freeware, screen savers, wallpaper and personally owned software. Approved software updates will be announced on the message system. It shall be the responsibility of laptop users to ensure that the equipment is appropriately current and accurate.
5. Alterations - If more than one person uses a computer, settings related to color, text, wallpaper, screen saver, etc., once agreed upon, must not be changed.
6. Programs - Only programs of an official business nature provided through distribution by the County may be executed on a County computer system. For example, if a program is received via Internet mail (a file named \*.exe), it must not be executed by the run command or by a double click of the mouse.
7. E-Mail –
  - a. To be used for official County business.

- b. All copyrighted and licensing agreements will be respected.
- c. Do not send or solicit large files from the Internet.
- d. Upon receipt of unsolicited Internet e-mail contact Information Services for assistance.
- e. While the use of simple graphics supplied with the applications program is not prohibited, complex graphics should be avoided because they have the potential to cause a malfunction with the recipient's computer. No other graphics are permitted without the prior approval of Information Services.
- f. All members and employees **are required to open and read** every electronic mail message sent to them by any Supervisor or Member of the Sheriff's Administration. Furthermore, if a member or employee does not comprehend the contents of the electronic mail message it is incumbent they seek out an explanation from a supervisor for any information they do not fully understand.
- g. All e-mails are retained and can be used by the County in legal, personnel, or FOIL matters. Do not use the e-mail system for anything that you do not want others to see. Expect NO Privacy.

8. Etiquette –

- a. Respect your fellow users.
- b. If mistakenly received, forward mail to its intended destination.
- c. Avoid emotional or sarcastic messages.

9. **Log-off** - When users leave a computer, all systems must be logged off (database, mail, etc.) and the display left with the system log-on screen. If for some reason you find a computer in which someone has been left logged in, log them off and notify your supervisor.

10. **Damage** - Any and all damage or malfunction of a computer system or its associated peripheral equipment must be immediately reported to the on-duty supervisor with an incident report filed by the employee who causes or discovers such damage. The on-duty supervisor receiving such report of damage or malfunction will cause the Seneca County IT Department to be contacted to address the situation. The on-duty supervisor will report such damage or malfunction and the subsequent request to the IT Department to either the Jail Lieutenant (OIC) for Corrections or Chief Deputy for Law Enforcement via electronic mail. In the event it is determined that a computer virus has entered the system by way of a contaminated diskette or download, the computer will be "cleaned" using the virus protection software only by personnel from the IT Department. In no circumstances should a

member or employee attempt to “clean” any SCSO computer without the authorization or guidance of the IT Department. If a laptop or other computer needs to be sent outside the SCSO for repair or service, ALL SCSO files, templates and reports must first be removed from the hard drive including the Windows Recycle Bin. It will be the Seneca County IT Department’s responsibility to copy the data onto a backup medium prior to its release. Once the laptop is returned, the necessary files, templates and documents will be reinstalled from the backup.

**11. Training** - Only those who have been trained in the operation of laptop and desktop computers should attempt to use these systems. Any person needing such skills should notify the appropriate supervisor. Field Training Officers will be responsible for training their recruits during the training period. Abbreviated instructions for each computer shall be kept with the instrument and shall not be removed.

**12. Assistance –**

- a. System and software problems, which are non-critical, may be reported by e-mail to the Information Technology group located in the address book, with a carbon copy of addressed to the Jail Lieutenant (OIC) for Corrections or the Chief Deputy for Law Enforcement.
- b. If emergency support is needed, call extensions 1987 or 315-539-1987.
- c. During off duty hours, users should notify the shift supervisor who will use established notification procedures.
- d. Suggestions for system enhancements, improvements, and new or additional services should be routed through the Undersheriff.

D. With the Sheriff and the County of Seneca as co-employers, SCSO members and employees are equally governed by SCSO policies and by portions of Seneca County Policy Number 101.717, entitled **E-Mail, Telephone & Other Electronic Communications Policy** in effect on January 1, 2009 and contained in the Seneca County Policy Manual. The Seneca County Policy Manual is available to SCSO members and employees via the County intranet computer system. The following portions of Seneca County Policy Number 101.717 are applicable to the SCSO. All other remaining sections of the aforesaid policy not identified in the following are not incorporated into SCSO policy and procedures.

**PURPOSE**

To establish measures for the protection, access, responsibility and acceptable use of Seneca County’s e-mail, electronic hardware, software, electronic systems and associated data.

**POLICY**

The information resources and systems (electronic hardware, software, electronic systems, e-mail, fax machines, voice mail, computers, Internet, etc.) owned by Seneca County are

to be used for county related business and not generally for personal purposes. These resources and systems are implemented for the specific purpose of supporting the county's mission, values and goals. The network and internet are provided for staff to conduct research, prepare reports, and communicate with others in support of their job tasks. Access is a privilege, not a right and therefore entails responsibilities. Users of the agency's computer networks are responsible for their behavior and communications over those networks.

Any use of county property that results in a charge is the responsibility of the employee and must be reimbursed to the county immediately.

The same ethical conduct that applies to all county facilities also applies to these systems.

1. Computers, fax machines and e-mail systems are the property of Seneca County and should only be used for business purposes. Any non-business use is prohibited. All information received from or stored in these systems is the county's property.
2. All telephonic communication systems owned by Seneca County are intended to be used for county related business and are not generally for personal use. Limited personal use of the system is authorized, provided it does not interfere with the employees work. The employee should have no expectation of privacy in connection of the use of these systems or the transmission received and storage of information on these systems.
3. These systems may not be used for any of the following purposes or any purpose that is illegal, immoral, unethical, dishonest, and inconsistent with the mission of the institution or damaging to the institution's reputation. Impermissible uses include, but are not limited to, the following: harassment, libel or slander, fraud, theft, destruction of information resources, violations to other Information Systems policies and procedures.
4. Seneca County's electronic mail system is generally to be used only for county related business. Limited personal use of the system is authorized, provided it does not interfere with the employees work. The employee should have no expectation of privacy in connection of the use of the system, or the transmission received and storage of information on the system. E-mail messages may not contain information that would be reasonably considered offensive, disruptive, or defamatory. Messages containing sexual comments or images, racial slurs, discriminatory comments or harassing comments are prohibited.
5. Seneca County reserves the right to inspect, examine, monitor, modify and/or upgrade any county owned information, computer, or telecommunication system. Monitoring may include, for example, listening to stored voice mail messages or monitoring e-mails (entering, leaving or stored on county systems, etc). Your use of the systems constitutes your consent to this access and disclosures.

6. Seneca County's Information System is to be used by authorized personnel. This includes full and part-time employees; all other are prohibited from placing any type of file on any computing system. This includes diskettes, CD-ROMS, Internet downloads and e-mail attachments.
7. Electronic mail policy also applies to the Internet. Messages may not contain information that would be reasonably considered offensive, disruptive, or defamatory. Messages containing sexual comments or images, racial slurs, discriminatory comments or harassing comments are prohibited.

The Internet should be used for business-related tasks and communications and it is not to be used for viewing, printing or downloading non-business related information such as stock quotes or pornographic information or images.

The software policy also applies to the use of the Internet. **Do not download software from the Internet!**

## **E-JUSTICE**

STANDARD NO(S): NYSLEAP  
DATE: August 11, 2018  
REFER TO: Michael Schell

**I. OBJECTIVE:**

To establish policy and procedures for the members of the Seneca County Sheriff's Office when using the New York State Division of Criminal Justice Services E-Justice system.

**II. POLICY:**

It is the policy of the Seneca County Sheriff's Office to utilize the e-Justice system or conduct Criminal history inquiries, as needed in the performance of duties, in accordance with all applicable State and Federal Laws and in accordance with the Use and Dissemination Agreement with the New York State Division of Criminal Justice Services (DCJS).

The system is for official use, for law enforcement purposes only. Access for private, personal or social purpose is strictly prohibited. Information is to be accessed only for the reasons stated herein and in compliance with all applicable Departmental, DCJS or National Crime Information Center (NCIC) regulations.

**III. PROCEDURE:**

A. E-Justice Terminal Agency Coordinator (TAC)- will oversee who has access to e-justice and will be the liaison between the department and DCJS. The TAC will update users or remove users and will request what e-justice programs the user can access. Other TAC functions are:

1. Ensure system security and proper system functioning.
2. Administer and maintain certification test records.
3. Disseminate user names and passwords to members.
4. Conduct periodic audits to ensure compliance with Departmental, DCJS and NCIC regulations and policies governing use of the system.

B. Access:

1. Any member of the office who requires access to law enforcement information may access some or all e-justice TAC modules, with the permission of supervisor and the TAC.
2. All users of the system will be required to take and pass the Limited Access NCIC Terminal Operator certification test within six months of receiving user name and password. Note: users who have full certification do not have to complete this test. Users will have to retest at intervals determined by DCJS.
3. The e-justice TAC will maintain a record of certification for each user. This includes, certification status, expire date and data related to past compliance with applicable regulations. All will be kept as a permanent record for the duration of the user's employment. It is the TAC's responsibility to notify DCJS of a user who is no longer employed by the agency.

C. Security:

1. Criminal history records that are received as a result of an arrest or an investigation made by members of the Sheriff's office shall be placed in the secured records file, CID investigation file, sent to arraignment court or placed in an approved shred container.
2. All records for criminal history will be tracked and maintained by the TAC.
3. Any workstation on which the e-justice system has been activated must be kept secure. Once the system has been accessed, the user must maintain a physical presence at the workstation at all times. If the user must leave the workstation, or has completed the session, the e-justice application must be closed.
4. Members must report to their immediate supervisor or to the TAC any attempts or suspected attempts at unauthorized access into the e-justice system.

D. Usage- Criminal Justice Repository:

1. Access into the Criminal Justice Repository is only for the purpose of administering a criminal justice function. Criminal Justice function is defined as the prevention, detection and investigation of the commission of an offense; the apprehension of a person for the alleged commission of an offense; the detention, release on recognizance or bail of a person charged with an offense prior to the disposition of the charge; the

prosecution and defense of a person charged with an offense; the detention, release on recognizance or bail of a person convicted of an offense prior to sentencing; the sentencing of offenders, probation, incarceration, parole and proceeding in a court subsequent to a judgment of conviction relation hereto.

2. No inquiry into the criminal justice repository is possible without the requestor's name, request reason code and full case number being listed. In addition, a copy of the criminal justice data will be maintained in the case file for any cases that have a case file.
3. Personnel will disclose information obtained from these systems outside the Department only as authorized by law, and only for a valid law enforcement purpose or other official Department business.
4. All information obtained via the criminal justice repository is to be used for the purpose to which the inquiry was intended. All inquiries made through the criminal justice repository are tracked via an automatic audit trail. The requestor's name, request reason, case year and case number are automatically saved for each individual request. The audit information is available to the e-justice TAC and DCJS to ensure compliance with regulations.

## **PERSONNEL SELECTION AND PROMOTION**

STANDARD NO(S): NYSSA#: 1,3,4,7-14, 30-32  
NYSLEAP#: 8.5,11.1-3;12.1-9,15.1  
NYSSA CS# 3

DATE: August 11, 2009  
REVISED 10/18/2010  
REVISED 02/08/2011  
REVISED 01/20/2016  
REVIEWED 12/09/2019

REFER TO: W. Timothy Luce  
John P Cleere

- I. **OBJECTIVE:** The Seneca County Sheriff will ensure that its' recruitment program complies with all applicable federal, state, and local laws as well as all SCSO policies. Selection and retention shall be based on and be in compliance with County personnel policies and directives issued by the Seneca County Sheriff. The Seneca County Sheriff's Office and Seneca County are equal opportunity employers and shall not discriminate on the basis of age, sex, race or religion.
- II. **POLICY:** To establish guidelines for the recruitment and hiring of new employees, and the promotion of permanently appointed employees in the Seneca County Sheriff's Office.

III. **DETAILS:**

A. **Initial Selection (Entry Level)**

1. For full time Deputy Sheriff's and/or Correction Officers, initial selection is based on the passing of a New York State Civil Service test at the county level, while scoring high enough in the ranking so as to be selected. For part time Deputy Sheriffs, Corrections Officers and Special Patrol Officers, and all other non-sworn positions initial consideration will be given upon the completion and submission of an Application for Employment with the Seneca County Personnel Office.

In addition to Full Time Deputy Sheriff's and Corrections Officers, Records and Secretarial positions are under Seneca County Civil Service authority. Candidates for these positions are assigned a numerical ranking after taking a Civil Service written examination. The Full Time Correctional Facility Nurse is non-competitive Civil Service position. Candidates for this position do not take a written Civil Service examination, however the Seneca County Personnel Officer ranks a candidate based on a qualification and experience formula set by Civil Service to produce an eligible list of three candidates as with other Civil Service positions

Upon the successful passing of Civil Service Examination, candidates for full time Deputy Sheriff and/or Correction Officer positions will be notified in writing by the Seneca County Personnel Office of the fact they have passed the examination and an initial ranking will be assigned based on their numerical test score. This procedure applies to all other Civil Service positions at the Seneca County Sheriff's Office as well.

2. The Seneca County Personnel Office will canvass successful prospective full time Deputy Sheriff and/or Correction Officer candidates based on this initial ranking to reply in writing if they want to be considered for a full time position. Based on these replies, a candidate's initial ranking may or may not be changed as prospective candidates decline or accept consideration.
3. Based on the above query, the Seneca County Personnel Office will notify prospective full time candidates and schedule a physical agility assessment test conducted by the Seneca County Personnel Officer using valid, non-discriminatory agility testing constructs.
4. The Seneca County Personnel Office will notify the Seneca County Sheriff by listing eligible full time candidates by rank and standing based on the results of the civil service test and physical agility test scores.
5. Prospective candidates from the eligible list will be notified by the Corrections Lieutenant for the Corrections Division and/or the Chief Deputy for the Law Enforcement Division to present themselves at the Seneca County Law Enforcement Center for the purpose of an initial interview assessment by the Corrections Lieutenant or their designee for Correction Officer positions or the Chief Deputy for the Law Enforcement Division.
6. Prospective candidates for part time positions with the Seneca County Sheriff's Office are required to complete an application for the part time position at the Seneca County Personnel Office. The Seneca County Personnel Office will review such completed applications to ensure that prospective part time candidates meet or exceed the minimum qualifications for appointment as a part time employee in the position sought. The Seneca County Personnel Office will forward to the Chief Deputy all applications for part time employment at the SCSO. Upon receipt by the Chief Deputy the following procedures utilized will be the same for both full and part time prospective sworn employees.
7. Prospective full and part time candidates will be interviewed using a standardized set of non-discriminatory interview questions for each candidate. The answers of prospective candidates will be recorded on the interview form and made a part of the prospective candidate's background investigative packet.

8. The Seneca County Sheriff, Undersheriff, Chief Deputy and Jail Administrator or Jail Lieutenant are responsible for determining whether full and part time candidates are technically qualified for the position and if the applicant can work suitably in the Correctional Facility. The Seneca County Sheriff, Undersheriff and Chief Deputy are responsible for determining whether full and part time candidates are technically qualified for the position and if the applicant can work suitably in the Law Enforcement Division.
9. A criminal background check will be conducted in all cases. Prior convictions will not necessarily disqualify an applicant for employment but will be considered in light of their relationship to potential job performance.
10. The Chief Deputy or his designee will cause a background investigation to be commenced and upon completion the results of such investigation will be submitted to the Chief Deputy or his designee.
11. The standardized SCSO background investigation packet for all prospective employees in every division and component of the SCSO will include the following:
  - a. A detailed list of instructions to prospective full and part time candidates outlining the steps to be taken to complete the background investigation packet along with the documents required to be attached and submitted with the completed background investigation packet.
  - b. An signed, notarized general authorization for the release of personal information from held by governmental agencies such as law enforcement; courts and various branches of the United States Military; past and present public service or private sector employers; educational, financial and/or credit institutions; medical and/or psychiatric providers or institutions, attorneys or any other person, institution or agency possessing such records.
  - c. Instructions for the use of the HIPPA – compliant Authorization Form to Release Health Information Needed for Litigation, along with OCA Official Form No.: 960, "*Authorization for Release Information Pursuant to HIPPA.*"
  - d. A Background Investigation Questionnaire and appropriate instructions to candidates to submit information concerning: personal, family, employment, firearms, licensing and educational data, residency, business references, military information, financial status, arrest record, motor vehicle driving history, past, present or current drug use, personal character references and a life experience section for the applicant to include any information not requested elsewhere in the background investigation packet.
  - e. All prospective employees must furnish any requested graduation certificates, diplomas, or other certificates, licenses and other documents for review, verification and incorporation into the personnel file.

12. The officer assigned to complete the background investigation on all prospective employees will verify information supplied from the packet and check various sources of information, both governmental and private, relating to the candidates suitability for employment. The officer assigned will run a criminal history on the subject using the public employment applicant code and follow up with any information obtained through that method.

The officer assigned will conduct an interview of the candidate using a standardized set of questions, but shall, of course, follow-up with further non-scripted questioning depending on the answers he is given to insure a complete investigatory process.

The officer assigned will complete a written report when the background investigation is completed and submits the entire packet to the Chief Deputy for review.

13. If the background investigation discloses any misrepresentation on the application form or information indicating the individual is not suited for employment at the Seneca County Sheriff's Office; the applicant will be refused employment or, if already employed, will be terminated.
14. An offer of employment at this stage will be contingent on the passing of physical examination, mandatory drug test and psychological examination, (which may consist of a written test or an in person psychological assessment by a licensed professional qualified to make such psychological assessments using valid, non discriminatory procedures to examine each candidate prior to appointment).
15. Upon the successful completion and passing of a physical examination assessment and drug test employment will be contingent upon the successful passing of a written conditional reasoning (psychological) examination. The written examination developed by psychologists and psychiatrists use valid, useful and non-discriminatory procedures and constructs to examine each candidate prior to appointment. The written examination is scored using valid, generally accepted clinical measurements to assess individual personality traits.
16. Upon the successful completion and passing of a written psychological examination, the decision to hire an applicant will be approved by the Sheriff. All persons selected for hire as Deputy Sheriff's will undergo a personal interview with the Sheriff prior to being hired. All persons hired as either part or full time Deputy Sheriff's and/or Corrections officers will serve a probationary term of fifty two (52) weeks and will have their work performance measured on at least three occasions as outlined in "**Training**" in the LEMOI or CMOI..
17. All persons hired as part or full time Deputy Sheriff's, Corrections Officers and/or Special Patrol Officers will be required to take an oath of office

administered by the Seneca County Clerk or their designee.

18. All records associated with the hiring of full and part time members or employees will be maintained on file with the SCSO for a minimum of six years beyond the duration of their employment in comport with Seneca County's Records Retention policy – CO-2.
19. All persons hired by the SCSO will be responsible for paying any and all fee's for the submission of fingerprints to various State and Federal Agencies.

## **B. Promotion**

1. Promotional practices will comport with applicable county personnel regulations.
2. All positions within the Seneca County Sheriff's Office will comply with the rules and regulations of the New York State Civil Service Commission.
3. Staff promotions within the Seneca County Sheriff's Office to fill vacancies will be on the basis of need and the ability of the employee to perform the duties involved.
4. Job announcements for all promotions will be posted for all staff on all Administration Bulletin Boards located in the Administration, Corrections, and Law Enforcement areas of the LEC. These announcements will contain at a minimum, the location, grade, pay and duties of the position.
5. Applications for promotional positions may be obtained from the Seneca County Personnel Office. That office will specify the type of documentation needed to establish qualifications for a given position.
6. All promotions within the Seneca County Sheriff's Office will based on the successful passing of a written examination and ranking on a civil service eligible list.
7. The Seneca County Personnel Office will report to the Sheriff by way of a certified eligible list all employees and their ranking on the respective list for promotion.
8. Employee's eligible for promotion to a higher rank and position will be interviewed by the Sheriff, Undersheriff, Chief Deputy, Jail Lieutenant or designee for the Correctional Facility or the Sheriff, Undersheriff and Chief Deputy for the Law Enforcement Division. Each prospective promotional candidate will be interviewed using a standardized set of non-discriminatory promotional interview questions for each candidate. The answers of prospective promotional candidates will be recorded on the interview form and made a part of the prospective promotional candidates personnel file.
9. The decision on who to select will be approved by the Sheriff. This selection process may involve, but not limited to:
  - a. personal interviews
  - b. review of candidate's work record

- c. recommendations by Sheriff's Office administrative command staff.
  - d. terms and conditions of the respective collective bargaining agreement.
10. Duration of Civil Service lists will be determined by the Seneca County Personnel Office.

### **C. Non-Full-Time Employees**

- 1. Part-time, contract and temporary hire employees may be hired in accord with this policy in general.
- 2. All such appointments will be made in accordance with applicable County personnel regulations and approved by the Sheriff and the County Personnel Director before committing to the employment of the individual involved.

## **ESTABLISHING JOB DESCRIPTIONS**

STANDARD NO(S): NYSLEAP 2.2, 11.1,  
12.1, 12.9  
NYSSA # 1, 2,5-8,14  
NYSSA CS# 1

DATE: June 29, 2009  
REVIEWED: 03/15/2017

REFER TO: W. Timothy Luce

**I. OBJECTIVE:**

In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff's Office has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:**

To establish a job description for each position or group of positions within the Seneca County Sheriff's Office.

**III. DETAILS:**

- A. All full time positions within the Seneca County Sheriff's Office are Civil Service and are either non-competitive (no written test) or competitive (required written test) status.
- B. A job description exists in writing for each employment classification in the Seneca County Sheriff's Office. All job descriptions will be approved by the Sheriff and County Personnel Officer to ensure compliance with existing applicable laws.
- C. The New York Civil Service Commission has the responsibility of reviewing all job descriptions which are under their authority.
- D. Seneca County is an Equal Opportunity Employer.
- E. All persons hired with Law Enforcement or Corrections powers and duties pursuant to law by the Seneca County Sheriff's Office will be required to take an Oath of Office administered by the Seneca County Clerk.

## CORRECTION OFFICER

STANDARD NO(S): NYSSA # 1,2,5-9,46  
NYSLEAP # 2.2,11.1,11.3,12.1-4

DATE: May 5, 2009  
REVISED: February 27, 2013

REFER TO: Gary S. Sullivan

- I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities, and duties of the position.
- II. **POLICY:** To establish a job description for Correction Officer in the Seneca County Correctional Facility.

III. **DETAILS:**

A. **Employment Criteria-Correction Officer**

1. Maintains custodial care and control of inmates committed to the correctional facility/custody of the Sheriff;
2. Performs clerical duties associated with the admission, processing, and/or transfer of inmates, including obtaining fingerprints and photographs, data entry of inmate and charge information, and issuance of receipts for confiscated inmate property and funds;
3. Maintains security and order within the correctional facility by supervising the movement and activities of inmates;
4. Patrols assigned work area(s), making periodic rounds, headcounts, and security checks, including visual inspections for unsanitary conditions and other potential safety hazards such as contraband or security breaches;
5. Clarifies and enforces the rules and regulations governing inmate code of conduct and the operation of the correctional facility;
6. Monitors the conduct of inmates to prevent disturbances (e.g., violence, escapes, suicides, etc.), making log entries of observations and/or preparing written reports detailing inmate behavior/misbehavior;

7. Refers inmates to the appropriate supportive services (e.g., medical, psychiatric, vocational, etc.);
8. Guards and directs inmates during court proceedings or transports to other locations (e.g., hospital, work assignment, etc.);
9. Performs related operational duties such as screening visitors, operating two-way radios, carrying and operating firearms, receiving bail or fine money, operating specialized computer equipment, utilizing restraining devices and techniques to control and escort inmates, and meeting with the public to inform them of such things as visiting hours and bail procedures;
10. Performs other duties and tasks as assigned or necessary.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of the rules, regulations, and requirements of the Correction Law governing the supervision and treatment of inmates, safety and security of the facility and department employees;
2. Good knowledge of the layout and location of security personnel post assignments throughout the facility;
3. Good knowledge of search and frisk methods;
4. Working knowledge of the proper function of correction facility security equipment, devices, and safe use of chemical restraining agents;
5. Working knowledge of the use of defensive and restraining physical techniques;
6. Working knowledge of human behavior in relation to correction facility inmates;
7. Ability to observe, interpret, and report on inmate activity; ability to verbally communicate rules and regulations of the facility to inmates;
8. Ability to make quick decisions regarding facility security and personal safety in emergency situations;
9. Ability to prepare records and reports;
10. Ability to read and understand written materials;
11. Physical condition commensurate with the demands of the position.

**C. Special Requirements:** At the time candidates are being considered for appointment, they must meet physical/medical standards. Drug testing is included in the required medical examination. In accordance with State Laws, a Correction Officer is a Peace Officer and must be a United States citizen to qualify to hold such office. Permanent appointments to this class are subject to satisfactorily completing training standards prescribed by the State Commission of Correction and NYS Division of Criminal Justice Services. Satisfactory completion of a psychological examination is also required prior to appointment, which may be administered by written test.

**D. Minimum Qualifications:**

1. Graduation from high school or possession of a high school equivalency or comparable diploma.
2. Must be at least 18 years of age at the time of appointment to be in conformance with Public Officer's Law, Article 2, Section 3(1) and Article 2, Section 3-B.

**Special requirements at time of appointment:** Possession of a current NYS Driver's License. From date of appointment, must possess and maintain a valid NYS Driver's License.

**E. Qualifying Physical Test:**

**The three elements measured in the qualifying physical fitness test are:**

- a. Muscular endurance
- b. Absolute strength
- c. Cardio vascular capacity

The Seneca County Sheriff in consultation with the Seneca County Personnel Office have developed and approved physical agility testing evolutions which measure the above three elements. Such evolutions are designed and administered in such a manner as to test the applicant's physical agility which may be encountered in a Correctional Facility.

**F. The position of a Corrections Officer must meet all civil service requirements.**

**G. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**H. Seneca County is an Equal Opportunity Employer (EOE).**

## **SENIOR CORRECTIONS OFFICER (SERGEANT)**

STANDARD NO(S): NYSSA #1,2,46  
NYSLEAP 2.2,11.1

DATE: June 29, 2009

REFER TO: Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Senior Correction Officer (Sergeant) in the Seneca County Correctional Facility.

### **III. DETAILS:**

#### **A. Employment Criteria – Senior Corrections Officer (Sergeant)**

1. Assembles staff in pre-shift lineup, calls roll, inspects condition, appearance and fitness of shift personnel, reads memoranda from the Sheriff, explains new or changed rules, regulations, policies and procedures and answers questions;
2. Assigns subordinates to work stations and prepares work schedules;
3. Tours the facility to ensure that subordinates are alert, and diligent, that equipment is in proper operating condition and that jail is neat and clean and generally operating up to standards;
4. Process and books new inmates, check commitment papers, gives out body receipts and supervises the property inventory, [photographing of inmates and dispensing of linens, mattresses and personal items;
5. Investigates incidents, disturbances and complaints occurring during shift and reports on same, in writing to superior;
6. Supervises the release of inmates, ensuring that proper documentation is available, and certifies sentence served;
7. Decides on questions of inmate punishment for infractions and special privileges for inmates who exhibit acceptable behavior;
8. Assigns new inmates to specific tier and cell based on nature of their offense, gender, and age;

9. Confers with previous shift supervisor and members of patrol force on matters of mutual interest;
10. Schedules transport of inmates;
11. Supervises searches of inmate cells for contraband
12. Attends seminars, courses and training session in correction methods;
13. May compile information for, and complete, a variety of reports;
14. May maintain a variety of records.
15. May schedule and conduct training session in corrections methods and procedures.

**B. Full performance knowledge, skills, abilities and personal characteristics:**

1. Thorough knowledge of New York State Minimum Standards and Regulations for Management of County Jails;
2. Thorough knowledge of the rules, regulations, procedure and policies of the County Jail;
3. Working knowledge of first aid techniques and applications;
4. Skill in the use of firearms;
5. Ability to deal effectively with inmates and maintain order and discipline;
6. Ability to apply physical force, if necessary, to quell inmate disturbances;
7. Ability to carry our oral and written directions;
8. Ability to prepare narrative reports and maintain records;
9. Ability to supervise the work of others;
10. Good powers of observation;
11. Thoroughness;
12. Dependability;
13. Honesty; calm temperament;
14. Physical condition commensurate with the demands of the position.

**C. MINIMUM QUALIFICATIONS:**

Graduation from high school or possession of a high school equivalency diploma and three years of experience as a Correction Officer.

- D.** The position of a Corrections Sergeant must meet all civil service requirements.
- E.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.
- F..** Seneca County is an Equal Opportunity Employer (EOE).

## **CORRECTION LIEUTENANT**

STANDARD NO(S): NYSSA 1,2,46

DATE: August 25, 2009

REFER TO: Gary S. Sullivan

- I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
- II. **POLICY:** To establish a job description for Correction Lieutenant in the Seneca County Correctional Facility.

### III. DETAILS:

#### **A. Employment Criteria – Correction Lieutenant**

#### **PROMOTIONAL QUALIFICATIONS:**

Twelve (12) months of permanent competitive status, and currently serving as, a Sr. Correction Officer in Seneca County immediately prior to the date of the examination to participate in the examination. Eighteen (18) months of permanent competitive status as a Sr. Correction Officer in Seneca County to be eligible for appointment.

#### **SENIORITY RATING:**

Seniority credits will be added to the raw score of passing candidates as follows: Seniority is credited at 1 point for each appropriate 5-year period or fraction:

Less than 1 year	0 points
1 year up to 6 years	1 point
Over 6 years up to 11 years	2 points
Over 11 years up to 16 years	3 points
Over 16 years up to 21 years	4 points
Over 21 years up to 26 years	5 points
Over 26 years up to 31 years	6 points

**B. TYPICAL WORK ACTIVITIES:** (Illustrative Only):

1. Supervises facility operation by issuing orders and disseminating required information to subordinate correction staff to insure a secure facility at all times;
2. Oversees and coordinates social, rehabilitation, educational and recreational activities and program for facility inmates;
3. Observes and supervises subordinate correctional staff in performance of their duties by making periodic rounds of the facility;
4. Assigns facility security staff to specific areas and/or tasks and establishes controls to determine compliance with directives;
5. Performs employee appraisals on corrections staff, reviews marginal employees and counsels them in an effort to improve performance;
6. Adapts and develops new or revised practices for security, inmate custody and control in response to changing situations in the facility by evaluation of problems by on-site inspection and consultation with employees;
7. Assists in formulating facility procedures for control of contraband and orders searches as required;
8. Oversees the safe and secure transport of inmates from a county facility to State correctional institutions;
9. Assists in developing security plans for the facility including access, issuance and use of keys, weapons and other equipment;
10. Assists in developing procedures to facilitate employee training, use of weapons, chemical restraining agent and other safety and emergency equipment;
11. Operates a variety of equipment including handcuffs, leg irons, firearms, electronic gate equipment and two-way radios;
12. Prepares a variety of records and reports related to the work;
13. Assists in formulating facility procedures for control of contraband and orders searches as required;
14. Oversees the safe and secure transport of inmates from the county facility to State correctional institutions.

**C. Subjects of examination:**

A written test designed to evaluate knowledge, skills and /or abilities in the following areas:

**1. Minimum standards for management of county jails and pertinent NYS Correction Law and Penal Law**

These questions test for knowledge in such areas as: the Minimum Standards for county jails promulgated by the Commission of Correction concerning the admission/discharge, care, custody, movement, activities, behaviors, correctional treatment, supervision, and discipline of all persons confined to local correctional facilities, as well as pertinent NYS Correction Law and Penal Law.

**2. Coordinating appropriate responses to emergencies, disturbances and other unusual situations**

These questions test for knowledge in such areas as: anticipating possible correctional emergency situations, responding to situations promptly and allocating staff where needed;

notifying supervisors of situations when appropriate; acting within rules to alleviate problems as quickly as possible with minimum use of force; investigating the causes of incidents; submitting reports on incidents.

### **3. Custody, security and building maintenance procedures in correctional facilities**

These questions test for knowledge in such areas as: supervisory inspections of correctional facility for cleanliness, order, potential safety and health hazards, and risks to security; checking security and safety equipment; observing and evaluating actions and behavior of individuals; notifying appropriate individuals when corrective action is required; building maintenance as it relates to the security of buildings and the safety of facility inmates and employees; maintaining overall security.

### **4. Supervising inmate correctional programs, services, visitation areas and correctional staff**

These questions test for knowledge in such areas as: coordinating programs with civilian staff; ensuring that all employees relate well to visitors and guests and answer their questions in accordance with facility rules; organizing and supervising special programs involving outside groups (e.g., Alcoholics Anonymus, Narcotics Anonymus, etc.) and insuring full cooperation from employees.

The questions may also deal with such areas as: understanding new concepts and developments in the field of Corrections, and evaluating employees' capabilities and limitations on the job.

### **5. Preparing written material**

These questions test for the ability to present information clearly and accurately, and to organize paragraphs logically and comprehensibly. For some questions, you will be given information in two or three sentences followed by four restatements of the information. You must then choose the best version. For other questions, you will be given paragraphs with their sentences out of order. You must then choose, from four suggestions, the best order for the sentences.

- D. The position of a Correction Lieutenant must meet all civil service requirements.
- E. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.
- F. Seneca County is an Equal Opportunity Employer (EOE).

## **JAIL ADMINISTRATOR (PROMOTIONAL)**

STANDARD NO(S): NYSSA 1,2,46

DATE: August 25, 2009

REFER TO: Gary S. Sullivan

- I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
- II. POLICY:** To establish a job description for Jail Administrator in the Seneca County Correctional Facility.

### **III. DETAILS:**

#### **A. Employment Criteria – Jail Administrator (Promotional)**

##### **PROMOTIONAL QUALIFICATIONS:**

Twenty four (24) months of permanent competitive status, and currently serving as, a Sr. Correction Officer or Lieutenant in Seneca County immediately prior to the date of the examination to participate in the examination. Thirty (30) months of permanent competitive status as a Sr. Correction Officer in Seneca County to be eligible for appointment.

##### **SENIORITY RATING:**

Seniority credits will be added to the raw score of passing candidates as follows: Seniority is credited at 1 point for each appropriate 5-year period or fraction:

Less than 1 year	0 points
1 year up to 6 years	1 point
Over 6 years up to 11 years	2 points
Over 11 years up to 16 years	3 points
Over 16 years up to 21 years	4 points
Over 21 years up to 26 years	5 points
Over 26 years up to 31 years	6 points

**B. TYPICAL WORK ACTIVITIES:** (Illustrative Only):

1. Prepares shift work schedules and assigns duties for Corrections officer, Correction Sergeants, Correction Lieutenant and Cooks;
2. Selects prisoners to be inmate workers;
3. Maintains records and prepares reports as required by the New York State Commission of Corrections;
4. Reviews daily log entries for accountability of prisoners, proper commitments and releases of prisoners;
5. Receives fines and bail monies;
6. Maintains liaison with various courts to assure that all prisoners are available for hearing, trials, bail, etc.;
7. Supervises the escorting of prisoners to court, outside medical facilities, other detention facilities and NYS Department of Correction institutions;
8. Supervises visitation;
9. Conducts jail inspections of the jail and kitchen areas for cleanliness, security and general condition;
10. Reviews changes and/or potential changes in the law affecting jail operation and advises the Sheriff and/or Undersheriff of same;
11. Provides for classification and segregation of prisoners as required by the NYS Commission of Corrections;
12. Assists in the preparation of requisitions for purchase of food, clothing, household supplies, etc. and submits same to the Sheriff for approval;
13. Plans, directs and controls the policies and administrative procedures necessary to ensure the Jail Division is in compliance with all legal mandates, written agreements (both union and other) general orders, department policy and procedures, NYS minimum standards for county correctional facilities and other County policies;
14. Supervises and administers standard operating procedures for the Correctional Staff;
15. Takes disciplinary action when appropriate and assists the Sheriff with confidential matters, including labor relations by reviewing current collective bargaining agreements and developing negotiating strategies and proposals.
16. Participates in the staffing decisions of the department as they relate to the Jail Division;
17. Acts in a confidential capacity to the Sheriff in Jail Division departmental operations and personnel matters;
18. Serves as department liaison with various state and county agencies, such as Legal Aid, District Attorney, County Court, NYS Commission of Corrections, and the Probation Department;
19. Assists in the preparation of the Jail budgets for review by the Sheriff;
20. Oversees appropriate policies and programs to provide the effective care of inmates, including but not limited to such areas as health, hygiene, food, education, mental health, religion, legal rights and secure transportation;
21. Meets with staff, public officers, volunteers and other agencies or departments to establish recreation, training and rehabilitation programs for inmates;
22. Hears and takes appropriate action on inmate complaints and grievances;
23. Facilitates and coordinates employee training, use of firearms, defensive tactics, restraining devices, chemical agents and other safety equipment;

24. Assigns and supervises the maintenance of administrative records and coordinates the use of data processing applications for useful management information.
- C. Subjects of examination: A written test designed to evaluate knowledge, skills and /or abilities in the following areas:

1. **Administrative techniques and practices:**

These questions test for a knowledge of management techniques and practices used in directing or assisting in directing a program component or an organizational segment. Questions cover such areas as interpreting policies, making decisions based on the context of the position in the organization, coordinating programs or projects, communicating with employees or the public, planning employee training, and researching and evaluating areas of concern.

2. **Basic skills training:**

These questions test for the knowledge and abilities required to train individuals, often on a one-to-one basis, who need to acquire basic information and learn to perform simple tasks. They address topics such as planning activities to promote learning, presenting information, providing guidance, and evaluating learning. These questions cover the most basic level of training.

3. **Minimum standards for management of county jails and pertinent NYS Correction Law and Penal Law:**

These questions test for knowledge in such areas as: the Minimum Standards for county jails promulgated by the Commission of Correction concerning the admission/discharge, care, custody, movement, activities, behaviors, correctional treatment, supervision, and discipline of all persons confined to local correctional facilities, as well as pertinent NYS Correction Law and Penal Law.

4. **Coordinating appropriate responses to emergencies, disturbances and other unusual situations:**

These questions test for knowledge in such areas as: anticipating possible correctional emergency situations, responding to situations promptly and allocating staff where needed; notifying supervisors of situations when appropriate; acting within rules to alleviate problems as quickly as possible with minimum use of force; investigating the causes of incidents; submitting reports on incidents.

5. **Custody, security and building maintenance procedures in correctional facilities:**

These questions test for knowledge in such areas as: supervisory inspections of correctional facility for cleanliness, order, potential safety and health hazards, and risks to security; checking security and safety equipment; observing and evaluating actions and behavior of individuals; notifying appropriate individuals when corrective action is required; building maintenance as it relates to the security of buildings and the safety of facility inmates and employees; maintaining overall security.

**6. Preparing written material:**

These questions test for the ability to present information clearly and accurately, and to organize paragraphs logically and comprehensibly. For some questions, you will be given information in two or three sentences followed by four restatements of the information. You must then choose the best version. For other questions, you will be given paragraphs with their sentences out of order. You must then choose, from four suggestions, the best order for the sentences.

- D.** The position of a Jail Administrator must meet all civil service requirements.
- E.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.
- F.** Seneca County is an Equal Opportunity Employer (EOE).

## **HEAD JAIL NURSE**

STANDARD NO(S):

NYSSA # 1,2,46,120,121  
NYSLEAP# 2.2,11.1

DATE:

June 29, 2009

REFER TO:

Gary S. Sullivan

- I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
- II. **POLICY:** To establish a job description for Head Jail Nurse in the Seneca County Correctional Facility.

### **III. DETAILS:**

#### **A. Employment Criteria – Head Jail Nurse**

1. Responsible for supervision of all part-time nursing staff; hiring and - interviewing of prospective applicants;
2. Ongoing recruiting, training and orientation of nurses and medical officers;
3. Answer questions regarding medical needs of inmates, policies and procedures;
4. Responsible for implementation and medical training courses for all medication officers;
5. Responsible for reporting dietary needs of inmates to kitchen staff; coordinating care for inmates with special needs and disabilities including retaining interpreters or signers;
6. Performs employee evaluations of subordinate nursing staff, counseling memos, monitoring job performances;
7. Apply for necessary paperwork to ensure licensure for controlled substances at the jail;
8. Create, purge and update charts, documentation and other forms as necessary;
9. Copying, faxing, filing necessary paperwork as it pertains to medical records;

10. Responsible for ordering all supplies and make sure that items are in compliance;
11. Clerical work involving setting up appointments for inmates with outside clinics, providing statistical reports, Plan of Care, Discharge planning, chronic care clinics, etc.;
12. Prepare and report on budget within department;
13. Investigate grievances submitted by inmates against medical staff and answer inquiries from Commission of Corrections;
14. Set up and dispense medications to inmates as per physician orders, draw blood and deliver to hospital;
15. Perform physical assessments of all inmates within certain time frame of admission;
16. Responsible to respond to all emergencies and facilitate patient to emergency room, if necessary;
17. Perform daily vital statistics as ordered, as well as blood glucose levels and pregnancy and urine testing.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Through knowledge of health care management in a correctional setting;
2. Thorough knowledge of federal, state and local correctional health care regulations and standards;
3. Ability to plan, supervise and coordinate work of others;
4. Ability to communicate and interact effectively with inmates, professional personnel and public officials;
5. Ability to prepare technical reports and correspondence;
6. Physical condition commensurate with the demands of the position.

**C. MINIMUM QUALIFICATIONS:** Graduation from a school of nursing approved by the State Education Department from a course approved by such department as qualifying for Registered Professional Nurse and either:

1. 3 years of post degree experience in a health care setting (hospital, nursing home, public health agency), 2 years of which must have included administrative, managerial or supervisory duties as a substantial portion of the work; OR
2. 2 years of administrative, managerial or supervisory experience providing health services in a correctional facility; OR
3. 2 years of professional nursing experience in a correctional health setting; OR
4. any equivalent combination of A, B or C above.

**D. Special Requirements:** Eligibility for a license issued by the State of New York to practice as a Registered Professional Nurse & possession of a valid New York State Driver's License.

- E.** The position of a Head Jail Nurse must meet all civil service requirements.
- F.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.
- G.** Seneca County is an Equal Opportunity Employer (EOE).

## **JAIL PHYSICIAN**

STANDARD NO(S): NYSSA #1,2,46,120,121  
NYSLEAP# 2.2,11.1

DATE: June 29, 2009

REFER TO: Gary S. Sullivan

- I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
- II. **POLICY:** To establish a job description for Jail Physician in the Seneca County Correctional Facility.

### **III. DETAILS:**

#### **A. Employment Criteria – Jail Physician**

1. Makes examinations of jail prisoners upon request of Sheriff or authorized representative;
2. Handles emergency cases arising in prisoners;
3. Notifies proper authorities if prisoner is required to be placed in hospital.

#### **B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Thorough knowledge of the principles and practices of medicine;
2. Good knowledge of the principles and practices of public health, epidemiology, ability to get along well with others;
3. Conscientiousness and thoroughness;
4. Neatness; interest in maintaining a high standard of professional ethics;
5. Good physical condition.

**C. Special Requirements:**

1. Eligibility for a license to practice medicine in New York State.

**D.** The position of Jail Physician must meet all civil service requirements.

**E.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

**F.** Seneca County is an Equal Opportunity Employer (EOE).

# **COOK**

STANDARD NO(S): NYSSA #1, 2,46  
NYSLEAP# 2.2,11.1

DATE: June 29, 2009

REFER TO: Gary S. Sullivan

- I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
- II. **POLICY:** To establish a job description for Cook in the Seneca County Correctional Facility.

## **III. DETAILS:**

### **A. Employment Criteria – COOK**

1. Prepares and cooks meat, fish, poultry, soups, vegetables, cereals, desserts, salads and other food;
2. Bakes cakes, pies, rolls and a variety of other pastries;
3. Cuts, cleans and dresses meat, fish and poultry;
4. Determines amount of foods to be prepared to meet menu requirements;
5. Is responsible for maintaining cleanliness and sanitation of working areas, utensils, and kitchen equipment;
6. Confers with other regarding menus and estimates of food requirements;
7. Supervises the proper storing of food;
8. Supervises the work of Food Service Helpers in the preparation of food, and the cleaning of tables, kitchen utensils, stoves and kitchens;
9. Keeps record and makes reports as required.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

**MINIMUM QUALIFICATIONS:** Two years of experience in large scale cooking; or any equivalent combination of experience and training.

1. Good knowledge of the methods of preparing, cooking and baking food in large quantities;
2. Good knowledge of modern cooking utensils, appliances and equipment;
3. Good knowledge of cleaning methods and the use of cleaning materials and equipment;
4. Ability to plan with a view to economize and efficiently use supplies, equipment and food;
5. Ability to follow oral and written directions and recipes;
6. Physical strength and stamina;
7. Good physical condition.

**C.** The position of Cook must meet all civil service requirements.

**D.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

**E.** Seneca County is an Equal Opportunity Employer (EOE).

## **REGISTERED JAIL NURSE**

STANDARD NO(S):

NYSSA # 1,2,46,120,121,122  
NYSLEAP# 2,2,11.1

DATE:

January 21, 2010

REFER TO:

Gary S. Sullivan

### **L      OBJECTIVE:**

In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

### **II.     POLICY:**

To establish a job description for Registered Jail Nurse in the Seneca County Correctional Facility.

### **III.    DETAILS:**

#### **A. Employment Criteria – Registered Jail Nurse**

##### **1. Distinguishing Features of the Position**

- a. The work involves responsibility for the provision of professional nursing services as required in the care of either physically ill and/or infirmed patients of the Seneca County Correctional Facility.
- b. The work is performed in accordance with well established and accepted professional nursing practices, special orders from physicians, rules and regulations applicable to the Seneca County Sheriff's Office and local policies and procedures as set by the Seneca County Sheriff.
- c. The position involves the provision of a wide variety of professional nursing services to inmates including the dispensing of medication and the provision of special treatments as prescribed by physicians; the observation of inmates to monitor reactions to treatment and to note progress or regression so that supervisors and/or physicians can be informed.
- d. The position requires assisting in the maintenance of inmate charts and files.

- e. Work is performed pursuant to treatment and medication orders as given by physicians, under the direct supervision of either the physician or a higher-ranking nursing supervisor with some leeway allowed the incumbent for the exercise of independent judgment in carrying out professional nursing duties in accordance with the established routines.

## **2. Typical Work Activities (Illustrative Only)**

- a. Prepares and applies dressings and gives medication and nursing treatment as prescribed by physicians.
- b. Is responsible for the care of inmates including making medical rounds.
- c. Carries out therapeutic treatments as ordered by the physician or physician's assistant, including the giving of medications;
- d. Is responsible for observing symptoms and carrying out diagnostic procedures as ordered by the physician.
- e. Instructs inmate in regard to his/her diet, health habits, the carrying out of treatments, and rehabilitative measures as authorized by the physician.
- f. Makes a contact with appropriate welfare or health agencies as necessary to assure the inmates needed service or follow-up care.
- g. Performs related services for inmates in the prevention of disease and the attainment of maximum health.
- h. Compiles and maintains a variety of nursing records, reports and information.

## **B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

- 1. Good knowledge of nursing principles and techniques and their relation to medical and surgical practice.
- 2. Good knowledge of materia medica, sanitation, personal hygiene, and dietetics.
- 3. Skill in the application of nursing techniques and practices
- 4. Ability to carry out successfully the therapeutic measures prescribed.
- 5. Ability to follow technical oral and written instructions

6. Ability to keep records and make reports
7. Ability to get along well with patients, physicians, and others.
8. Good powers of observation, mental alertness, firmness, patience, emotional stability and neatness.
9. Sympathetic attitude towards the sick;
10. Initiative and resourcefulness;
11. Physical condition commensurate with the demands of the position.

**C. MINIMUM QUALIFICATIONS:** Graduation from a school of nursing approved by the State Education Department from a course approved by such department as qualifying for Registered Professional Nurse and:

1. 1 year of full time or equivalent part time paid experience as a Registered Professional Nurse in a health care facility.

**D. SPECIAL REQUIREMENTS:** Possession of a license issued by the State of New York to practice as a Registered Professional Nurse is required for appointment & possession of a valid New York State Driver's License.

- E.** The position of a Registered Jail Nurse must meet all civil service requirements.
- F.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.
- G.** Seneca County is an Equal Opportunity Employer (EOE).

## **MINIMUM STAFFING LEVEL - CORRECTIONS**

STANDARD NO(S):

NYSSA # 47

DATE:

June 29, 2009

REFER TO:

Gary S. Sullivan

I. **OBJECTIVE:** The New York State Commission of Correction requires the Seneca County Correctional Facility to operate and maintain minimum levels of staffing coverage to provide care, custody and control for all inmates and perform other required facility functions

II. **POLICY:** To perform the required duties and discharge all responsibilities in the facility, it is necessary to establish minimum staffing levels.

III. **DETAILS:**

1. Minimum staffing requirements for the Seneca County Correctional Facility are as follows:

**Monday thru Friday**  
**Minimum Staffing and Post Assignments**

<b>B Shift</b>	<b>C Shift</b>	<b>A Shift</b>
Chief Administrative Officer (1)		
Lieutenant (1)		
Shift Supervisor (1)	Shift Supervisor (1)	Shift Supervisor (1)
Escort Officers (4)	Escort Officers (3)	Escort Officers (1)
Booking (1)	Booking (1)	Booking (1)
Central Control (1)	Central Control (1)	Central Control (1)
Housing Unit Officer - A (1)	Housing Unit Officer - A (1)	Housing Unit Officer - A (1)
Housing Unit Officer - B (1)	Housing Unit Officer - B (1)	Housing Unit Officer - B (1)
Housing Unit Officer - C (1)	Housing Unit Officer - C (1)	Housing Unit Officer - C (1)
Transport Officer (2)	Transport Officer (1)	Transport Officer (1)
Visitation Officer (1)	Visitation Officer (1)	
<b>Staffing = 15</b>		<b>Staffing = 8</b>
Minus Visitation Officer (-1)	Minus Visitation Officer (-1)	
Minus CAO & Lt (-2)		
<b>Minimum Staffing = 12 *</b>	<b>Minimum Staffing = 10 *</b>	<b>Minimum Staffing = 8 *</b>

**Saturday and Sunday  
Minimum Staffing and Post Assignments**

<b>B Shift</b>	<b>C Shift</b>	<b>A Shift</b>
Shift Supervisor (1) Escort Officers (4) Booking (1) Central Control (1) Housing Unit Officer - A (1) Housing Unit Officer - B (1) Housing Unit Officer - C (1) Transport Officer (2) Visitation Officer (1)	Shift Supervisor (1) Escort Officers (3) Booking (1) Central Control (1) Housing Unit Officer - A (1) Housing Unit Officer - B (1) Housing Unit Officer - C (1) Transport Officer (1) Visitation Officer (1)	Shift Supervisor (1) Escort Officers (1) Booking (1) Central Control (1) Housing Unit Officer - A (1) Housing Unit Officer - B (1) Housing Unit Officer - C (1) Transport Officer (1)

**Minimum Staffing = 13 \*\***

**Minimum Staffing = 11 \*\***

**Minimum Staffing = 8**

\* At least one female officer must be included in staffing Monday thru Friday.

\*\* Two female officers should be included in staffing Saturday and Sunday.

2. Constant watch and overtime shifts in the Correction Division will be filled by calling members in the order of their position as provided below. If no one elects to accept the overtime, the Correction Division Mandatory Overtime list must be used to provide coverage.

<b>Female Constant Watch</b>	<b>Male Constant Watch</b>
1. Part-time Female Correction Officers 2. Full-time Female Correction Officers 3. Use Mandatory Overtime List for Female Correction Officers	1. Part-time Male Correction Officers 2. Full-time Male Correction Officers 3. Use Mandatory Overtime List for Male Correction Officers

<b>Female Regular Shifts</b>	<b>Male Regular Shifts</b>
1. Part-time Female Correction Officers 2. Full-time Female Correction Officers 3. Use Mandatory Overtime List for Female Correction Officers	1. Part-time Male Correction Officers 2. Full-time Male Correction Officers 3. Use Mandatory Overtime List for Male Correction Officers

<b>Correction Sergeants</b>
1. All Correction Sergeants by Seniority 2. O.I.C. - Trained Officers ONLY 3. Use Mandatory Overtime List for All Correction Sergeants

3. The Correction Administration Officer and Sheriff are the only persons authorized to deviate from the staffing tables provided above.

4. Open Shifts

Open shifts will be filled in accordance with New York State Civil Service Law and the Collective Bargaining Agreement between the County of Seneca and the S.C.S.E.A. Part-time employees may be used to fill open-shifts for which they are qualified. Part-time employees will not be scheduled for more than one-half (½) the complement of hours worked by a full-time employee until the excess open shifts have been offered as overtime to the full-time employees within classification. If not filled, then employees in other classifications who are qualified for that position may be called. If still not filled, part-time employees may be scheduled for additional shifts regardless of the number of hours they will work in the week.

5. Mandatory Overtime

- A. All Correction Officers on duty are subject to mandatory overtime to fill existing vacancies as provided below.

1. A male Correction Officer may be held over and subject to mandatory overtime as necessary to fill any vacant position as listed below:

- a. Male Housing Units
  - b. Male Constant Watches
  - c. Escort Officer
  - d. Booking Officer
  - e. Central Control Officer
  - f. Visitation Officer
  - g. Transport Officer

2. A female Correction Officer may be held over and subject to mandatory overtime as necessary to fill any vacant position as listed below:

- a. Female Housing Units
  - b. Female Constant Watches
  - c. Escort Officer
  - d. Booking Officer
  - e. Central Control Officer
  - f. Visitation Officer
  - g. Transport Officer

6. Part-time employees may be used to supplement full-time staff.

- A. The Seneca County Correctional Facility is authorized twenty-two (22) part time - Correction Officers to supplement full time Correction Officers.
- 7. The Seneca County Correctional Facility will also staff sufficient non-security personnel to perform:
  - A. Maintenance
  - B. Medical Services
  - C. Kitchen Services

## **SPECIAL PATROL OFFICER**

STANDARD NO(S):

NYSLEAP: 2.2,11.1  
NYSSA CS # 1

DATE:

July 28, 2009

REFER TO:

Gary S. Sullivan

### I. OBJECTIVE:

In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

### II. POLICY:

To establish a job description for Special Patrol Officer in the Seneca County Sheriff's Office.

### III. DETAILS:

**A. Employment Criteria** – This position involves responsibility for maintaining order and providing security in public buildings, schools and courtrooms. The Special Patrol Officer in Seneca County will have the powers of peace officers as set forth in section 2.20 of the Criminal Procedure Law and will provide protection and security for property and persons on publicly owned property as deemed necessary by the Sheriff of Seneca County which will include Court Security, Security of the County Office Building and marine navigation on the waters of Seneca County; and perform any other duties assigned by the Sheriff. The work is performed under general supervision of the Sheriff. The incumbent does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Provides security by standing in and patrolling public buildings;
2. Protects and guards the public, judges, students, and employees, in the designated publicly-owned property;
3. Physically restrains unruly individuals;
4. Escorts judges, juries and witnesses to and from the courtroom;
5. Provides general information to visitors on premises;
6. Checks to insure that all necessary documents and identification are in order;
7. Safeguards and patrols public property;
8. Provides assistance in emergency situations;
9. Maintains and updates records as required;
10. Prepares incident reports;
11. Distributes and posts appropriate documents and materials.

B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:

1. Good knowledge of procedures and practices for protecting and safeguarding buildings and property;
2. Good knowledge of the powers of a peace officer;
3. Ability to maintain order;
4. Ability to perform first aid;
5. Ability to exercise judgement and common sense in stressful situations;
6. Ability to carry out established security procedures in case of fire, bomb threat or other emergency situations;
7. Ability to observe detail, remember facts and information, and evaluate situations;
8. Ability to understand oral and written instructions and apply information, rules, regulations and procedures to specific situations;
9. Ability to prepare brief written communications;
10. Ability to communicate information orally to the public, or related personnel;
11. Ability to use self-defense, restraint techniques and security equipment;
12. Physical condition commensurate with the demands of the position.

C. The position of Special Patrol Officer must meet all civil service requirements.

D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

**MINIMUM QUALIFICATIONS:**

Retired member of a police or sheriff's department, or division of state police, or retired former corrections, parole or probation officer.

**SPECIAL REQUIREMENTS :**

Special Patrol Officers may not carry or possess firearms while on duty unless authorized to do so by the Appointing Authority and a license has been issued pursuant to 400.00 of Penal Law (2.10.37 of Criminal Procedure Law). Where possession of the license is required, eligibility for and continued possession of the license is required for employment.

E. Seneca County is an Equal Opportunity Employer

## **DEPUTY SHERIFF**

STANDARD NO(S):

NYSLEAP #: 2.2, 11.1,11.3,12.1-4  
NYSSACD#: 2

DATE:

July 27, 2009

REVISED: 10/18/2010

REFER TO:

Gary S. Sullivan

**L. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Deputy Sheriff in the Seneca County Sheriff's Office.

### **III. DETAILS:**

**A. Employment Criteria –** This is the entrance grade position in the Sheriff's Office and includes duties involving serving as a highway patrol officer and assisting in the investigation of criminal offenses and the apprehension of criminals. Ordinarily employees appointed to this title are assigned to road patrol tasks as well as other regular enforcement duties once they are more experienced in the work of the Sheriff's Office. Typical work assignments vary and are outlined below as illustrative only:

**1. WHEN ASSIGNED TO ROAD PATROL:**

- a. Maintains routine motor patrols within an assigned area in the county;
- b. Arrests traffic violators and/or issues appearance tickets;
- c. Investigates suspicious activities and complaints and arrests persons who are in violation of laws;
- d. Executes warrants and serves court summonses;
- e. Assists in the investigation of felonies and other types of crimes;
- f. Transports prisoners to Family, Justice and County courts and to penal institutions and state hospitals;
- g. Maintains order in crowds and during parades, funerals or other public gatherings;
- h. Serves subpoenas, tax notices, traffic summonses and other papers.

**2. WHEN ASSIGNED TO JUVENILE:**

- a. Develops and coordinates all juvenile public relations programs for the Sheriff's Department;

- b. Plans and establishes programs and gives lectures to elementary and high school students throughout the school districts. These programs may be in cooperation with other agencies. (i.e.: Bicycle Safety, 4 H
- c. Gives speeches and/or talks on child safety, drugs, crime prevention, etc. to fraternal organizations, groups of concerned citizens and other social organizations;
- d. Is responsible for all juvenile offenders and the presentation of juvenile delinquents and PINS petitions for Family Courts;
- e. Conducts follow up investigations into juvenile related crimes and/or complaints;
- f. Maintains and keeps all juvenile records for the Sheriff's Department;
- g. Completes and provides all records and forms as required and/or requested by the Seneca County Youth Bureau;
- h. Provides counseling and referral services to youth and/or parents with family related problems;
- i. Works with other community agencies dealing with youth and family problems;
- j. Reviews reports dealing with police contacts with juveniles;
- k. Investigates specific cases involving juveniles;
- l. Conducts background investigations on juveniles involved in cases and makes disposition;
- m. Investigates conditions inducing delinquency;
- n. Will be an active member of the Seneca County Youth Board and a member of the Juvenile Justice Committee;
- o. Assists school administration on police tasks where appropriate;
- p. Assists in the Emergency-Temporary Housing System for runaway/troubled youth;
- q. Works with the Seneca County Probation Department on cases that can be handled on or in an informal manner;
- r. Shall either wear a uniform or plain clothes and shall operate in a marked or unmarked police vehicle as the case may warrant;
- s. Shall supplement personnel in other duties when work load warrants, especially in major cases;
- t. Supervises and assists in the investigation of child abuse cases;
- u. Transports all youths confined to youth detention centers;
- v. Delivers youths to Family court and other local criminal courts as required by the Sheriff;
- w. Maintains a Youth Office at the Sheriff's Department certified by the Appellate Division as suitable for the detention of youths; also, maintains an additional office in the Ovid Sub-Station;
- x. The Juvenile Officer should be authorized to attend statewide Youth Training Institutes, seminars, conferences, etc. that are beneficial in promoting youth programs;
- y. The hours of a Juvenile Officer should be flexible and should consist of an eight hour shift (24 hour availability);
- z. This is a special position assigned by the Sheriff, and not a permanent appointment.

**3. WHEN ASSIGNED TO INVESTIGATION:**

- a. Investigates traffic accidents, fatalities and major crimes;
- b. Gathers information and secures evidence leading to the arrest of suspects;
- c. Interviews suspects, witnesses, victims and informants to obtain evidence;
- d. Investigates fires of suspicious origin as member of County Fire Investigation Team;
- e. Assists local law enforcement agencies in the collection and preservation of evidence;
- f. Performs identification work at crime scenes including latent fingerprints, photography casting and molding, and collecting evidence;
- g. Takes statements, confessions and depositions and prepares related legal documents;
- h. Tentatively identifies suspected drugs and controlled substances
- i. May be assigned to investigate cases of child neglect and child abuse;
- j. May assist District Attorney in conducting special investigations;
- k. Appears as a witness before grand juries and in court;
- l. Investigates reports of missing persons;
- m. May conduct fraud investigations;
- n. Serves warrants and subpoenas;
- o. Makes oral and written reports and keeps necessary records;
- p. Shall be available to perform all duties of a regular Deputy Sheriff when necessary.

**4. WHEN ASSIGNED TO JAIL:**

- a. Maintains jail security and prisoner discipline;
- b. Obtains fingerprints and photographs inmates for commitment and identification purposes;
- c. Supervises inmates at meal times and at workstations;
- d. Assigns inmates to cells and informs them of prison rules and routines;
- e. Supervises visitations to inmates and records all incoming and outgoing mail;
- f. Maintains jail records on all prisoners;
- g. Keeps prisoners under constant surveillance;
- h. Supervises the care, storage and distribution of clothing and linen and the maintenance of beds, mattresses and furniture.

**5. WHEN ASSIGNED TO COURT SECURITY:**

This position involves responsibility for maintaining order and providing security in public buildings, schools and courtrooms. The Deputy Sheriff assigned to the Court Security Division in Seneca County will have the powers of police officers and will provide protection and security for property and persons on publicly owned property as deemed necessary by the Sheriff of Seneca County which will

include Court Security, Security of the County Office Building and marine navigation on the waters of Seneca County; and perform any other duties assigned by the Sheriff. The work is performed under general supervision of the Sheriff. The incumbent does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Provides security by standing in and patrolling public buildings;
  2. Protects and guards the public, judges, students, and employees, in the designated publicly-owned property;
  3. Physically restrains unruly individuals;
  4. Escorts judges, juries and witnesses to and from the courtroom;
  5. Provides general information to visitors on premises;
  6. Checks to insure that all necessary documents and identification are in order;
  7. Safeguards and patrols public property;
  8. Provides assistance in emergency situations;
  9. Maintains and updates records as required;
  10. Prepares incident reports;
  11. Distributes and posts appropriate documents and materials.
6. **WHEN ASSIGNED TO THE CIVIL DIVISION:**  
Deputies (and those positions that carry titles whose functions include civil process) assigned to perform civil process duties, will be responsible for the service and execution of all civil process, which shall include making levies and seizures of property; conducting public auctions, filing of returns, affidavits and certificates related to civil process; maintenance of related records and reports; and such other duties as may be required or assigned by supervisors or other competent authority.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

- a. Good social and general intelligence;
- b. Good powers of observation;
- c. Working knowledge of first aid methods;
- d. Ability to be fair and firm with the prison inmates and general public;
- e. Ability to understand and carry out complex oral and written directions;
- f. Ability to operate an automobile;
- g. Sound judgement; skill in the use of firearms;
- h. Physical strength and agility; neatness of appearance;
- i. Excellent moral character; physical condition commensurate with the demands of the position.

**C. The position of Deputy Sheriff must meet all civil service requirements.**

**MINIMUM QUALIFICATIONS:**

Either:

Graduation from high school or possession of a high school equivalency diploma or comparable diploma as described in Section 58 of the Civil Service Law.

Candidates must be at least 19 years old on or before the date of the examination to take the test. Eligibility for appointment as a deputy sheriff begins when the candidate reaches age 20. Candidates who reach their 35<sup>th</sup> birthday on or before the date of the written examination are not qualified except as follows: Candidates may have a period of military duty or terminal leave, up to six years as defined in Section 243 (10-a) of the Military Law, deducted from their age for purposes of determining whether they meet the age requirement.

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**E. Special Requirements:**

1. Eligibility for a New York State driver's license; possession of a valid New York State Driver's License is required for appointment.
2. Candidates must meet physical, medical and any other standards currently established by the Municipal Police Training Council.
3. Candidates must undergo a psychological examination conducted by a NYS licensed psychologist or psychiatrist.

**F. Seneca County is an Equal Opportunity Employer**

## **SERGEANT**

STANDARD NO(S): NYSLEAP 2.2,11.1  
NYSSA CS# 1

DATE: July 27, 2009

REFER TO: Gary S. Sullivan

### **I. OBJECTIVE:**

In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

### **II. POLICY:**

To establish a job description for Sergeant in the Seneca County Sheriff's office

### **III. DETAIL**

**A. Employment Criteria** – An employee in this class is responsible for the work activities of the Sheriff's Department on an assigned shift or for specialized criminal investigation duties. Supervision is exercised over Deputy Sheriffs and Dispatchers through inspection and the assignment of duties in accordance with general instructions received from a superior officer. The work is performed under general supervision of the Sheriff or a higher-ranking officer. Typical work assignments vary and are outlined below as illustrative only:

1. Checks Deputy Sheriffs in the performance of their duties and suggests methods for better execution work;
2. Inspects Deputy Sheriffs prior to their commencing duties for compliance with departmental regulations;
3. Assists in handling difficult or unusual law enforcement situations;
4. Investigates and personally takes charge at scene of accidents;
5. Reports any breach of duties or inefficiency;
6. Directs and performs criminal investigations when assigned and safeguarding criminal identification material in accordance with standard scientific principles and methods;
7. Receives and reviews daily reports submitted by Deputies;
8. Prepares shift activity reports, traffic reports, office reports and ticket issuance reports;
9. Performs a variety of special assignments as directed by a superior officer.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of modern principles and practices of law enforcement work;
2. Good knowledge of the New York State Penal Law; Code of Criminal Procedure, Vehicle and Traffic Law, and all local laws, ordinances and regulations pertaining to the Sheriff's Department;
3. Good knowledge of the geography of the locality; ability to instruct and direct subordinates and the public;
4. Keen observation; mental alertness; tact; courtesy; good judgement;
5. Good physical condition.

**C. The position of Sergeant must meet all civil service requirements.**

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**MINIMUM QUALIFICATIONS:**

**PROMOTIONAL QUALIFICATIONS:**

Four years of experience as a Deputy Sheriff

**E. Seneca County is an Equal Opportunity Employer**

## **LIEUTENANT ROAD PATROL**

STANDARD NO(S):

NYSLEAP# 2.2,11.1

DATE:

July 27, 2009

REFER TO:

Gary S. Sullivan

- I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
- II. POLICY:** To establish a job description for Lieutenant Road Patrol in the Seneca County Sheriff's Office.

### **III. DETAILS:**

**A. Employment Criteria –** This is a law enforcement position within Seneca County Sheriff's Office whose focus is the protection of life and property within the County's jurisdiction through the enforcement of criminal codes and the promotion of traffic safety. The work involves responsibility for supervising the operation of the road patrol division on an assigned shift according to established procedures and policies outlined by a superior officer. The SCSO Road Patrol Lieutenant operates as a field commander, assuming patrol responsibilities and participating in investigations as necessary. The Road Patrol Lieutenant also assigns Sergeants, Deputy Sheriff's and Navigation Officers to posts and evaluates their work. The work is performed under the general supervision of a Chief Deputy or the Sheriff. Typical work assignments vary and are outlined below as illustrative only:

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Is in charge of the patrol force at headquarters during an assigned shift;
2. Reviews progress of assigned programs and personnel and makes changes to priorities and schedules as needed;
3. Patrols County and investigates potential hazards and suspicious activity;
4. Leads uniform deputies during raids and makes arrests;
5. Assigns tasks to subordinates and reviews their performance;
6. Gives instructions to subordinate officers as to methods of correcting faults;
7. Leads uniform deputies activities at riots, serious crimes, fires and unusual disorders;
8. Investigates complaints made by citizens against officers at the direction of
9. Reviews routine paperwork, such as arrest reports, incident reports, criminal complaints and accident reports to ensure accuracy and adequacy;
10. Takes charge of specific activities when needed and directs department;

11. May be assigned to supervise the operation of a platoon or division of the police department;
12. Keeps records, answers correspondence and prepares reports.

**C. The position of must meet all civil service requirements.**

**MINIMUM QUALIFICATIONS:**

Three (3) years of experience as a sergeant; OR  
Five (5) years of experience as a Deputy Sheriff or Police Officer, appointed in accordance with the requirements of Section 58 of the Civil Service Law.

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**E. Seneca County is an Equal Opportunity Employer**

## **INVESTIGATOR**

STANDARD NO(S):

NYSLEAP# 2.2,11.1

DATE:

July 27, 2009

REFER TO:

Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Investigator in the Seneca County Sheriff's Office.

**III. DETAILS:**

**A. Employment Criteria –** This position is a specialized law enforcement position involving the responsibility for the enforcement of New York State Laws by conducting investigations of crimes and serious accidents or deaths. The incumbent interviews victims, witnesses, and suspects; and identifies and obtains physical evidence. The Investigator does not normally exercise supervision over other departmental employees, but may occasionally work with/and coordinate investigative efforts of uniformed personnel. Investigators may be on call 24 hours a day for notification purposes and to respond to a scene where an Investigator is required. The Investigator prepares all appropriate documentation to make arrests and works closely with the District Attorney's Office in prosecuting cases in court. The work is performed under the general supervision of a Sergeant. Does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Investigates and reviews all felony level cases and narcotics cases, as assigned;
2. Investigates all death cases, homicides, suicides, traffic fatalities, natural or otherwise and including juvenile issues;
3. Responds to and preserves scene, and identifies, collects and secures physical evidence;
4. Prepares written documentation of the recovery and retention of evidence;
5. Interviews victims, witnesses, suspects and others to obtain information on crimes under investigation;
6. Takes latent fingerprints, photographs, measures and sketches crime scene;
7. Prepares reports, takes statements, prepares legal documentation, information, search warrants, etc.;
8. Obtains and executes search warrants to obtain evidence;

9. Maintains liaison with and assists other agencies such as courts, the District Attorney's Officer, Social Services, Medical Examinees Office, and other investigation techniques;
10. Prepares written record of findings;
11. Testifies at all hearings, Grand Juries and trials regarding investigation results;
12. Conducts surveillance and undercover work of property or persons;
13. Arranges for identification of suspects in felony cases, through line-up, photographs, etc.;
14. Attends and conducts advanced training in specialized areas such as narcotics enforcement, homicide, arson, robbery, kidnapping, rape, burglary, organized crime and sex offenses.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of modern law enforcement procedures, and investigation techniques;
2. Good knowledge of the New York State Penal Law, Vehicle and Traffic Law, Criminal Procedure Law and the other applicable laws, regulations and ordinances;
3. Good knowledge of the local geography and roads;
4. Good knowledge of the operation of law enforcement equipment;
5. Skill in the use of firearms and other weapons;
6. Ability to identify, secure and preserve evidence;
7. Ability to deal effectively with the public;
8. Ability to obtain accurate information during interviews of suspects, witnesses and others;
9. Ability to analyze and organize data and prepare records and reports;
10. Ability to operate law enforcement equipment;
11. Sound judgement and powers of observation;
12. Physical condition commensurate with the demands of the position.

**C. The position must meet all civil service requirements.**

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**MINIMUM QUALIFICATIONS: PROMOTIONAL**

Two (2) years of experience as a Deputy Sheriff or Police Officer, appointed in accordance with the requirements of Section 58 of the Civil Service Law.

**E. SPECIAL REQUIREMENTS:**

Eligibility for an Operator's license issued by the New York State Department of Motor Vehicles at the time of application. Possession of the license at the time of appointment.

**F. Seneca County is an Equal Opportunity Employer.**

## **LIEUTENANT INVESTIGATOR**

STANDARD NO(S): NYSLEAP#: 2.2,11.1

DATE: July 28, 2009

REFER TO: Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Investigator Lieutenant in the Seneca County Sheriff's Office.

### **III. DETAILS:**

**A. Employment Criteria –** The work involves responsibility for supervising the operation of the investigations division of the Sheriff's Department. An incumbent is responsible for directing, training and evaluating the performance of subordinates in their duties and responsibilities. The work is performed under general supervision of the Sheriff with considerable leeway allowed for the use of independent judgement in planning the details of the work. Supervision is exercised over the work of staff of the assigned division. Does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Creates and develops policy for the division;
2. Supervises the investigation of crimes, major accidents, miscellaneous incidents;
3. Assists the Sheriff and/or Undersheriff in the review of applications and interviewing of prospective candidates for employment;
4. Enforces all laws and departmental rules and regulations pertaining to the department employees;
5. Attends meetings as assigned by the Sheriff;
6. Supervises the Juvenile Aide Division, Identification Division and Criminal Investigation Division;
7. Assigns felony and misdemeanor cases to Investigators and uniformed officers for investigation;
8. Directs investigations at crime scenes including supervising the work of Deputy Sheriff Criminal Investigators and uniformed officers;
9. Investigates crime scenes, attends scenes of motor vehicle accidents, dusts for and lifts fingerprints and performs the whole range of other criminal and civil investigation activities;
10. Interviews suspects, victims, witnesses, neighbors and others to obtain information on crimes under investigation;

11. Maintains daily statistics for and supervises the periodic preparation of the Uniform Crime Report and Analysis Reports;
12. Prepares employee work schedules;
13. Ensures that personnel assigned to them follow departmental Rules and Regulations;
14. Investigates suspicious activities and complaints and makes arrests for violations of state and federal laws;
15. Supervises sheriff's department personnel at crime scene;
16. Initiates investigations in the areas of narcotics, gambling, vice, and liquor laws;
17. Questions crime witnesses, victims and suspects;
18. Testifies before courts and grand juries.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Thorough knowledge of modern principles and practices of police work;
2. Thorough knowledge of New York State Penal Law, Criminal Procedure Law, those parts of the Family Court Act relating to criminal proceedings and local laws and ordinances;
3. Thorough knowledge of modern principles and techniques of investigations and of securing and preserving evidence;
4. Good knowledge of the geography of the County; skill at securing and preserving evidence;
5. Skill in the use of firearms;
6. Ability to instruct subordinates in police work;
7. Ability to plan and direct the work of others;
8. Ability to understand and carry out oral and written instructions;
9. Ability to function well and take command in emergency situations;
10. Ability to prepare accurate reports and maintain accurate records;
11. Willingness to work on all three shifts and in all types of weather;
12. Good judgement, excellent powers of observation, good memory;
13. Initiative and resourcefulness, emotional maturity;
14. Tact;
15. Physical strength and agility; physical condition commensurate with the demands of the position.

**C. The position of Lieutenant Investigator must meet all civil service requirements.**

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**PROMOTIONAL QUALIFICATIONS:**

2 Years of permanent competitive status as an Investigator Sergeant; OR  
4 Years of permanent competitive status as an Investigator.

**E. SPECIAL REQUIREMENTS FOR ACCEPTANCE OF APPLICATIONS:**

Eligibility for an Operator's license issued by the New York State Department of Motor Vehicles at the time of application. Possession of the license at the time of appointment.

**F. Seneca County is an Equal Opportunity Employer**

## **CHIEF DEPUTY SHERIFF**

STANDARD NO(S):

NYSLEAP#: 2.2

DATE:

July 28, 2009

REVISED 07/13/2012

REFER TO:

Gary S. Sullivan

I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

II. **POLICY:** To establish a job description for Chief Deputy Sheriff in the Seneca County Sheriff's Office.

III. **DETAILS:**

A. **Employment Criteria** – The Chief Deputy Sheriff is the chief operations officer of the Seneca County Sheriff's Office. During the absence of the Sheriff or Undersheriff, he assumes the responsibilities of the Sheriff. The Chief Deputy Sheriff serves as the Sheriff's third in command and assists him in the administration, control and operation of the Sheriff's Office. The Chief Deputy Sheriff supervises division commanders including: the Correctional Facility, Civil, Court Security, Investigations, and Uniformed Patrol. Typical work assignments vary and are outlined below as illustrative only:

Under general supervision, performs a wide variety of professional administrative and organizational responsibilities for the Sheriff's Office;

Work involves providing staff support, policy and planning duties;

The Chief Deputy Sheriff performs supervisory and administrative functions in departmental programs for general and narcotics investigations and patrol, and is responsible for providing administrative support and monitoring programs for efficiency;

Prepares news releases and addresses complaints from the general public;

The Chief Deputy Sheriff must exercise considerable initiative and independent judgment in all phases of work;

Must exercise considerable tact, courtesy and firmness in frequent contact with the general public;

Is exposed to the usual hazards of law enforcement work;

Assumes responsibilities of the Sheriff during the absence of Sheriff and Undersheriff;

Supervises division commanders including the Correctional Facility, Civil, Court Security, Investigations, and Uniform Patrol;

Co-Manages the department's complaint and internal affairs program;

Reviews new agency policy;

Maintains liaison between the Sheriff's Office and Board of Supervisors concerning the purchasing of and maintenance of department vehicles;

Confers with vendors regarding purchase specifications and pricing;

Maintains records of Sheriff's Office equipment inventory and capital assets;

Assists Sheriff and Undersheriff in budgetary and fiscal management;

Prepares and submits grant applications for equipment and personnel.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

Must exercise considerable initiative and independent judgment in all phases of work;

Must exercise considerable tact, courtesy and firmness in frequent contact with the public;

Excellent communication skills, both written and oral;

Knowledge of complicated investigations;

Provide staff support, ability to monitor all programs. Efficient and timely in all phases of work.

- C. The position of Chief Deputy must meet all civil service requirements.

**MINIMUM QUALIFICATIONS:**

Two (2) years of permanent competitive status as a Lieutenant\*;

Five (5) years of permanent competitive status as a Sergeant\*; OR

Eight (8) years of permanent competitive status as an Investigator \*

**\*appointed in accordance with the requirements of Section 58 of the Civil Service Law.**

- D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.
- E. Seneca County is an Equal Opportunity Employer

## **CLERK**

STANDARD NO(S):

NYSLEAP: 2.2

DATE:

July 28, 2009

REFER TO:

Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Clerk in the Seneca County Sheriff's Office.

**III. DETAILS:**

**A. Employment Criteria** – The work is primarily of a routine nature and involves the performance of standardized clerical tasks. Although detailed instructions are given for new or difficult assignments and procedures are definitely fixed, employees must exercise independent judgement in applying them to specific cases. The work is reviewed by immediate observation, by checking completed work, by periodic or spot checks, by cross checking, or by another step in the clerical process. Typical work assignments vary and are outlined below as illustrative only:

1. Sorts, indexes, and files mail, bills, requisitions, ledger cards and other material;
2. Pulls material from files, makes simple file searches and maintains charge-out records;
3. Issues and records applications, licenses and permits;
4. Collects fees and accounts for monies received;
5. Checks reports and records for clerical accuracy, completeness and proper extension;
6. Answers telephone and gives out routine information, or relieves at switchboard;
7. Maintains time records and payroll data;
8. Operates photocopier, simple computing and other office machines;
9. Makes entries on control cards; or in ledger from original sources;
10. Makes arithmetical computations and compiles simple statistical reports.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Working knowledge of office terminology, procedures and equipment;
2. Working knowledge of business arithmetic and English;
3. Ability to understand and follow oral and written instructions;
4. Ability to get along well with others;

5. Ability to write legibly; clerical aptitude;
6. Mental alertness; neatness;
7. Accuracy;
8. Tact and courtesy;
9. Good physical condition.

C. The position of Clerk must meet all civil service requirements.

D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

**MINIMUM QUALIFICATIONS:**

Graduation from high school or High School Equivalency.

E. Seneca County is an Equal Opportunity Employer

## TYPIST

STANDARD NO(S):

NYSLEAP: 2.2

DATE:

July 28, 2009

REFER TO:

Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Typist in the Seneca County Sheriff's Office.

### **III. DETAILS:**

**A. Employment Criteria** – The work is primarily of a routine nature and involves the performance of standardized clerical tasks involving the full-time or substantial part-time operation of a typewriter. Detailed instructions are given for new or difficult assignments. Alertness and a willingness to learn and prepare for assignments of progressively increasing difficulty are essential attributes for employees in this title. Excepting the ability to typewrite, this class is equivalent to the class of clerk. Typical work assignments vary and are outlined below as illustrative only:

1. Operates a typewriter and/or electronic work station (personal computer, word processor, or any other electronic micro-processor/device) and/or a computer terminal in performing duties described below:
  - a. Types forms, form letters, transcripts, invoices, vouchers, records, payrolls, title searches, judgements, lis pendens, reports, index cards, time cards and similar materials;
  - b. Transcribes dictaphone cylinders and/or longhand copy (which includes the typewriters used in relation to word processing);
  - c. Relieves telephone switchboard operator and employees waiting on the public;
  - d. Addresses envelopes on a typewriter;
  - e. Types and maintains various types or records;
  - f. Files correspondence, memoranda, reports and other materials;
  - g. Operates a mimeograph, adding machine, word processing machine (typewriters) or other simple office machines;

- h. Operate word processing, data entry or related business equipment;
- i. Indexes materials and performs simple record keeping tasks;
- j. Makes entries on cards, or bills or in ledger from original sources

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

- 1. Working knowledge of office terminology, procedures and equipment;
- 2. Working knowledge of business arithmetic and English;
- 3. Ability to type accurately at an acceptable rate of speed;
- 4. Ability to understand and follow oral and written instructions;
- 5. Ability to get along well with others;
- 6. Ability to write legibly;
- 7. Clerical aptitude;
- 8. Mental alertness;
- 9. Neatness;
- 10. Accuracy;
- 11. Tact and courtesy;
- 12. Good physical condition.

**C. The position of Typist must meet all civil service requirements.**

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**MINIMUM QUALIFICATIONS:** Either:

Graduation from High School or possession of a High School Equivalency diploma; including or supplemented by a course in typing; or two (2) years of clerical experience involving typing; or an equivalent combination of training and experience.

**F. Seneca County is an Equal Opportunity Employer**

## **SENIOR STENOGRAPHER**

STANDARD NO(S):

NYSLEAP: 2.2

DATE:

July 28, 2009

REFER TO:

Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Senior Stenographer in the Seneca County Sheriff's Office.

**III. DETAILS:**

**A. Employment Criteria –** This is moderately difficult clerical, stenographic and typing work requiring a general understanding of specific law, office rules, procedures and policies. It entails the full-time or substantial part-time taking and transcribing of dictation and operation of a typewriter. It calls for the exercise of independent judgement in the application of prescribed procedures and methods to routine cases. Unusual problems or situations, not previously encountered, are referred to supervisors before action is taken. For the most part work is performed under general supervision. Supervision may be exercised over the work of one or more clerical assistants. Typical work assignments vary and are outlined below as illustrative only:

1. May serve at switchboard;
2. Acts as secretary to an official in cases where assignments call for the use of judgement and experience in making decisions in accordance with established policies and procedures;
3. Takes and transcribes minutes of meetings and proceedings of hearings and conferences;
4. Composes and types routine correspondence, applying a knowledge of departmental operations and regulations;
5. Assigns work, reviews and records work done, and instructs new employees in the specialized clerical work of a unit;
6. Takes and transcribes dictation of letters, articles, addresses, memoranda and other materials;
7. Has charge of and types resolutions, minutes, bills, and a variety of reports;
8. Oversees and participates in the computation and typing of payrolls, purchase orders and vouchers;
9. May maintain a set of routine financial accounts;

10. Operates addressograph, mimeograph, computing, calculating and other office machines;
11. Requisitions and checks the receipt of supplies and equipment; assigns and participates in the cutting of stencils for important memoranda and other material.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of office terminology, procedures and equipment;
2. Good knowledge of business arithmetic and English;
3. Ability to take and transcribe dictation at a satisfactory rate of speed;
4. Ability to type accurately at a satisfactory rate of speed;
5. Ability to understand and follow oral and written directions;
6. Ability to get along well with others;
7. Ability to write legibly; clerical aptitude;
8. Mental alertness;
9. Good judgement;
10. Neatness;
11. Accuracy; tact and courtesy.

**C. The position of Senior Stenographer must meet all civil service requirements.**

**D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.**

**MINIMUM QUALIFICATIONS:**

Two years of clerical experience which shall have involved taking and transcribing dictation and graduation from high school; or any equivalent combination of experience and training.

**E. Seneca County is an Equal Opportunity Employer.**

## **STAFF RESOURCE ASSISTANT II**

STANDARD NO(S):

NYSLEAP: 2.2

DATE:

July 28, 2009

REFER TO:

Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Staff Resource Assistant II in the Seneca County Sheriff's Office.

**III. DETAILS:**

**A. Employment Criteria** – This position involves assisting the Department Head or Department Manager. The Staff Resources Assistant has responsibility for much of the day-to-day operations of the office including maintaining a confidential file system, and is Secretary to the Department Head or other related Boards or Commissions. Employee has responsibility for interpreting departmental policies to the clerical staff and supervising employees in work as well as supervising the clerical support staff in a department. Does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Supervises the clerical support staff in an office setting;
2. Secretary to the related board: assists in the preparation of the agenda, distributes informational and action materials and takes minutes for both the Board meetings and Sub-Committee meetings;
3. Reviews time sheets for accuracy and submits to Personnel Office;
4. Types and submits expense vouchers;
5. Maintains departmental personnel records assuring proper credentials;
6. Orients new employees on policies and procedures;
7. Makes weekly bank deposits;
8. Acquires departmental supplies;
9. Makes appointments and maintains appointment schedule for the department head or manager;
10. Types various documents.
11. Maintains confidential file system for the department and types all confidential correspondence;
12. Types, makes copies, and sends fax messages;
13. Prepares and submits travel statistics.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of office terminology, procedures and equipment.
  2. Ability to maintain records and prepare reports.
  3. Ability to type accurately at a moderate rate of speed.
  4. Ability to follow oral and written directions.
  5. Ability to communicate effectively with others, both orally and in writing.
  6. Good knowledge of time management, organizational skills, dependable, and have tact and courtesy.
- C. The position of Staff Resource Assistant II must meet all civil service requirements.
- D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

#### **MINIMUM QUALIFICATIONS:**

- A. Graduation from a Regionally Accredited or New York State Registered Two Year College or University with an Associate Degree in Secretarial Science, Business Administration, Human Resources or a related field and one year of experience in Office Administration or in a Supervisory capacity; OR
  - B. Graduation from high school or possession of a High School Equivalency Diploma and three years of experience in Senior Level Clerical Work, one of which must have been in Office Administration or in a Supervisory Capacity; OR
  - C. An equivalent combination of training and experience as defined by the limits of (A) and (B).
- E. Seneca County is an Equal Opportunity Employer

# **NAVIGATION OFFICER**

STANDARD NO(S):

NYSLEAP# 2.2,11.1

DATE:

July 28, 2009

REFER TO:

Gary S. Sullivan

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Navigation Officer in the Seneca County Sheriff's Office.

**III. DETAILS:**

**A. Employment Criteria -** The work involves responsibility for patrolling the navigable waters within the geographical jurisdiction of Seneca County. Supervision is received by senior employees of the Sheriff's Department. The position does not entail supervision. Does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Operates Sheriff's patrol boat in order to maintain the safety of private vessels;
2. Checks vessels for proper safety equipment as provided by the New York State Navigation Law;
3. Inspects marine sewage and controlled devices;
4. Keeps records and logs of patrols;
5. Removes debris from navigable waters that may be hazardous to boaters;
6. Monitors parks and recreation buoys;
7. Provides assistance to vessels in need or distress;
8. May operate a marine radio.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of the New York State navigation law and local boating ordinances;
2. Good knowledge of the geography of local waterways;
3. Good knowledge of the operation of maintenance of power boats and marine equipment; skill in the operation of a power boat;
4. Ability to make inspections;
5. Ability to work with people in stressful situations;
6. Ability to prepare written material;
7. Ability to understand written and verbal instructions;
8. Physical condition commensurate with the demands of the position.

- C. The position of Navigation Officer must meet all civil service requirements.
- D. The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

**MINIMUM QUALIFICATIONS:**

Graduation from high school or possession of an equivalency diploma.

**SPECIAL REQUIREMENTS:**

Demonstrated ability to operate power boats and marine equipment. Ability to swim.

- E. Seneca County is an Equal Opportunity Employer

## FISCAL SERVICES MANAGER

STANDARD NO(S):

NYSSA: 2.2,11.1,55,60

DATE:

July 1, 2009

REVIEWED 12/09/2019

REFER TO:

John P Cleere

- I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.
  
- II. **POLICY:** To establish a job description for Fiscal Services Manager in the Seneca County Sheriff's Office.

### **III. DETAILS:**

The Seneca County Sheriff has the ultimate authority and responsibility for the fiscal management of all components of the SCSO. A full time Fiscal Services Manager, employed by the Seneca County Sheriff's Office performs all fiscal functions related to the SCSO on behalf of the Seneca County Sheriff.

A. **Employment Criteria** – These duties involve independent responsibility for the performance of complex professional accounting and related fiscal administrative tasks in development, examination, review or analysis activities related to fiscal management of one or more SCSO funds and expenditures. The work is performed under administrative direction of the Sheriff or other high-level agency administrator. The work entails responsibility for independently maintaining all accounts in proper balance and for producing and analyzing periodic financial management reports. In addition, this position may oversee special projects or programs relating to financial management functions. Direct supervision may be exercised over the work of subordinate employees engaged in account keeping and financial administration activities. An incumbent of this position does related work as required. Typical work assignments vary and are outlined below as illustrative only:

1. Devises and implements accounting and auditing systems to provide complete and accurate financial records of the SCSO or SCSO's fiscal transactions;
2. Studies economic trends and advises SCSO staff regarding related fiscal planning and cost analyses;

3. Maintains ledger and journal accounts, takes trial balances and reconciles bank statements and accounts;
  
4. Performs cost benefit analyses of various administrative functions and programs;
5. Manages and oversees accounting and financial transactions to ensure compliance with Federal and State fiscal regulations;
6. May audit program agent or sub-contract accounts to ensure proper expenditures control of program funds;
7. Prepares and analyzes required fiscal records and reports;
8. Manages acquisition/distribution of equipment and supplies maintaining an inventory of equipment in the SCSO;
12. Analyzes the financial operation of the SCSO and recommends improvements and changes in financial policy;
13. Responsibility for insuring that SCSO financial functions are performed efficiently using updated information management technology;
14. Make long-term and short-term financial projections;
15. Interprets results and recommends financial direction;
16. Prepares monthly reports of the financial status of the SCSO to the Sheriff, Undersheriff.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of modern general and governmental accounting, fiscal and auditing procedures and techniques including budgeting and appropriation practices;
2. Ability to interpret Federal/State/local policies;
3. Ability to acquire a working knowledge of agency affairs related to fiscal management;
4. Ability to prepare complete and accurate financial reports and statements;
5. Ability to plan and supervise the work of others;
6. Ability to get along well with others;
7. Physical condition commensurate with the demands of the position;

8. Ability to analyze financial operations and recommend financial improvements;
  9. Thorough knowledge of Information Technology to needs of the department for Financial Management analysis.
- C.** The position of **FISCAL SERVICES MANAGER** must meet all civil service requirements.
- D.** The Seneca County Sheriff and the Seneca County Personnel Office will establish all minimum qualifications.

**MINIMUM QUALIFICATIONS: Either**

1. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree in accounting, business administration, or other directly related field specifically structured to prepare individuals for work involving accounting (such degrees must include or be supplemented by 18 semester credit hours in accounting) and four years of accounting or auditing experience which must have been involved in the use of double entry books including the general ledger or other governmental agency books involving appropriation accounting and the preparation of budget and financial reports, two years of which must have been in a full supervisory capacity; or
2. Satisfactory completion of 60 semester credit hours in a regionally accredited or New York State registered two-year college including and/or supplemented by 18 semester credit hours in accounting and six years experience as defined in (1); or
3. An equivalent combination of education and experience as defined by the limits of (1) and (2) above.

**E.** Seneca County is an Equal Opportunity Employer

## **MENTAL HEALTH CLINICAL THERAPIST – JAIL**

STANDARD NO(S) NYSSA # 1,2,5-9,46

DATE: April 19, 2012

REFER TO: Gary S. Sullivan

**I. OBJECTIVE:**

In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:**

To establish a job description for Mental Health Clinical Therapist in the Seneca County Correctional Facility.

**III. DETAILS:**

**A. Distinguishing Features of the Class:** The work involves responsibility for performing professional clinical and non-clinical social work activities within a county jail setting. The duties and responsibilities vary according to assignment, but generally the incumbent identifies, assesses and manages a variety of problems related to inmates and their families/concerned-others around mental illness and disability. The incumbent generally provides direct clinical social work services to inmates including on-going individual, group and/or family psychotherapy, however, employees in this class differ from the regular Psychiatric Social Work positions by virtue of their more specialized clientele and increased opportunity for more independent action. The work is performed under the direct clinical supervision of the Director of Community Services, and the general clinical supervision of a Mental Health Clinic Consulting Psychiatrist. The work is also performed under the administrative supervision of the County Sheriff and/or the Captain of the Seneca County Sheriff's Office Corrections Division. Does related work, including emergency "call-outs" as required.

**B. Employment Criteria – Mental Clinical Therapist**

1. Conducts inmate intakes and assessments (i.e., psychosocial, mental health, lethality) at the request of inmates and/or jail staff, and/or as per agency and state regulations;

2. Develops treatment plans in consultation with Mental Health Department staff, Sheriff's Office Corrections and Medical Staff and other agencies (as appropriate and allowed), to address an inmate's psychosocial needs;
3. Provides ongoing individual, and group and psychotherapy under clinical supervision;
4. Provides crisis intervention services to inmates;
5. Prepares and maintains a variety of reports: assessments; progress notes; treatment plans and summaries; and discharge plans;
6. Gathers information regarding inmates by contacting (when allowed and appropriate) family members, concerned others, school personnel, other behavioral health and healthcare providers and any others familiar with the inmate;
7. Provides service coordination for other services inmates may need (i.e. alcohol/drug evaluation and treatment, GED etc.) while incarcerated;
8. Makes community service referrals on behalf of inmates to facilitate transitions back into the community and/or to other levels of care;
9. Monitors and reviews treatment plans with inmates by maintaining on-going contact with inmates receiving service and other service providers and routinely updates supervisors of progress;
10. Attends staff meetings of Jail and Mental Health Department staff as needed, training sessions and workshops on social work issues.

**C. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Good knowledge of modern social work and forensic social work principles and practices;
2. Good knowledge of federal, state and local laws related to the provision of social work services and of forensic social work services;
3. Good knowledge of modern principles and practices related to individual, group and family psychotherapy;
4. Good knowledge of the principles and practices related to conducting psychosocial intakes and assessments;
5. Working knowledge of community service agencies and programs;

6. Ability to conduct psychosocial intakes and assessments;
7. Ability to provide lethality assessments and to make decision on safety of inmates (i.e. constant watch decision);
8. Ability to provide individual, group and/or family psychotherapy;
9. Ability to develop and implement a mental health treatment plan for inmates;
10. Ability to communicate effectively both orally and in writing;
11. Ability to organize and maintain accurate records and files;
12. Ability to analyze and organize data and prepare records and reports;
13. Ability to utilize Microsoft Outlook (for scheduling and email), Work (for clinical documentation) and minimal Excel background for data entry in order to generate reports.

**D. Minimum Qualifications:**

1. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with a Master's degree in social work, AND
2. Possession of license as a licensed master social worker (LMSW) or licensed Clinical social worker (LCSW) issued by the New York State Department of Education at time of examination.

NOTE: The minimum qualifications for this position are mandated under Article 154 of New York State Education Law.

## **Licensed Practical Nurse**

**STANDARD NO(S):**

**NYSSA # 1,2,46,106,120,121  
NYSLEAP # 2.2,11.1**

**DATE:**

**March 1,2016**

**REFER TO:**

**W. Timothy Luce**

**I. OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:** To establish a job description for Licensed Practical Nurse in the Seneca County Correctional Facility.

### **III. DETAILS:**

#### **A. Employment Criteria – Licensed Practical Nurse**

1. Answer questions regarding the medical needs of inmates to appropriate sources;
2. Responsible for reporting dietary needs of inmates to kitchen staff;
3. Coordinating care for inmates with special needs and disabilities including retaining interpreters or signers;
4. Collect and follow-up with sick call complaints from inmates;
5. Collect clinical data and information for interpretation by Registered Nurse;
6. Create, purge and update charts, documentation and other forms as necessary;
7. Copying, faxing, filing necessary paperwork as it pertains to medical records;
8. Responsible for ordering medical supplies as necessary;

9. Clerical work involving answering the telephone, setting up appointments for inmates with outside clinics, providing statistical reports, discharge planning, chronic care clinics, etc.;
10. Set up and administer medications to inmates as per physician/nurse practitioner orders,
11. Collect specimens as ordered by the physician or nurse practitioner;
12. Collect data from all inmates and plant PPD test within certain time frame of admission;
13. Read PPD induration in millimeters (RN will determine “positive or negative”);
14. Responsible to respond to all emergencies and to facilitate patient to emergency room, if necessary;
15. Perform daily vital statistics as ordered, as well as blood glucose levels and pregnancy and urine testing.

**B. Full Performance Knowledges, Skills, Abilities & Personal Characteristics:**

1. Thorough knowledge of federal, state and local correctional health care regulations and standards;
2. Ability to communicate and interact effectively and professionally with inmates, professional personnel and public officials;
3. Ability to prepare technical reports and correspondence;
4. Physical condition commensurate with the demands of the position.

### **C. MINIMUM QUALIFICATIONS:**

Graduation from a school of Nursing approved by the State Education Department from a course approved by such department as qualifying for Licensed Practical Nurse and:

1. One year of post-degree experience in a health care setting (hospital, nursing home, public health agency)

### **D. SPECIAL REQUIREMENTS:**

Eligibility for a license issued by the State of New York to practice as a Licensed Practical Nurse; **possession of said license at time of appointment.**

Possession of a valid New York State Driver's License is required

## **SCHOOL RESOURCE OFFICER**

STANDARD NO(S):

NYSLEAP #: 2.2, 11.1,11.3,12.1-4  
NYSSACD#: 2

DATE:

April 25, 2016

REFER TO:

John P. Cleere

I. **OBJECTIVE:** In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

II. **POLICY:** To establish a job description for a School Resource Officer in the Seneca County Sheriff's Office.

### III. DETAILS:

The School Resource Officer—(S.R.O.), is a Full Time Deputy Sheriff assigned by the Sheriff to a school or schools. The S.R.O. engages in a community-policing role as well as creating a safer environment for the students, school and staff. The S.R.O. takes an active role in the school teaching environment while also dealing with emergency security situations.

#### **A. TYPICAL DUTIES:**

1. The S.R.O. acts as an educator, counselor and police officer.
2. The S.R.O. acts as an instructor for specialized programs at the school when invited to do so by the superintendent, principal or member of the faculty with approval of the Sheriff.
3. The S.R.O. makes available to the School faculty and students a variety of law related presentations including crime prevention.
4. The S.R.O. coordinates activities with the school officials involved and maintains records of all S.R.O. activities.
5. The S.R.O. conferences with students, parents and faculty members to assist them with law enforcement issues and crime prevention.
6. The S.R.O. builds and maintains a rapport with students and faculty on a daily basis.
7. The S.R.O. acts as a liaison with all community agencies that offer assistance to youth and their families. The S.R.O. makes referrals to such agencies when necessary.

8. The S.R.O. takes an active role in policing the school dealing with both internal and external crimes. The S.R.O. may be called upon to assist other police officers and police agencies with crimes involving children.

9. The S.R.O. is a positive Role Model for the students in the school.

**B. TRAINING:**

The S.R.O. will be required to attend training relative to the position as determined by the Sheriff. This may involve, but is not limited to, S.R.O. certification, D.A.R.E., certification and School Safety Trainings.

**C. REQUIREMENTS:**

1. The S.R.O. is a Full-Time Deputy Sheriff and must meet, or exceed, all of the minimum requirements of a Deputy Sheriff.
2. The S.R.O. is assigned by the Sheriff after consultation with the involved School's Superintendant.

## **ADDICTIONS COUNSELOR – JAIL**

STANDARD NO(S) NYSSA # 1,2,5-9,46

DATE: April 27, 2016

REFER TO: John P. Cleere

**I. OBJECTIVE:**

In order to promote sound administrative decisions relative to the organizational structure, the Seneca County Sheriff has established written job descriptions which outline the scope, responsibilities and duties of the position.

**II. POLICY:**

To establish a job description for Addictions Counselor in the Seneca County Correctional Facility.

**III. DETAILS:**

A. Typical Duties:

1. In general the Addictions Counselor performs addiction related intake screenings and evaluations of inmates. Inmates and/or agency representatives are interviewed to aid in the readjustment of the inmate within the community upon release. The Addictions Counselor also interviews and counsels relatives of patients and other interested individuals to aid in this readjustment.
2. The Addictions Counselor maintains records of interviews and all individual and group counseling sessions provided by the counselor to clients. This data may be compiled and prepared into a variety of reports as dictated by the Sheriff or his designee.
3. The Addictions Counselor gathers and dispenses specific information regarding drug and alcohol abuse and dependency and may speak before various groups interested in addiction treatment.
4. The Addictions Counselor performs research duties and keeps abreast of new developments, counseling programs and techniques.
5. The Addictions Counselor works with magistrates and the Courts to identify persons convicted of drug and alcohol addiction related crimes and assist in determining possible means of treatment and rehabilitation.

**B. Minimum Qualifications:**

1. Completion of all required course work leading to a Master's degree on psychology, social work or a very closely related field plus one year of counseling experience; or
2. Graduation from an accredited New York State registered or regionally accredited 4 year college or university with a Bachelor's degree in Social Science or Behavioral Science or related field and 2 years of experience in counseling; or
3. An equivalent combination of training and experience as described above.
4. Any candidate possessing a Credentialed Alcoholism and Substance Abuse Counselor—(CASAC), or a Trainee Certificate will be qualified.
5. Documented part-time or volunteer experience will be accepted on a prorated basis.
6. CASAC required within 12 months of appointment.

## Chapter Three - Law Enforcement

- 3-1      Prisoner Transportation
- 3-2      Jurisdiction
- 3-3      Liaison with other agencies
- 3-4      Notifications
- 3-5      Patrol Radio Communications
- 3-6      Road Patrol
- 3-7      Hate Crimes
- 3-8      Vehicle Operation
- 3-9      Victim/Witness Assistance
- 3-10     Domestic Violence
- 3-11     Warrants
- 3-12     Axon "On Deputy" Video Recording System

## **PRISONER TRANSPORTATION**

STANDARD NO(S):

NYSLEAP 64.1

DATE:

October 7, 2010

REVISED: 03/22/2019

REFER TO:

John Cleere

**I. OBJECTIVE:**

To ensure the safe, secure, timely, humane treatment of prisoners while in transit and to ensure the safety of SCSO personnel and the public.

**II. POLICY:**

Transportation of persons in custody is frequently necessary. It is the policy of the SCSO that these persons be treated humanely, while at the same time protecting them, the officer and the public.

**III. DETAILS:**

**A. Vehicles**

1. Marked vehicles assigned to the Law Enforcement Division will be equipped with a protective screen securely mounted between the driver's compartment and rear seats. This screen prevents the prisoner(s) from having access to the driver's compartment, but will not impair communication between the Transporting Officer(s) and the prisoner(s). Unmarked vehicles assigned to certain members of the Law Enforcement Division will not be routinely used to transport prisoner(s). An unmarked vehicle may be used as a last resort provided that the transporting officer is accompanied by another armed officer as described in 2(b) below or the transport is a part of his investigatory and/or arrest function.
2. In the event circumstances make it impossible to accomplish necessary travel in a vehicle as described above, the Transporting Officer(s) will make certain that the inmate is never out of sight. The following security measures will be used:
  - a. When being transported by a single officer, the prisoner will be handcuffed behind his back, seated in the rear seat and secured by the vehicle seat belt.

- b. When being transported by two officers, the prisoner will be handcuffed, seated in the rear seat and secured by a vehicle seat belt. The second officer will be seated in the front seat.
3. The Transporting Officer(s) will thoroughly search the vehicle to insure that it is free from contraband and any other items which could be used by a prisoner(s) to inflict injury or effect escape. The search will be done prior to each time a prisoner is transported.
4. The Transport Officer(s) will comply with all state and local vehicle and traffic laws, rules and regulations. The vehicle will be locked; the keys removed, and, when possible, will not be left in an area where the vehicle could be tampered with.
5. After the transport, the Transporting Officer will thoroughly search the vehicle for any items which may have been secreted by the prisoner during the transport. Anything found during this search will be photographed, secured as evidence and reported on Evidence Log & Tracking Sheet. Additional criminal charges will be filed against the prisoner, if applicable.

#### IV. TRANSPORT PROCEDURES

- A. Any person who is in the custody of a member of the SCSO Law Enforcement division and who is transported will be searched by the Transporting Officer. Searches will be frisk searches unless there is reasonable belief that a strip search is necessary. Strip searches will be conducted by same sex officers. Body cavity searches are prohibited, except by medical staff.
- B. While transporting an arrestee, the officer having custody shall not lose sight of the arrestee until such custody has been relinquished to another. This procedure shall be followed at all times, including during the prisoner's use of sanitary facilities or while receiving medical attention.
- C. All prisoners will be restrained by at least handcuffs. Officers are prohibited from using techniques that may cause physical injury or death. No member shall transport more than one prisoner without assistance, except as noted below.
- D. No more than three prisoners will be carried in a patrol car, nor more than six in a suburban with the officers occupying the front seat. In the case of multiple arrests, or the transportation of prisoners for court appearance, the SCSO Corrections Division Transport Vehicles will be used.
- E. The Transporting Officer will pick up and drop off inmates at the Seneca County Correctional facility through the vehicle sally port.

**F.** Radio contact will be made with E-911 Center at the following times:

1. Upon taking a prisoner into custody (noting sex of prisoner)
2. Upon leaving a scene to a transport location
3. Upon arriving at the transport destination
4. Upon leaving the transport destination
5. Upon return to the facility
6. When an unusual incident occurs during the transport (i.e. accident, delay, etc.)

**G.** Prisoner transports will always take the most direct route from start to finish with no stops for purposes not directly related to the transport. When needed for security purposes, the route will be varied so as not to show a pattern.

**H.** No meal breaks will be taken while on a prisoner transport. If it is anticipated that a prisoner meal will be needed during the transport, arrangements will be made with the facility kitchen staff for the preparation of a meal.

**I.** The prisoner will not be allowed to communicate with anyone other than the transporting officer, legal counsel, and the court.

**J.** During any transport of a prisoner, the officer will not engage in any extraneous activities, except in the case of an extreme emergency.

**K.** If an officer is transporting an inmate of the opposite sex, the officer will make this assignment known to the E-911 Center, giving location, vehicle mileage and destination. Upon reaching the destination, the officer will again contact the E-911 Center and furnish the ending mileage. The same procedures will be followed when returning to the facility.

**L.** When transporting any prisoner, anyone in custody or anyone being transported for any reason the transporting officer will be vigilant for signs of medical emergencies. There will be heightened vigilance while transporting sick, injured and impaired persons. The transporting officers will immediately call for emergency medical assistance by radio and/or cell phone through 911 when the person being transported complains or exhibits any symptoms of anything that may have the potential to be life threatening. Examples are, (but not limited to): breathing difficulties, chest pain, severe lethargy and head injuries. The transporting officer will then make notification to the next available officer in the member's chain of command.

**M.** In the event an inmate escapes from custody, the involved Transport Officer(s) will immediately notify the E-911 Center, giving as much information as to the name, sex, physical and clothing description as possible, along with the direction and method of escape as well as notifying the on duty Supervisor. In

the event there is not a supervisor on duty, the member will contact the next person in the member's chain of command. If the escape occurs in another jurisdiction, notification will be made to the local and state police using inter-agency via radio.

- N.** At all times, Transporting Officer(s) will guard against the prisoner receiving unauthorized material or contraband from any source.

**V. UNUSUAL CIRCUMSTANCES**

- A.** When transporting a prisoner, the Transporting Officer(s) is responsible for the safe delivery of the person in custody.
- B.** Any diversion, whether a deliberate attempt to effect an escape, or one which is purely coincidental, can result in the officer's attention being distracted to the extent that the prisoner(s) safety or security is placed in jeopardy. The officer must bear in mind that one's primary duties are to protect the prisoner from injury and to prevent escape.

The transportation of a prisoner is usually done by a marked vehicle, clearly identifiable as one belonging to the SCSO; therefore, it would not be unlikely, in the case of a roadside emergency, for a member of the public to expect that such a vehicle would stop to render assistance. **THIS ACTION MUST BE AVOIDED.**

1. Only when the risk to a third party is both clear and grave and the risk to the officer and the prisoner is slight, may an officer stop en route to render assistance or engage in any law enforcement activity.
  2. An officer in transport alone shall never stop except in a clearly life threatening situation; rather, shall immediately notify the E-911 Center to take the appropriate action. If there is no way to avoid a stop, the officer must advise the E-911 Center of the location and request assistance without delay.
  3. If two or more members are assigned to the transport, and a stop can be safely made, one must stay with the transporting vehicle at a safe distance from the diversionary activity, while the others render assistance. Upon the arrival of any other patrol units, the prisoner transport should be immediately resumed.
- C.** Under no circumstances will an officer engaged in the transportation of a prisoner become involved in a pursuit, roadblock, or other situation which creates the risk of harm to the inmate(s) or the officer(s).

- D.** The Transport Officer(s) will be alert to persons, vehicles, or situations which may be unduly interested in or following the transporting vehicle. The officer(s) will report any such situations to the E-911 Center by radio or cell phone.

**VI. TRANSPORTATION OF PREGNANT PRISONERS**

- A.** When a pregnant prisoner(s) is to be transported, two officers will always be assigned.
- B.** No restraints of any kind will be used during the transport. However, in extraordinary circumstances they may be cuffed by one wrist to prevent the prisoner from injuring themselves or others.
- C.** No restraints of any kind will be used when the prisoner is in child birth labor.

**VII. NOTIFICATION TO CORRECTIONAL FACILITY –**

- A.** The Transporting Officer will advise Correctional Facility personnel of any injuries sustained by the prisoner, the blood alcohol content in the event of a driving while intoxicated arrest, less lethal applications deployed on the prisoner, including but not limited to: OC, Taser or PR-24.

## JURISDICTION

STANDARD NO(S)	NYSLEAP 58.1
DATE:	March 31, 2009
	REVIEWED: 08/20/18
	REVISED 11/16/18
REFER TO :	John Cleere

### I. OBJECTIVE:

To define the geographical boundaries of the SCSO's jurisdiction; to provide for the development of agreements with other police agencies for the delivery of services; to emphasize the existence of state law controlling mutual aid; and, to specify procedures for implementing such aid, when appropriate.

### II. POLICY:

It shall be the policy of the SCSO, in discharging its law enforcement and other responsibilities to the people of Seneca County, to respect the prerogatives of those police agencies which also provide police services within the county, whether based on geographic or subject matter jurisdiction. Upon request, however, the SCSO will render any and all appropriate assistance to another police agency having primary jurisdiction for the provision of such service, even if located outside the boundaries of Seneca County.

### III. DETAILS:

**A. Geographical boundaries** - The Seneca County Sheriff's Office is responsible for the delivery of police services within the established boundaries of the county. The county has a total area of 330 square miles, and includes the Towns (townships) of Junius, Tyre, Waterloo, Seneca Falls, Fayette, Varick, Romulus, Ovid, Lodi and Covert.

The county also includes the villages of Waterloo, Ovid, Lodi and Interlaken. A detailed official map, which shows the county, village and town boundaries is displayed in the Communications Division (9-1-1 Center).

**B. Agency jurisdiction** - With the advent of the E911 system in Seneca County, requests for emergency service, whether police, fire or medical assistance, are answered in the 9-1-1 Center located in the County Office Building in the village of Waterloo. Requests for non-emergency service received by a member of the SCSO, and which originate within the boundaries of Seneca County are handled by the SCSO in accordance with the appropriate procedures, with the following exceptions:

1. A request for service which originates within the Village of Waterloo is referred to the Waterloo Police Department, a full-time agency which has responsibility for law enforcement within Village limits.

2. A request for service which originates within the Town of Seneca Falls is referred to the Seneca Falls Police Department, a full-time agency which has responsibility for law enforcement within Town limits.

3. The Village of Interlaken has part-time officers who are on duty on an irregular schedule. These officers routinely advise the 9-1-1 Center of their availability, and, when on duty, requests for service from these municipalities will be accepted, then relayed appropriately. Depending upon the nature of the request, an SCSO member may also respond to assist or handle the matter in its entirety.

4. A request for service which requires a response on the New York State Thruway shall be referred to the New York State Police.

#### **C. Concurrent jurisdiction -**

1. Department of Environmental Conservation - Paragraph 2 of Section 71-0525 of the Environmental Conservation Law provides that "... a police officer shall have the same powers as environmental conservation officers under the fish and wildlife law, except the power to search without a warrant."

2. New York State Police - The New York State Police assumes state-wide jurisdiction for the delivery of all police services and maintains its own dispatching network, except for calls made through the E911 system, which as noted above, are received at Seneca County's 9-1-1 Center. Responses to these calls may be made by either the SCSO or the NYSP, or both, in accordance with the "closest car concept," agreed to by both agencies.

Since the NYSP is also responsible for enforcing the laws of New York State, subject matter jurisdiction is concurrent with every other police agency in the state, except on premises which are clearly within the state's exclusive purview, such as, certain restricted highways. However, neither the SCSO nor the NYSP will hesitate to request needed assistance or back-up from the other.

#### **D. Mutual aid -**

1. Legal status - SCSO members shall be guided by the New York State General Municipal Law, Article 10, §209-f and §209-m, and the Executive Law, Article 2-b, §23 and §24, as the controlling legislation affecting the requesting or receiving of mutual aid.

According to the General Municipal Law, "While engaged in duty and rendering services...officers...shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the civil or political subdivision in or by which they are normally employed."

2. Legal authority - When deemed appropriate, that is the requested mutual aid will consist of significant resources in officers, equipment and time, the Sheriff of the aided jurisdiction shall have the authority to deputize officers as emergency special deputy sheriffs of the county and those officers shall have the same legal status as provided in ¶ 1, above.

3. Requesting mutual aid - The Sheriff, when the public interest requires it, may "declare a state of special emergency in a part or parts of the county where the public peace is threatened or where life or property may be endangered, after first advising the governor, by telegram (teletype) addressed to the governor at the executive offices in the city of Albany, New York, that he is about to do so."

4. Authority to request - SCSO members facing emergency situations consistent with a Level III Response as described in ¶ III(D)(3) of "Unusual Occurrences," this Manual, shall make mutual aid requests through the chain of command to the Sheriff or designee. In other situations, when time permits, any necessary requests will be made in advance by the Sheriff as part of a Special Detail Plan described in ¶ III(B)(2) of "**Special Events**" this Manual.

5. Deployment - Outside agencies who are responding to SCSO's request for mutual aid will be apprised of the current situation and informed as to the reporting location, for example, a staging area, SCSO headquarters, a community office, a command or patrol post. When possible, a coordinator for outside resources shall be assigned from the ranks of Sergeant or above with the responsibility for liaison with the reporting agency.

Deployment of SCSO resources shall be controlled from SCSO headquarters, the centralized location for all personnel, equipment and supplies. Manpower deployment shall be done in accordance with current directives relating to minimum staffing as described in ¶ III(D) of "**Road Patrol**" this Manual. Staffing levels necessary to fulfill SCSO's responsibility to respond to calls for service must be maintained.

6. Radio communications - With the recent updating, coordination and cooperation in the sharing of radio frequencies, the incident commander (most likely a Lieutenant or above), shall coordinate with the 9-1-1 Center, utilizing current 9-1-1 protocols to assign a frequency for the exclusive use of the special detail. If, for technical reasons, this cannot be accomplished, all radio communication shall be coordinated through the 9-1-1 Center.

7. Expenditures and liability - The General Municipal Law states, "The local government receiving police aid...shall assume liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government for any moneys paid by it for salaries or for other expenses incurred by it including damage to or loss of equipment and supplies.  
An 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..."

8. Evaluation - After every mutual aid incident, the incident commander shall conduct a briefing and prepare an "after action report" (written evaluation) to the Sheriff to insure that the mutual aid plan was properly executed and, if necessary, recommend that revisions or modifications be made.

#### **E. State and Federal assistance -**

1. The request for the assistance of the National Guard in law enforcement matters may be made by the Sheriff of Seneca County to the Governor's Office in Albany, New York.
2. Emergency assistance from a federal law enforcement agency such as the Federal Bureau of Investigation, the Drug Enforcement Agency, or a similar organization, which goes beyond the kind of cooperation which is described in paragraph III (B)(2) of "**Liaison With Other Agencies**" this Manual, may be obtained by direct contact with such agency, following a recommendation to and approval from the Sheriff.

The facilities of most federal agencies having law enforcement responsibilities operate on a 24 hour a day basis, either through a local representative or from a regional headquarters. Procedures for contacting the appropriate office are available from the 9-1-1 Center or kept in the course of member's regular divisional duties.

#### **F. Regional services -**

1. The SCSO has access to two radio frequencies, which are uniform throughout the state, and which permit voice contact between police agencies; between mobile units of one agency and the base station of another; and, between mobile units of two different agencies. The frequencies are controlled and are obtained by the user's selection of the appropriate channel on the user's console, either base station or mobile.
2. The SCSO participates in the statewide fingerprint system as administered by the Department of Criminal Justice Services (DCJS) in Albany, New York. The Seneca County Correctional Facility electronically transmits a facsimile copy of every fingerprint record made in connection with an arrest booking via a system entitled "Livescan". Whenever there are technical difficulties with that system those fingerprints have to be done manually with ink and paper cards and then those are sent in to DCJS by the Records Section.

3. The SCSO, along with the Seneca County e911 Center participates in the eJusticeNY Integrated Justice Portal (eJusticeNY) administered by DCJS. Information from the reporting of crimes to the SCSO is routinely sent to the E911 Center where information pertaining to suspects and stolen property is sent via computer into the system.
4. The SCSO participates in the statewide crime reporting system in accordance with the procedures set out in the New York State Uniform Crime Reporting Procedures Handbook. Collection and submission of data under these procedures is the responsibility of the Records Section. **[See "Records & Reports," paragraph III (S), this Manual]**

3. The SCSO, along with the Seneca County e911 Center participates in the eJusticeNY Integrated Justice Portal (eJusticeNY) administered by DCJS. Information from the reporting of crimes to the SCSO is routinely sent to the E911 Center where information pertaining to suspects and stolen property is sent via computer into the system.
4. The SCSO participates in the statewide crime reporting system in accordance with the procedures set out in the New York State Uniform Crime Reporting Procedures Handbook. Collection and submission of data under these procedures is the responsibility of the Records Section. **[See "Records & Reports," paragraph III (S), this Manual]**

## LIAISON WITH OTHER AGENCIES

STANDARD NO(S)

NYSLEAP 58.1

DATE:

June 2, 2009

REVIEWED: 04/27/2017

REFER TO:

John Cleere

### I. OBJECTIVE:

To establish guidelines for maintaining liaison with other agencies having law enforcement responsibilities, including prosecutorial and judicial functions; and, for insuring cooperation with the providers of emergency as well as social services within Seneca County.

### II. POLICY:

It is the policy of the SCSO to maintain liaison with any other organization having a responsibility for the safety and security of the community in order that mutual problems may be quickly resolved and that appropriate service to the public is rendered as efficiently as possible.

### III. DETAILS:

**A. Criminal justice agencies** - Each member or employee, who by virtue of one's assignment, comes into personal, written or telephone contact with a representative of another criminal justice agency, shall be particularly alert for any stated or implied complaint indicating dissatisfaction with the relationship that agency has with the SCSO. If appropriate, every effort shall be made at that time to identify the specific lack of confidence and to assure the representative that the matter will be relayed through the chain of command for prompt resolution. Thereafter, it shall be that employee's responsibility to make a written record of the pertinent details and to submit the report to the supervisor.

1. **Local criminal courts** - City, town and village court judges (or justices) may vary considerably in the way they conduct their proceedings and in the expectations they have for officers appearing therein. Members shall endeavor to become familiar with such expectations and shall, consistent with lawful procedures, abide by them.

Where there appears to be a misunderstanding concerning appropriate action on the part of a member, the matter should be reported promptly to the member's supervisor who will seek a determination and subsequent resolution of the problem.

a. Frequently a local criminal court justice will seek input from an arresting officer in matters of bail or disposition, particularly if diversion into a social service program is a viable option. Members should be alert to this possibility and should be prepared to offer suggestions, if asked.

**2. County and Family courts** – Members under the direction of the Sergeant for security and operations, are responsible for maintaining liaison with these courts (see "Court Security," this manual). Present whenever court is in session, these officers are in a position to be aware of any problems affecting the SCSO's operation.

a. Apart from the liaison mentioned above, members are expected to respond promptly to a judge's request for information pertaining to a defendant or the case in which he is involved. It is particularly important that any mitigating information be in the court's possession.

b. Members assigned to the Juvenile Aid Section shall be prepared to respond to queries of the Family Court pertaining to a course of action which is likely to have a salutary effect on a juvenile offender's behavior.

**3. Prosecutor** - The Sheriff and the District Attorney of Seneca County, both elected officials and coequal heads of their respective departments, communicate directly concerning any problems which might arise between their agencies.

Members who come into contact with the various assistant district attorneys shall be alert for any indication that procedural matters with the District Attorney's Office require revision and shall, accordingly, report such need promptly through the chain of command.

a. Article 70 of the Penal Law of the State of New York entitled "Sentences of Imprisonment", defines and specifies the criteria for designating an offender as a first felony offender, second felony offender or persistent felony offender.

b. A member, and particularly an investigator, shall, through the appropriate record checks, be aware of the participation of such an offender in a case under current investigation and shall be responsible for so advising the District Attorney's Office of this fact. If appropriate, the member shall request assistance of that Office in case preparation.

c. In the event a representative of the District Attorney's Office declines to prosecute a case or causes such case to be dismissed at arraignment, the member handling that matter shall report this fact, in memorandum form, to the supervisor and cause the an entry to be made in the electronic case report. Every effort should be made to determine the exact reason for the attorney's action so that the matter can receive the appropriate review by the chain of command.

Thereafter, if it appears that such action was not occasioned by mishandling on the part of the member, the Sheriff may elect to represent the matter to the District Attorney for his reconsideration.

**4. Probation** - The Seneca County Director of Probation is a department head and communicates directly with the Sheriff. The Probation Department is on the computer network and can exchange information with the SCSO through the message system.

**5. Corrections** - The Sheriff of Seneca County has responsibility for administration of the jail which houses persons 16 years of age or over, considered to be adults in the criminal justice system. SCSO members assigned to the Juvenile Aid Section are responsible for insuring that juvenile offenders are handled in accordance with the applicable laws and the procedures required by agencies such as the NYS Division for Youth.

**B. Law enforcement agencies -**

1. Adjoining jurisdictions - The SCSO has a long history of cooperation with State and other county and village law enforcement agencies, both in cooperative investigations and in the sharing of information; however, these activities are conditional upon the prior approval of the Sheriff.

2. Concurrent authority - Under circumstances in which the SCSO is perceived to have concurrent jurisdiction with a federal, state or local law enforcement agency, a member shall be designated to conduct liaison with that agency on behalf of the SCSO. Such activity may include the exchange of criminal intelligence and the sharing of support services, with the approval of the Sheriff or a designee.

**C. Fire and emergency medical services** - As stated elsewhere in this Manual, members have specific responsibilities in assisting fire and emergency medical personnel in the performance of their duties. Any problems in this area will be identified and addressed as a result of the close contact between the SCSO and the Seneca County Fire Coordinator, it being noted that fire and emergency medical calls are dispatched from the SCSO Communications Center

**D. Referrals** - As a general rule, members of the SCSO shall treat offenses described under the laws of the State of New York, and local laws, if enforcement is requested, as criminal matters to be prosecuted in a court of law.

However, it is well known that police agencies receive many calls for service which are not within the purview of the criminal justice system.

A member responding in such a situation is expected to take alternative action consistent with the seriousness of that matter and other demands on one's services. Such action will usually consist of referral, through the E-911 Center, to Legal Aid, the Center for Dispute Settlement, or if perceived as a social need, to the Department of Human Services.

**E. Suspected child abuse or maltreatment** - In 1973, responding to the urgent need for an effective service to prevent abused and maltreated children in New York State from suffering further injury and impairment, the legislature added Title 6 to Article 6 of the Social Services Law.

The Child Protective Services Act (CPSA) established in each county, a child protective service capable of investigating reports of child abuse swiftly and competently; providing for the protection of children from further abuse or maltreatment; and, for obtaining rehabilitation for the children and parents involved. (See NYS Social Services Law, Section 411)

1. To ensure that complete reporting is encouraged and accomplished, the CPSA mandates certain persons and officials to report cases of suspected child abuse and maltreatment. Additionally, the above section permits any person to make a report if he has reasonable cause to suspect that a child is being abused or maltreated.
2. Section 413 of the Social Services Law identifies those mandated to report as health care professionals, police officers, law enforcement officials, peace officers, social service workers, school officials, day care center workers, foster care workers and mental health professionals.
3. Section 415, Reporting Procedure, reads, "Reports of suspected child abuse or maltreatment shall be made immediately by telephone and in writing within 48 hours after such oral report ... written reports shall be made to the appropriate local child protective services," on form LDSS-2221-A. (See SCSO Forms Folder/Law Enforcement Forms)
4. Definitions of both child abuse and child maltreatment, as they are given in the NYS Family Court Act, Sections 1012 (e) and (f), are printed on the reverse of DSS-2221-A and members shall be familiar with this information.
5. Child Protective Services (CPS) is the lead agency in cases of suspected child abuse or neglect; however a CPS caseworker may request law enforcement assistance to gain entry to premises where the child is being housed. If permission to enter is denied, FCA §1034(2)(f), stipulates that "law enforcement may not enter the premises...without a search warrant or another constitutional basis for such entry" and that "law enforcement **must** remain at the location while the caseworker seeks the (judicial) order." The legislation provides for access to a Family Court Judge at all times.
6. In support of the reporting system, the State Central Register was created to operate on a 24-hour basis to receive verbal reports. The telephone number dedicated for mandated reports, such as those from law enforcement officers, is (800) 635-1522. Other persons are to call (800) 342-3720.

7. Section 419, Immunity from Liability, reads, "Any person, official, or institution 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."

**F. Protective Services for Adults (PSA)** - Just as officers must be watchful for situations where child abuse may be involved, so should they be alert to circumstances that might indicate the deliberate neglect or abuse of an elderly or otherwise impaired person. Typical impairments might include mental retardation, Alzheimer's disease, dementia, acute or chronic physical disability, alcohol or substance abuse to the extent that a person requires assistance in meeting basic needs and is, therefore, vulnerable to exploitation.

1. The Sheriff and the Seneca County Commissioner of Social Services have, in accordance with the provisions of §473-e of the Social Services Law and 18 NYCRR, Part 357 of NYSDSS Regulations, agreed upon a protocol for handling cases of suspected abuse or neglect of persons over the age of 18.

2. Referrals under the agreement may be made by either the PSA to the SCSO, or by the SCSO to the PSA. Reasons for a referral from the PSA to the SCSO might be:

- a. To implement court orders such as an order of protection, or a Short Term Involuntary Protective Services Order (STIPSO);
- b. To request assistance in gaining access;
- c. To report a crime and request an investigation;
- d. To protect a client who presents a danger to oneself or another person; or,
- e. To protect the caseworker.

SCSO shall respond to a request from PSA by investigating the situation, which could include making an emergency entry, rendering emergency care or defusing a potentially hostile incident. The officer will determine if a crime has been committed, identify the victim, suspects and witnesses and determine whether an arrest is appropriate. When indicated, the scene shall be preserved and additional investigation undertaken. Efforts will be made to coordinate actions with the PSA and to provide follow-up activities as needed.

3. A referral from the SCSO to the PSA might be made:

- a. To obtain services for an impaired person who appears to be at risk and unable to protect oneself;

- b. To request assistance with an investigation wherein it is alleged that an impaired, elderly, or disabled person has been the victim of a crime; or,
- c. To request information or advice in an ambiguous situation.

**G. Services and resources –**

- 1. The Seneca County Department of Human Services (DHS) is the contact agency between persons in need and the various private welfare organizations. An SCSO member responding to a situation which requires such intervention is not expected to contact these organizations directly; rather, shall describe the need to the E-911 Center.
- 2. The Seneca County E-911 Center serves as the 24 hour answering service for DHS, and will promptly relay any request to that agency for appropriate action.

# **NOTIFICATIONS**

STANDARD NO(S)

NYSLEAP 43.7

DATE

January 27, 2010  
REVIEWED: 01/11/2018

REFER TO:

John Cleere

## **I. OBJECTIVE:**

To establish procedures and requirements for the notification of next-of-kin of deceased, seriously injured or seriously ill persons; the coroner in cases of an unattended death; the appropriate municipal department and/or public utility in cases of interrupted service or hazardous conditions affecting the safety of the community; and, through the news media, the general public where appropriate.

## **II. POLICY:**

It is the policy of the SCSO to keep the public informed of occurrences which affect safety as well as convenience, in a timely and intelligent manner, insofar as is possible given the circumstances of the incident. Members assigned to duties, which bring them into contact with the public frequently, have an opportunity and a responsibility to relay information that they have gathered to the appropriate person or agency. It is expected that the particular notifications identified herein will be made in accordance with the following guidelines.

## **III. DETAILS:**

### **A. Notification of next-of-kin of deceased, seriously injured, or seriously ill persons -**

1. In the event a member of the SCSO suffers any of the above conditions, it is imperative that the Sheriff, Undersheriff, Chief Deputy, and the member's Division component Lieutenant be notified as soon as possible.

Thereafter, an appropriate person in the member's family will be contacted by a designee of the Sheriff from the SCSO, given the necessary details with tact and consideration, and offered all possible assistance toward acceptance of the situation and a return to normalcy.

2. In the event any other person is so stricken, whether through accident or otherwise, notification is to be made by the investigating officer or by another so designated by the member's Division Lieutenant .

3. Notification of a death is one of the most difficult tasks faced by law enforcement officers, but exceedingly important. Besides being sensitive and caring, notifiers have to be prepared for the reactions of a survivor that can range from shock, which is a medical emergency, to actually striking out at the notifier.
4. Principles to be described are that notification should be done in person, in time, in pairs whenever possible, in plain language and with compassion.
  - a. Always make death notification in person - not by telephone.
    1. It is very important to provide the survivor with a human presence or "presence of compassion" during an extremely stressful time. Notifiers who are present can help if the survivor has a dangerous shock reaction (not at all uncommon) and can help the survivor move through this most difficult moment.
    2. Arrange for notification in person even if the survivor lives out of the area by contacting a law enforcement agency in the survivor's home area.
    3. Never take death information over the radio. People who routinely monitor police scanners could usurp the notifier's best intentions.
  - b. Provide notification as soon as possible but be absolutely sure that there is positive identification of the victim.

Too many survivors are devastated by learning of the death of a loved one from the media, and mistaken death notifications have caused enormous trauma.

1. Notify next of kin and others who live in the same household, including roommates and unmarried partners.
2. Before the notification, move quickly to gather information. Obtain as much detail as possible about the circumstances of death, about health considerations concerning the survivors to be notified, and whether other people are likely to be present at the notification.
- c. Always try to have two people present to make the notification. Ideally, accompanying the member would be a victim service counselor, one of the clergy, the family doctor or a close friend. A female/male team is often advantageous. Notifiers can also support one another before and after the notification.

1. It is important to try to have two notifiers. Survivors may experience severe emotional or physical reactions, even striking out at the notifier. There may be several survivors present.
2. Take separate vehicles if possible. The team never knows what might be encountered. One might need to summon medical assistance for transportation of a survivor in shock to a hospital while the other remains. (Shock is a medical emergency.) One notifier may be able to stay longer to help contact other family or friends for support. Having two vehicles gives notifiers maximum flexibility.
3. Plan the notification procedure. Decide who will speak, what will be said, and how much can be said.
- d. The message should be delivered directly, forthrightly and in plain language. Survivors usually are served best by telling them directly what happened. The presence of an Officer or team has alerted them of a problem already.
  1. Notifiers should clearly identify themselves, and ask to be admitted. Be sure of the survivor's identity and ask that the survivor be seated and in privacy. If desired, the notifier may offer to tell children separately.
  2. Inform the survivor of the death speaking slowly and carefully giving any details that are available. Then, calmly answer any questions the survivor may have. Begin by saying, "I have some very bad news to tell you," or a similar statement. This gives the survivor an important moment to prepare for the shock.
  3. Avoid vague expressions such as "Sally was lost" or "passed away." Examples of plain language are: "Your daughter was in an accident and she was killed," or "Your father had a heart attack at his work place and he died."
  4. Refer to the victim by name, not as "the body" or the deceased." There are few consoling words that the survivors find helpful, but it is always appropriate to say, "I am sorry this happened."
  5. Patiently answer any questions about the location of the victim, and questions of a general nature concerning the facts and circumstances surrounding the death if known. If an answer to a question is unknown, offer to get back to the survivor when more information is available. Be sure to follow through.
- e. The notifier's presence and compassion are the most important resources brought to the notification procedure. Plan to take time to provide information, support and direction; never simply notify and leave.

1. Accept the survivor's emotions and your own. It is better to let a tear fall than to appear cold and unfeeling. Never try to talk survivors out of their grief or to offer false hope. Be careful not to impose your own religious beliefs. Many survivors have reported later that statements like these were not helpful to them: "It was God's will," or "She led a full life," or "I understand what you are going through" (unless the notifier has indeed had a similar experience).
2. Do not take a victim's personal items with you when making the notification. Survivors need time, even days, before accepting the victim's belongings. Eventually, the survivors will want all items and, if the property is in custody of the SCSO, the survivors should be told how it may be recovered.
3. Give survivors helpful guidance and direction. They bear the burden of inevitable responsibilities. Offer to call a friend or family member who will come for support, and stay until the support person arrives. Survivors may have a hard time remembering what is done and said, so write down for them the names of all who are contacted.
4. Inform the survivor of any opportunity to view the victim's body and be available to transport the survivor or a representative for identification, if necessary. Explain the condition of the victim and any restrictions on contact that may apply if there are forensic concerns. If appropriate, explain why an autopsy must be done. Viewing the body should be the survivor's choice and providing accurate information in advance will help a survivor make that decision. Some survivors will choose to see the body immediately and this should be allowed, if possible. Forbidding access is not an act of kindness.
5. Follow-up procedures should include leaving a name and phone number with the survivor and plan to recontact the next day. Many survivors are confused and some might feel abandoned after the initial notification. Many will want clarification or may need more direction on making necessary arrangements.
  - a. If the death occurred in another county or state, leave the name and phone number of a contact person at that location.
  - b. Following up can be the last step in completing a sensitive death notification that is truly helpful to survivors.

6. Sometimes a death notification must be made at a location other than in the survivor's home, for example, at a work place. Once a survivor has been made available (it is not necessary to divulge any details regarding the purpose of the visit) and is met in private, follow the basic notification procedures described above; in person, in time, in pairs, in plain language, and with compassion.

**NOTE:** Material in ¶ 3, 4 and 5 was adapted from "In Person, In Time" - a manual on recommended procedures for death notification, furnished through the courtesy of the Iowa Attorney General's Office.

**B. Administrative Notifications** – Members of the SCSO will comply with the policy entitled "**Administrative Notifications**" contained in the LEMOI, CSMOI and CMOI.

**C. Notification of Highway Department -**

1. The respective County, Town or Village Highway Superintendent, or the appropriate representative of the NYS Department of Transportation, has primary responsibility for emergency repairs to and/or the removal of debris from the highways and roads located within his jurisdiction.
2. Any member receiving a report of a highway or road condition which may constitute a hazard to the public safety or which may impede the orderly flow of traffic through the area should immediately notify the E-911 Center describing such condition and giving its location. If deemed appropriate, the member shall secure the hazardous area. Members should also advise the E-911 Center of any animal killed and laying dead on any road or street so that the appropriate highway department can be notified for the removal.
3. Upon receipt of such report, the E-911 Center will insure that the appropriate highway superintendent is notified using the current list of superintendents maintained in the E-911 Center. An entry of the date, time, and details of the notification will be made in the computerized complaint file.

**D. Notification of public utilities -**

1. Property and facilities belonging to a public utility, e.g. electric, gas, telephone, are the exclusive property of the utility and any work or alteration performed thereon should be only by qualified and authorized personnel of that utility. What is more important is that equipment in service for a public utility is frequently hazardous and complicated and its misuse can easily result in death or serious injury.
2. Any officer receiving a report of an incident which, upon investigation, indicates the need for emergency repairs to property or a facility belonging to a public utility, shall immediately notify the E-911 Center, furnishing all pertinent details.

If the incident presents a hazard to public safety, the member shall remain on the scene insuring that all steps are taken to prevent personal injury or property damage therefrom.

3. Upon receipt of the officer's information that emergency service is required, the dispatcher shall make prompt notification to the appropriate public utility in accordance with the current list of utilities maintained for this purpose in the E-911 Center. An entry of the date, time and details of the notification will be made in the computerized complaint file.

**F. Notification of news media and government agencies -**

1. Occasionally the SCSO comes into possession of information pertaining to safe travel such as weather reports from the National Warning System, or highway blockages because of an accident, snow or flooding.
2. At the discretion of the Sheriff or his/her designee, the Public Information Officer may be requested to notify the various newspapers, radio and television broadcasters of a particular condition for further dissemination to the general public. The SCSO has the ability to post near real time "ALERTS" on its website at <http://sheriff.co.seneca.ny.us>. Members encountering situations in which an "ALERT" would facilitate the public taking necessary precautions with regards to their safety or travel should request such an "ALERT" through their Chain of Command. At present, Division Lieutenants should contact the Undersheriff who has the access to create and maintain such "ALERTS." An entry of the date, time and details of the notification will be made in the computerized complaint file.

**G. Notifications under the Sex Offender Registration Act (Megan's Law)** may be made under the provisions of Article 6-C of New York State Correction Law, effective January 21, 1996. The responsibilities for receiving registrations of sex offenders and the maintenance of records in connection therewith will be found in "**Records & Reports**", ¶ W. this Manual. The purpose of the act is to provide law enforcement agencies with information concerning convicted sex offenders living within the jurisdiction and to allow the agency to make a determination as to the selective dissemination of that information in order to protect the community from further episodes of sexual abuse and exploitation.

1. Public dissemination of information regarding a sex offender is authorized only if the offender's crime was committed on or after January 21, 1996. Information regarding an offender whose crime was committed prior to January 21, 1996 will not be released to the public.
2. § 168-1 of the Correction Law provides for the establishment of a five person Board of Examiners to be appointed by the governor; three from the Division of Parole and two from the Department of Correction. Using their own guidelines, the Board will assess the risk of a repeat offense by an offender and

the threat posed to public safety therefrom. There are three levels of risk that may be described by the Board:

- a. If the risk of a repeat offense is low, a level one designation shall be assigned. In such case the law enforcement agency having jurisdiction and the agency having had jurisdiction at the time of the conviction shall be notified. There is no provision under the law for further dissemination to the public of information pertaining to a level one offender; therefore no information will be released.
  - b. If the risk of repeat offense is moderate, a level two is assigned. As above, the agencies are notified and "may disseminate relevant information which may include approximate address based on sex offender's zip code, a photograph of the offender, background information including offender's crime of conviction, modus of operation, type of victim targeted and description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity (e.g. SCSO) receiving information on a sex offender may disclose or further disseminate such information at their discretion."
  - c. If the risk of repeat offense is high and there exists a threat to the public safety, such sex offender shall be deemed a "sexually violent predator" and a level three is assigned. The above notifications apply; however, in this instance dissemination, in addition, may include the sex offender's exact address. Also, level three offenders will be included in the subdirectory (§168-q) and information therefrom shall, upon request, be made available to the public.
3. Although the act requires DCJS to provide local law enforcement agencies with pertinent information on all sex offenders who will reside in the jurisdiction, it does not compel an agency to make any further notification to other entities; rather, decisions to notify a school superintendent or a residence administrator, for example, remains discretionary with the agency. The SCSO maintains "Offender Watch" on its website at <http://sheriff.co.seneca.ny.us> wherein anyone can perform a search for registered sex offenders living based on individualized search criteria.

**H. National Highway Traffic Safety Administration (NHTSA)** – DCJS has requested law enforcement agencies to advise NHTSA of incidents involving children or adults who are locked inside automobile trunks either by accident or as a result of criminal activity. Notification should be made to (877)201-3172 (toll free) or via internet to [airbag.crash@nhtsa.dot.gov](mailto:airbag.crash@nhtsa.dot.gov) or by fax to (202)366-5374.

**I. Occupational Safety and Health Administration(OSHA)** - The Syracuse Area Office of OSHA has requested that police agencies assist them in making timely investigations by notifying them in the event of response to an incident where there is a fatality, hospitalization of three or more employees or the likelihood of death. Although it is the responsibility of the employer of accident victims to notify OSHA within eight hours of such incidents, they would like notification from the responding agency immediately, if possible.

In addition, OSHA requests any information indicating employees are working in dangerous or hazardous conditions and locations. They would like to be advised when it is observed that any employee has the potential for injury, for example falls from heights, caught in or between machinery, or by exposure to live electric parts or spills and releases of hazardous chemicals. In such circumstances, if deemed warranted, an OSHA investigator will be dispatched.

Notifications to OSHA may be made to the duty officer at (315) 451-0808, Monday-Friday 8:00 AM to 4:30 PM and at (800) 321-6742, nights, weekends and holidays.

- J. **New York State Department of Health (NYSDOH)** has entered into an agreement with the National Institute for Occupational Safety and Health to study traumatic work-related fatalities in New York State. The Fatality Assessment and Control Evaluation (FACE) project collects information on the factors that lead to fatal injuries in the workplace. FACE staff develops recommendations for the prevention of future injuries and distributes their findings to employers, workers, and other organizations interested in promoting workplace safety.

NYSDOH has requested that notification be made of all work-related fatalities as soon as possible after their occurrence, 24 hours a day, to 1-866-807-2130. The E-911 Center has included provisions for notification in their Standard Operating Procedures Manual.

## **PATROL RADIO COMMUNICATIONS**

STANDARD NO(S)

NYSLEAP 55.3 & 55.4

DATE:

May 7, 2009

REFER TO:

Michael Schell

### **I. OBJECTIVE:**

To establish procedures for the conduct of communications by two-way radio between members of the SCSO and the Seneca County E-911 Emergency Communications Department, hereinafter referred to as the E-911 Center.

### **II. POLICY:**

Modern police work requires that each on-duty officer have at one's immediate disposal the necessary equipment to insure clear and reliable communication with the E-911 Emergency Communications Department and with other officers with whom one may be working. To this end, each SCSO member assigned to the law enforcement function has access to both a mobile radio for use while in a vehicle, and to a portable transceiver for use when outside of the vehicle.

### **III. DETAILS:**

A. All full time SCSO members assigned to the Law Enforcement Division, including those of supervisory rank, are provided with both mobile and portable radio communications; the latter in the form of a battery-operated transceiver. Battery chargers are available and it is expected that the transceiver battery will be fully charged prior to each tour of duty. Part-Time members will obtain portable radios, located in the deputies' room at the LEC after signing the appropriate portable radio sign out form at the beginning and end of their tour of duty with the corresponding portable number.

B. Patrol radio equipment is designed to operate through the appropriate radio tower without adjustment or selection by the user.

C. Members will use proper radio procedures at all times, in accordance with the training provided in this subject at Basic School and later in the activity "Supervised Field Training." Good radio discipline and the courteous use of the system insure efficient, accurate and rapid communications. Radio transmissions, whether to the Communications Center, car-to-car, or to portable transceivers, are to be made in "plain English" in a professional and concise manner. Accuracy and clarity of speech are essential to good communication. Cutting in or interrupting a transmission in progress is not only discourteous, but could result in the loss of vital information. If

possible, confidential information should be conveyed by telephone, bearing in mind that cellular telephones are radio devices and afford no privacy.

D. Members will maintain their assigned portable transceivers in good working order. It is the responsibility of each member to notify the supervisor of the need for any repair, adjustment or modification. The Road Patrol Lieutenant or his designee will make the necessary arrangements for its delivery to the repair facility.

E. Members are required to have their portable transceivers switched on whenever on-duty and away from their patrol vehicle, unless the member is engaged in an activity, the nature of which demands radio silence to insure the member's safety or to prevent disruption of the member's objective; in which case the member should give prior notice to the Seneca County E-911 Center, if possible.

F. SCSO members assigned to the Road Patrol Division are required to contact the Seneca County E-911 Center at the following intervals:

1. At the start of the tour of duty;
2. Upon arrival at the office;
3. Upon arrival at the scene of an incident;
4. Upon completion of an assignment;
5. At the beginning of a vehicle or pedestrian stop and thereafter as additional identifying information becomes available; and,
6. Whenever there is a change of member's status such as, in or out of patrol car, out of service for any reason, back in service, etc. When an officer's unit has been silent for a half hour, the Seneca County E-911 Center may be automatically prompted to make a status check.

G. SCSO members in the law enforcement division have various radio packages installed and programmed into their two way radios for the purpose of routine and emergency communications. For instance, programming enables SCSO members to communicate directly with the E-911 Center, to other SCSO members car to car, to interagency law enforcement agencies or to operate on various other or tactical channels reserved for use in special operations and details.

The day to day operational channel is referred to as the "main channel", whereas other frequencies make up various radio packages depending on the needs of the SCSO and its various components.

A common county-wide channel known as TAC-II is reserved and used exclusively for the conduct of special operations or details and serves as a secure additional operational frequency in the event the primary frequency (main channel) is being utilized for an in progress or emergency event.

Pursuant to the Seneca County Emergency Communications Department, E-911 Center, Official SOP # 5.4 issued 02/11/09 the following protocol will govern the use of TAC-II by SCSO members.

1. In the event that of an occurrence of serious or emergency event or if an officers safety could be compromised, the 9-1-1 Center will instruct all units including SCSO members to move day to day or routine radio traffic to and operate on the TAC II frequency. SCSO units, not involved in the serious or emergency event, will remain and conduct day to day or routine radio traffic on the TAC II frequency until being advised by the 9-1-1 Center that they may return to radio traffic on the primary radio frequency.

For all in progress and/or emergency complaints, where the officer requests radio silence, or the dispatcher taking the call feels officer safety could be compromised, it will be the policy of the E-911 Center to advise all units involved in the incident that transmissions of an emergency nature will remain on the main frequency. All other units will be advised to conduct day to day operations on the Tac II frequency until 911 is advised by the Officer in charge of the incident that the emergency is resolved.

The communication officer shall clear the channel by using an alert tone and announce that all units involved in the emergency remain on the main frequency, all other units move to the TAC II frequency. At this time, the Senior Dispatcher will designate one particular dispatcher to handle all transmissions and phone calls pertaining to the emergency while the day to day operations will continue to be handled by the remaining dispatchers.

When the incident has been resolved, an alert tone will be utilized and the 911 dispatcher will announce that the incident has been resolved and all transmissions are to return to the main frequency.

## **2. Preplanned use of the TACII frequency:**

In addition, five (5) days prior to any scheduled event ( BUNY Patrol, carnivals/fairs, parades, Farm Days, seat belt details, and etc ) the officer in charge will notify the 911 Coordinator or the 911 Supervisor, in the coordinators absence, of this scheduled event, giving dates, times and locations. At the beginning of the scheduled event the 911 Center will put out an alert tone advising all units involved in the event to utilize TAC II and all other units to keep daily operations on the main frequency.

H. All SCSO personnel, including clerical employees, are assigned a unique three-digit number to be used for identification in radio communications as well as in the

computerized message system. These numbers are assigned by and changed only upon the authority of the Sheriff. The numbers are posted in the E-911 Center and are distributed to all personnel whenever updated. In the event a member is required to communicate using either a mobile or portable two way radio, the member will use one's own number for identification.

I. When interacting with other agencies in the SCSO delivery area, the procedures for communications shall be the same as outlined above.

J. Paragraph F (4) above notes the requirement to contact the E-911 Center at the completion of an assignment. All Road Patrol Members will advise the E-911 when they are clear and available for another assignment. All members should be run through the E-911 center to check for wants, driving privilege status or active orders of protection. Members will also notify the E-911 Center of warnings issued, what type and to whom, so other agencies can be made aware of these warning if they handle future complaints of the same nature.

K. Mobile Computers – Seneca County has provided laptop computers mounted in road patrol assigned Sheriff's vehicles. Regulations affecting the use of the mobile computer system will be strictly enforced.

1. Mobile Computers under the Sheriff's control are solely for authorized users conducting official business only. To protect the system from unauthorized use and to ensure the system is functioning properly, persons using Mobile Computers are subject to having the computer monitored and checked by supervisors or County IT personnel. It is clearly understood that anyone using a County owned laptop expressly consents to such monitoring and is advised that if such monitoring reveals evidence of possible abuse or criminal activity, system personnel may provide the results to appropriate officials. Anyone authorized to use a County owned laptop acknowledges understanding and acceptance of the computer use policies of the Sheriff and the County of Seneca.

2. Procedures for use of Mobile Computers:

a. Absent exigent circumstances, off-duty use of County owned Laptops is prohibited.

b. Laptops may be left in the vehicle when the officer is off-duty, provided the vehicle is locked.

c. Laptops shall be removed from the vehicle prior to leaving the vehicle for scheduled maintenance or repair.

d. In the event the vehicle is disabled (accident or breakdown), the member or shift supervisor shall ensure that the laptop is removed and secured.

e. laptop and computer users shall apply county computer resources only to activities directly related to the operation and conduct of county government. There shall be neither sexually explicit, discriminatory nor any inappropriate language or pictures.

f. The laptop is the property of Seneca County and all uses are stored in the normal course of business and therefore may be subject to review and even subpoena.

g. No employee should have an expectation of privacy in the use of county computer equipment or software. Employee use of computer equipment and software will be monitored.

3. Use of eJusticeNY:

a. Users will abide by eJusticeNY rules. Dissemination of eJusticeNY data will be done in accordance with all existing policies.

b. All personnel will receive in-service training, eJusticeNY training and certification prior to using the ejusticeNY.

## **ROAD PATROL**

STANDARD NO(S) NYSLEAP 39.1, 40.1-2,43.3,47.6,  
50.3, 55.5

DATE: 05/14/1997  
REVISED: 11/18/1998  
REVISED: 08/09/2010  
REVISED: 04/04/2011  
REVISED: 12/31/2011  
REVISED: 12/18/2018

REFER TO: John Cleere  
Michael Schell

### I. OBJECTIVE:

To establish guidelines for the performance of those members of the SCSO engaged in the road patrol functions.

### II. POLICY:

It is the policy of the Seneca County Office of Sheriff that all members assigned to road patrol duties shall dedicate themselves to the following performance objectives, thus promoting the safety and insuring the rights of the general public in Seneca County:

- A. Curtailment of personal injury and property damage accidents through the use of directed patrol and aggressive law enforcement.
- B. Reduction of crime by increasing the efficiency of preventive patrol, timely investigations and accurate and complete reporting.
- C. Lessening the harmful effects the impaired driver has upon public safety by making concentrated enforcement efforts and encouraging public awareness of the seriousness of such conduct.
- D. Meeting the needs of the public with a quick response to their calls for service and through thorough examination resolving those matters in a fair and just manner.
- E. Compliance with the performance objectives will be insured with periodic assessment by supervisory personnel.

### III. DETAILS:

A. Within the SCSO Law Enforcement Division, the Road Patrol Division is an established component. Supervision of the Road Patrol consists of five (5) Sergeants and one (1) Lieutenant who reports to the Chief Deputy, Under Sheriff and Sheriff. Responsibilities of those members assigned to the Road Patrol Division shall include the following:

1. **Preventive patrol** - This activity begins with the member's mere presence with a marked vehicle in an area; however, in order to be truly effective, must include the appropriate inquiry and inspection activity as well. A thorough knowledge of one's patrol sector, along with constant vigilance for the potential violations of public order and the curiosity to determine the reasons for unusual activity, will contribute greatly to the prevention of crimes and accidents.
2. **Crime prevention activities** - Through regular contact with the public, members will become aware of situations which may have the potential for, or appear to encourage criminal activity. The road patrol officer is in an excellent position to educate the citizen and to enlist his aid in the prevention of crime.
3. **Response to calls for services** - Because one is in constant radio contact while in an on-duty status, the road patrol officer is in a position to respond in a timely manner to a call for service.
  - a. Calls for service can originate in several ways:
    - 1) Thru a call to the E911 Center as a request for police presence in an emergency or non-emergency situation;
    - 2) Thru a call or contact with personnel at the LEC for either an emergency or non-emergency situation where an officer is requested; of
    - 3) When the public appears at the LEC to for information or to report a situation that should be handled by a police officer.
  - b. During regular business hours, personnel assigned to the Records Division will be the first contact a citizen has with the SCSO. Citizens come to the LEC for a variety of reasons such as to file a complaint or request information. If personnel in the Records Division can provide such requested they will make every effort to do so. If the matter is outside the purview of the Records Division the following procedure will be used:
    - 1) Records personnel will attempt to contact any on duty Deputy or Sergeant or if necessary the Lieutenant within the confines of the

LEC and request they respond to the lobby to assess the situation and arrange for the matter to be handled.

- 2) If not available, then a member of CID or if necessary a member of the Administration, should be contacted and requested to come to the lobby to assist;

- a) In this situation, when appropriate, the E-911 Center will be contacted and a request will be made to direct the local SCSO patrol to the LEC to handle the matter. When the local patrol is assigned by the E-911 Center, an estimate time of arrival (ETA) of the member will be established and the complainant will be informed.

- c. If there is to be a delay pending the arrival of a member of the Law Enforcement Division, the complainant may be given the option of waiting on the premises or meeting with an SCSO representative at another time or location. What is essential is that an early determination must be made by an appropriate officer as to the possibility of a threat to persons or property, the nature of the violation, if any, and the course of action to be taken.

- d. Having responded to a call for service, it is necessary for the road patrol Deputy to advise the E-911 Center when he or she has completed the call and is available for further calls. A report on how the complaint was handled will be made through the electronic SJS Record Management System.

- 4. Investigation of offenses** – A member assigned to the SCSO Road Patrol will respond to any calls for police service. When appropriate the member will request a backup patrol from the E-911 Center. Road patrol officers and Sergeants, if appropriate, are responsible to respond to all calls for service and be responsible for the preliminary investigation action and required SJS reports. Road Patrol Officers, and if appropriate Sergeants, are responsible to investigate and follow through to conclusion all cases involving violations and misdemeanor crimes unless directed otherwise by a higher authority. Road Patrol deputies are to consult with the Duty Sergeant before calling the on call CID Investigator. Most Felony cases, except V&T Felonies, are turned over to CID. In some Felony cases, where a CID response is not needed, the Road Patrol may handle the case with the approval of the Duty Sergeant and the on call CID Investigator. With the consent of the CID Lieutenant Road Patrol Officers may continue to handle or assist with any Felony case on a case by case basis. All Road Patrol Officers are responsible to see that all information developed—including but not limited to: original notes, statements, text messages, emails and documents are turned over to the CID Investigator assigned.

- a. The initial phase, known as the preliminary investigation, [See "**Criminal Investigations**", this manual] of all offenses will be conducted by the member(s) responding to the scene, unless ordered otherwise by the shift Sergeant or higher authority. In this circumstance, the matter will be

handled by a member assigned to the Criminal Investigation Division or by some other component of the SCSO.

- 1) The preliminary investigation includes careful evaluation of the situation upon arrival; location, identification and interviews of suspects, victims, witnesses or complainants; protection of the scene, if necessary; and the collection or the request for collection of evidence. All such activity must be recorded and submitted in an appropriate report.
- b. If information is obtained that should be entered into the EJUSTICE system, such as a missing person, a stolen vehicle (auto, motorcycle, ATV) firearm, etc. The responding officer is responsible for providing that information to the E-911 Center immediately after taking the report. Do not wait until the end of the shift. The E-911 Center will send the message and provide the message number. This number shall be entered in the Incident Report. Sergeants will not approve any reports at shift's end that lack this number.
- c. Members assigned to the Road Patrol are expected to conduct follow-up investigations whenever possible, [See "**Criminal Investigations**", this manual.] Depending upon the locality or complexity of the matter, or other indicated need for a specialized investigation, the case will be turned over to the Criminal Investigations Division for follow-up. Circumstances which will result in automatic transfer to CID are for example, but not limited to:
  - 1) The offense appears to be one of a pattern;
  - 2) All felony crimes, except Driving While Intoxicated
  - 3) The investigation involves a member of the SCSO; or,
  - 4) There is some other condition which would make it difficult for the road patrol member to follow-up, such as a scheduling issue or a conflict of interest.
    - a) In cases where there is a question as to appropriate referral to CID from the Road Patrol the CID Lieutenant, after a thorough review of the case facts has the right to decline adoption and assignment to a CID Investigator.
    - b) Nothing in this directive shall preclude members having different assignments from working together on a follow-up investigation, provided their respective supervisors approve and such activity will cause no impairment of a component's chief function.
- d. Road Patrol personnel are occasionally dispatched to a banking institution on the basis of an alarm having been received at the E-911

Center. As noted in "**Communications**", this manual, the Seneca County E-911 Center has a policy and procedure (7.1) dealing with alarms including bank alarms. The E-911 Center Communications Officer will attempt to determine the validity of the alarm and will advise any dispatched units of the result.

- 1) The methods for determining the status of a bank alarm have been developed by the FBI and the banking industry in this area. They consist of a telephone inquiry (during business hours); an observable signal in the form of a green card placed inside a window or glass door at each customer entrance of the bank; and, a bank employee inside the entrance to intercept the responding law enforcement officers.
- 2) The green card is a signal to the officers that it is safe to enter, i.e., either the alarm was activated by mistake, or if there had been a hold-up, the perpetrators are no longer on the premises. The green card system was developed to eliminate the possibility of a hostage situation inside the bank.

DO NOT ENTER THE BANK IF YOU DO NOT SEE A GREEN CARD.

- 3) Failure to receive the coded response by telephone, or if the telephone is not answered, the E-911 Center will notify the responding units that the proper response code WAS NOT received and caution should be used upon approach (If an alarm is received after business hours when the premises should be unoccupied, the incident shall be treated as a crime in progress.)
- 4) Upon notification from the 9-1-1 Center that the proper response was received, meaning that a bank employee has described the alarm as false; the following procedure shall be followed:
  - a) One of the dispatched units shall proceed to the bank at non-emergency speed.
  - b) Even with assurance that the alarm is false, responding personnel should, nevertheless, exercise due caution and look for both the "green card" displayed on the inside of the customer entrance door, and for the bank employee who should be waiting inside the door to assist.
5. **Civil matters** - As noted in "**Code of Conduct**" this Manual, officers may not assist in the prosecution of a private or civil matter, except when authorized after due process. This limitation on a police agency is frequently misunderstood by the public.
  - a. Where a purely civil matter is indicated, the responding officer should carefully explain the SCSO's lack of jurisdiction and suggest the complainant contact an attorney, legal assistance, small claims court, the

Center for Dispute Settlement, or any other referral agency deemed appropriate.

6. **Traffic direction and control** - Road patrol officers will respond to reports of traffic problems, or where traffic problems can be anticipated. On the scene, the road patrol officer shall assume responsibility for the resumption of the safe progress of traffic, and, if caused by a hazard which can be removed, one shall take action to do so.
  - a. Hazards which might be encountered include debris in the roadway, defects in the roadway itself, vehicles parked or abandoned on or near the roadway, or defects in or the lack of highway safety devices.
    - 1) The road patrol officer shall be familiar with highway safety devices which are used in the patrol post on a permanent or temporary basis. Such devices include, but are not limited to:
      - a) Street lighting and reflectors;
      - b) Traffic control signs and devices;
      - c) Pavement markings and conditions; and
      - d) Impact attenuation devices.
    - 2) Upon becoming aware of a condition affecting the safety of a roadway, which cannot be rectified at once, the member shall immediately advise the E-911 Center.
    - 3) In the event the threat to the safety of highway users is immediate, the member shall remain at the scene to direct and assist traffic movement until the hazard is removed or until one is relieved by competent authority.
    - 4) In the event the traffic impediment involves a hazardous material, the member should refer to "**Hazardous Materials Incidents**," this Manual.
  7. **Regulation of businesses or activities** - Road patrol officers may be required to make on-site inspections of activities that are licensed by the New York State Racing and Wagering Board for the purpose of insuring that licensees are in compliance with the law.
  8. **Maintenance of public order** - Certain private or public activities result in large gatherings. The presence of on-duty SCSO members at such events insure that public order is maintained.
  9. **Provision of emergency services** - Because of the general availability of on-duty SCSO members, they will occasionally be called upon to

provide emergency services until the arrival of another appropriate agency if required.

**10. Development of relationships between citizens and the SCSO** - All members, regardless of assignment, should never lose sight of the necessity for fostering good relationships with individual citizens and groups and should put this into practice at all times. No law enforcement agency can function without the goodwill and cooperation of the public.

**B.** Communication, coordination and cooperation between personnel assigned to the Road Patrol Division and other components of the SCSO shall be accomplished through:

1. Monthly management meetings;
2. Patrol supervisors meetings;
3. Shift briefings, either verbal or written; and
4. The exchange of information via the SCSO computerized message system.

**C.** Members assigned to the Road Patrol Division are the eyes and ears of the SCSO. Their effectiveness will be in direct proportion to their diligence in assuring that information received is passed along to other SCSO components, especially those whose function is the investigation of offenses and the apprehension of suspects. The media through which this kind of information is disseminated are:

1. Discussion based on officer's notes - Members are encouraged to discuss significant activities and ongoing cases within their assigned posts with criminal investigators working in that patrol area.
2. Incident Reports - Reportable activities are reflected in the appropriate format and are submitted to the shift supervisor at the end of the shift. These reports shall be reviewed by the patrol supervisors and, if appropriate, are forwarded to the Criminal Investigation Division.
3. In order to insure that all personnel are aware of the latest developments in matters within their purview, investigators shall, if appropriate, prepare written handouts for distribution through the patrol supervisor, or include the necessary information in the message system or on the current hot sheet. Consideration should be given to methods by which confidentiality can be maintained, if necessary.

**D.** The SCSO is staffed 24 hours a day, every day of the year. Provided each 8-hour shift is at full complement, road patrol staffing is as follows:

1. "A" Line - From a total of 3 officers assigned, a minimum of 2 on-duty officers;

2. "B" Line - From a total of 3 officers assigned, a minimum of 2 on-duty officers; and,
3. "C" Line - From a total of 3 officers assigned, a minimum of 2 on-duty officers

In addition, each shift is supervised by a road patrol Sergeant or higher ranking officer.

- E.** In order to provide for continuous patrol coverage of Seneca County, the following schedule of shift changes shall be in effect:

- "A" Line – 11:00 PM to 7:00 AM,
- "B" Line - 7:00 AM to 3:00 PM, and
- "C" Line - 3:00 PM to 11:00 PM.
- "A+" – 10:00 PM to 8:00 AM
- "B+" – 6:00 AM to 4:00 PM
- "C+" – 2:00 PM to 12:00 PM
- "G" – 11:00 AM to 7:00 PM
- "G+" – 10:00 AM to 8:00 PM
- "H" – 7:00 PM to 03:00 AM
- "H+" – 6:00 PM to 4:00 AM

1. Officers reporting for duty shall, arrive at their assigned post prior to the designated starting time, unless given permission by their patrol Sergeant or a higher ranking officer. Upon arrival at the assigned post, the previous shift officer is relieved. Shift briefing for the reporting officer is discussed in ¶K below.
2. When, by reason of illness or other emergency, an officer is unable to report for work, it is the member's responsibility to notify the shift Sergeant, or in his absence, another on-duty member must be notified immediately. Failure to do so will result in the absence being designated as an unpaid day for the officer. Upon being notified of a member's absence, the shift supervisor or member will send an electronic mail message email to the Road Patrol Lieutenant AND the clerical person designated to do payroll detailing the call in absence.

**F.** It is the responsibility of the Sheriff to insure that effective patrol coverage is provided throughout the county. To achieve this, final authority for the designation of patrol areas must rest with the Sheriff.

1. Shift assignment shall be done in accordance with the Union contract. The following guidelines will govern patrol shift assignments:
  - a. New members will be assigned to a Field Training Officer for a period of not less than nine (9) weeks. See "**Field Training Officer Program**", this manual.
  - b. Following successful completion of the Field Training period, the member assigned to the Road Patrol Division, as a full time officer shall have the opportunity to express a preference for a particular shift assignment as follows:
    - 1) Bids are put out at different times of the year but each encompasses a six week rotation, members may submit a shift preference list for each of these six week rotations.
    - 2) Preferences will be accommodated on the basis of member's seniority in the Road Patrol Division.
    - 3) After bidding is completed members may ask for a "swap" with another member, this will be submitted in writing and signed by both members indicating they both request the swap. It will be forwarded to the Road Lieutenant for final approval. Approval will be based on what is best for the SCSO, but no request will be unfairly denied. No request will be approved if it causes an increase in overtime.
  - c. Members may volunteer for special assignments and when there are insufficient volunteers, the road patrol supervisors will assign members to be able to complete the detail and will do so on a rotating basis.

**G.** In order to insure the proper delivery of law enforcement services throughout the county, the county has been divided into five patrol posts. The boundaries of the patrol posts shall be determined by township. Members assigned to the Road Patrol Division will be assigned to a patrol post and will remain within the boundaries of that post throughout the shift unless directed to leave the post by the shift Sergeant or other competent authority.

**H.** It shall be the responsibility of the shift (or duty) Sergeant to assign members to the various patrol posts. Such assignment shall be made on the basis of the number of patrols available, i.e., a patrol may be directed to cover more than one post. In a county like Seneca, It is desirable that all officers become thoroughly familiar with all areas in the Seneca County. Sergeants should rotate patrol post assignments to insure members become familiar with all portions of the County. It will also be the responsibility of the shift Sergeant to assist members in

completing follow-up investigations by assigning members to appropriate patrol posts to accomplish such follow-up investigations.

- I. Proper supervision is essential to the discipline and high level of competence which is expected of our profession. The Sergeant, as the first-line patrol supervisor, has the primary responsibility to guide, train, direct, motivate and counsel subordinates. In order to meet these responsibilities, the number supervised, their deployment, and the duration of such supervision must be held to manageable limits.
- J. Work schedules for members and Sergeants assigned to the Road Patrol Division are based on an 80 work hours in a two week payroll period. The Road Patrol work week cycle consists of six day cycles; four days on-duty, two days off-duty, after which the cycle repeats. In the weeks that 40 hours would not be reached due to the above schedule, then four, ten hours days, known as “plus” shifts will be worked with two days off-duty.

The Sheriff will attempt, in good faith, to adhere to this plan; however, in the interest of meeting responsibilities to the public, scheduling decisions are solely those of the Sheriff.

**K. Shift briefing –**

1. As noted in ¶E above, officers are expected to be prepared to assume duty at the designated starting time. Whether at roll call, by radio or other electronic means from the Duty Sergeant or other competent authority, the following matters will be addressed:
  - a. Verification of post assignments and notification of any changes;
  - b. New policies, procedures, or directives;
  - c. Information regarding stolen vehicles, wanted persons, or general intelligence from other SCSO components or outside agencies;
  - d. Noteworthy events or hazardous situations as reported by earlier shifts;
  - e. Relevant community-based initiatives, if any; and
  - f. Training matters.
2. The road patrol Sergeant is responsible for meeting the patrol officers in their respective posts in order to conduct personal and vehicle inspections and to insure the delivery of any necessary paperwork. To facilitate the sharing of information between officers, investigators, and supervisory personnel, the E-mail system from and to any of the Community Offices provides a secure method of communication.

**L** The safety of SCSO members while responding to a call for service is of paramount concern; therefore it is recognized that certain calls demand the presence of more than one officer to handle the matter effectively.

Although the decision to deploy additional officers is ordinarily made by the road patrol supervisor, the incidents listed below are typical of those calls which would require that at least two patrol units be dispatched.

1. Member's call for assistance (e.g., officer is under actual or threatened attack, or arrest is being resisted).
2. Alarm, residential or business.
3. Report of violent misdemeanor or felony in progress, e.g., assault, robbery, burglary.
4. Report of family disturbance.
5. Report of a violent person.
6. Mental hygiene arrest.
7. Report of attempted suicide.
8. Report of a fight in progress or violence is threatened.
9. Serious motor vehicle accident or traffic control situation.
10. Execution of a felony warrant.
11. Report of the display or threatened use of weapons.
12. Report of fleeing suspect.

**M.** As set out in the Criminal Procedure Law, Section 140.50, "a police officer may stop a person in a public place located within the geographical area of such officer's employment when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the Penal Law, and may demand of him his name, address and an explanation of his conduct." Members of the SCSO are encouraged to conduct field interviews, which do not violate the above provisions, in order to resolve any ambiguous and suspicious situation. In all such instances, the member should:

1. Advise the dispatcher of the activity and the location; and,
2. Approach the intended interviewee with caution.

**N.** Generally, it shall be the policy of the SCSO to respond to a report of a crime by having a patrol officer make a personal on-the-scene appearance for the collection of information. Recognizing that there may be circumstances in which

a victim or complainant may be reporting an incident from outside the jurisdiction of the SCSO; the following criteria are set out governing the acceptance of such information in this alternative manner:

1. Victim/complainant is lodging a formal crime report in writing or through his attorney; or,
  2. If by telephone, the investigating member shall verify that the information is directly related to a crime and that the source is the victim/complainant, his attorney, or some responsible person acting on his behalf if he is incapacitated.
  3. These criteria should not discourage a member from receiving information other than in person, especially if the information concerns an impending emergency or criminal activity and it appears to be credible. A report on how the complaint was handled will be made through the electronic SJS Record Management System
- O.** The New York State Criminal Procedure Law, which codifies all aspects of prosecution from arrest to sentence and beyond, does not require police officers to be present at arraignments.
1. In the case of other preliminary proceedings, such as a hearing to determine whether a defendant is to be held for Grand Jury action, or a hearing to determine whether evidence or a statement is to be suppressed, a police officer's presence may be required if the officer's testimony is considered necessary. In this event, a written report or sworn affidavit will not suffice.
- P.** Occasionally, members assigned to road patrol duties will encounter a situation which requires the presence of a supervisor at the scene for the purpose of assuming command. In this context, "supervisor" means the on-duty road patrol Sergeant or Lieutenant, who will proceed to the scene upon notification that any of the following incidents have occurred:
1. Fatal or serious accidents/fires;
  2. Suicides or natural death cases;
  3. Felonious assaults;
  4. Serious felony cases;
  5. Bomb threats or evacuations;
  6. Fugitive or missing person searches;
  7. Barricaded suspect or hostage situation;
  8. Incidents involving the use of force;

9. Injured SCSO member;
10. Accidents involving County-owned vehicle;
11. Crowd control, if potentially violent; and,
12. Details or out-of-county assistance, if more than two members.
13. Cases involving suspected or confirmed Hate Crimes.

The road patrol Sergeant has the authority to make the necessary decisions for requesting additional resources in order to meet the objective; however, it shall be incumbent upon the Sergeant to notify the duty Lieutenant that on-the-scene supervision is underway. In the event the situation requires coordination among SCSO components, or with one or more outside agencies, the Lieutenant will personally respond to the location.

It is the Lieutenant's responsibility to notify the Sheriff through the chain of command. In the absence of the Sheriff, Undersheriff or Chief Deputy, the Lieutenant shall act to insure that all appropriate policies and directives are followed.

- Q.** As seasonal supplements to the regular patrol function, the SCSO provides marine patrol; components of the Marine Unit are described as "**special details**", this manual. These patrols are staffed by part-time members and are under the command of the Road Patrol Lieutenant.
1. The marine patrol operates on a regular basis from May to September, with priority given to the regulation of boat traffic on Seneca and Cayuga Lakes and the Seneca Canal, all of which lie partly within Seneca County. The marine patrol is also responsible for providing support as needed to the area fire departments Underwater Search & Recovery Units as described elsewhere in this Manual. Members assigned to the marine patrol are required to file the necessary reports based upon their activity.
  2. As with any other arrest, one made for operating a vessel while intoxicated under the provisions of the Navigation Law, must be founded on probable cause.
    - a. The difficulty here is that unlike a traffic stop, intoxication of a boat operator may not be so readily apparent since the member will not ordinarily be close enough to observe the physical signs of intoxication, nor will one usually be in a position to administer a field sobriety test to confirm one's suspicions. Therefore, the member must find reasonable cause from the totality of the circumstances surrounding the incident which, when taken together, indicate operation in violation of the law. Such circumstances may include, but are not limited to:

- 1) Evidence of operation in violation of any provision of the Navigation Law which regulates the manner in which a vessel is to be properly operated while underway.
- 2) Visible indication of alcohol or drug consumption or impairment by the operator.
  - 3) Any other evidence surrounding the circumstances of the incident which indicate that the operator had been operating a vessel while impaired by the consumption of alcohol or drugs or intoxicated at the time of the incident.
3. It shall be the policy of the SCSO, consistent with similar policy affecting DWI, that an operator who is believed to be intoxicated shall be charged with a violation under Section 49-a, paragraph 2 (a). Having made the determination that the operator should be so charged, the member should adhere to the following procedures:
  - a. The person shall be told that he is under arrest for boating while intoxicated. It must be realized that an arrest under these circumstances is a custody arrest since the level of intrusion which accompanies the removal of the arrestee from the site cannot be avoided; therefore any questioning must be preceded by the Miranda warning and waiver.
  - b. Using the following language, the arresting officer should say the chemical test warnings as follows:
    - 1) You are under arrest for operating a vessel while in an intoxicated condition.
    - 2) You are requested to submit voluntarily to a chemical test of your breath (blood or urine) to determine the alcoholic (or drug) content of your blood. If you refuse to submit to a chemical test, the fact of your refusal will be introduced into evidence at any trial, proceeding or hearing resulting from this arrest.
    - 3) Will you submit to such a chemical test?
  - c. If the operator consents, the member shall contact the E-911 Center and request that:
    - 1) The shift Sergeant be notified and transportation arranged.
    - 2) Arrangements be made to obtain the assistance of a certified breath test operator or of a medical facility for the drawing of blood or urine.

- 3) The arrestee will be removed to the location designated for the breath test. Using the same methods as stated in "**Traffic Administration, Enforcement and Control**", this manual.
- d. If a breath test is to be administered, the procedures set out in **Traffic Administration, Enforcement & Control**, this Manual shall be followed.
- e. The procedures applicable to a blood or urine test will be found in paragraph H (10) of the above citation.
- f. The provisions for obtaining a court order for a chemical test in those cases where a boating accident resulted in the death or serious physical injury of a person, other than the operator, and there is reasonable cause to believe the operator was intoxicated, are set out under Navigation Law, Section 49-a, paragraph 8 and shall be carefully followed.
- g. A member making a custody arrest of an operator under any provision of the law shall take any necessary action to insure that the defendant's vessel is secured at a safe location on shore.
- h. In cases where there is no reason to keep the arrestee in custody, thus not necessitating an arraignment, the member may issue a Parks and Recreation Ticket for a court appearance at a later date.
- i. Any samples of blood or urine obtained shall be stored and secured in the evidence refrigerator located in the patrol office and the Evidence Custodian shall be notified of such evidence being present in the refrigerator for transmittal to the laboratory in accordance with procedures described in this Manual.
- j. The following is a checklist of the reports and other documents which may be required following an arrest made for boating while intoxicated and, if appropriate, which should be assembled into a packet for review by the shift Sergeant:
- 1) Arrest report
  - 2) Report of refusal to submit to chemical test
  - 3) Incident report
  - 4) Accident report
  - 5) Teletypes
  - 6) Results of breath test or any laboratory test results, when received
  - 7) Copy of Parks & Recreation Tickets

- 8) Other accusatory instrument together with any supporting depositions
  - 9) Statements
  - 10) 710.30/Bill of Particulars
  - 11) Copy of court order for compulsory chemical test and application requesting same
  - 12) Oral exam
- k. Upon completion of the arrest and any testing procedures, it is the responsibility of the arresting member to advise the E-911 Center in order that the required teletype may be sent to the Commissioner of Parks, Recreation & Historic Preservation in Albany.
4. Activation of the marine unit may be initiated by the duty Sergeant with approval of the Lieutenant. Requests for these resources from out-of-county agencies must have the prior approval of the Sheriff or a designee.
- R.** As members assigned to the Road Patrol travel throughout Seneca County, they will be in a position to recognize and identify an actual or potential police hazard, defined as "any situation, person, property or place that may induce an incident calling for some law enforcement action." Some of these are:
1. Clandestine drug laboratories - With the proliferation of controlled substances, rural areas have offered ideal seclusion for the manufacture and processing of illegal drugs. Members suspecting such activity shall, after obtaining available preliminary information such as location, persons involved, vehicles present, chemicals purchased or stored, unusual security measures, report immediately to the shift Sergeant who, in turn, will notify the CID supervisor or on-duty Investigator for further possible investigation.
  2. Public events - As with any resort area, Seneca County is host to many seasonal visitors who attend events such as the Seneca County Fair, Empire State Farm Days, the Strawberry Festival, among others. Any of these can be expected to attract at least a few persons with criminal proclivities. Members assigned to road patrol duties should be aware of this potential for the need for law enforcement action.
  3. Public locations - There are a number of parks in Seneca County where young people, especially minors, congregate for the consumption of alcoholic beverages or illegal drugs. This activity generally takes place after dark. If observed, members should notify the shift Sergeant who will assess the need for additional manpower in the event an enforcement action is necessary. Some of these locations are:
    - a. Seneca Lake State Park, Route 5 and 20, Geneva (T/Waterloo)

- b. Cayuga Lake State Park, Route 89, Seneca Falls
  - c. Lodi Point State Park, County Road 136, Lodi
  - d. Deans Cove State boat launch, Route 89 Romulus
- 
- e. Herndon Park, First Street, Willard
  - f. Three Bears park, Main Street, Ovid (County Park)
  - g. Ovid Municipal Park, Behind the Ovid Municipal Building, Ovid
  - h. Lodi Town Park, Orchard Street, Lodi
  - i. The Play Ground, Lower Lake Road, Seneca Falls
- 
- 4. Information regarding the presence or updating of actual or potential police hazards as described above, whether received from SCSO members or from an outside agency, will be disseminated at briefings and/or through the computerized message system, thereby insuring its receipt by all concerned. It shall be the responsibility of the shift Sergeants or Lieutenant to determine the best patrol techniques to be used to minimize or, if possible, to eliminate police hazards; however, when a member is confronted with a police hazard, one may act immediately to minimize or eliminate the hazard, taking into consideration public safety, officer safety and the need to act without further delay.
- 
- T. Spillman Incident Management System** – Spillman is a computerized incident reporting system and records management tool. It works as a data base for all reportable incidents, arrests and other subjects including the master name index. All Law Enforcement members have access to this system through the computer network. The following guide lines for the use of the Spillman system is as follows:
- a. All law enforcement officers, designated employees assigned to the records division and other designated members deemed by the Sheriff to need access, will have rights to utilize Spillman through computer work stations located in the patrol, CID, administration and records areas. All laptops will also have this program so they may be used as a work stations in the LEC and north patrol station, when logged onto the SCSO electronic network. Each user will have a unique user name, set by the Spillman administrator or Network administrator and password as selected by the user. If the user forgets their password or feels there is a breach to their security access they may request the password be reset by the Spillman administrator or Network administrator.
  - b. All calls for service that members are sent to by the E-911 center require a Spillman entry be made. If the member is cancelled from one call to answer another then ask E-911 center to note that in the complaint.

- c. Calls for Service (complaints) may be generated by a call from the public or self-generated by the officer. Self-generated calls for service, including but not limited to: Traffic Stops, Property Checks, Suspicious Person checks and Suspicious Vehicle checks will also require a Spillman entry.

**U. TraCS System-** Traffic and Criminal Software (TraCS) is a computer base reporting system for uniform traffic tickets (UTT), MVA's, incidents and field interviews. Each member of the road patrol unit and others as deemed necessary by the Sheriff will have access to this system through all the computer work stations located in patrol, selected CID and administration and all records computers work stations. This program is also located on the laptop computers in Sheriff Office patrol vehicles.

- 1. Each user has a specific user name set by the TraCS administrator and password as selected by the user for log in purposes.
  - 2. It is recommended that members do a "START SHIFT" every day before going out on patrol. This will update their laptop mobile unit for TraCS.
  - 3. All UTT's will be issued through the TraCS system unless there is extenuating circumstance for them not to be. Reasons for not using the TraCS system may include but are not limited to, the system being down, laptop not working properly, printer in vehicle is down and not yet trained on system.
  - 4. Each member will, at the end of their shift do an "END SHIFT" on their laptop sending all shift activity to the Server.
  - 5. After "END SHIFT" the member will log into the RMS system and finish out all incidents that migrated over from TraCS.
  - 6. Problems with the TraCS system are to be reported to the Patrol Lieutenant, the Patrol Lieutenant will be responsible to make arrangements for repairs and coordinate with TraCS support unit in Albany and the Seneca County Network coordinator for such repairs.
  - 7. Each new member will receive training on the use of TraCS during their field training time and it will be the responsibility of the members FTO to see that this is completed.
- V. Hospitalization of the mentally ill - § 9.58(a) of the Mental Hygiene Law** provides for a "mobile crisis outreach team" comprised of certain mental health professionals who have the power to remove or *to direct the removal* of any person to a hospital "for the purpose of evaluation for admission if such person appears to be mentally ill and is conducting himself in a manner which is likely to result in serious harm to the person or others."

1. § 9.58(b) provides that "if the team physician or qualified mental health professional determines that it is necessary to effectuate transport," he or she may *direct ... a sheriff's department* to take into custody and transport any persons identified in subdivision (a) of this section."
2. Members of the SCSO, while engaged in road patrol duties, may be called upon to render such service. Arrangements should be made to have two officers, riding together, engage in such transportation.
3. For further guidance, § 9.61, entitled "Transportation of persons to or between hospitals" reads, "In carrying out the transportation of any person to or between a hospital, including a comprehensive psychiatric emergency program, pursuant to the provisions of this article appropriate attempts shall be made to elicit the cooperation of the person to be transported, prior to resorting to compulsory means of transportation."

## **HATE CRIMES**

STANDARD NO(S): NYSLEAP #44.2

DATE: January 9, 2014

REVIEWED: 03/15/17

REVISED: 11/16/18

REFER TO: Timothy Thompson

### **I. OBJECTIVE**

This policy is designed to assist employees in identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by members of the SCSO can help stabilize and calm the community as well as aid in a victim's recovery.

### **I. POLICY**

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. The SCSO will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, members of the SCSO shall be mindful of and responsive to the security concerns of victims and their families.

### **II. DEFINITIONS**

A. New York State Penal Law §485.05 Hate Crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender,

- religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

For purposes of this section:

- (a) The term "age" means sixty years old or more;
- (b) The term "disability" means a physical or mental impairment that substantially limits a major life activity.

The crimes that can be charged under the Hate Crime statute are listed in attachment A.

B. Penal Law §240.31 Aggravated Harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section §240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section §240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or

3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property;
4. Sets on fire a cross in public view; or
5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

Aggravated harassment in the first degree is a class E felony.

C. Penal Law §240.30(3) Aggravated Harassment in the second degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, he or she;

- (a) Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Aggravated harassment in the second degree is a class A misdemeanor.

The additional crimes that can be charged under the Hate Crime statute are listed in Attachment A.

### **III. PROCEDURES**

A. Goals

1. Members shall conduct a thorough and complete investigation in all suspected and confirmed hate crime incidents and assist the local prosecutor.
2. Members should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.

## B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but not limited to:
  - a. Stabilizing injured victims and requesting medical aid.
  - b. Providing protection to victims and witnesses by increased police presence.
  - c. Protect the crime scene and have technician collect and photograph physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Identify criminal evidence on the victim if applicable.
3. Request the assistance of a translator or counselor when necessary.
4. Request the assistance of an investigator and supervisor.
5. Conduct a preliminary investigation and record information on;
  - a. The identity of suspected perpetrators,
  - b. The identity of witnesses, including those no longer at the scene,
  - c. Prior bias-motivated occurrences in the immediate area or against the same victim. (Check with Crime Analyst, NYSIC (518) 786-2100
  - d. Statements made by suspects; exact language is critical.
6. Arrest suspected perpetrators if probable cause exists.
  - a. Conduct interview and attempt to establish motive.
  - b. Consult with prosecutor if there is a question as to proper criminal charges.
7. Take measures to ensure that necessary preliminary actions have been taken and brief the responding supervisor as to those actions.

During your investigation, look for possible signs that the incident may be a hate crime:

- The motivation of the perpetrator or lack of motive.
- Statements made by the perpetrator.
- The presence of multiple perpetrators.
- The display of offensive symbols, words or acts.
- Was any hate literature found in the possession of the suspect?
- Is the victim the only person of a particular group at a park or facility?
- Is the victim from a different racial, ethnic, religious group than the perpetrator?
- The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim don't know each other.
- The perpetrator's perception of the victim, whether accurate or not.
- The date, time, or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
- Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
- Were the real intentions of the perpetrator racial, color, religious or ethnic oriented? Or, were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?
- Incident occurred in proximity to an establishment that could be associated with one of the protected classes.

- The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victims forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.
  - The victim's perception that he/she was selected because they are a member of an identifiable group.
8. The mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias. Even the mere perception that the incident may be motivated by bias shall necessitate a notification to a patrol supervisor.
  9. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.
10. Note that an attack against a transgender victim could be covered under sexual orientation or gender.

#### C. Supervisory Responsibilities

The SCSO supervisor shall confer with the initial responding deputy(s), take measures to ensure that necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim.
  - a. Express the SCSO's official position on the importance of these cases, and describe the measures that will be taken to apprehend the perpetrators.
  - b. Express the SCSO's interest in protecting victim's anonymity whenever possible.
  - c. Allow the victim a period in which to express his or her immediate concerns and express his or her feelings.
  - d. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.

- e. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services. Provide information regarding New York State Crime Victims Board (Attachment B).
  - f. Tell the victim about the probable sequence of events in the investigation and prosecution.
  - g. Explain security measures and precautions to the victim.
2. Ensure that officers and investigator conduct a thorough preliminary investigation.
  3. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime.
  4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
  5. Take preventive measures to ensure safety of the victim.

#### D. Investigator's Responsibilities

In responding to the scene of an alleged hate crime, investigators shall assume control of the follow-up investigation to include the following:

1. Ensure that the scene is properly protected, preserved, processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The officer or investigator shall follow-up to ensure that this is accomplished in a timely manner.
2. Conduct a comprehensive interview with all victims and witnesses (and depose) at the scene, or as soon as possible thereafter, and canvass the neighborhood for additional sources of information.

3. Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution.
4. Coordinate the investigation with agency, state, and regional crime analysis centers. These sources shall provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
5. Coordinate the investigation with other units of the agency and with outside agencies where appropriate.
6. Maintain contact with the initial responding officer and keep him or her apprised of the status of the case.
7. Recommend to Road Patrol Lieutenant whether the incident should be classified as a hate crime.
8. Investigative officers shall take steps to ensure that appropriate assistance is being provided to hate crime victims, to include the following measures:
  - a. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.
  - b. Provide ongoing information to the victim about the status of the criminal investigation.
  - c. Attempt, whenever possible, to conduct all interviews with victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate the incident.

E. Recommend Steps When Suspect is Not in Custody or Has Not Been Identified

- a. Coordinate investigation with other department units.
- b. Work with Analyst or Regional Crime Analyst Center to research leads and prepare bulletins.
- c. Conduct extensive canvass and distribute bulletins in area of the incident.
- d. Debrief individuals arrested in the area.

- e. Work with media to attempt to garner witnesses and investigative leads.
- f. Follow-up leads in timely manner.

#### F. Incident Report Preparation

Incident reports should clearly indicate the following information:

- Offense – Hate Crime designated Penal Law
- Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
- Offender age, gender, race, and ethnicity (when available)

The narrative portion of the Incident report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc...)

#### **Arrest Processing**

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an assault in the second degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon conviction the assault is deemed to be a "C" felony and the sentence imposed will be based upon the sentencing range for a "C" felony. "A" and "B" felonies charged as hate crimes stay the same but are subject to higher penalties.

It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g. arraignment, bail, grand jury).

Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded.

When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H". Use caution when using automated booking system to

ensure that the correct offense is selected.

Examples:

PL Section 120.00, subdivision 1 – Assault 3<sup>rd</sup>

- 120.00 (01H), when it is a Hate Crime

PL Section 140.15 – Criminal Trespass 2<sup>nd</sup>

- 140.15 (00H), when it is a Hate Crime

Note: Do not use the letter H when you are not charging a hate crime or the arrest will be reported as a hate crime arrest by DCJS.

### **Accusatory Instrument**

1. As the Legislature made clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only “a person”. It is the attribute of the protected class (i.e., sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc., of “a person”. Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.
2. The accusatory paperwork filed with the court should also list the “H” designator. The narrative portion of the accusatory incident must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

### **Records Management Section**

1. Assist department in complying with state hate crime reporting requirements.
  - a. The Road Patrol Lieutenant will submit all incidents of reported hate crimes to DCJS each month using the State form 3294 (see Attachment C). Forms must be submitted

each month. If no hate crimes were reported, departments must complete the form by checking the “Nothing to Report (NTR)” box.

## **G. Community Relations and Crime Prevention**

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes. Towards this end, this agency's community relations function, or officers so assigned, shall perform the following:

1. Provide victim(s) with a point of contact in the department to whom they can direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution.
2. Protect the privacy of the victim and their families as much as possible.
3. Provide any direct assistance reasonably possible and referral assistance to the victim and the family of the victim.
4. Meet with neighborhood groups, residents in target communities and other identified groups, to allay fears, emphasize the agency's concern over this and related incidents, reduce the potential for counter-violence and reprisals, and provide safety, security, and crime prevention information.
5. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
8. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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## HATE CRIME PENAL LAW REFERENCE TABLE

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

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

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

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

## **What are the steps to receive Crime Victims Board (CVB) compensation?**

- Complete the CVB application form
- Meet the eligibility requirements
- Have a compensable out-of-pocket loss or have one at a later time



## **Who may be eligible for compensation?**

- The victim must be an innocent victim of the crime
- Victims of crime who were physically injured as a result of the crime
- Victims of crime who are under 18, 60 and over, or disabled, who were not physically injured
- Certain relatives and dependents, including surviving spouse, child, parent, brother, sister, stepbrother, stepsister, stepparent or person primarily dependent on the victim for support
- Those who paid for or incurred burial costs for an innocent crime victim
- Child victims, a child who witnesses a crime, and the child's parent, stepparent, grandparent, guardian, brother, sister, stepbrother or stepsister
- Certain victims of unlawful imprisonment or kidnapping
- Certain stalking victims
- Victims of terrorist acts outside of the US who are a resident of New York State
- Victims of frivolous lawsuits brought by a person who committed a crime against the victim

## **What kinds of expenses may I get compensated for?**

The CVB offers compensation related to: personal injury, death and loss of essential personal property. The specific expenses CVB may cover include:

- Medical and counseling expenses
- Loss or damage of essential personal property (up to \$500, including \$100 for cash)
- Burial/funeral expenses (up to \$6,000)
- Lost wages or lost support (up to \$30,000)
- Transportation (necessary court appearances for prosecution)
- Occupational/vocational rehabilitation
- Use of domestic violence shelters
- Crime scene clean-up (up to \$2,500)
- Good Samaritan property losses (up to \$5,000)
- Moving expenses (up to \$2,500)

## **Send us your completed CVB application along with photocopies of:**

- Police reports
- Insurance cards
- Receipts for essential personal property
- Victim's birth certificate
- Death certificate and funeral contract
- Itemized medical bills
- Letters from any insurers denying or authorizing payment for the services listed on this form
- Proof of age (driver's license, birth certificate etc.)
- Legal guardianship papers

## **What if I don't have some of the papers CVB needs?**



Send your application in right away. You can send the other documents later.

## **What if my property was lost, damaged or destroyed because of the crime?**

If you are under 18, 60 or over, disabled or were injured, you may apply for benefits to repair or replace your essential/ personal property lost, damaged or destroyed as the direct result of a crime that was not covered by any other resource.

Essential means necessary for your health and welfare, like eyeglasses, cash and clothes.

## **How do I apply for compensation?**

The HIPAA authorization form allows providers to discuss health information with CVB. You must sign a HIPAA authorization form for EACH health care provider.

## **Who can sign the application?**

The victim must sign the application unless s/he is under 18 or is physically or mentally incapable of signing; then the legal guardian must sign.

## **What is the HIPAA authorization form?**

The HIPAA authorization form allows providers to discuss health information with CVB. You must sign a HIPAA authorization form for EACH health care provider.



You can get an application from CVB directly or contact us to find a local victim assistance program near you. You may also get an application from any police station, precinct house, or hospital emergency room.



### **Other victim services:**

#### **Where can I get the forms I need?**

Forms are available to download from the CVB website: [www.cvb.state.ny.us](http://www.cvb.state.ny.us). You can also contact CVB or ask your local victim assistance program.

#### **Do I need a lawyer to file a claim with CVB?**

No. But, if you hire a lawyer to assist you with this claim, CVB may reimburse up to \$1,000 of the legal fees.

Many Victim Assistance Programs (VAPs) are funded through the New York State CVB and are located throughout the State. These programs can assist you in filing your claim with CVB. VAPs can provide immediate help to victims and offer additional services that are not directly offered by CVB. Many of these services can be of great comfort and assistance to victims of crimes. For a listing of VAPs in your area, contact CVB directly or refer to our website.

#### **As a victim of crime in New York State you should know:**

- You can get a free copy of the police report (NYS Exec. Law §646).
- You are protected by law from threats or intimidation from the suspect or the suspect's family. Local police departments and DAs can explain these laws to you.
- You have a right to be involved in certain stages of the criminal justice process. Local police departments and DAs can explain your role in the criminal justice process, the important steps in the process, and how you can get information about those steps.
- You have the right to make a statement at the time of the defendant's sentencing, if you are the victim of a felony.
- You have the right to be notified of the defendant's incarceration status. You can call the Division of Parole at 1-800-639-2650 to provide your contact information.

#### **What if I need compensation right away?**

In limited cases, you may ask for an emergency award, up to \$2,500.

#### **What if I move?**

Write to CVB and give us your new address and phone number. Also, let us know if your email address changes.



#### **Where can I get more information?**

? We can help you find a victim assistance program near you.  
Call us at: 1-800-247-8035  
TTY: 1-888-289-9747

Or visit our website:  
[www.cvb.state.ny.us](http://www.cvb.state.ny.us)

For more detailed information on your rights as a crime victim, please ask for a copy of "The Rights of Crime Victims in New York State" pamphlet by contacting CVB or visiting our website.

Rev. 6/7/07

## **A GUIDE TO CRIME VICTIMS COMPENSATION IN NEW YORK STATE**

If you need a claim application, help filing a claim or have questions, you can contact the Crime Victims Board at:

<b>Main Office</b>	<b>New York City Office</b>
1 Columbia Circle	55 Hanson Place
Suite 200	Room 1000
Albany, NY 12203	Brooklyn, NY 11217
(518) 457-8727	(718) 923-4325

<b>Buffalo Office</b>	<b>65 Court St., Room 308</b>
Buffalo, NY 14202	(716) 847-7992

**1-800-247-8035**

<http://www.cvb.state.ny.us>  
TTY: 1-888-289-9747

## INSTRUCTIONS FOR PREPARING THE HATE CRIME INCIDENT REPORT

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

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

This form is designed for electronic or manual data entry. To complete the form, enter the data into the spreadsheet or print the form and manually enter the information. When completed, return the form by email to [infonysucr@dcjs.state.ny.us](mailto:infonysucr@dcjs.state.ny.us), by fax at (518) 485-8039, or by mail to NYS DCJS, Crime Reporting Unit, 4 Tower Place, 8th Floor, Albany, NY 12203. If you have any questions, please call the Crime Reporting Unit at 1-800-262-3257.

<b>Incident Date:</b>	Enter the date the incident occurred.
<b>Case Number:</b>	Enter the agency case number assigned to the incident
<b>Hate Crime Incident Classification</b>	Refer to the Hate Crime Penal Law Reference Table (attached) to determine the charges relevant to the incident. Enter the appropriate Penal Law charge(s).
<b>Bias Motivation</b>	Use the codes located at the bottom of the form and enter the bias motivation being reported. Up to three types may be recorded for a single incident.

### **Incident Information**

<b>Location of Bias Crime</b>	For each incident, enter a location code that best describes where the bias crime occurred. If "Other Location" is selected, describe in circumstance column.
<b>Type of Victim</b>	For each incident, identify the type of victim that was targeted. "Structured Group or Organization" (code 73) should be used to identify bias crimes against a group of people defined by their collective similarity where no one individual was targeted. If Structured Group, describe type in circumstance column.
<b>Victim(s) Demographics</b>	If victim(s) is an "Individual(s)" (code 72), enter all known demographics for each victim on a separate line. If victim is a "Structured Group or Organization" (code 73), do not enter any victim demographics.
<b>Offender(s) Demographics</b>	Enter all known demographics for each offender on a separate line. Leave blank if offender is unknown.
<b>Circumstances</b>	Give a brief summary of the incident, including any information pertaining to the victim/offender relationship, injuries sustained, property damage and approximate value, and description of any weapons used. If the offender is suspected to be affiliated with some recognized hate group, e.g., the Ku Klux Klan, American Nazi Party, etc., this should be noted.

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

**HATE CRIME INCIDENT REPORT**

Report is to be submitted each month. UCR agencies reporting no bias crimes for a particular month must check the "Nothing To Report" box on page 5 of the Return A. IBR participating agencies must submit this form and check the "Nothing to Report" box when no bias crimes have been reported. Forms should be sent to: State of New York Division of Criminal Justice Services, Crime Reporting Unit, 4 Tower Place - 8th Floor, Albany, NY 12203, fax 518-485-8039, or email [info@scjis.state.ny.us](mailto:info@scjis.state.ny.us).

## **VEHICLE OPERATION**

STANDARD NO(S): NYSLEAP #: 41.2 & 43.1

DATE: August 9, 2010  
REVISED: 08/22/12

REFER TO: Jack S. Stenberg

**I. OBJECTIVE:**

To establish guidelines and responsibilities for the safe operation of SCSO vehicles during routine urgent, emergency, pursuit, civilian escort, and for members' use between one's residence and official duty station.

**II. POLICY:**

Emergency operation of SCSO vehicles is authorized **only** when the member is responding to an emergency call or is in pursuit of an actual or suspected violator. Under no circumstances shall the member be relieved of the duty to drive with due regard for the safety of all persons; nor shall one's use of emergency procedures protect one from any consequences arising from a reckless disregard for the safety of others. It is incumbent upon all members operating SCSO vehicles to be familiar with the provisions of Section 1104 of the New York State Vehicle & Traffic Law captioned "Authorized Emergency Vehicles."

**III. DETAILS:**

- A. **VALID OPERATORS LICENSE** - All operators of SCSO vehicles which require a driver's license to operate will have a valid NYS driver's license in the proper class to operate such vehicle. Every operator of an SCSO vehicle must maintain a safe driving record and attend any additional driving classes at the request of the Sheriff.
- B. **TEXTING & EMAILING WHILE DRIVING** – No member of any SCSO vehicle while engaged in the operation of such vehicle will engage in sending, replying or viewing any text or email message.

- C. CELLULAR PHONE USAGE WHILE DRIVING** – Certain SCSO personnel are assigned a hand held mobile telephone for use in the official duties. Use of these devices are controlled pursuant to New York State Vehicle and Traffic Law which prohibits the use of a hand held mobile telephone while driving, for other than emergency or medical personnel in an emergency situation. Members assigned an SCSO mobile hand held telephone may use such device pursuant to the provisions of the aforementioned NYS Vehicle and Traffic Law while in the performance of their official duties when completely safe to do so and only in a “hands free” mode. No member will use any hand held mobile telephone while operating any SCSO vehicle for any purpose other than those outlined in the aforementioned NYS Vehicle and Traffic Law.
- D. Routine and Urgent Operation** - Under normal non- emergency operating conditions and while responding to routine calls for service, including those calls characterized as “urgent”, officers operating SCSO vehicles may use emergency equipment. Officers will adhere strictly to all traffic and navigation laws and will operate the vehicle in a safe, courteous, and defensive manner. In responding to urgent calls, officers will avoid unnecessary delay.
- E. Emergency Operation and Response** - Vehicle operation of this type requires the use of emergency lights and when necessary the siren. An officer operating a vehicle in an emergency or in pursuit may:
1. Exceed the posted speed limit; however, officers shall take into consideration factors such as weather, road or water, and traffic conditions in determining a safe speed for travel.
  2. Proceed through a red light or stop sign after slowing or stopping as may be necessary for safe operation. Under no circumstances should an operator enter an intersection unless sure that the cross traffic has yielded.
  3. Disregard traffic or navigation regulations governing direction or movement or turning in specified locations when necessary, but with due notice and consideration for the safety of other persons and property. Under no circumstances shall an officer pursue a violator the wrong way on an interstate highway or other divided roadway.
  4. Park, moor, or stand irrespective of the provisions of state statutes, or of county or local ordinances.
  5. Disregard the regulations governing the parking of vehicles under ordinary circumstances to the extent necessary to effect a valid law enforcement purpose; except that an operator shall not block access to a fire hydrant at a fire scene or in any way obstruct the passage of an ambulance, fire apparatus, or emergency medical services vehicle.

6. Special purpose vehicles will operate under the procedures outlined in “**Vehicle Pursuits**”, this Manual, regarding pursuits.

#### **F. TRAFFIC STOPS –**

1. Emergency lights and, if necessary, the siren shall be used in effecting a traffic stop. In addition, the following procedures shall be observed:
  - a. Every effort should be made to direct the violator to a safe and suitable stopping point where the normal traffic flow will not be impeded, which offers a safe area for the officer during the traffic stop and in dealing with the violator. Private driveways or other areas providing access to business establishments should not be used for traffic stops when alternate locations are available. When private property is used for a stop all possible care should be taken to avoid inconvenience to property owners or patrons.
  - b. If both the patrol and the violator’s vehicles are parked off the roadway and the occupants can safely stand or walk between the vehicles and the roadway, any emergency signal which shows light to the rear of the patrol vehicle shall be extinguished in order to reduce the distractive effect on approaching drivers and to limit attracting the curious.
  - c. Members in civilian clothes shall not routinely make traffic stops unless the actions of the violator are a clear danger to pedestrian or vehicle traffic and a marked vehicle is not readily available or its use practical.
  - d. The spotlight should not be used to signal a violator to stop since its extreme brightness could cause a condition of temporary blindness in the violator and possibly other motorists.
  - e. The loudspeaker system is particularly valuable when stopping a violator. Actions of the violator can be directed from a safe distance, minimizing the hazard to the member.
  - f. New York State courts have repeatedly upheld an officer’s right to order occupants out of a motor vehicle that has been lawfully stopped.

#### **G. ESCORTS –**

1. Members will not engage in escorts of civilian vehicles while in an emergency operation mode.

## **H. SCSO VEHICLE TAKE-HOME POLICY –**

1. The Seneca County Sheriff has authorized certain SCSO County-owned vehicles to be assigned to certain members of the SCSO.
2. It is the policy of the SCSO to assign a vehicle, marked or unmarked, to full time sworn members of the Road Patrol, CID and Administration. Since the member is expected to respond quickly when needed, one is directed to keep the county vehicle at one's residence in a state of readiness during off-duty hours. Said vehicles are to be secured against vandalism, if possible, and parked in an inconspicuous manner.
3. During periods in which a member is on disability, vacation or any other absence from duty for four days or more, or during any period of disciplinary suspension, member's assigned vehicle will be parked and secured at the SCSO.
  - a. The following policy shall be in effect concerning marked vehicles:
    - 1) No marked vehicle will be operated when the officer is not "on duty" without the express permission of the officer's immediate supervisor. "On duty" includes any work related activity including but not limited to, attendance at schools or seminars, in-service training, community policing (e.g. meetings, lectures), teaching assignments and Court connected appearances.
    - 2) No passengers are to be carried in marked vehicles except those related to their official duties. (e.g. victims, witnesses, suspects, prisoners, other SCSO member's) without the express permission of one's immediate supervisor.
    - 3) Unless a particular assignment or school authorizes the wearing of civilian clothes, or unless responding as a back-up in an emergency, a full uniform should be worn when operating a marked vehicle.
    - 4) Anyone operating a marked car should be ready and able to respond to any call for help from the public while in transit, and should regularly check in and out of service with the E-911 Center.
  - b. The following policy shall be in effect concerning unmarked vehicles:
    - 1) No unmarked vehicle shall be operated when the officer is not "on duty" without the express permission of the officer's immediate supervisor.

- 2) As with the marked vehicle, the officer should advise the E-911 Center the car is in use, unless information broadcast would jeopardize the investigator's assignment.
- 3) Use of an unmarked car does not exempt the officer from the duty to respond to a situation requiring police intervention, and any failure to do so must be fully justifiable.
- 4) No passengers are to be carried in unmarked vehicles except those related to their official duties. (e.g. victims, witnesses, suspects, prisoners, other SCSO member's) without the express permission of one's immediate supervisor.

## **I. SECURITY OF VEHICLES –**

1. Police vehicles are essential to the performance of our responsibilities and often contain specialized and valuable equipment. Vehicles should not be left unlocked and unattended. Police vehicles should not be surrendered for valet parking and the use of long-term parking should be avoided if possible. Except in connection with protecting the scene of a crime or a motor vehicle accident, vehicles should be parked in a safe place whenever possible.

## **J. HAZARDOUS MATERIAL –**

1. No explosive or hazardous substance will be transported in or upon an SCSO vehicle unless the substance has been safely packaged in such a way as to be rendered harmless. (See “**Hazardous Materials Incidents**”), this manual.

## **K. VEHICLE PURSUITS & HIGH SPEED CHASES – See “**Vehicle Pursuits**”, this manual.**

## **L. DEFINITIONS –**

1. **EMERGENCY EQUIPMENT** – Consists of at least an audible siren and flashing red lights.
  - a. Emergency red lights are used to signal other users of the highway that an emergency exists and that the right-of-way should be yielded to the police vehicle. Red lights should be used in any situation in which the member is taking or about to take unusual liberties in driving and there is a need to expedite movement in order to reach the destination quickly.
  - b. Red lights are also used to make a violator aware of member's presence, signaling the violator to drive to the right and stop.

- c. The audible siren should be used based on traffic and roadway conditions and the need for an expeditious arrival. The siren should also be used to make a violator aware of member's presence when other means of attracting attention have failed.
2. **SAFETY EQUIPMENT** – For the purpose of this directive safety equipment shall include:
- a. All marked SCSO vehicles are equipped with flashing red lights showing to the front and rear of the rooftop light bar. Also all vehicles are equipped with hazardous warning lights commonly known as “four-way flashers.”
  - b. All marked, and some unmarked, SCSO vehicles are equipped with a remotely controlled spotlight that is to be used to illuminate the interior of a stopped violator's vehicle when necessary.
  - c. All marked, and some unmarked, SCSO vehicles are equipped with a loudspeaker used in connection with an in-the-car microphone. This equipment is used to direct the actions of persons under conditions ranging from traffic stops to crowd control.

## **VICTIM/WITNESS ASSISTANCE**

STANDARD NO(S)

NYSLEAP: 29.4-5

DATE:

September 20, 2010

REFER TO:

Gary S. Sullivan

### **I. OBJECTIVE:**

To provide guidelines to insure that victims and other witnesses receive professional handling consistent with their important investigative and prosecutorial role; that crime victims are made aware of the assistance available through the NYS Crime Victim's Compensation Laws and Seneca County's Victim/Witness and Domestic Violence Program; and, that victims of incest or other sexual offenses are treated in accordance with the law.

### **II. POLICY:**

The SCSO is dedicated to providing effective law enforcement services and to taking all steps to insure that those committing criminal acts are brought to account under the law. Success in this regard is frequently dependent upon securing the wholehearted cooperation from the victim of or the witness to the criminal act. It shall be the policy of the SCSO to treat victims and witnesses with fairness, compassion and dignity; to aid crime victims in availing themselves of financial assistance as provided by law; to be especially sensitive to the needs of victims of incest, other sexual offenses, or domestic violence; and, to develop, implement and continue appropriate victim/witness assistance programs and activities.

### **III. DETAILS:**

#### **A. DEFINITIONS:**

1. **FINAL DISPOSITION** - An ultimate termination of the case at trial level including, but not limited to dismissal, acquittal, imposition of sentence by the court, or a decision by the district attorney, for whatever reason, to decline prosecution.
2. **VICTIM** - Any person alleged or found, upon the record, to have sustained physical or financial injury to person or property as a direct result of the crime charged; or a person alleged to have sustained, upon the record, an offense under Article 130 of the Penal Law, or in the case of a homicide or minor child, the victim's family; or a person alleged to have been the victim of incest as described in Section 255.25 of the Penal Law.

3. As a corollary to the definition of “victim” above, attention is sometimes drawn to the abuse or mistreatment of an elderly person. While perhaps not in retaliation or “as a direct result” of a crime charged, it is often found to be a continual exploitation of or harm to an elder based solely on that person’s vulnerability. The SCSO will vigorously investigate cases of suspected elder abuse.
4. **VICTIM/WITNESS ASSISTANCE PROGRAM** - The fully funded program headed by a Victim/Witness Coordinator who is part of and located in the Seneca County District Attorney's Office.
5. **SEX TRAFFICKING** – Is defined in the Laws of 2007 as advancing or profiting from prostitution by use of one or more of the means contained in Penal Law 23.34 (1)-(5). The prohibited means of promoting prostitution set forth in Penal Law 230.34 are derived from methods that have been used in previous cases of sex trafficking from various jurisdictions. These include, but are not limited to, make false material statements, threatening to invoke deportation proceedings, using or threatening the use of force or coercion and requiring that prostitution be performed to pay off a real or purported debt.
6. **LABOR TRAFFICKING** – Is defined as compelling or inducing another to engage in labor or recruiting, enticing, harboring or transporting the person where labor is being compelled or induced by use of one or more of the means contained in Penal Law 135.35 (1)-(4). The prohibited means are very similar to those set forth in Penal Law 230.34 (1)-(5).
7. **CHILD VICTIMS** - (NYS Executive Law, Section 642-a) Fair treatment of child victims as witnesses. To the extent permitted by law, criminal justice agencies, crime victim-related agencies, social services agencies and the courts shall comply with the following guidelines in their treatment of child victims:
8. **FAIR TREATMENT STANDARDS OF CHILD VICTIMS** - SCSO members shall advocate the practice of the following standards.
  - a. To minimize the number of times a child victim is called upon to recite the events of the case and to foster a feeling of trust and confidence in the child victim, whenever practicable and where one exists, a multi-disciplinary team as established pursuant to subdivision six of section four hundred twenty-three of the social services law and/or a child advocacy center shall be used for the investigation and prosecution of child abuse cases involving abuse of a child, as described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act, sexual abuse of a child or the death of a child.
  - b. Whenever practicable, the same prosecutor should handle all aspects of a case involving an alleged child victim.

- c. To minimize the time during which a child victim must endure the stress of his involvement in the proceedings, the court should take appropriate action to ensure a speedy trial in all proceedings involving an alleged child victim. In ruling on any motion or request for a delay or continuance of a proceeding involving an alleged child victim, the court should consider and give weight to any potential adverse impact the delay or continuance may have on the well-being of the child.
- d. The judge presiding should be sensitive to the psychological and emotional stress a child witness may undergo when testifying.
- e. In accordance with the provisions of article sixty-five of the criminal procedure law, when appropriate, a child witness as defined in subdivision one of section 65.00 of such law should be permitted to testify via live, two-way closed-circuit television.
- f. In accordance with the provisions of section 190.32 of the criminal procedure law, a person supportive of the "child witness" or "special witness" as defined in such section should be permitted to be present and accessible to a child witness at all times during his testimony, although the person supportive of the child witness should not be permitted to influence the child's testimony.
- g. A child witness should be permitted in the discretion of the court to use anatomically correct dolls and drawings during his testimony.

**B. RESPONSIBILITY -** Authority and responsibility for administering and coordinating victim/witness matters shall be vested in Seneca County's Victim/Witness Domestic Violence Coordinator (V/WC) who supervises the Victim/Witness Domestic Violence Program at 31 Thurber Drive, Waterloo,N.Y., 1-800-688-7188 ext. 1607 or 315-539-1607 or 315-568-6731.

**C. SCSO INITIAL SERVICES -** Little benefit can be achieved from a victim/witness assistance program if the witness to and especially the victim of a criminal act is not made aware of the help and consideration to which he is entitled. It is, therefore, essential that this information be furnished early in any preliminary investigation, usually during the initial contact. Dependent upon the circumstances, such information to be furnished will include:

- 1. A recitation of available services and an offer to facilitate contact to obtain medical attention, counseling, compensation or emergency financial help
- 2. Assurances of assistance and procedures to obtain help in the event of threats or intimidation from the suspect or persons acting for him;
- 3. Information regarding the steps likely to be followed in the criminal justice process with emphasis on any part which the victim/witness might be expected to play; and,

4. SCSO telephone number (315-220-3250) for calling the responding officer, or if reassignment of the matter is likely, the name of an officer, or if appropriate, the Seneca County Victim/Witness Coordinator (315-539-1607), who will be able to receive or report any developments in the case.

**D. FOLLOW-UP SERVICES** - The following procedures are to be implemented when appropriate to insure the Victim/Witness rights and needs are being met.

1. Where the impact of a crime on a victim/witness has been unusually severe and has resulted in considerable assistance rendered, either by the SCSO or a referral agency, the victim/witness should be recontacted periodically to insure that his/her needs are being met.
2. Where prosecutorial progress depends upon the victim/witness attending line-ups, interviews or other appearances, his/her convenience is considered and, if feasible, transportation is provided. (NYS Executive Law, Section 542(4))
3. Where possible and permitted by law and the rules of evidence, victim's property is promptly returned unless there is a compelling reason for holding it. (NYS Executive Law, Section 642(3)).
4. Victims are entitled to receive a free copy of the police report related to the crime. (NYS Executive Law, Section 646).
  - a. A victim of crime shall be entitled, regardless of physical injury, without charge to a copy of a police report of the crime.
  - b. An individual whose identity was assumed or whose personal identifying information, as defined in section 190.77 of the penal law, was used in violation of section 190.78, 190.79 or 190.80 of the penal law, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of section 190.78, 190.79, 190.80 190.82 or 190.83 of the penal law, who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another, may make a complaint to the local law enforcement agency of the county in which any part of the offense took place regardless of whether the defendant was actually present in such county, or in the county in which the person who suffered financial loss resided at the time of the commission of the offense, or in the county where the person whose personal identification information was used in the commission of the offense resided at the time of the commission of the offense as provided in paragraph (l) of subdivision four of section 20.40 of the criminal procedure law. Said local law enforcement agency shall take a police report of the matter and provide the complainant with a copy of such report free of charge.
5. Information shall be available 24 hours daily through the SCSO regarding availability of services, both internal and external, and for referral or response.

6. Every member of the SCSO shall respond to and assist a crime victim, whenever requested, with information concerning the status of the case involving such victim provided that information will not jeopardize or interfere with any other on-going investigation.
7. It shall also be the duty of each member to assist the District Attorney, whenever requested under the provisions of CPL Section 440.50, in making notifications to a crime victim regarding the status of a case in which such victim is involved.
9. In addition to other rights, if a crime victim has provided a current address and telephone number to the appropriate official (such as the District Attorney) **including the SCSO** they have a right to be notified by telephone, in person or in writing of the accused's :
  - a. arrest,
  - b. first appearance before a judge
  - c. a defendant has been released from custody or from a detention facility, by use of the VINE system

#### **E. PROTECTION OF VICTIM/WITNESS –**

1. The threat of retaliation against a victim/witness, taken to its extreme, could certainly place a heavy burden of responsibility on any agency, especially if such victimization is a direct outgrowth of an individual's desire to assist law enforcement in its mission. Fortunately, these occurrences are rare, but nevertheless, require a careful evaluation in order to arrive at a determination for appropriate assistance.
  - a. "Appropriate assistance" may range from placing an individual in protective custody (The Federal Witness Protection Program even relocates whole families under new identities) to offering the frightened person words of assurance and encouragement. "Special relationships" between victims/witnesses and this agency should not be established unless absolutely necessary for the protection of human life.
2. The following guidelines should be considered where threats or intimidation is directed against a victim/witness:
  - a. The threat should be evaluated for credibility in the light of its specificity and the opportunity for being carried out.
  - b. The suspect, or persons acting for him/her, should be evaluated as to reputation for violence. In this regard, an investigation may be necessary to determine the circumstances under which the threat was uttered and to secure corroboration if possible.

- c. The findings, as soon as developed, shall be presented to the Chief Deputy or designee and, if there are credible reasons to believe that the victim/witness is in danger, a course of action shall be proposed and approval of the Sheriff be sought for its implementation.
- d. In cases where the victim/witness is unaware of a threat made against him, and subsequent evaluation has tended to discount the likelihood of its being carried out, consideration should be given, nevertheless, to advising the victim/witness. Absent any reason to the contrary, he/she should be told since "forewarned is forearmed."

#### **F. NYS SHERIFF'S VICTIM HOTLINE – (VINE)**

- 1. The SCSO is a participant in the New York Sheriffs' Victim Hotline, which monitors the custody status of inmates and immediately notifies a registered victim when the victimizer is transferred or released from custody. A person may register to receive such information by calling the National Call Center in Louisville, Kentucky using the toll free number, 1-888-VINE-4-NY, or the Seneca County Sheriff's Office at 315-220-3200, Option # 9, or by registering on the internet at either [www.docs.state.ny.us/vine](http://www.docs.state.ny.us/vine) or the Seneca County Sheriff's Office website at: <http://sheriff.co.seneca.ny.us>
  - a. The National Call Center monitors inmates through a computer connection with the jail's on-site offender records system.
  - b. The caller furnishes the offender's name or booking number.
  - c. The caller may register to receive automatic notification by providing a telephone number and choosing a 4-digit PIN for subsequent identification.
  - d. When an offender is transferred or released, the Sheriffs' Hotline calls each registered person for 48 hours or until that person confirms the call by entering the aforementioned PIN.
- 2. Officers should be aware that the procedures described in ¶ F above are victim initiated and are only supplemental to the statutory notification requirements.

#### **G. TRAINING -** Assistance to and concern for the needs of victims and witnesses by law enforcement agencies is a fairly new concept, but one which is demonstrably in the agencies' self-interest. It shall be the responsibility of the victim/witness coordinator to develop and carry out procedures for the dissemination of information, consistent with the confidentiality required in specific cases, within the SCSO and to the community at large, that this agency intends to pay particular attention to the needs of victims and witnesses in order to insure the criminal's accountability.

- 1. A victim/witness assistance instructional component is included in the Basic Training Course for Police Officers, and is required for certification by the Municipal Police Training Council.

2. The SCSO conducts periodic formal classroom in-service training sessions and disseminates electronic material to all Law Enforcement Division members concerning issues related to Crime Victims Rights and services available.

**H. NYS OFFICE OF VICTIM SERVICES (OVS) – Formerly NYS Crime Victims Board –administered by the Seneca County County Victim/Witness Coordinator -**

1. The mission of the New York State Office of Victim Services is to:
  - a. provide compensation to innocent victims of crime in a timely, efficient and compassionate manner,
  - b. fund direct services to crime victims via a network of community-based programs, and
  - c. advocate for the rights and benefits of all innocent victims of crime.
2. Rights of Crime Victims – (NYS Executive Law, Section 646-a(2). Pursuant to law, crime victims have the following rights:
  - a. To compensation and services;
  - b. To routine notification of judicial proceedings relating to their case as provided in section six hundred forty-one of Executive Law, in section 330.20, and section 440.50 of the Criminal Procedure Law and section one hundred forty-nine-a of the Correction Law;
  - c. To be protected from intimidation and to have the court, where appropriate, issue protective orders as provided in sections 530.12 and 530.13 of the Criminal Procedure Law and sections 215.15, 215.16 and 215.17 of the Penal Law;
  - d. To submit, where appropriate, a victim impact statement for the pre-sentencing report and the parole hearing as provided in section 390.30 of the Criminal Procedure Law and section two hundred fifty-nine-i of the Executive Law;
  - e. Where a defendant is being sentenced for a felony, to request the right to make a statement at the time of sentencing as provided in section 380.50 of the Criminal Procedure Law; and
  - f. To request restitution and have the district attorney present such request to the court and assist the crime victim in the filing and collection of a restitution order in cooperation with the designated agency of the court as provided in section 420.10 of the Criminal Procedure Law and section 60.27 of the Penal Law.

- g. To be aware of the defendant's incarceration status by providing the division of parole's contact information, including the division's toll-free telephone number, as provided for in subdivision two of section two hundred fifty-nine-i Executive Law. Such notice shall advise the crime victim to use the division's toll-free telephone number to update contact information.
  3. Crime Victims Compensation - In compliance with the New York State Crime Victim's Compensation Laws, innocent victims of crime, certain relatives, dependents and the guardian can apply to the Office of Victim Services (formerly NYS Crime Victims Board) for compensation of out-of-pocket expenses not covered by insurance or other resources.

One of the most important services that can be provided is financial compensation for the victim's loss, wherein the Seneca County V/WC's office acts as an advocate for the victim in securing funds for out-of-pocket expenses related to medical care, counseling, lost wages, vocational rehabilitation, crime scene clean-up, securing an alarm system, and expenses for transportation to and from court appearances. Other assistance available includes:

- a. Helping the victim in making a written statement and encouraging cooperation in any subsequent investigation;
  - b. Providing an explanation of the criminal justice process;
  - c. Escorting a victim to a court session;
  - d. Advising on the matter of obtaining an Order of Protection; and,
  - e. Insuring that the victim is referred to and secures any other vital services needed by the victim and/or the victim's family.
4. Crime Victim Advocate - Effective October 5, 1998, the New York State Office of Victim Services (formerly the NYS Crime Victims Board) funds a Crime Victim Advocate (CVA), under the supervision of the V/WC. In a division of responsibilities, the CVA will assist in cases within the jurisdiction of the local courts while the V/WC will continue to handle matters involving felonies. Common to both however, is the requirement that unlike a simple larceny, there must have been some contact between the parties, as in a robbery for instance. Other criminal matters that may present an opportunity for victim/witness assistance are those involving domestic dispute, sexual abuse or assault, endangering, harassment, or any case that results in someone being physically injured, including driving while intoxicated.

- a. The New York State Crime Victims Board is located at:

1 Columbia Circle, Suite 200  
Albany, NY 12203-6383  
(518) 457-8727 or 1-800-247-8035  
Website: [www.cvb.state.ny.us](http://www.cvb.state.ny.us)

## **I. VICTIMS OF INCEST OR OTHER SEXUAL OFFENSES -**

1. Effective April 1, 1992, the State of New York Executive Law, Section 642 (2-a)(a) was amended to require that victims of crimes defined in Penal Law Article 130 (sexual offenses) or Section 255.25 (incest) be provided with a "private setting for interviewing." This means "an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard from outside such room." Within the SCSO, certain interview rooms or the Juvenile Aid Section office shall qualify as appropriate locations for these interviews. Except in unusual circumstances (and with prior supervisory approval), no other location shall be used.
2. The law also provides that "only those persons directly and immediately related to the interviewing of a particular victim, the victim, a social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim, unless the victim objects to the presence of such person ... and where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim."
3. Members of the SCSO "will provide victims of a crime defined in Article 130 of the Penal Law with the name, address, and telephone of the nearest rape crisis center in writing." (NYS Executive Law Section 642 (2a)(b))

For Seneca County, the funded agency is:

Safe Harbors of the Finger Lakes  
150 Castle Street  
Geneva, New York 14456  
(800) 247-7273  
(315) 568-4200  
[www.safeharborsfl.org](http://www.safeharborsfl.org)

4. Victims of sex offenses as defined in those sections of the Penal Law noted in paragraph one above, have a guaranteed right to privacy under the provisions of Section 50-b of the Civil Rights Law. This law states that the identity of any such victim shall be confidential. "No report, paper, picture, photograph, court file or other documents, in the custody of any public officer or employee, which identifies such a victim, shall be made available for public inspection."

**NOTE:** However, that subdivision 2(a) of NYS Executive Law 642 does not preclude officers charged with the duty of investigating, prosecuting, keeping records relating to the offense, or any other act when done pursuant to the lawful discharge of one's duties, from obtaining such information.

5. A rape or sexual assault victim cannot be asked or required to take a polygraph test or psychological stress evaluator examination.
- J. MEDICAL ASSISTANCE FOR SEXUAL ASSAULT VICTIMS** - DCJS has disseminated information from the Department of Health (NYSDOH) concerning the need for prompt medical and forensic examinations following a sexual assault. NYSDOH notes that "In addition to the physical and emotional trauma associated with sexual violence, there is an added fear that one may have been exposed to HIV during the assault. Hospitals are required to advise sexual offense survivors of the availability of Post Exposure Prophylaxis (PEP). NYSDOH recommends that, ideally, PEP should be initiated within one hour, and no later than 36 hours after exposure. The following is a summary of the recommendations:
1. It is very important that survivors of rape and sexual assault obtain medical care.
  2. Timing is crucial. PEP for HIV must be offered within 36 hours of the exposure, and should be offered ASAP after the assault.
- NYSDOH also notes that "While it is not the role of the emergency responder to raise the issue of HIV prophylaxis, it is very important to encourage the survivor to obtain medical care."
- K. EVIDENCE IN A SEXUAL OFFENSE** - All hospitals in New York State use the Sexual Offense Evidence Collection Kit for victims of sexual assault. The kit is supplied by the NYS Division of Criminal Justice Services and assures standardization in evidence collection. In addition, there is the Drug Facilitated Sexual Assault (DFSA) evidence collection kit that allows for the collection of blood and urine from a victim who may have been drugged and then sexually assaulted. The time frame for both types of evidence is 96 hours after the event. However, even if this time frame has passed, or if the victim refuses to undergo an examination for evidence, the victim should be encouraged to go to a hospital for medical attention and for HIV prophylaxis and STD screening, etc.
- L. CRIME VICTIMS' CIVIL REMEDIES PROJECT** - Legal services pertaining to civil matters can be provided by Legal Assistance of the Finger Lakes (LAFL). Operating in the five county area with priority accorded to domestic violence victims and seniors who are the victims of physical and/or economic abuse LAFL will provide the following assistance:
1. Preparation and filing of compensation claim forms with the Crime Victims Board;
  2. Detailed legal advice on civil remedies for crime victims;
  3. Advocacy with third parties or other agencies;
  4. Assistance with preparation of pleadings for civil orders;
  5. Referrals of clients eligible for assigned counsel in proceedings to secure orders of protection;

6. Direct representation for clients who do not qualify for assigned counsel; and,
7. Investigation of civil claims of economic abuse and representation against perpetrators of economic abuse, such as misuse of power of attorney, fraudulent telemarketing or fraudulent home contracts.

Referrals to LAFL should be asked to call (315) 781-1465 and identify oneself as a crime victim seeking services through the Crime Victims' Civil Remedies Project.

**M. MIGRANT FARMWORKER as VICTIM** – Farm worker Legal Services of NY, Inc., The Victim Resource Center of the Finger Lakes, Inc., and the International Institute of Buffalo, Inc. together, have received a grant from the U.S. Department of Justice to provide outreach, advocacy, translation and legal representation for migrant farm workers residing in a ten county area in Upstate NY, who are victims of domestic, sexual or stalking violence. Representatives of these agencies work with county police, magistrates, local domestic and sexual violence entities, migrant health clinics, hospitals and schools, to provide community services to victims and their families.

1. If you encounter a migrant farm worker who is a victim of domestic or sexual violence, instruct that person to call 1-866-348-8808 or 1-800-456-1172 for assistance.

**N. HUMAN TRAFFICKING VICTIMS** – The new Human Trafficking Laws of 2007 provides law enforcement with specific responsibilities assisting victims in obtaining services and with respect to immigration status. Social Services Law Article 10-D, Section 483(cc) requires that as soon as practicable after a first encounter with a person who reasonably appears to be a trafficking victim (see definitions below) the law enforcement agency or district attorney's office shall notify DCJS and the Office of Temporary and Disability Assistance (OTDA). A form has been created for this purpose.

1. Social Services Law Article 10-D, Section 483(dd) requires that the law enforcement agency or district attorney's office shall provide USCIS Form I-914 Supplement B at the request of a trafficking victim or their representative.
2. Copies of these forms can be obtained from a supervisor, or in the Forms Directory, located on the SCSO "G" drive, SCSO FORMS DIRECTORY – Law Enforcement Forms sub-folder.

# DOMESTIC VIOLENCE

STANDARD NO(S)

NYSLEAP 44.1

DATE:

July 8, 2009

REVISED 01/21/2016

REVIEWED: 12/09/2019

REFER TO:

Michael Schell  
John P Cleere

## I. OBJECTIVE:

To establish a policy and enunciate procedures for the handling of situations under the general category of domestic violence. Domestic violence is defined by the New York State Office for the Prevention of Domestic Violence as "a pattern of controlling behavior which can involve physical, sexual, economic, emotional and psychological abuse. It affects people in all social, economic, racial, religious and ethnic groups, whether they are married, divorced, living together, dating, or in a gay or lesbian relationship." Anyone can be a victim of domestic violence. A police response is needed that will provide adequate protection to victims as well as other family or household members while ensuring the safety of the responding officers.

Recognizing that there has been a significant shift in the understanding of and the perspective on domestic violence, the policy of the Seneca County Sheriff's Office is intended to reflect the present understanding and to describe the appropriate police response in what may be referred to as a pro-arrest policy.

## II. POLICY:

Both study and experience have shown that the traditional police response to calls for service in domestic violence situations, emphasizing mediation skills to effect a reconciliation between the parties is inappropriate and unhelpful, especially where there has been serious injury or repeated abuse. Not only is it ineffective in reducing the number of these cases, but in fact, it may aggravate the problem by suggesting to assailants that their violent behavior can be overlooked.

It is the policy of the SCSO to respond to every call involving a domestic dispute and to consider any violent conduct by the disputants as to be investigated as would **any other crime**. In cases of domestic violence, **arrests will be made** when there is reason to believe that an offense has been committed or that an order of protection has been violated.

The determination of probable cause shall be made in the same way as for all other crimes, and shall not be unduly influenced by the fact that the conduct occurred between those who were once on good terms.

It shall also be the policy of the SCSO to assist the victims of domestic violence to every extent possible within its resources or to refer the matter to one or more of the appropriate agencies.

### III. DETAILS:

**A. Responding officer procedures** - A domestic incident call signifies people are in need of help, and shall be responded to as quickly and safely as circumstances permit.

1. Upon arrival at the scene, the officers should be alert to sounds coming from the location that may assist in determining the situation.
2. If appropriate, officers should call for and await back-up.
3. Upon entry the officers shall:
  - a. Restore order by gaining control of the situation and separating the involved parties in such a way that they cannot make contact with each other, but that they can be continually observed by the officers;
  - b. Ascertain the presence of any weapons and immediately insure that they are secured;
  - c. Locate and visually check all occupants at the location to verify their safety and well-being;
  - d. Assess the need for medical attention and request that assistance be dispatched, including that for a victim who claims to be injured, whether such injury is apparent or not;
  - e. Interview all available parties and witnesses, separately if practicable;
  - f. After all interviews have been conducted, determine whether an offense has been committed and whether an arrest should be made;

NOTE: A victim's copy of an Order of Protection that appears valid provides the basis for a good faith action of police, whether or not the order has been placed in the registry or if the registry information seems to contradict the apparently valid paper order. It is not necessary to check the registry to confirm a victim's copy of the order, unless the order is missing or appears to have been altered.

- g. If an arrest is made, advise the victim that release of the suspect can occur at any time so that the victim can take appropriate precautions;
- h. Advise the victim of the availability of shelter and other victim services, and provide the victim with a copy of the Victim Rights Notice, (reading it aloud if necessary) immediately upon its completion at the scene;
- i. Collect and record potential evidence, including spontaneous utterances by parties or witnesses, identification and location of witnesses who may no longer be present, careful descriptions and/or photographs of injuries

and/or property damage, requesting the assistance of crime scene investigators, if appropriate;

j. Either at the scene or at the end of the member's tour of duty, complete the Standard Domestic Incident Report (DIR) Form, or the computer equivalent, and any other reports necessary to document fully the officers' response, whether or not an offense was committed or an arrest is made. The victim/complainant will be provided with a copy of the DIR along with a copy of the victims rights notice.

4. If the suspect offender has left the scene prior to police arrival, and there is probable cause to believe a crime has been committed, officers will attempt to locate and arrest the suspect without unnecessary delay by:

- a. Conducting a search of the immediate area;
- b. Obtaining information from the victim and witnesses that will aid in apprehension of the suspect, including the request to notify SCSO in the event suspect returns;
- c. Securing a signed Information from the victim; and,
- d. Referring the matter for appropriate follow-up investigation.

5. Responding officers at the scene of a domestic incident shall provide the following assistance to victims and, where appropriate, the children or other family or household members:

- a. Advise all involved parties about the serious nature of domestic violence, its potential for escalation, and of legal and social assistance available;
- b. Take whatever action is necessary to assure the safety and welfare of the children;
- c. Remain at the scene until satisfied that the immediate threat of violence has passed or all appropriate options to protect and assist the victim have been exhausted;
- d. Provide the victim with referral information regarding domestic violence shelters and services;
- e. Assist in arranging for transportation to take the victim and family or household members to a place of safety.

6. Occasionally a person will appear in the SCSO lobby to report a domestic violence incident. Consistent with the pro-arrest policy described above, these persons must be given personal attention by a member of the Law Enforcement Bureau. As noted in "Road Patrol," this Manual, under paragraph A(3), the duty Sergeant, or designee, will respond.

**B. Domestic violence arrest policy** - All warrantless arrests shall be made in conformance with §140.10 of the NYS Criminal Procedure Law. It is the responsibility of all officers to be thoroughly familiar with this section. See ¶ IV, "Definitions," below.

1. In all domestic incidents in which a law is violated, in addition to enforcing the law, the objective is to protect the victim. The question, "Do you want him (or her) arrested?", should never be asked of a victim when there is reasonable cause to believe that a crime (or a violation in the officer's presence) has been committed and a custody arrest is justified. The intent of this policy is to remove the burden of an arrest decision from the victim, who may be ill-prepared to undertake it due to social, economic, psychological or other pressures or constraints. Even if the victim actively intercedes and requests that no arrest be made, a lawful warrantless arrest based on probable cause shall be made in accordance with CPL 140.10.
2. Officers are reminded that there is no requirement that a crime (felony or misdemeanor) must occur in the officer's presence to authorize an arrest. A lawful warrantless arrest may, and often is, founded upon factors other than the officer's direct observations. They include, but are not limited to factors such as visible physical injury, property damage, signs of disruption at the scene or statements made by the victim, children, or other witnesses.
3. **Felony** - When a member has reasonable cause to believe that an individual has committed a felony, such as an assault causing serious physical injury to the victim, the member shall not attempt to mediate or reconcile the parties, but shall arrest the suspect offender, even if the victim requests otherwise.
4. **Misdemeanor** - When a member has reasonable cause to believe that an individual has committed a misdemeanor against the victim the member shall not attempt to mediate or reconcile the parties, but shall arrest the suspect offender, with or without consent of the victim. As soon as possible after the arrest, a statement, preferably written, should be taken from the victim and any witnesses.
5. **Violation (committed in officer's presence)** - When a member has reasonable cause to believe that an individual has committed a violation against the victim, in the officers presence, the member shall not attempt to mediate or reconcile the parties, but shall arrest the suspect offender, with or without consent of the victim. As soon as possible after the arrest, a statement, preferably written, should be taken from the victim and any witnesses.
6. **Violation (not committed in the officer's presence)** - CPL §140.10 does not authorize an officer to make a warrantless arrest for a violation committed outside the officer's presence; however, §140.30 provides for "any person," i.e. a civilian, to make such arrest for any offense committed in that person's presence. When the responding officer lacks the legal authority to make an arrest, the victim shall be afforded the opportunity to make a "turnover" arrest under §140.30.

**7. Violation of Order of Protection -** When a member has reasonable cause to believe that the terms of an Order of Protection have been violated, or receives a complaint from the victim alleging such violation the member shall not attempt to mediate or reconcile the parties, but shall arrest the suspect offender, with or without consent of the victim. As soon as possible after the arrest, a statement, preferably written, should be taken from the victim and any witnesses.

Violators will also be cited for any other offenses committed, such as assault, trespass, or harassment.

8. When an officer has probable cause to arrest, the officer is required to make an arrest, as specified above in paragraphs 3, 4, 5 and 7. When an arrest is being considered, but the issue of probable cause is questionable, the officer shall notify the shift supervisor. If collection of physical evidence, photographs or fingerprints, is indicated, the supervisor will be notified and arrangements will be made for collection and preservation. The member **may not rely solely** on any of the following reasons for **not** making an arrest:

- a. The suspect lives on the premises with the victim;
- b. The victim may suffer financially as a result of the arrest;
- c. The suspect and victim are legally married or engaged in prior or existing cohabitation;
- d. The victim has made prior calls of this nature or is a chronic caller;
- e. The suspect gives verbal assurances that there will be no recurrences;
- f. The injury sustained is minor, or not immediately visible, but there is other evidence in support of the arrest;
- g. The victim is assessed as an unwilling participant in any future criminal proceeding; and
- h. Prosecution will probably not occur in spite of the probable cause for the arrest.
- i. There is no Order of Protection in effect.

9. In all arrests, other than civilian arrests, the member shall emphasize to the victim and the offender that the action is being initiated by New York State and not by the victim.

### C. Civilian arrest policy -

1. Although Section 140.30 of the Criminal Procedure Law allows for an arrest to be made by any person, it is the policy of the SCSO that, where the offense charged is either a felony or misdemeanor, the officer execute the accusatory instrument, relying on a signed statement made by the complainant/victim for the requisite information and belief.
2. In the case where the only criminal offense is harassment or disorderly conduct, both violations that require conduct in the officer's presence, and such conduct has not occurred, it will be necessary for the officer to obtain a signed Information making the accusation and relating the facts supporting it. Thereafter, the procedure is in accordance with CPL Section 140.40 with the arrested person, if present at the scene, being deemed to have been "delivered" to the custody of the officer.
  - a. In such cases the victim should be informed out of the presence of the offender, where feasible, of the right to a civilian arrest, and assisted by the officer in such arrest.
  - b. In cases of a civilian arrest, the complainant shall swear to and sign the information as soon as possible.
  - c. Civilian arrests shall not be used in place of an authorized arrest by a police officer having the requisite reasonable cause as stated in this directive.
  - d. If the member has reason to believe that the victim has been threatened, coerced, or is in immediate danger, the member shall arrest without the victim's complaint providing there is probable cause to support the arrest. As soon as possible after the arrest, a statement is to be taken from the victim and any witnesses.
3. In the case where the **accused is not present** at the scene, the officer will have no recourse but to **seek an arrest warrant** from the appropriate court. In this regard, members should be aware of CPL Section 120.20(2) providing that the court may refuse to issue a warrant "until it has further satisfied itself, by inquiry or examination of witnesses, that there is reasonable cause to believe that the defendant committed an offense charged."

This suggests that one course of action would be to invite the complainant to accompany the officer to the magistrate who could issue a warrant of arrest and, if necessary, an order of protection at the same time. Obviously, such an arrangement would require the agreement of the local court; however, it could be effective, especially if there has been a history of domestic dispute between the victim and offender.

4. Notwithstanding all of the above, members should be familiar with CPL Section 140.40(4) regarding police duties in civilian arrests. "...a police officer is not required to take an arrested person into custody or to take any other action prescribed in this section on behalf of the arresting person if he has reasonable cause to believe that the arrested person did not commit the alleged offense or that the arrest was otherwise unauthorized."

**D. Cross complaints** - Members are not required to arrest both (or all) parties when physical force was used against each other. In cases where there are cross complaints, member should attempt to identify the primary physical aggressor, bearing in mind that the purpose of this policy is to protect victims of domestic violence. Members are reminded that an aggressor may attempt to use a cross complaint to discourage the victim from proceeding with an arrest.

1. The "primary physical aggressor" is not necessarily the first person to use physical force during an incident. In determining who is primary, consider the following:

- a. The comparative nature of the parties' injuries or serious threats creating the fear of physical injury; and,
- b. History of violence between those involved, when that information can be reasonably ascertained.

2. No arrest shall be made for acts that were committed in self-defense in accordance with Article 35.00 of the NYS Penal Law. In such cases, prior to a final determination, the case should be reviewed by a supervisor and/or the District Attorney's Office.

3. Identification and arrest of the primary physical aggressor does not foreclose the arrest of the other party at a later time, should subsequent facts be developed indicating culpability for an offense. Also, if the situation justifies, both parties may be arrested. In this regard, the member shall not discourage requests for law enforcement intervention by threatening, suggesting or otherwise indicating that all parties may be arrested.

**E. Family offense arrest procedures** -

1. Members will provide the victim(s) of a Family Offense (See ¶ IV, "Definitions," below) with the following information:

- a. That there is concurrent jurisdiction with respect to Family Offenses in both Family Court and the criminal courts. Victims of Family Offenses may proceed in either or both the Family or criminal court;
- b. That a Family Court proceeding is a civil proceeding for purposes of attempting to stop the violence, end the family disruption and obtain protection;

- c. That a proceeding in the criminal court is for the purpose of prosecuting the offender and can result in criminal conviction of the offender;
- d. That a proceeding or action subject to the provisions of §812 of the Family Court Act is initiated at the time of the filing of an accusatory instrument or Family Court petition, not at the time of arrest, or request for arrest, if any; and,
- e. That an arrest may precede the commencement of a Family Court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding; provided, however, that the arrest of an alleged offender shall be made under circumstances described in §140.10(4) of the Criminal Procedure Law.

NOTE: The above statute provides: "...a police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that..." a felony (except for certain larcenies) has been committed or an order of protection has been violated and that it is a family offense. Although the section also provides for an arrest for a misdemeanor that is a family offense, "unless the victim requests otherwise," it should be quite clear that, as authorized further, police agencies may elect to require an arrest in other circumstances where domestic violence has allegedly occurred. As stated at the outset, it shall be policy of the SCSO to effect an arrest in domestic violence cases wherein there is reasonable cause to believe an offense has been committed, regardless of the victim's request to the contrary.

1. When a victim wishes to proceed in Family Court on an offense, advise the victim that it will be necessary to appear in Family Court to file a petition. If the court is in session, the petition should be filed immediately. If it is not in session, the petition may be filed in a local criminal court, with the city, town or village justice acting in the capacity of the Family Court Judge.
2. When a victim chooses to proceed in a criminal court, the victim is not required to be present at the arraignment of the alleged offender. If a temporary Order of Protection is desired, the court should be advised of such request.
3. Booking, fingerprinting and photographing shall conform to current SCSO procedures and §160.10 of the Criminal Procedure Law.

#### **F. Non-family offense procedures -**

1. Offenses that are not designated Family Offenses, but which occur in domestic relationships, cannot be handled in Family Court. Criminal courts have exclusive jurisdiction over these acts (e.g. murder or attempted murder, criminal possession of a weapon, kidnapping, rape, unlawful imprisonment).
2. Orders of Protection and warrants issued in non- family offense cases are not required to be included in the Statewide Registry.

3. Although the violation of an Order of Protection is not a designated family offense, Family Court does have concurrent jurisdiction over the matter if the order was issued by the Family Court.

## **G. Orders of Protection -**

1. **Issuance** - Orders of protection and temporary orders of protection may be issued by a local criminal court, Supreme Court or the Family Court. When advising the public which forum may be of assistance, the following distinctions should be noted:

- a. **Local criminal courts** require that before a temporary order of protection can be issued to a victim, a criminal action must be pending. Upon conviction of the accused, the court may enter a final order of protection, the duration of which will be determined by the court. (CPL §530.12)
- b. **Supreme Court** may issue an order of protection upon commencement of an action for divorce, separation or annulment. (DRL §240 and 252) Supreme Court orders are enforceable statewide.
- c. **Family Court** may issue an order of protection upon application of either party with no requirement that an action has been previously commenced. (FCA §430). The parties must be subject to the jurisdiction of the Family Court, as defined by the Family Court Act and the Criminal Procedure Law. Any victim wishing a Family Court order of protection shall be referred to the Seneca County Probation Department which acts as the intake agency for such orders as well as for PINS petitions.
- d. Consistent with 18 United States Code 110A §2265, orders of protection issued by another state or Indian tribe shall be given full faith and credit and enforced as if they were the orders of a New York court. Unless clearly invalid, an out-of-state order will be presumed to be valid and shall be enforced in the criminal court having jurisdiction over the acts constituting the offense. If the validity of the out-of-state order is in question, the officer should arrest for a substantive charge if warranted, rather than for violation of the order.

2. **Enforcement** - The following procedures shall govern the enforcement of an order of protection:

- a. The responding officer shall make an objective evaluation of the facts and circumstances surrounding the incident.
- b. A lawful arrest may be made even though the protected party is unable to produce a valid copy of the order. When such circumstances exist, the officer shall attempt to verify the existence and terms of the order through SCSO records and the Statewide Registry. eJusticeNY should be checked in all cases for warrant information. If the order can be neither produced nor its

existence verified, the officer should proceed as though there is no valid order of protection.

- c. Where an officer receives a complaint from a protected person that the terms of an order have been violated, or has independent probable cause to believe such terms have been violated, an arrest shall be made for Criminal Contempt 2nd (PL §215.50(3) or Criminal Contempt 1st (PL §215.51) regardless of whether the prohibited behavior occurred in the officer's presence. A copy of the order of protection shall be attached to the court information.
- d. Whenever possible, a sworn statement shall be taken from the protected person if an arrest is made for violating an order of protection. Such affidavit shall include a statement that the terms of the order were violated and a factual description of the behavior constituting the alleged offense.
- e. In instances where the offensive conduct prohibited by the order of protection is also conduct that is independently unlawful, the offender shall be charged with both violation of the order (Criminal Contempt) and the underlying offense.
- f. In any case where an arrest has been made for violation of a criminal court order of protection, it is advisable for the protected person to be present at arraignment. (Note that victim's presence is not required when arrest is for other than violation of an order, ¶ E (3) above.) If the order violated is a Family Court order of protection, the protected person is required to appear in Family Court to file a petition and shall be so advised by the responding officer.
- g. Occasionally a respondent who has been named in a valid order of protection forbidding that person to visit named premises, will seek an officer's assistance in order to recover personal or other property. Any such assistance, voluntarily given, amounts to helping the respondent violate the order and shall not be done, unless the order specifically states that police assistance is to be provided.

If asked, the respondent should be advised to contact the issuing court for a modification of the order to allow the retrieval of personal property or property not in civil litigation.

**H. Firearms** - When a perpetrator in a domestic incident uses or threatens the imminent use of a firearm or other weapon, even if legally in possession, confiscation is permitted. In other domestic incidents, where they are present but no threat is involved, consider effecting the voluntary surrender of any and all firearms and weapons.

- 1. Confiscate legally possessed weapons as evidence when the domestic incident involves violence or the threat of violence with the weapon.
- 2. Seize and confiscate any illegally possessed weapons as contraband. Arrest for the appropriate weapons violations.

3. Accept legally possessed weapons, not involved in the incident, which are voluntarily surrendered.
4. Upon arresting an individual who is licensed to carry, possess, repair and dispose of firearms pursuant to Article 400 of the New York State Penal Law, the arresting officer should, whenever practicable, notify the court at arraignment of the fact that the defendant is licensed, the licensing authority and the county of issuance.

**I. Appearance tickets and bail -**

1. Appearance tickets shall not be issued for any domestic violence related offense.
2. Any deviation from the procedures set out must be approved by the shift supervisor and reasons for such deviation must be documented in writing in the case file.
3. Officers must not assure victims that the arrested offender will remain in custody overnight because of the provisions of this policy. Such assurances could influence decisions the victim might make regarding safety precautions to be taken.

**J. Additional Services -**

1. The SCSO maintains a current listing of agencies that provide aid to victims of domestic violence. Officers will refer victims to these agencies, as appropriate. The agencies are as follows:

Seneca County Domestic Abuse Hotline	(315) 539-1607
Community Counseling Service of Seneca County	(315) 539-1980
Safe Harbors of the Finger Lakes Hotline (800)	247-7273
Alcohol and Substance Abuse Counseling	/Community Counseling (315) 539-1985

2. Where victims of domestic violence are incapacitated by physical, mental or emotional impairments, officers will consult with Adult Protective Services and assist, where appropriate, in supportive interventions.

**K. Training requirements -**

1. All law enforcement members of the SCSO shall receive domestic violence training, including but not limited to:
  - a. Identifying and understanding the problem of domestic violence.
  - b. Response to and intervention in domestic incidents.
  - c. Criminalization trends in domestic violence.

- d. Liability rulings involving police.
  - e. Interpretation of SCSO policy regarding incidents of domestic violence.
  - f. Conducting investigations into and appropriately documenting incidents of domestic violence.
  - g. Procedures for the arrest and detention of alleged offenders.
  - h. Enforcement of orders of protection.
  - i. Victim assistance and locally available community services.
2. All officers shall receive ongoing training and legal updates concerning the area of domestic violence, including interpretation and enforcement of state and federal laws relating to domestic violence.

#### **L. Responsibility -**

- 1. All members shall follow the procedures set forth in this directive, except under extraordinary circumstances where it can be clearly demonstrated that to do so was unsuitable for a particular situation. Any such circumstances must be fully documented by officer on the incident report with the approval of the shift supervisor.
- 2. The shift supervisors are ultimately responsible to see that officers under their command comply with SCSO's policy and procedure when dealing incidents of domestic violence.
- 3. The Sheriff will designate a command level officer to coordinate SCSO's domestic violence programs. Responsibilities of this person will include:
  - a. Coordination of SCSO training in domestic violence;
  - b. Policy review, suggestions for revisions, and policy implementation;
  - c. Routine analysis of SCSO data gathered from reports of domestic violence, offense dispositions, and arrest statistics as a measurement for program success; and,
  - d. SCSO liaison with state and local domestic violence agencies, community service organizations and the public in matters relating to domestic violence.

#### **IV. DEFINITIONS:**

**A. A Domestic Incident** is any dispute, violence or report of an offense between individuals within a domestic relationship where police intervention is requested. A domestic incident is not necessarily a violation of law.

**B.** For purposes of this policy, a **Domestic Relationship** shall include persons who:

1. Are members of the same family or household defined as such by the Family Court Act and the Criminal Procedure Law in that they:
  - a. Are legally married to each other;
  - b. Were formerly married to each other;
  - c. Are related by blood;
  - d. Are related by marriage;
  - e. Have a child in common regardless of whether they were ever married or lived together at any time; **or are**
2. Defined as such by Social Services Law and Regulations in that they:
  - a. Are unrelated persons who are continually or at regular intervals living in the same household or who have in the past continuously or at regular intervals lived in the same household;
  - b. Are unrelated persons who have had intimate or continuous social contact with one another and who have access to one another's household; **and/or who**
3. Assert that they are intimate partners, in that they have had a dating relationship, including same sex couples.

Note: Domestic Incidents, as defined in ¶ A, includes assaultive and non-violent conduct that injures, attempts injury, or is coercive in its intent. The definition of Domestic Relationship in ¶ B, recognizes that these relationships take many forms and that members must ensure equal protection under law for all victims of domestic offenses, not only victims of Family Offenses. Domestic incidents may continue after the formal or informal relationship has ended, and may include "stalking" behaviors such as harassment and menacing.

**C. Domestic Violence** occurs when an intimate partner, family or household member commits or attempts to commit:

1. Any of the following designated Family Offenses (F=Felony, M=Misdemeanor, V=Violation):
  - a. Harassment in the 1<sup>st</sup> (M) and 2<sup>nd</sup> (V) degrees
  - b. Aggravated harassment in the 2<sup>nd</sup> (M) degree
  - c. Disorderly conduct (V), including not in a public place

- d. Assault in the 2<sup>nd</sup> (F) and 3<sup>rd</sup> (M) degrees
  - e. Attempted assault 2<sup>nd</sup> (F) and 3<sup>rd</sup> (M) degrees
  - f. Reckless endangerment in the 1<sup>st</sup> (F) and 2<sup>nd</sup> (M) degrees
  - g. Menacing in the 2<sup>nd</sup> (M) and 3<sup>rd</sup> (M) degrees
  - h. Stalking in the 1<sup>st</sup> (F), 2<sup>nd</sup> (F), 3<sup>rd</sup> (M) and 4<sup>th</sup> (M) degrees  
(Ref: CPL §530.11 and FCA §812)
  - i. Criminal Obstruction of Breathing or Blood Circulation
  - j. Forcible Touching
  - k. Sexual Abuse 3<sup>rd</sup> degree
  - l. Sexual Abuse 2<sup>nd</sup> degree (subdivision (1))
  - m. Sexual Misconduct
  - n. Strangulation 1<sup>st</sup> and 2<sup>nd</sup> degree
  - o. Criminal Mischief any degree  
 \*NOTE\* This includes damage to property of another which a person Has some type of joint ownership (e.g. marital property).
2. Offenses such as Attempted Murder, Kidnapping, Rape, Unlawful Imprisonment, Coercion, Arson or Criminal Mischief against an intimate partner or another household/family member. Threats or acts of violence against the victim or others, or damaged property or harm to pets may, in some circumstances, form the basis of the charges of Tampering With a Witness (PL §215.10-13) or Intimidating a Witness (PL §215.15-17). The criminal court has exclusive jurisdiction over these types of offenses.
3. Repeated coercive acts or petty offenses which, taken singly, may be non-criminal in nature, but which instill fear of physical injury or harm and therefore may warrant a charge of Harassment 1 or Menacing 2 & 3. Such a pattern may involve abusive language, physical or verbal threats or damage to jointly held property. The purpose of these acts is to manipulate and control an intimate partner or another member of the family/household.
4. Acts that violate the terms of a Order of Protection issued by the Family, Supreme, or criminal courts.

**D. Concurrent Jurisdiction** exists when different courts have jurisdiction over the same incident. A victim of a Family Offense may elect to proceed in either a civil or criminal court, or in both. Criminal court and Family court have concurrent jurisdiction when:

1. A designated Family Offense (listed above) is alleged to have been committed; **and,**
2. A family/household relationship as defined in the Family Court Act (see ¶ B (1) above) exists; **and,**
3. The offender is 16 years of age or older.

Note: In cases where either of the first two elements are not met, the victim does not have the option of going to Family Court but must go to criminal court for legal relief. If the first two elements are met, but the alleged offender is less than 16 years of age, the case must be heard in Family Court.

# WARRANTS

STANDARD NO(S):

NYSLEAP 8.12  
NYSSACD#: 35,38,41,77

DATE:

June 4, 2009  
REVISED: 11/15/2010  
06/01/2016

REFER TO:

Chris Constable

- I. **OBJECTIVE:** To provide a procedure for the management of warrants that come into the possession of the SCSO from various sources.
- II. **POLICY:** It is the policy of the SCSO that any and all warrants received by any member of the Law Enforcement Division are to be entered into the computerized database, Spillman. This computerized database provides SCSO members 24 hour per day/7 day a week access to any and all warrants in possession of the SCSO. Furthermore, this policy describes the duties of the Warrant Control Officer (WCO) along with individual members of the SCSO when dealing with warrants of any type. The Seneca County Correctional Facility receives arrest, bench, detainer and other types of warrants for inmates in their care, custody and control. The Seneca County Correctional Facilities' policies and procedures are more fully described in the Corrections Manual of Instructions (CMOI).

## **III. DETAILS:**

- A. **Warrant Management** - SCSO members will utilize the Warrant Management System, a record keeping and database component of the Spillman. All warrants, including, but not limited to; arrest; bench; probation violation; family court and or any other warrants will be entered into the Warrant Management System by the Warrant Control Officer (WCO). In some instances, a SCSO member may enter an incoming warrant into Spillman, but will advise the WCO of such action.

SCSO members have access to all active SCSO warrants 24 hours per day, 7 days per week accessible through New E-Justice. E-Justice is also maintained and operated by the Seneca County Emergency Communications Department, hereinafter referred to as the E-911 center. E-911 Dispatchers staff the Emergency Communications Department on a 24 hour per day, 7 day a week schedule. All warrants that come into possession of SCSO are entered into this system as are all executed and vacated warrants immediately canceled from the system. SCSO members have access to E-Justice through the Seneca County E-911 center at all times and it serves as the computerized warrant database.

**B. \*SCSO procedures -**

1. All incoming warrants, whether received by mail or in person are to be delivered without delay to the "warrant inbox tray" located on top of warrant file drawer in the road patrol office file room at the LEC. The WCO is responsible for checking this box and processing the incoming warrants. All executed or vacated warrants shall be placed in the "warrant executed tray" located in the same location as the "warrant inbox tray."
2. Except for those warrants delivered along with a person in custody, warrants should be directed to the WCO. In this instance, the member may enter the warrant directly into Spillman.
3. Immediately upon receipt of a warrant from any source, the WCO shall log said warrant into the SCSO warrant log book. The SCSO warrant log book shall be kept in the possession of the WCO.
4. Upon receiving the warrant, the WCO will be responsible for completing a warrant control sheet within the Warrant Management System with Spillman. The warrant control sheet will be attached to the warrant at all times until the warrant is executed or vacated. The WCO will also be responsible for ensuring a "WENT" (File 5) is entered into E-Justice by the E-911 Center dispatchers.
5. All outside inquiries regarding warrant status will be directed to the WCO, duty Sergeant, or the court of original jurisdiction. These will constitute the appropriate sources for warrant verification.
6. When a warrant attempt is made, the SCSO member will enter the attempt of service and any new information on the warrant worksheet and return warrant. In addition, the SCSO member will make an entry into Spillman for the warrant attempt.
7. Upon execution of a warrant, the SCSO member will immediately notify the E-911 Center for update of the computer file and cancellation of the E-Justice entry. The member will request the E-Justice want cancellation notice be transmitted to the officers attention via facsimile to the LEC. The warrant control sheet, along with the E-Justice want cancellation notice received from the E-911 center is to be returned to the WCO's attention by placing those documents in the "warrant executed tray." Warrants withdrawn by a court are handled similarly, except that the on-duty supervisor shall be notified. The officer will return the warrant control sheet to the WCO by placing in the "warrant executed" box..
8. Spillman is capable of producing a "hotsheet" and members can produce this feature on their own. It is imperative to remember all warrants should be confirmed prior to any arrest being made. Confirming

a warrant consists of having the member or another member physically possessing the warrant.

9. The WCO will be responsible for overseeing the execution of warrants, assigning of warrants, and managing of warrant records. In addition, the WCO will conduct period reviews, in cooperation with the Seneca County District Attorney's Office, of outstanding warrants held by the Sheriff's Office in order to identify and purge documents which are out-of-date or cannot be executed.

**NOTE:** NYS Executive Law §221(2) requires that any felony warrant be entered into E-Justice within 48 hours from the time it is received by a police officer.

**NOTE:** Warrants received by or delivered to the Seneca County Correctional Facility for inmates currently in custody will be handled in accordance with the procedures set forth in "**Warrant's**" in the Corrections Manual of Instructions (CMOI).

#### **C. CIVIL ARREST WARRANTS -**

1. Civil arrest warrants are generally issued as a result of a civil contempt proceeding, pursuant to Sec. 2308, 5104, 5210, 5250, or 5251 CPLR.
2. Receipt of a civil arrest warrant requires an original and one copy for the respondent.
3. All Civil arrest warrants must be reviewed by the County Attorney to verify compliance with statutory requirements prior to execution.
4. Papers originating from Supreme or County Courts must contain an index number and date of filing with the clerk of the court.
5. City and Justice Court warrants do not require the index number and filing date.
6. All warrants must be signed by a judge.
7. The warrant must be directed to the Sheriff, for us to enforce.
8. The warrant must contain the name and address of the person to be arrested, title of the action, parties involved, the court, name and address of the attorney or other person who obtained the warrant.

#### **D. EXECUTING CIVIL ARREST WARRANTS –**

1. When executing the arrest warrant you must identify yourself, inform the respondent you have a warrant for their arrest and your intention to take them into custody.

2. The respondent must be served with a copy of the arrest warrant and any other papers associated with the action, if available at the time.
3. The respondent must be taken before the court that issued the warrant.  
**They cannot be taken before another court.**
4. The warrant must be executed when the court is in session. If the court is not in session, the warrant should not be executed.
5. The warrant cannot be executed on Sunday or any other day the defendant claims as their Sabbath.
6. A respondent or their attorney, in a civil proceeding, if advised a warrant has been issued, may be able to resolve the matter and have the warrant recalled or voluntarily turn themselves into you or the court.
7. Fingerprints and photos of a person arrested as a result of a civil arrest warrant are not authorized. A standardized booking report will be completed by Corrections staff.
8. The member effecting such an arrest on a civil arrest warrant will complete an Spillman report in connection with the arrest.
9. In the event a member assigned to execute a civil arrest warrant has any questions or concerns regarding execution of such warrant the member is directed to consult with the County Attorney and Sheriff.

## **TASER AXON “ON DEPUTY” VIDEO RECORDING SYSTEM**

STANDARD NO(s) NYSLEAP: 47.2; 47.5

DATE: May 23, 2014

Revised: 05/24/2016

REFER TO: Kipp Goodman  
John Cleere

### I. OBJECTIVE:

To establish uniform guidelines for the use of the TASER AXON “On Deputy” video recording system. The system will be used to document various events and at the end of the Deputies tour of duty, the captured data will be preserved in a web-based digital storage facility, EVIDENCE.com. Once captured, these recording cannot be altered in any way and are protected with multiple layers of encryption.

### II. POLICY:

The Seneca County Sheriff’s Office has adopted the use of the AXON “On Deputy” video recording system to accomplish the following policy goals:

- A. To enhance Deputy safety
- B. To accurately capture statements and events during the course of an incident
- C. To enhance the Deputies ability to document and review statements and actions for both internal reporting requirements and for courtroom presentation.
- D. To provide an impartial measurement for self-critique and field evaluation for new Deputy training.
- E. To capture visual and audio information for use in current and future investigations.
- F. To enhance the public trust by preserving factual representation of Deputy-citizen interactions in the form of audio and video recording.

### III. TRAINING:

- A. Deputies will not utilize the “On-Deputy” video recording system until they have received the proper training.
- B. Training will consist of, but not limited to:
  1. A review of the system, its functions, proper usage, activation and deactivation.
  2. A review of the user manual and SCSO policy governing its use.
  3. A hands-on review of the “On Deputy” video recording system.
  4. The retention and storage features and procedures for placing data into evidence.

- C. Normal (Buffering) Mode – The AXON “On Deputy” recording system loops video recording for up to 120 seconds (Actual loop time for the SCSO will be established at 30 seconds) at which time video only (No audio) will be recorded while buffering.
- D. Event Mode – In this mode, the AXON “On Deputy” video recording system saves the buffered video and continues recording audio and video for up to eight (8) hours. Continuously pressing the event button turns the recording off and on and also places markers on the media segment for later viewing in EVIDENCE.com.

**IV. OPERATIONAL PROTOCOLS:**

- A. Whenever it is possible to do so, it shall be the policy of the SCSO to activate the AXON “On Deputy” video recording system to record the following types of events:
  - 1. Traffic stops
  - 2. Vehicle pursuits
  - 3. Vehicle searches
  - 4. Confrontational citizen encounters
  - 5. Use of Force events
  - 6. Statements made by suspects, victims or witnesses
  - 7. When advising a suspect of their Miranda rights prior to an interrogation or other legitimate law enforcement contacts.
- B. It will be the responsibility of each Deputy that once the AXON “On Deputy” video recording system has been activated; it shall not be turned off until the event has concluded.
- C. There will be times when, due to the nature of law enforcement work, exigent circumstances prevent the Deputy from activating the “On Deputy” video recording system.
  - 1. In those types of events the Deputy will document the reason for not activating the “On Deputy” video recording system.
- D. No Deputy will record a child or adult victim of any sex offense.
- E. To respect the dignity of others, Deputies will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.
- F. The AXON “On Deputy” video recording system will not be used to record personal activity.
- G. The AXON “On Deputy” video recording system will not be activated in places where a reasonable expectation of privacy exists, such as dressing or rest rooms.
- H. The AXON “On Deputy” video recording system will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-law enforcement related activities.
- I. Deputies will not record interactions with informants or undercover Officers.

- J. Deputies will avoid recording persons who are picketing or engaged in a protest or First Amendment demonstration, unless an obvious violation of criminal law is occurring.
- K. Deputies will test the “On Deputy” video recording equipment according to training and manufacturer’s guidelines upon beginning their respective tour of duty. If any problems are encountered with any component of the system the AXON “On Deputy” video recording system will not be used and the Deputy will immediately notify their supervisor, document the malfunction and the supervisor is responsible to notify the Chief Deputy.
- L. Whenever a Deputy obtains a video statement it will be documented in the case **SPILLMAN** report that a video statement was secured.
- M. When the AXON “On Deputy” video recording system is used in any investigation or during a traffic stop, this fact will be documented on any citation, 710.30 notice or any other reported generated with regards to the contact.
- N. Deputies will immediately report any loss or missing part of the “On Deputy” video recording system to their supervisor and will prepare an SJS report outlining such loss or missing part. The supervisor is responsible for making immediate notification to the Chief Deputy.

V. EVIDENTIARY PROTOCOLS:

- A. At the end of their shift, Deputies will place the AXON Camera and battery into any open slot of the ETM (Docking Station), which will allow the data to be transferred from the AXON Camera through the ETM to an offsite storage facility known as EVIDENCE.com.
- B. Deputies will not allow citizens to review any recordings.
- C. The release of audio/video data requested through a public records release request will be subject to the same statutory exemptions from disclosure as any other departmental records.
- D. Deputies will not make copies of any recording for their personal use and are prohibited from using a recording device (such as a telephone, camera or secondary video camera) to record any media stored on EVIDENCE.com or the AXON Camera unit.
- E. Deputies will have the ability to review their recordings to ensure accurate written reports, but will not be able to alter the contents of any audio/video recording that has been recorded. A 710.30 Notice must be prepared, or the District Attorney’s Office notified that the Deputy intends to use any of the defendant’s recorded audio or video recorded statements for prosecution.
- F. All digital media collected using the AXON “On Deputy” video recording system is considered an official record of the Seneca County Sheriff’s Office. Accessing, copying or releasing any media for other than official law enforcement purposes is strictly prohibited, except as required by law.

- G. In the event that a particular recording is required for any court proceeding it is the Deputies responsibility to notify the Chief Deputy in writing requesting a copy of the stored data for that purpose. The Chief Deputy will make a notation in the case SPILLMAN report that a copy of the video recording was made and was turned over to whoever requested such recording.
- H. Video records that have not been categorized, named or placed in a case file electronic folder will be auto-deleted after 120 days.

VI. **ADMINISTRATOR RIGHTS:**

- A. The Chief Deputy shall be the only person within the SCSO to have administrator rights to all recordings stored on EVIDENCE.com.

## **Chapter Four – Civil Division procedures and protocols**

- 4-1 Hours of Operation – Civil Division
- 4-2 Administrative Procedures
- 4-3 Records Management
- 4-4 Service of Process
- 4-5 Personal Property
- 4-6
- 4-7 Orders of Seizure
- 4-8 Family Court Orders
- 4-9 Legal Advisor
- 4-10 Financial Transactions
- 4-11 Fee's & Mileage
- 4-12 Real Property
- 4-13 Orders of Attachment
- 4-14 Notice Petition & Eviction Warrant
- 4-15
- 4-16 Income Executions

## **HOURS OF OPERATIONS – CIVIL DIVISION**

STANDARD NO(S): NYSSACD # 98  
DATE: September 1, 2010  
REVIEWED: 03/30/2017  
REFER TO: David Smith

### **I. OBJECTIVE:**

It is the objective of the Seneca County Sheriff's Civil Division to establish hours of operations in compliance with the provisions of the law and coverage, exclusive of Sundays, sufficient to serve and execute all mandates and other process delivered to the Civil Office.

### **II. DETAILS:**

#### **A. Reporting times -**

1. The Seneca County Sheriff's Office Civil Division will be open to conduct business from at least 8:00 A.M. to 4:00 P.M. daily except Saturday, Sunday and Holidays.
2. The office hours may be extended as authorized by the Sheriff.
3. Members are expected to report for duty as scheduled. If a member expects to be late, they shall notify the Civil Office as soon as possible in advance. Tardiness may constitute grounds for disciplinary action.

## **ADMINISTRATIVE PROCEDURES**

STANDARD NO(S): NYSSACD # 45, 50, 67, 97

DATE: September 1, 2010  
REVISED: 11/02/2010  
REVIEWED: 03/30/2017

REFER TO: David Smith

I. OBJECTIVE:

To establish a listing of employee positions within the Civil Division and a detailed explanation of their specific duties and to establish procedures for the procurement or requisitioning of Civil Division supplies.

II. DETAILS:

A. Priority for completing these responsibilities rests with the Civil Officer.

1. Along with other responsibilities, the Civil Deputy will:
  - a. Serve and enforce civil process, which shall include making levies and seizures of property.
  - b. File affidavits and certificates related to civil process.
  - c. Maintain related records and reports.
  - d. Prepare a Civil Division Daily Log and submit it to the Civil Officer at the end of each shift for review.

This report shall include:

- i. Times reporting on & off duty
- ii. Activities performed
- iii. Service & Levy locations & times
- iv. Special or Unusual events
- v. Signatures of the Civil Deputy & Civil Officer

- e. Any other duties imposed upon him/her by these rules and procedures
2. Along with other responsibilities, the Civil Clerk will:
- a. Prepare civil process for entry by reviewing, receipting and generating file numbers
  - b. Prepare certificates, affidavits and returns
  - c. Receive mail, stamp and file.
  - d. Maintain files
  - e. Post the daily checks received through the mail.
  - f. Issue receipts
  - g. Enter summons, review and enter income executions.
  - h. Prepare 2<sup>nd</sup> stage Income Executions for service.
  - i. Prepare the daily deposit.
  - j. Any other duties imposed upon him/her by these rules and procedures
3. Along with other responsibilities, the Civil Officer will:
- a. Oversee all operation of the Civil Division, which shall include preparation and adjustment of work schedules and attendance control as specified by department policy
  - b. Process Income Executions ready for return.
  - c. Review and enter property executions.
  - d. Conduct public auctions.
  - e. Answer authorized inquiries
  - f. Prepare and review reports
  - g. Review policies and procedures including recommendations for changes as needed.
  - h. Post the cash journal, subsidiary ledger accounts and the disbursements journal
  - i. Prepare disbursement checks

- j. Prepare the monthly cash report
  - k. Conduct bank reconciliations
  - l. Prepare the monthly financial reports
  - m. Any other duties imposed upon him/her by these rules and procedures
- B. Every position in the Civil Division is backed up in case of their absence by the Civil Officer. In the event of an extended absence by the Civil Officer, other trained SCSO personnel will be assigned to oversee the Division operations.
- C. The procurement or requisitioning of Civil Division supplies will be submitted to the Civil Officer for review. If determined necessary, the Civil Officer will approve the request and it will be forwarded to the Fiscal Service Manager.

## **RECORDS MANAGEMENT**

STANDARD NO(S): NYSSACD # 42, 46, 60, 62, 72-76,  
94, 104, 108, 120, 121

DATE: September 1, 2010  
REVISED: 11/01/2010  
REVISED: 02/08/2011

REFER TO: David Smith

**I. OBJECTIVE:**

It is the objective of the Civil Division to establish the procedures for processing, filing and managing Civil Division records.

**II. DETAILS:**

- A. The Civil Division is the primary repository of all division reports and records. The Civil Division is responsible for initiating, receiving, processing, distributing, storing, maintaining, securing and retrieving Civil Division reports, records and civil processes, by subject matter, parties to the action, date of receipt, service information, when, how, by whom, location, returns, affidavits, correspondence and financial activity.
- B. Reports and forms shall be prepared neatly, legibly, accurately and completely in accordance with applicable written directives and will be distributed accordingly.
- C. Management of the Civil Division records system will be the responsibility of the Civil Clerk under the direction of the Civil Officer.
- D. Management of the Civil Division records system shall include:
  1. Initiating, receiving, processing, distributing, storing, maintaining, securing and retrieving Civil Division reports, records and processes.
  2. Indexing, distributing, filing and retrieving reports and records.
  3. Responding to requests for information and copies of reports in accordance with Media Guidelines and Release of Information.
  4. Recording information in the Civil Process software.
  5. Maintaining privacy and security.
  6. Forms inventory and control.

7. Financial accounting records.
- E. RECORDING/PROCESSING OF CIVIL PROCESS –
1. Civil Processes are received at the Civil Office in person or through the mail. Upon receipt and in accordance with their applicable directive, they are entered.
  2. The Civil Clerk enters the required information in the Civil Process software obtaining a file number.
    - a. The file number assigned to a file will be recorded on all service of process documents.
      - 1.) Income Executions will be filed in accordance with written directive “**Income Executions**”.
  3. All prepared process is given to the scheduled Civil Division Deputy at the beginning of their shift.
    - a. In the event the Civil Division Deputy is absent, the Civil Officer may attempt to call in another deputy to fill the shift or perform those duties in their place. Should the need for a night service attempt become necessary, the Civil Officer will coordinate with a Road Patrol Division supervisor to attempt service.
    - b. At the end of each tour of duty Civil Division Deputies shall:
      - 1.) Turn over the remaining process to the Civil Clerk and sign any affidavits generated from served process.
      - 2.) Complete a time sheet and give it to the Civil Officer to sign.
  - c. The Civil Officer shall be responsible for reviewing all reports by members of the Division for accuracy, completion, neatness, and proper classification.
  4. Property Executions will be processed in the same manner as all other processes, except for the time requirements for service.
  5. Once process has been served the computer will be updated to reflect the service date.
  6. When attempting to serve and enforce civil processes, the scheduled Civil Division Deputy will call in and out of service with the 911 communications center.

- a. The E-911 Center will acknowledge all radio communications activity to document service/enforcement activity and monitor the deputy's activity to ensure for officer safety.
- F. After service and/or enforcement, complete appropriate reports, forms and return requirements. Include date, time and location of all service/enforcement activity in accordance with applicable written directives.
  - 1. All cases will be returned to the Civil Officer for review and filing.
    - a. All returns shall include a statement of the reason for the return.
  - 2. a. Execution files will be maintained in alphabetical order by last name until returned to the appropriate submitting party and then maintained in numerical sequence by file number and year to be destroyed within the Civil Division files.
    - b. Summons files will be maintained in numerical sequence, by file number, within the Civil Division files.
  - 3. The Civil Officer shall conduct an annual review of the Civil Division records, files, security, control and reporting to ensure compliance with standard records systems practices and compliance with department policy and procedures.

#### G. DIVISION FORMS –

- 1. The Civil Officer will be responsible for recommendations for the development, modification and deletion Division forms.
- 2. The Civil Officer will forward all recommendations for new or changes to existing Division forms to the Undersheriff for review. If approved by the Sheriff, the Division form will be assigned a unique identifier and placed in the SCSO Forms Folder located on the SCSO “G” drive within the Civil Division forms folder.

#### H. RECORDS INDEXING –

- 1. Civil Division records shall maintain indexing capabilities consistent with the Civil Process software system.
- 2. Indexing capabilities shall include a master name index of persons whose names have appeared in civil process. Names that shall be entered in the system will include:
  - a. Petitioner/Plaintiff/Judgment Creditor
  - b. Defendant/Respondent/Judgment Debtor
  - c. Parent or guardian

- d. Witness
  - e. Lawyers
  - f. Employers
  - g. Aliases or Nicknames
  - h. Involved officers
3. An index of Civil Process by:

- a. File Number

## I. EMPLOYEE REPORTING –

- 1. Reports or docket activity, money handled, service, enforcement and levy activities shall be prepared by employees, submitted for review and approval, and distributed in accordance with the following:
  - a. All employees shall document special or unusual events encountered.
  - b. Money handled daily, shall be reported on the Daily Cash Receipts report generated at the end of each day.
  - c. Civil Division Deputies shall specify their service, enforcement and other activity, including attempts, by date, time and location. This shall be recorded on the Civil Division Daily Activity Report Form.
  - d. Monthly, the Civil Officer shall be responsible for the preparation and distribution of monthly reports of division activity. Said reports shall include a detailed report of all monies received, disbursed or otherwise handled by type, including poundage, mileage, filing fees, changes and expenses, disbursements to creditors, refunds, itemized report of process docketed, real and personal property sales, or other information as requested by the Sheriff. The monthly report will be distributed to the Chief Deputy, the Undersheriff and the Sheriff and Fiscal Services Manager by the 10<sup>th</sup> of the month.
  - e. The Civil Officer shall prepare an annual report of Civil Division activity, including docketing activity, money handled, service, enforcement and levy activity, for submission to the Sheriff, Undersheriff and Chief Deputy and Fiscal Services Manager. The annual report will also be disseminated to the members of the Civil Division as an evaluation of the degree to which the division has attained its goals and objectives.

- 1.) The Chief Deputy is responsible for the inclusion of Civil Division Activity in the compilation of the Monthly and Annual Report of the Sheriff's Office.

J. RECORDS MAINTENANCE –

1. Copies of reports, forms and documents shall be maintained in the Civil Division, except those subject to return or filing elsewhere as previously identified in this directive, or pursuant to other written directives or statutes.
2. Financial Records shall be maintained by the Division in accordance with directive “**Financial Transactions**” this manual..

K. SECURITY, PRIVACY AND RETENTION OF RECORDS –

1. The security and privacy of records is essential. All members of the Civil Division share in the responsibility for the security of the divisions' records. The following procedures shall be followed to ensure for the security of records.
  - a. Persons not employed by the Sheriff's Office shall not be left unattended in the Civil Office.
  - b. Entry doors must be kept locked when no division personnel are on duty.
  - c. Computer screens must be positioned so they can not be seen by the public.
  - d. Unauthorized persons shall not be permitted access to records, files or data bases. No member shall disclose any combination, code or password to any unauthorized person.
  - e. Members must sign off when they leave a computer terminal unattended.
2. Active and recently inactive files will be maintained in the Civil Division. All inactive division files will be moved to the designated records storage facility, and purged, in accordance with the schedules established by the NYS Education Department regulations.
3. Records retention and destruction shall be the responsibility of the Civil Officer who shall follow guidelines provided by the Records Retention and Disposition Schedule CO-2, issued by the State Archives and Records Administration (SARA), State Education Department.
4. Information shall only be retrieved, used, stored and disseminated in accordance with applicable laws, department policy and procedures, and Use and Dissemination agreements.

L. RELEASE OF INFORMATION –

1. The access, release and dissemination of information, copies of reports and records shall be in accordance with applicable laws, the records retention and disposition schedule of the State Education Department and SCSO directives covering Media Guidelines and Release of Information.
2. The use, dissemination and access to civil information shall be in accordance with the following procedures:
  - a. General Inquiries
    - 1.) The party who delivered process to our division is entitled to know the status. Inquiries may extend to process delivered by other parties where such process affects the status of the inquiring party.
    - 2.) Persons intending to file civil process, or who have had process served on them, (employers, banks, recipients of civil papers) may receive information relevant to the filing of said process if the information has a bearing on their status or filing the papers or pursuant to a court order.
    - 3.) Inquiries made pursuant to 1.) and 2.) above may be responded to by fax, phone and letter or in person.
    - 4.) Inquiries from other persons who do not have process on file with us should not receive information regarding process docketed with our office.
    - 5.) Public access to records in the Civil Division shall be made by application to the Sheriff's Office pursuant to the Public Officers Law.
  - b. News Media
    - 1.) The Chief Deputy is the liaison between the division and the media. The Chief Deputy is the primary point of contact, responsible for the dissemination of civil information, consistent with applicable statutes, court orders and guideline of the Fair Trial – Free Press Conference.
    - 2.) Members of the Civil Division are authorized to disseminate civil information in accordance with this directive.

- 3.) The Civil Officer enforcing a planned or unplanned civil action may release non-identifying information to the media upon request, when the Chief Deputy is not available.
- 4.) Audio or videotape of the Civil Officer shall be at his/her discretion.
- 5.) When at the scene of civil actions, the Chief Deputy will be apprised of the facts relating to the civil action and will be responsible for all media requests.
- 6.) Media requests for reports of civil proceedings conducted by the Civil Division shall be referred to the Chief Deputy.
  - a.) The Civil Officer will coordinate the release of the information with the Chief Deputy in accordance with applicable statutes, court mandates and Freedom of Information guidelines.

## SERVICE OF PROCESS

STANDARD NO(S): NYSSACD # 101-103, 106, 109  
NYSLEAP#: 8.13

DATE: September 1, 2010

REFER TO: David Smith

### I. OBJECTIVE:

It is the objective of the Civil Division to establish procedures for service of process.

### II. DEFINITIONS:

- A. **Actual Place of Business** – Any location the defendant, through regular solicitation or advertisement, has held out as their place of business.
- B. **Suitable Age and Discretion (SAD)** – A person, at least 12 years of age, who understands the nature and purpose of the particular order that is being served.
- C. **Due Diligence** – Making every reasonable attempt (at different times during the day and on different days) to serve a civil process.
- D. **Natural Person** - Is a person other than a partnership, corporation, infant, incompetent, the state, or a governmental subdivision.
- E. **Infant** – Any natural person less than 18 years old.

### III. DETAILS:

- A. Processing -
  - 1. The Civil Division will time stamp all copies of income and property executions.
    - a. All civil processes will only be accepted and time stamped in the Civil Division, during office hours from 8am to 4pm.
  - 2. The Civil Division will enter the papers and obtain a computer generated file number for each order received and record that number on the papers.
    - a. Copies of any correspondence, notes, returns or other facts pertinent to the process shall be filed with the case file folder and recorded in the computer notes file.

3. Fees

a. A fee schedule established pursuant to Article 80 CPLR has been established and must be used for service and enforcement fees for all types of civil processes and round trip mileage charge.

i. Fee schedules and mileage charts shall be provided upon request to any interested party.

b. Fees and expenses must be collected in advance with the following exceptions:

i. State and political subdivisions shall not be billed for service.

4. Obtain the original plus three copies of the summons. Serve copies - not the original

5. Make sure the papers have the names of the plaintiff, defendant, and plaintiff's attorney, notice that failure to appear may result in default, and the court.

a. Failure to identify the court where the action initiated is a jurisdictional defect.

6. When receiving a Supreme or County Court summons, make sure the index number and date the summons was filed with the county clerk is on the summons.

a. If there is not a complaint with the summons, make sure there is a notice contained within the summons stating the nature of the cause of action, relief sought and sum of money which a judgment may take in the event of a default.

b. The plaintiff has 120 days to serve the summons and file proof of service.

7. If a matrimonial action is received with no complaint attached, the nature of the action must be legibly written on the front of the summons (e.g., Action for Separation).

B. Service –

1. Civil Process and mandates shall not be executed or served beyond the geographic limits of the county, except upon order of a court of competent jurisdiction or upon verification of statutes referred to within the mandate (CPLR §301, 302).

2. There are six (6) methods in which a summons may be served on a natural person. They are as follows:
  - a. Personal Delivery: or
  - b. Delivery to a person of “suitable age and discretion” (SAD), either at the defendant’s actual place of business, his dwelling place or usual place of abode, and first class mail to the defendant at his last known address or actual place of business. If mailed to business use a plain envelope, bearing the legend “Personal and Confidential”: or
  - c. Personal delivery to an agent of the defendant under §318, CPLR, except in matrimonial cases; or
  - d. Nail and Mail if service cannot be made using the first three (3) methods. Affix the summons to the defendant’s door at his actual place of business, dwelling place or usual place of abode and mail, 1<sup>st</sup> class, to his last known address or business. Attach the summons by use of a nail, tack, tape, rubber band, or some other device which will ensure a genuine adherence. Do not wedge between screen door and the doorjamb.
  - e. If the service methods described in a, b, c, and d are not possible, the attorney may ask the court for an order directing an alternate method of service.
  - f. Exceptions to personal service:
    - i. Matrimonial Actions must be served by personal delivery, unless ordered otherwise by the court.
    - ii. Alternate method of service in auto accident cases of non-resident defendant or defendant who has been out of state four (4) months or longer, and allegedly caused an auto accident in NY state, may be served by the Secretary of State followed by service on the defendant.
      1. Service on Secretary of State is made by personal delivery or mailing to his Albany office with \$5.00 fee. The Secretary serves defendants by certified or registered mail.
  - g. Service can be by publication if the plaintiff makes an ex-parte motion and the court grants this motion.

3. Service on an infant (person less than 18 years of age) is made by serving a parent, guardian or any person having legal custody.
  - a. If the infant is married serve an adult spouse or if there is none, a person with whom he resides or his employer.
  - b. If the infant is 14 years or older, we must also serve the infant (CPLR 309a).
    - i. If we serve the parent and the infant is not available we can give the second paper to the parent (sub-service), and mail to the infant.
    - ii. If the paper is mailed to parent and infant, we must mail two (2) papers.
4. Service on an incapacitated person unable to manage their personal needs or property for whom a guardian has been appointed is made by serving both the incapacitated and the guardian unless the court dispenses with serving the incompetent (Art 81 MHL).
  - a. Personal service on a person for whom a conservator or committee has been appointed shall be made by serving the conservator or committee and the conservatee or incompetent, unless the court dispenses with serving the conservatee or incompetent. (§309 CPLR)
5. Service on a partnership is made by serving any partner or the partners managing agent, or the partnership's executive secretary providing a copy of the summons is mailed to the partner intended to be served at his last known residence or actual place of business. Proof of service must be filed within twenty days.
  - a. Where service can not be made with due diligence, it may be made by affixing to the door of the actual place of business of the partnership and mailed as indicated above.
  - b. Service may be made to an agent designated to receive process.
  - c. Service may also occur by alternative methods if ordered by the court.
6. Provisions for personal service upon a limited partnership (LP) are more restrictive than service upon a partnership.
  - a. CPLR §310-a. (a) delivering a copy personally to any managing or general agent or employee authorized to receive process shall make personal service upon a limited partnership.

- b. CPLR §301-a (b) If service is impractical the court may direct the method, upon motion without notice.
- 7. Provisions for personal service on limited liability (LLP) companies.
  - 1. Service can be made by delivery to any member of the company if management is vested in its members, agents authorized to receive process, or any other person designated to receive process. If service is impractical the court may direct the method, upon motion without notice.
- 8. Service on a Domestic or Foreign Corporation is made by personal delivery on any of the following:
  - a. Director
  - b. Manager or General Agent
  - c. Cashier or Assistant Cashier
  - d. Officer
  - e. Any other agent expressly authorized by appointment or law to receive service.
- 9. Service upon governmental bodies, boards or commissions must be as follows:
  - a. County: chairperson or clerk of the board of supervisors (Legislature), clerk, attorney or treasurer.
  - b. Town: supervisor or clerk
  - c. Village: mayor, clerk or any trustee
  - d. Town or Village Board or Commission: town clerk
  - e. Park, Sewage or other District: clerk, trustee or member of the board
  - f. Board or Commission having a presiding officer: presiding officer
    - i. Service on other boards or commissions: any member
  - g. State Attorney General or any Assistant Attorney General
    - i. If instructed to serve a specific state official, serve such person.

ii. Service on a state officer sued solely in their official capacity is made by delivering the summons to the officer or the Chief Executive Officer or his designee to receive process, or certified mail, return receipt requested and serving the Attorney General or any Assistant Attorney General pursuant to §307 (1) CPLR.

1. The envelope used for certified mailing must bear the legend “urgent legal mail”.

h. School District: school official as defined in the Education Law.

i. Personal service on a court of three (3) or more judges: any one of the judges.

j. Service on an inmate:

i. Law Enforcement Center:

1. Advise the desk officer of the civil process to be served. You will wait for the inmate to be brought from their housing unit pod and will make personal delivery to the inmate.

ii. Five Points Correctional Facility & Willard DTC:

1. Report to the front desk. Advise them that you have civil process for an inmate. They will notify an Inmate Records Clerk (IRC) who will come out to the front desk and will receive substitute service for the inmate.

iii. Hillside Children’s Center:

1. Report to the front desk at the Administration building. Advise them that you have civil process for a client. They will receive substitute service for the client.

l. Order to Show cause usually requires a specific manner of service and in a relatively short period of time. Read paper carefully.

m. Subpoenas are served in the same manner as a summons, usually directing us to serve and tender a fee to a witness. The subpoena must be served before the set appearance date.

n. County Law Section 650 requires the Sheriff to serve Civil Process whether or not issued by a court, i.e. notices to a tenant to vacate premises.

- o. When serving process from another state follow the service requirements of the jurisdiction where the action is brought.
  - 10. Papers may be served by any one not a party to the action who is 18 years or older.
  - 11. Civil Division employees shall not engage in the business of private process serving, nor shall they serve any process which has not been officially received and recorded by the department, unless specifically authorized by written regulations.
  - 12. At no time shall any employee advise or recommend an attorney or law firm to anyone in relation to any process being handled by the Civil Division, nor shall they offer legal advice.
  - 13. All process returned shall include a letter stating the reason for the return and will be signed by the returning deputy. A copy of this letter will be filed in the case file.
  - 14. All Sworn personnel must provide proof of service to plaintiff evidencing you have made proper service. This proof of service must contain:
    - a. The person who was served with description, method of service, papers served, date, time, address of service, facts pertinent to alternate person served, mailings and signature of the deputy.
    - b. If nail and mail service, also include the dates, times and addresses of attempted personal delivery.
  - 15. Copies of files are kept in the Civil Office for two years before being transferred to inactive records storage at the LEC for the proper retention period of six (6) years.
- C. Anytime any member of the Civil Division serves any employee of the SCSO with any paper or any type of action the Civil Officer will notify the Chief Deputy or higher Command Authority as soon as possible.

## **PERSONAL PROPERTY**

STANDARD NO(S): NYSSACD # 68, 71, 110-111

DATE: September 1, 2010

REFER TO: David Smith

**I. OBJECTIVE:**

It is the objective of the Civil Division to establish procedures for enforcement of personal property executions lawfully issued in accordance with provisions of the New York State Civil Practice Law and Rules and other controlling statutes.

**II. DETAILS:**

A. Definitions -

1. **Property Execution** – An enforcement instrument issued by a court clerk or an attorney acting as an officer of the court, directing the Sheriff to seize property belonging to a judgment debtor to satisfy a money judgment. A money judgment may be enforced against any property, unless the property is exempt pursuant to §5205 or 5206 CPLR.
2. **Garnishee** – A person who owes a debt to a judgment debtor or a person other than the judgment debtor who has property in his possession or custody which the judgment debtor has an interest.
3. **Levy** – The taking of property followed by service of an execution. In some cases the service may precede the taking of property. Both elements are necessary to make a valid levy.
4. **Tangible Property** – That which is capable of delivery.
5. **Intangible Property** – That which is not capable of delivery. (i.e. rents, a bank account)
6. **Return** – A return is the act of the Sheriff in delivering, to the clerk of the court, the execution with an account of its success or failure in fulfilling its direction.

B. Processing –

1. Obtain one (1) original and three (3) copies of the execution.

2. The executions must specify the date the judgment was entered, the court, the original amount and the amount still due of judgment, names of parties involved, last known address of debtor and the filing date of transcript if the judgment was entered in a court other than Supreme, County or Family. Transcription is not necessary if a lower court, within Seneca County, issues the execution and the execution is leviable only within the area serviced by that court. Also ensure that the execution is signed by an attorney or court clerk and has the attorneys or plaintiff's names and telephone number. Pro Se litigants, who are not attorney's, cannot issue or sign executions.
  - a. When jurisdiction is based on an Order of Attachment the execution must specifically describe the property and debts levied upon and direct that only such property be sold.
  - b. If a judgment is recovered for all or part of a mortgage debt, the execution must also describe the mortgaged property, specify the book and page where mortgaged property is recorded and direct that no part of the mortgaged property be levied upon or sold.
  - c. If judgment debtor is deceased a levy is not permitted without leave of the Surrogate Court. (CPLR §5208, 5230)
3. The Civil Division will time stamp receipt of the papers and obtain a computer generated file number for the execution and record that number on the papers.
4. Per 5232 (c) the execution must state whether the Notice to Debtor Form (CPLR §5222e) has been served within the preceding year.
  - a. Collect the appropriate fee plus mileage in advance for service.
5. An execution shall be returned to the court clerk from whom it was issued, within sixty (60) days after issuance, unless it has been served. The time may be extended, in writing, for an additional sixty (60) days, by the attorney for the judgment creditor or pro se. Additional sixty (60) day extensions may be granted in writing by the attorney or pro se, unless another execution against the same judgment debtor has been received by this office.
6. Fees for receiving the papers, mileage and anticipated expenses will be paid in advance.
  - a. An advanced fee for seizing and storage of property to be sold and any other additional Sheriff's expenses is \$500.00 for the first ten (10) days. If the attorney wishes to postpone the sale he must do so in writing and remit a check for the additional days of storage.

- b. If the plaintiff's attorney requests, the property may be left with the debtor or third party, with their permission, until the sale.
    - i. The attorney must send written authorization directing us not to seize property and holding the Sheriff and Deputies harmless.
    - ii. We also need written authorization from the party retaining the property agreeing to hold the Sheriff and his Deputies harmless from all liability.
  - c. When advanced fees are accepted, a receipt shall be written and an entry in the escrow tab of the Civil Process software that \$500.00 has been received for advance expenses.
  - d. If debtor requests to pay execution in full before the sale, check with Civil Officer for any additional expenses incurred before giving payoff amount.
7. Records shall be maintained according to written directive "**Records Management**", of executions delivered, names of parties and debtor(s), date of issuance, return; the date and time delivered, amount due, amount of judgment and any unpaid fees.

C. Levy on Personal Property –

- 1. Levy by service: also known as constructive levy is service of a property execution on property or debts not capable of delivery.
  - a. Service must be on the garnishee, who must transfer any property or debt which becomes due to the Sheriff, within ninety (90) days of service.
    - i. A personal property execution issued out of a lower court, (Village or Town Court) that has not been transcribed, has a 90-day life, from the date of delivery to the Sheriff.
  - b. After transfer, or the expiration of ninety (90) days, whichever occurs first, any property coming into the custody of the garnishee shall not be subject to the levy.
  - c. If an attorney wants a levy by service only, they must make the request in writing.

- d. The levy is void after ninety (90) days from date of service unless a court order is received, or the creditor has started special proceedings.
- 2. Levy by Seizure: property capable of delivery. Enforcement of the property execution is accomplished by seizing the property into our custody.
  - a. Service must be made in the same manner as a summons, except service may not be made by delivery to a person authorized to accept under §318 CPLR Designated Agent.
  - b. We must, without delay, serve a copy of the execution upon the person from whose possession or custody of the property was taken.
  - c. The property seized must be sold within the remainder of the current 60-day period. It is possible to seize property and not have sufficient time remaining to post the notice and conduct the sale. In this instance the clerk or attorney must be notified to provide the Sheriff with a written extension of the execution.
  - d. The plaintiff or plaintiff's attorney shall be responsible for:
    - i. Paying advance expenses to the Civil Division for moving and storage and employing sufficient personnel to move and inventory the seized property.
    - ii. With the approval of the Sheriff's Civil Division the plaintiff may choose a moving and storage company where we will exercise dominion and control of the property.
  - e. When taking property into our custody, processing, security and storage will be in accordance with the following steps:
    - i. List the property on a Property Receipt/Evidence Log & Tracking Form.
    - ii. If property is turned over to the SCSO Property/Evidence Room a completed Property Receipt/Evidence Log & Tracking Form will accompany the property which will be secured in a temporary evidence locker at the LEC.”
  - f. Theft, destruction or other losses must be reported immediately. A proper investigation concerning all aspects of the theft, loss or destruction shall be conducted as follows:

- i. If the theft, loss or destruction occurred as a result of an SCSO employee's conduct, an internal investigation must be conducted in accordance with SCSO Procedures.
  - ii. If the theft, loss or destruction did not occur as a result of an SCSO employee's conduct, an investigation will be conducted in accordance with the procedures for criminal/non-criminal investigations.
- g. Anytime a seizure is to be done a case report number (CR#) will be obtained from the E-911 Center and an SJS entry and report will be completed in connection with such seizure.
- h. The Chief Deputy or higher Command Authority will be notified prior to any seizure conducted by the SCSO.

D. Sale of Personal Property –

1. Personal property obtained pursuant to an execution shall be sold at public auction at a time, place, and as a unit, in lots, or combinations thereof, that will bring the highest price.
  - a. After serving the execution, the deputy, upon return to the office, will schedule the sale date and prepare the notice.
  - b. A notice of sale shall state it is an execution sale, the time, place, and property to be sold. An inventory must be attached with the notice.
  - c. At least six (6) days before the sale we must post the notice of sale in three (3) public places in the town where the sale is to be held. We may also notify anyone who may have an interest in the sale by mailing or delivering a copy of the notice of sale.
    - i. The court may direct immediate sale or other disposition, with or without notice, if urgency requires.
  - d. Property must be within view and under the control of the deputy conducting the sale. If it is physically impossible to have property within view, it will be sufficient if the Sheriff provides prospective bidders an opportunity to inspect the property at its site. If this is the case the Sheriff should receive a court order under CPLR 5240 authorizing this method to avoid liability.
  - e. At least two deputies shall be present at all sales.
2. No sale may be made to the Sheriff, Undersheriff or any employee of the SCSO.

3. A detailed record must be kept of all bids received on our bidders information form.
4. If property to be seized is considered material, which, by law may not be sold, the Sheriff may apply for court instructions on how to proceed. Notice must be given to the property owner of this application. The court may then determine whether the property should be sold and can order the appropriate disposition of the property, which may include destruction, if it cannot be sold.
5. Property, which has a lien on it, does not give the lien holder any rights to that property while in our custody. Once we have sold, returned or otherwise released the property the lien holder may enforce their rights.
6. If the property is not sold because of lack of bidders we will proceed one of two ways:
  - a. Postpone the sale.
    - i. Contact plaintiff's attorney with the status. If attorney requests you to reschedule the sale:
      1. Obtain additional fees.
      2. Proceed with scheduling and posting the sale.
      3. Notify potential buyers of the scheduled sale.
  - b. Return the execution unsatisfied
    1. The plaintiff's attorney is responsible for moving, storage and towing fees incurred until the property is sold or the execution is returned.
      - a. Advise the attorney he would be responsible for any additional fees while the property remains in storage. If the attorney asks us to return the execution, request a letter authorizing the return. We will then release the property to the judgment debtor. The judgment debtor will be responsible for any additional fees incurred after being notified of the release.
7. Procedures for the release of property are as follows:
  - a. Complete the Release of Property Form.

b. Give copy of property release form to the buyer or debtor.

i. This copy must be presented to the custodian of the property for release.

c. File original with the case file.

E. Distribution of Proceeds –

1. No distribution of proceeds shall be made until fifteen (15) days after service of the execution unless court ordered.
2. After deductions for expenses (fees, taxes, etc.), the proceeds shall be distributed to the judgment creditor and any excess shall be returned to the judgment debtor.
  - a. Priority is determined by the order in which the executions were delivered and time stamped for receipt by the Sheriff's Office. When two or more executions are issued, they shall be satisfied out of the proceeds by that priority.
  - b. Where personal property or debt has been ordered transferred or paid and that order is filed before the property is levied upon, the rights of the creditor who has the order are superior to those of the creditor entitled to the proceeds of the levy. (§5234 (c) CPLR)
  - c. Child support executions shall have priority over any other assignment, levy or process.

F. Stays, Appeals, Bankruptcy –

1. A stay is a temporary condition that prevents us from going any further, but does not authorize release of the property or levies. A stay can occur at most any time during the enforcement cycle.
2. Service of an appeal has the effect of a stay pursuant to CPLR 5519 (a).
  - a. Do not release property or levy on appeal without an order CPLR 5204.
3. If we receive a bankruptcy filing prior to levy, do not proceed. If received after levy depending upon the time of the levy coupled with the time of filing of petition in bankruptcy, you may be required by the bankruptcy court to turn over levied property to them.
  - a. If a sale is scheduled, postpone and notify the bankruptcy court.
  - b. Advise the creditor's attorney of the bankruptcy petition.

G. Restraining Notice –

1. Restraining Notice may be issued by a court clerk or judgment creditor's attorney or a support collection unit. It can be served on any person except the employer of a judgment debtor. This notice prohibits the debtor or obligor from selling, assigning or transferring any property in which they have an interest, except upon direction of the Sheriff or pursuant to a court order, until the judgment or order is satisfied or vacated.
  - a. A restraining notice served upon a person other than the judgment debtor is valid only if, at the time of service, they owe a debt to or possess property of the judgment debtor, or if the judgment creditor states in the restraining notice that a specified debt is owed or property of the judgment debtor is possessed by the person served.
  - b. If, within a year before service of this restraining notice, the notice of exempt property (§5222 (d) & (e) CPLR) has not been served to the judgment debtor, a copy of the restraining notice, together with the notice to judgment debtor shall be mailed by first class or personally delivered to each debtor, within four (4) days of service of the restraining notice.

H. Returns –

1. The Civil Officer will make all returns as satisfied, part-satisfied or unsatisfied and will stamp all original papers as such.
2. The Civil Officer will complete all necessary forms and reports according to written directive "**Records Management**".

## **ORDERS OF SEIZURE**

STANDARD NO(S):

NYSSACD # 100,110

DATE:

September 1, 2010

REFER TO:

David Smith

**I. OBJECTIVE:**

It is the objective of the Civil Division to establish guidelines for seizing personal property pursuant to orders of the court(s) for the purpose of determining the right of possession, and hold that property in safe custody for a period of ten (10) days.

**II. DETAILS:**

A. Definitions -

1. Seizure – The taking into custody of property (chattels) to determine the right of possession.

B. When the Plaintiff delivers an order of Seizure to the Civil Division, the papers on which the order was granted, the undertaking and a summons and complaint if the action has not been commenced, bearing the index number and the date of filing with the clerk of the court, must be included in the action to recover the chattel. The order must clearly and specifically describe the property to be seized, its value, the address where the property is located and whether the court has included a “break and enter” clause.

1. An Order of Seizure must be signed by a judge.

C. Obtain at least three (3) sets of papers.

D. The Civil Division will log the papers and obtain a file number for the case.

E. Make sure the plaintiff is aware that it is their obligation to provide advance expenses for moving and storage of the property.

1. The Civil Division will contact a bonded moving and storage company, requested by the plaintiff, to remove and transport the property to their warehouse for storage.

2. The Deputy executing the order will obtain a copy of the inventory completed by the moving and storage company.

3. In the event of seizing a vehicle or we take other property into our custody then we must complete our own inventory. (See "**Vehicles Seized/Towing & Impoundment**", this manual)
4. If a tow service is required and the plaintiff does not specify a specific towing agency, then the Civil Officer will contact the E-911 Center for the next available towing agency (on a rotating list) that maintains an impound yard to conduct the removal and storage of the vehicle.

F. There are essentially three (3) methods of enforcing an Order of Seizure. They are as follows:

1. Seizure by Service of the order.
  - a. If the Order of Seizure does not include a break and enter provision, the court may grant a restraining order against the defendant and/or possessor. If the chattel is a vehicle, aircraft or vessel, the order will provide that it must not be removed from the state. If the chattel is some other form of personal property, the order will provide that it must not be removed from its location. The restraining order will also prohibit the transfer, sale, pledge, assignment or any other disposition of the property that would permit it to become subject to a security interest.
2. Seizure of the property.
  - a. The deputy will serve a copy of the order and the above mentioned papers on the person from whose possession the chattel is to be seized.
  - b. The papers will be personally served on each defendant in the same manner as a summons unless the order states otherwise.
  - c. Seize the property named in the order. This property must be in a location where you have lawful authority to be or can gain authorization, i.e., get permission to enter premises to seize the property.
  - d. When taking property into our custody, processing, security and storage will be in accordance with the following steps:
    - i. List the property on a Property Receipt/Evidence Log & Tracking Form.
    - ii. If property is turned over to the SCSO Property/Evidence Room a completed Property Receipt/Evidence Log & Tracking Form will accompany the property which will be secured in a temporary evidence locker at the LEC.

- e. Theft, destruction or other losses must be reported immediately. A proper investigation concerning all aspects of the theft, loss or destruction shall be conducted as follows:
  - i. If the theft, loss or destruction occurred as a result of an SCSO employee's conduct, an internal investigation must be conducted in accordance with SCSO Procedures.
  - ii. If the theft, loss or destruction did not occur as a result of an SCSO employee's conduct, an investigation will be conducted in accordance with the procedures for criminal/non-criminal investigations.

3. Seizure with a Break and Entry Provision.

- a. The Order may provide a clause for you to break into and search any place where the chattel might be found {CPLR 7102 (d) (1)}. Ensure there is reason to believe the property to be seized is in the premises when executing the order.
- b. If the Order includes a Break and Enter clause, the plaintiff is responsible for securing a locksmith and coordinating the time to be at the address where the property is located. The deputy enforcing the order will determine when the locks may be changed.
- c. Prior to executing any Break & Entry Order, the Chief Deputy or higher Command Personnel will be notified.

- G. If the Order of Seizure was granted with notice to the defendant, the seized property must be held in storage for at least ten (10) days. If after ten (10) days the defendant has not established a right to reclaim the property by a court order, the deputy will turn the property over to the plaintiff and have them sign a release form.
- H. If the Order of Seizure was granted without notice to the defendant, the plaintiff must make a motion for confirmation, within five (5) days after service of the Order of Seizure. If the motion is not made the Order of Seizure becomes void, no further seizures can be made and any seizure made must be vacated and chattels returned to the defendant.
- I. A third party may claim his right to the property, to the court. If this occurs we must be served prior to the expiration of the ten (10) days.

- J. A return of an Order of Seizure must be filed within twenty (20) days after delivery of property and must include all papers delivered to the Sheriff's Department. An affidavit of the action taken by the deputy must be filed with the return. If an Order of Seizure is executed and not all the property is recovered the Civil Division, at a later date, can re-execute under the same order any time before entry of a judgment, unless the court orders otherwise. (CPLR 7104)
- K. The deputy will complete an SJS report documenting enforcement of the Order of Seizure and procedures that were followed. The deputy will also obtain a case report number (CR#) from the E-911 Center for a "civil complaint."
  - 1. Copies of all reports and forms will be submitted to the Civil Officer for review before filing.

## **FAMILY COURT ORDERS**

STANDARD NO(S):

NYSSA CD # 100

DATE:

September 1, 2010

REFER TO:

David Smith

### I. OBJECTIVE:

To establish procedures for the service and enforcement of Family Court Orders.

### II. DETAILS:

#### **A. Definitions -**

1. Infant or minor – A person who has not attained the age of eighteen (18).
2. Jurisdiction – All Family Court Orders may be served and executed in any part of the state.

#### **B. Processing –**

1. The Civil Division will log the papers and obtain a file number for all orders and record that number on the papers for service.
2. Obtain original plus two (2) copies of the order.

#### **C. Service of Process –**

1. The statutory requirements for Service of Process for Family Court Orders differ from Service of Process under CPLR §308 and §309. The Family Court Act (FCA) specifies the time limits and manner of service for Family Court Orders. All Subpoenas should be served in accordance with CPLR provisions, all other processes should be served in accordance with the court's direction. The following is a list of Family Court Orders that are exclusively within Family Court jurisdiction and specify time limits. If personal service is not made within the required time, the process should be returned to court with an explanation. The court may amend the process and return it for service.
  - a. A family court petition, summons and temporary order of protection may be served any day of the week at any hour of the day or night. (FCA §153-b)

- b. In every Family Court proceeding a copy of the petition filed therein shall be served upon the respondent at the time of service or, if that is not practicable, at the first court appearance by respondent. (FCA §154-a)
- c. Service of process in a support or paternity proceeding must be to the person summoned or to a person of suitable age and discretion at the actual place of abode of the person to be served and by mailing to the person to be served at least eight (8) days before the time stated for appearance. (FCA §427, 525)
- d. Service of process in a proceeding to terminate parental rights must be made to the person summoned at least twenty (20) days before the time stated for appearance. (FCA §617)
- e. Service of summons and petition of a Person In Need of Supervision (PINS) and family offenses must be to the person summoned at least twenty-four (24) hours before the time of appearance. (FCA §737)
- f. A PINS Notice of Motion must be served upon the parties, agencies, or institution having custody of the child not less than seven (7) days prior to the return date of the Motion. (FCA §763)
- g. Service of a petition and summons in a child protective proceeding must be made to the person summoned within two (2) court days after issuance. (FCA §1036)
  - i. If we cannot serve within the time allowed such facts shall be reported to the court within three (3) days after their issue. The court may order substituted service.
- h. Generally, an order of protection is not enforceable until the respondent has been served. Therefore, the urgency of service cannot be overstated. When serving an order of protection, the deputy must attempt to fully explain the conditions outlined in the order and must ensure the respondent is notified if there is a provision requiring him to stay away from the family home. If service is being completed at the home and the respondent's reaction is hostile, request that the closest available police officer respond.
  - i. Once the order has been served, it is enforceable, but the respondent should be afforded a reasonable time to comply, unless ordered by the court to immediately vacate.

- ii. A Civil Division Officer is responsible for serving, not enforcing the order. If there is specific language in the order requiring the respondent to immediately vacate the family premises, the Civil Officer may request a Road Patrol Division member to assist with service.
  - iii. When an Order of Protection includes an order to surrender firearms, a Road Patrol Division member may be requested by the Civil Office to assist with service of the order.
    - 1. Follow procedures for securing and submitting seized property in accordance with written SCSO policies and procedures.
- iv. Service of an Order of Protection must be recorded in the central registry as soon as possible. This is completed by providing the E-911 Center with the Order of Protection number, Docket number, Date issued, Date served, the name of the Officer who served the order and a copy of the order.
  - i. All other process should be served in accordance with the court's direction.
  - j. All records, proofs of service and returns on service should be filed in the Civil files.

## **LEGAL ADVISOR**

STANDARD NO(S): NYSSACD # 105  
DATE: September 1, 2010  
REFER TO: David Smith

**I. OBJECTIVE:**

The objective of this written directive is to identify the Seneca County Attorney as the legal advisor for the Sheriff's Civil Division and specify the remedy for conflicting legal opinions.

**II. DETAILS:**

- A.** The authority for the Seneca County Attorney being designated as the legal advisor for the Sheriff's Civil Division is derived from the Seneca County Charter and the Seneca County Administrative Code.
- B.** Legal opinions may be sought from the New York State Sheriff's Association.
- C.** In the event of conflicting legal opinions, the opinion of the County Attorney shall be sought and prevail unless otherwise directed by the Sheriff.

## **FINANCIAL TRANSACTIONS**

STANDARD NO(S): NYSSACD # 61, 63,-64, 71, 107,  
112-119

DATE: September 1, 2010  
REVISED: 11/01/2010  
REVISED: 02/08/2011

REFER TO: David Smith

### I. OBJECTIVE:

To establish and maintain strict controls, close supervision and internal monitoring of all financial transactions by the Civil Division. The Division will establish procedures for issuance of receipts, check cashing, refunds, transfers of funds between employees, bank deposits, acceptance of personal checks and making disbursements by Civil Division Personnel.

The Seneca County Sheriff ultimately has the authority and responsibility for the fiscal management of the Civil Division. Because the Sheriff does not personally perform the fiscal management function, this responsibility is delegated to the Civil Officer under the guidance and supervision of the Fiscal Service Manager.

### II. DETAILS:

#### A. Definitions -

1. Cash Receipts Summary – Daily total receipts posted to current enforcement instruments and any fees collected for new process.
2. Cash Receipts Executions – Listing of all account payments processed for that day by date, payment amount, source, type of payment, check number and receipt number.
3. Cash Receipts Non-Executions – Listing of all file payments processed for that day. Listing by date, receipt number, check number, source, and amount.
4. Cash Fund – Any cash transactions received during a business day.
5. Civil Cash Report – Total cash and checks processed by the Civil Division in one (1) business day.

6. County Cash Report – Report of all monies to the County Treasurer's Office.

7. Check Journal – Reports generated from the civil computer system, listing and totaling all payments or refunds.

B. Issuance of Receipts –

1. All monetary transactions shall be receipted.
2. Receipts shall contain the date received, amount received, file number, which identifies the purpose of receiving the money and the form of money received. The Civil Clerk and the Civil Officer are authorized to issue receipts.
3. Receipts are generated by the civil process computer system.
  - a. After the receipts are recorded for the daily deposit, they are stored in a manila folder bearing that business day's date in the Civil Clerk's Office. These folders remain on file for one (1) year, and are then transferred to the Sheriff's inactive records storage facility.
  - b. A receipt is issued upon request, for documents received through the mail and then mailed to the payer.
4. Daily receipts shall be summarized monthly by the Civil Clerk and submitted to the Civil Officer for review. This summary shall include daily deposit totals of cash and checks that have been received.

C. Collection of money and property in the field –

1. Field collections are strictly prohibited except for the purpose of enforcing civil process directed to the Sheriff's Civil Division.
2. Collection of property in the field is received and inventoried in accordance with written directive "**Orders of Seizure**" and other directives that pertain to seizure of property.
3. Civil Division Deputies are authorized to collect money for the purpose of enforcing civil processes in the field. Civil Division deputies who will be making money collections must receive the money on a Property Receipt/Evidence Log & Tracking Sheet and request a pay off amount from the Civil Clerk.
4. Upon concluding the collection transaction in the field, the Civil Division Deputy must issue the payer the receipt copy of the Property Receipt/Evidence Log & Tracking Sheet. The acceptable form of payment is cash, money order or certified bank check. This money will

5. Upon return to the office the Civil Division Deputy must turn any monies collected along with the Property Receipt/Evidence Log & Tracking Sheet to the Civil Clerk or Civil Officer. They shall verify the amount collected, enter money into the civil process computer system and generate a receipt.

D. Check cashing –

1. Checks and other negotiable instruments shall not be cashed from any funds in the official custody of the Seneca County Sheriff's Office Civil Division or its employees. Checks received for civil process fees shall be endorsed upon receipt by the Civil Office.
  - a. These checks are processed by receipting and applying to accounts during the day by the Civil Office and shall be placed in the office safe at the end of the day.
  - b. Checks shall be locked in the office safe when the office is closed.
  - c. Personal checks are not to be accepted unless they are:
    - i. Attorney, employer, certified bank checks or money orders.
    - ii. Checks from persons acting as their own attorney, to cover civil fees and expenses.
  - d. Returned checks are deducted from the appropriate account.
    - i. Verified for available funds with the appropriate bank by the Civil Office for re-deposit.
    - ii. If funds are available the payment is re-applied to the appropriate account.
    - iii. The payer is notified by phone and letter of a \$30.00 bad check charge that is processed as a fee.
    - iv. This is followed up one week later by the Civil Clerk to ensure receipt of the \$30.00.
    - v. If we have not received the payment another letter follows and then it is turned over to the Civil Officer for further requests.

- vi. If the bank verification shows the funds are not available the payer is also notified to make the check good by cash, money order or certified check.
- e. Checks received that are not capable of processing, such as wrong payee, no signature, wrong totals, etc. are returned to sender with the reason.

E. Refunds –

- 1. Refunds shall be made only by issuance of a check from the civil checking account by using the following steps:
  - a. Each month a detailed report is generated by the civil computer system listing all disbursements to attorneys and any refunds created by over-payments, bankruptcies, vacated judgments or any other order from the court.
  - b. If there are no other open accounts, a check will be issued to the debtor noting the check number and issue date on the detail. Funds received in one month are disbursed the following month.
  - c. If the debtor's refund check is returned undeliverable the check is sent to the debtor in care of the employer.
  - d. All refund checks are signed by the Civil Officer.

F. Transfer of Funds between Employees –

- 1. Whenever an employee transfers money or other monetary instruments to another employee, other than field collections, the receiving employee shall count the funds received in the presence of the transferring employee.

G. Bank Deposit –

- 1. Currency and other monetary instruments received, shall be deposited in a secure bank bag before the close of the business day following the day in which such funds were received. The daily deposit will be prepared by the Civil Clerk, in the following manner:
  - a. Total checks and cash processed that day and verified against the Cash Receipts Summary.
    - i. If deposit total does not balance to the cash receipts summary totals, the Civil Clerk must reconcile that day's business to find the error and make the appropriate corrections necessary to balance. The Civil Officer will verify any corrections made.

- ii. If discrepancies are unresolved the Fiscal Service Manager shall be notified and a copy of the report is forwarded to him.
- b. The deposit slip is prepared and placed with the checks and cash in a secure deposit bag.
- c. The deposit bag is locked in the office safe until it is taken to the bank on the next business day by the Civil Division Deputy or in his absence, the Civil Officer.
- d. Copies of the adding machine tape totals of checks and copies of the deposit slips and the cash receipts summary are kept on file in the Civil Office.
- e. After the deposit is made the customer advise slip, stamped by the bank showing the amount of deposit is kept by the Civil Clerk in the deposit folder.
- f. Any correspondence with the bank concerning the account will be handled by the Civil Officer.

#### H. Disbursement –

- 1. Disbursements shall only be made by issuance of a check from the officially authorized checking account. Funds received in one month are disbursed the following month, unless otherwise directed by a court order.
  - a. Each month a check journal is generated by the civil computer system, listing all disbursements to attorneys, monies due the County Treasurer and any refunds created by an overpayment the previous month. A copy of this journal is filed in the Civil Office.
  - b. The individual check journals are sent with an attached check. This shall contain the name of the payee, the check number, the date of disbursement, the civil file number, the total amount due each payee and the total amount of disbursement.
  - c. Disbursement checks shall be authorized and issued by the Civil Officer and recorded in the QuickBooks check register listing the date issued, payee and amount. A computer generated pre-check will be verified by the Civil Officer and total disbursements balanced, before checks are printed. Disbursement checks shall be computer generated and signed by the Civil Officer.

- d. A check will be issued each month for poundage, mileage and fees collected by the Civil Process Division and due the county in the same manner as other disbursements. This check will be delivered to the County Treasurer's Office by the Civil Officer.
- e. All disbursement checks will be reviewed for accuracy, correct payee and amount before the Civil Officer's signature is applied.
- f. Checks that have not yet been cashed are listed each month on the outstanding check report and reconciled to the monthly bank statement. Undeliverable checks are sent to debtor in care of their employer. If attorney checks are undeliverable, the attorney is notified, address verified and resent.
- g. The bank account controlled by the Civil Office shall be reconciled monthly by the Fiscal Services Manager, no later than the 10<sup>th</sup> day of the month following the monthly receipts and disbursements, the adjusted bank balance, a list of outstanding checks and deposits in transit, any other adjustments and analysis of the cash balances.
- h. This analysis shall be used to generate a report which will include the amount due to the County Treasurer's Office and the total cash balance on hand due litigants and other persons. Copies of this report are submitted to the Sheriff, Undersheriff, Chief Deputy and Fiscal Services Manager.
- i. A record of checks disbursed can be accessed by opening the QuickBooks computer software in the civil computer system..

## I. Accounting Procedures –

### 1. Subsidiary Ledgers

- a. The Civil Office, through the use of the Sheriff's Civil Process computer program, will maintain a separate subsidiary ledger for every enforcement instrument upon which collections are made. These ledgers shall contain a detailed record of the dates and amounts of all collections and disbursements applicable to the particular enforcement instrument. They shall also include all applicable interest dates, and calculated interest amounts, amounts collected toward the principal and amounts collected as fees. Such subsidiary records shall also include a summary of the total amounts of collections applied to the principal on judgments, the total interest collected, fees and expenses collected and disbursed.

These subsidiary ledgers can be found by accessing each individual account number in the civil process computer system. Each fee for service and account payment that has been entered can be found by entering the account number and accessing the file ledger card.

- b. Cash reports shall be prepared daily by the Civil Clerk, and include documentation of monies received for deposit by the Civil Division. These reports shall be verified by the Civil Officer.
- c. A monthly Cash report shall be prepared by the Civil Officer, and include documentation of all monies received for deposit by the Civil Division. Such report shall be transmitted to the Sheriff by the bookkeeper by the 10<sup>th</sup> of the month following the reporting period.
- d. The Civil Officer shall prepare a yearly report verified by the Fiscal Services Manager and submitted to the Sheriff on or before the 15<sup>th</sup> day of January. This report shall consist of all fines, penalties, fees or other monies collected during the prior fiscal year that were due the Sheriff upon collection. Such directive shall require the Sheriff to transmit this report to the Board of Supervisors or legislature by the 1<sup>st</sup> day of February.

J. Security –

1. The Civil Officer shall be responsible for Division security by establishing security procedures and conducting periodic reviews to ensure compliance.
  - a. All funds not yet deposited and in the hands of employees shall be strictly accounted for. Employees shall not leave these funds unattended nor shall they voluntarily relinquish control of such funds to unauthorized persons.
  - b. A safe shall be provided for the safe keeping of currency and other monetary instruments. Employees who are entrusted with the combinations shall maintain strict control over said combinations at all times, and they shall not relinquish control to unauthorized employees. Theft, destruction or other losses must be reported immediately, as well as the discovery of any improper or suspicious additions or deletions to any reports, documents, checks, written instruments or computer generated records. A proper investigation concerning all aspects of the theft, loss or destruction shall be conducted as follows:

- i. If the theft, loss, destruction or discrepancy as noted in (b) above occurred as a result of an SCSO employee's conduct, an internal investigation must be conducted in accordance with SCSO Procedures.
  - ii. If the theft, loss, destruction or discrepancy as noted in (b) above did not occur as a result of an SCSO employee's conduct, an investigation will be conducted in accordance with the procedures for criminal/non-criminal investigations.
  - iii. When an employee who was entrusted with a combination leaves our employment, the combination will be changed.
- c. All blank pre-numbered checks and deposit slips shall be inventoried monthly by the Civil Officer. Supplies of such forms shall be secured in the secured file cabinet or safe in the Civil Office.
- d. At the start of the business day the Civil Clerk or Civil Officer shall open the office safe and remove the deposit bank bag and verify the amount before sending it to the bank with the Civil Division Deputy. At the close of the business day, monies received during the course of the business day will be verified and locked in the office safe by the Civil Clerk or the Civil Officer..

## K. Internal Controls –

1. Civil Office Position Responsibilities:
  - a. The Civil Clerk reconciles daily receipts (daily cash reports) with the daily computer cash receipts summary totals and prepares the daily deposit. Errors and discrepancies are reported to the Civil Officer.
  - b. The bank deposit is reviewed by the Civil Officer by re-adding the daily cash report and comparing to the total of the cash receipt summary for that day. The review is to ensure that receipt totals are accounted for, cash and checks totals are correct, and the totals are correctly entered on the deposit slip. Errors and discrepancies are reported to the Chief Deputy and the Fiscal Service Manager no later than the next business day. After the deposit is made, a copy of the deposit slip is attached to the cash report.

- c. The Civil Division checking account is reconciled monthly by the Fiscal Service Manager, verifying that all deposits, withdrawals, canceled checks, returned checks and any other credits or debits have been posted correctly on the monthly bank statement. Any outstanding checks or deposits in transit are also accounted for. Errors and discrepancies are reported to the Chief Deputy no later than the next business day.
- d. Every position in the Civil Division is backed up in case of their absence by the Civil Officer. In the event of an extended absence by the Civil Officer, other trained SCSO personnel will be assigned to oversee the Division operations.

## FEE'S & MILEAGE

STANDARD NO(S): NYSSA # 99

DATE: September 1, 2010

REFER TO: David Smith

### I. OBJECTIVE:

It is the objective of the Civil Division to establish a fee schedule which must include fees for service and enforcement of all types of Enforcement and non-enforcement civil process in accordance with provisions of the New York State Civil Practice Law and Rules and other controlling statutes.

### II. POLICY:

- A.** Civil Division fee schedules and mileage charts must be kept up to date and conform to any applicable statutes and must be made available upon request to any interested party.
- B.** In addition, the fee schedule and mileage chart will be posted on the Seneca County Sheriff's Office website on the Civil Division page.

### III. DETAILS:

- A.** Civil Litigation is basically private in nature and the county should generally not be obligated to support private litigation with public funds. Payment of fees, expenses and poundage are statutory and must be collected.
- B.** In order to eliminate confusion, avoid unnecessary delays and standardize procedures, the Civil Officer and the Civil Clerk will both maintain a schedule of fees and expenses that is detailed enough to ensure that litigants know what the Civil Division requirements for the service of process and the enforcement of mandates are.
- C.** No statutory authority exists for the waiver of fees, poundage or expenses. Any employee who waives a fee shall be liable to the Sheriff's Office for any sum actually lost by virtue of such employee's act or omission.
- D.** All fees and expenses shall be paid in advance in accordance with the established division schedule. The exceptions are:

## **REAL PROPERTY**

STANDARD NO(S): NYSSACD # 111

DATE: September 1, 2010

REFER TO: David Smith

**I. OBJECTIVE:**

It is the objective of the Civil Division to establish procedures for enforcement of real property executions lawfully issued in accordance with provisions of the New York State Civil Practice Law and Rules and other controlling statutes.

**II. DETAILS:**

**A. Definitions:**

1. **Property Execution** – An enforcement instrument issued by a Court Clerk or an attorney acting as an officer of the court, directing the Sheriff to seize property belonging to a judgment debtor to satisfy a money judgment. A money judgment may be enforced against any property, unless the property is exempt pursuant to §5205 or 5206 CPLR.
2. **Levy** – The taking of property followed by service of an execution. In some cases the service may precede the taking of property. Both elements are necessary to make a valid levy.
3. **Judgment Lien** – A lien created only when the money judgment has been docketed by the clerk of a county in which the debtor owns or has some interest in real property. This lien then attaches to any real property owned.
4. **Judgment Docket/Roll** – A book that a Court Clerk keeps for the entry of judgment giving official notice of existing judgment liens to interested parties. The judgment lien is effective for ten (10) years (or longer, if extended), but the ten (10) year period is always measured from the date that the judgment roll was filed by the clerk of the court in which the judgment was first entered.
5. **Docketing** – When a transcript of a court judgment is filed with the clerk of that county who then dockets the judgment also known as transcribing.

6. Transcripting – When a transcript of a court judgment is filed with the clerk of that county and docketed. Another form of transcripting involves filing a transcript of one county clerk's judgment docket with other county clerks, creating judgment liens in more than one county.
7. Return – A return is the act of the Sheriff in delivering, to the clerk of the court, the execution with an account of its success or failure in fulfilling its direction.

**B. Processing –**

1. All standard execution information is required. {CPLR §5230 (a)}. It is required to record:
  - a. Date judgment entered in original court.
  - b. Date the transcript was filed with the County Clerk. If the date is older than ten (10) years no sale can take place unless a court ordered extension of the judgment lien or a notice of levy has been filed with the County Clerk by the Sheriff.
  - c. The names and full addresses of the judgment creditor and judgment debtor must be included, along with the legal description of the real property to be sold. In addition, one or two of the following are encouraged.
    - i. Tax map identification number (i.e. 100.600.03.006).
    - ii. Full printed legal description known as “metes and bounds” i.e. “all that tract or parcel of land”.
    - iii. Property dimensions and acreage known as the Torrens Systems.
    - iv. The book and page reference where the legal description is located in the County Clerks Office.
  - d. The execution must be served on the debtor(s) in the same manner as a summons.
  - e. A letter which states whether the property to be sold is or is not a homestead must accompany the execution. Failure to produce the letter will result in no further sale preparations.
    - i. If not a homestead proceed as normal.
    - ii. If it is a homestead advise the attorney of the need for a court order directing the sale.

- iii. If the attorney wants us to just serve the execution, they must make the request in writing. We should advise him that the sixty (60) day life of the execution begins at the time of service.
  - f. Qualifications for exemptions see NYSSA Real Property Manual, chapter IV, 1, and §5206 CPLR.
  - g. The creditor or name and address of the judgment debtor and every creditor whose judgment was a lien on the property to be sold and of every person who had on record any interest in, or lien on, the real property as of 45 days prior to the sale.
    - i. Advise the attorney of this date.
    - ii. If the 45<sup>th</sup> day should fall on a Saturday, Sunday or Holiday the list should be prepared for the next business day.
  - h. Everyone, including the judgment debtor, on the list must be served with a notice of sale at least thirty (30) days prior to the sale.
2. Fees for receiving the papers, mileage and anticipated expenses will be paid in advance.
    - a. Advanced expenses for a property execution against real property are \$500.00.
    - b. Any other additional Sheriff's expenses.
- C. Sale of Real Property –**
1. The time of the sale is between the 56<sup>th</sup> and the 63<sup>rd</sup> day after the first publication of the notice of sale unless extended by a court order or the sale has been postponed by the Sheriff.
  2. The notice of sale must be advertised in the newspaper published in the county where the property is located. This notice must be published four (4) times, once in four (4) separate fourteen (14) day periods.
    - a. The contents of the notice of sale must have our file number, the names of the debtor, the judgment creditor's attorney, the Sheriff, Undersheriff and the Civil Officer conducting the sale. It must also contain the date the judgment was entered, and/or docketed in the County Clerks office, the legal description, the date of the sale, the date of the notice of sale and a list of the four (4) publishing dates.

- b. After the last publication, the newspaper should deliver “proof of publication” which is an affidavit as to the publication dates and a copy of the actual published notice of sale.
3. The notice of sale must be served on the debtor twice. Once in a form of personal service and the second time by certified mail as part of the 45 day list.
4. The notice must be posted in three (3) public places in the Village of Waterloo, since our sales are always held outside the Civil Office at the County Office Building. In addition, if the property is located outside the Village of Waterloo, three (3) public places in the town where the real property is located, at least 56 days before the sale date.
5. When the IRS has a lien against the property, a special notice of sale should be sent to them. (NYSSA Real Property Manual, chapter VIII, 5.)
6. One week before the sale, review the file. Make sure the appropriate paperwork and all the affidavits are in order and determine the expenses. Review again the day before the sale.
7. The Civil Officer conducting the sale must:
  - a. Read the terms and the Notice of Sale. It is not necessary to read the description.
  - b. State that the successful bidder will have to sign the terms of sale when the bid is accepted and the down payment paid. The purchaser must also pay a \$20.00 deed fee when he accepts delivery of the deed.
  - c. Have all bidders sign in with their name, address, telephone number and company name if acting as their agent.
  - d. No opinions are to be made regarding the condition, lien status, occupancy, utilities etc. Any questions asked regarding these topics are to be referred to their attorney. We are selling only the judgment debtors interest in the property.
  - e. The Seneca County Sheriff's Civil Division reserves the right to use an outside agency (auctioneer) if deemed necessary.
  - f. After announcing the sale, keep track, in writing, who is bidding and how much. After bidding stops ask three (3) more times for more bids. On the third call say “third and final time (state last amount) if no reply state “sold,” the high bid amount and the bidders name or number.

- g. Issue a receipt for the 10% down payment after the successful bidder has signed the terms of sale form. Make arrangements with him for final payment, delivery of the deed and necessary papers, before the 10<sup>th</sup> day after the sale.
8. If the sale is postponed, the deputy must be present at the original time set, so he can advise those who appear and get their name and address for notification of a future sale date, if any. If the sale is rescheduled, obtain additional fees in advance. If the sale is not rescheduled, do a return as unsatisfied.
9. Deeds and Affidavits: The Sheriff, as an official, empowered by law to enforce judgments, transfers the debtor's right, title and interests in the real property sold through a Sheriff's deed. This deed will contain the legal description of the property exactly as in the notice of sale.
  - a. Have the attorney supply us with the NYS Department of Taxation form # TP-584 and the RP-5217 which are required by New York State on all transfers of real property. These forms must be filled out by us and filed with the County Clerk's Office.
  - b. All affidavits will be completed and properly executed by the Civil Officer. The purchaser needs these affidavits to defend his ownership and to obtain insurance. Affidavits that should be completed a week before the sale:
    - i. Affidavit of posting
    - ii. Affidavit of service of the notice of sale on the judgment debtor(s)
    - iii. Affidavit of service of the notice of sale of all persons contained in the 45 day list
    - iv. Proof of publication in the newspaper, which is supplied by the publisher
    - v. Affidavit of service of property execution on the judgment debtor
    - vi. Capital gains tax affidavit.

**D. Enforcement of Judgment or Order Awarding Possession of Realty –**

1. The method of enforcement is an execution delivered to the Sheriff of the realty county for levy. This execution must satisfy the requirements of CPLR 5230, but instead of directing the Sheriff to seize and sell property so as to satisfy a money judgment, the execution or order under CPLR 5102, RPAPL 221 and CPLR 7108 (b) directs who the Sheriff is to put into possession of the real property.

- a. Secure a copy of the underlying court order.

**E. Postponement –**

1. We may postpone a sale for the following reasons:
  - a. Unable to serve the debtor with the execution
  - b. Unable to serve persons on the 45 day list thirty (30) days before sale, i.e., we don't receive the 45 day list in time
  - c. No bidders at sale
  - d. Bankruptcy petition filed by debtor, staying the sale
  - e. Court ordered stay
  - f. A defect in either the posted notice of sale or the published notice of sale
2. If the sale is postponed we do not have to publish or post a notice of sale again, except to correct a defective notice, unless ordered by the court.
  - a. The Seneca County Sheriff's Civil Division must give notice of the new sale date, which should be within three (3) weeks of the original date, to the judgment debtor and those who showed at the original sale date.
  - b. The Seneca County Sheriff's Civil Division must also give notice of the new date to those who made a request for notification.
    - i. Such a request must be received by us at least five (5) days before the postponed date, by personal delivery or registered or certified mail return receipt requested. We then serve the postponement notices in the same manner.

**F. Stays, Appeals, Bankruptcy –**

1. A stay is a temporary condition that prevents us from going any further, but does not authorize release of the property or levies. A stay can occur at most any time during the enforcement cycle.
2. Service of an appeal has the effect of a stay pursuant to CPLR 5519 (a).
  - a. Do not release property or levy on appeal without an order CPLR 5204.
3. If the Seneca County Sheriff's Office receives a bankruptcy filing prior to levy, do not proceed. If received after levy depending upon the time of levy coupled with the time of filing of petition in bankruptcy, you may be required by the bankruptcy court to turn over levied property to them.
  - a. If a sale is scheduled, postpone and notify the bankruptcy court.
  - b. Advise the creditor's attorney of the bankruptcy petition.

**G. Restraining Notice –**

1. Restraining Notice may be issued by a court clerk or judgment creditor's attorney or a support collection unit. It can be served on any person except the employer of a judgment debtor. This notice prohibits the debtor or obligor from selling, assigning or transferring any property in which they have an interest, except upon direction of the Sheriff or pursuant to a court order, until the judgment or order is satisfied or vacated.
  - a. A restraining notice served upon a person other than the judgment debtor is valid only if, at the time of service, they owe a debt to or possess property of the judgment debtor, or if the judgment creditor states in the restraining notice that a specified debt is owed or property of the judgment debtor is possessed by the person served.
  - b. If, within a year before service of this restraining notice, the notice of exempt property (§5222 (d) & (e) CPLR) has not been served to the judgment debtor, a copy of the restraining notice, together with the notice to judgment debtor shall be mailed by first class or personally delivered to each debtor, within four (4) days of service of the restraining notice.

**H. Returns –**

1. The deputy will make all returns as either satisfied, part-satisfied or unsatisfied and will stamp all original papers as such.

2. The deputy will complete all necessary forms and reports according to Records Management Directive.

## **ORDER OF ATTACHMENT**

STANDARD NO(S): NYSSACD #

DATE: September 1, 2010

REFER TO: David Smith

**I.** OBJECTIVE:

It is the objective of the Civil Division to establish procedures for serving and enforcing lawfully issued Orders of Attachment in accordance with the provisions of the New York State Civil Practice Law and Rules (CPLR) and Civil Directives. See (“**Personal Property**”, “**Vehicles Seized/Towing & Impoundment**”, “**Orders of Seizure**”), this manual.

**II.** DETAILS:

**A.** Definitions -

1. Order of Attachment – A provisional remedy, before judgment, where property may be taken into legal custody pending the outcome of any action, except a matrimonial action. It can be used as security for the plaintiff for any judgment he may be awarded, or to allow the court to exercise jurisdiction over the defendant when he cannot be served with a summons.
2. Provisional Remedy – used to protect a litigant’s rights during the course of an action.
3. Undertaking – A bond the plaintiff must post in a total amount fixed by the court, but not less than \$500.00 to cover attorney costs and damages in cases where the defendant ultimately wins.

**B.** Processing –

1. The Civil Office will log the papers and obtain a file number for all orders and record that number on the papers for service.
2. Obtain three (3) certified copies of the order. Payment for fees and expenses will be collected in advance. The order shall specify the amount to be secured including any interest, costs and Sheriff’s fees and expenses, and be endorsed with the name and address of the plaintiff’s attorney.

3. The attorney of record must file the original with the clerk of the court within ten (10) days of the granting of the order (CPLR §6212 (c)). It is important to look at the granting date when the order is delivered to us. If ten (10) days has elapsed without the §6212 (c) filing, the order should be rejected.
4. Encourage the attorney to attach the affidavits upon which the order is based, and obtain certified copies of the bond.
5. Obtain a letter of instruction from the attorney listing:
  - a. Whether to remove or place the property in custodial care.
  - b. What type of service is requested (levy by service or levy by seizure?).

**C. Service –**

1. Levy by service is the most common and suggested method of levying on personal property. The levy is made by serving a copy of the order on the defendant or garnishee in the same manner as a summons, except service cannot be made on a designated agent pursuant to CPLR 318.
  - a. Service can be made regardless of who the possessor is and without regard to whether the property is tangible or intangible.
    - i. When the property is intangible, the mechanics are essentially identical to that of the common execution bank levy.
    - ii. When tangible property is to be levied upon, the Sheriff should know ahead of time exactly what is involved. This will facilitate identification and avoid disputes. If the tangibles are in multiple locations the inventory may necessitate greater manpower and coordination. All property should be tagged and its description listed.
    - iii. The same basic rules applied to garnissees also apply to defendants who are in custody of the property to be levied on, whether the property is tangible or not.
  - b. CPLR §6219 requires any garnishee served with an order of attachment to serve on the levying Sheriff a statement telling the Sheriff what property or debts the garnishee has in its custody or control. This must be done within ten (10) days of levy, unless the court has ordered a lesser time.

- c. Any debt or property, against which a money judgment may be enforced, is subject to attachment.
  - d. Levy on Real Property, (CPLR 6216), by filing with the County Clerk where the real property is located.
- 2. Levy by seizure is made by taking into actual custody property capable of delivery. This is done only at the direction of the plaintiff or plaintiff's attorney, and upon furnishing to the Sheriff indemnity as set by the court.
  - a. Make sure the plaintiff is aware that it is their obligation to provide advance expenses for moving and storage of the property. The amount will be determined after a review by the Civil Officer.
  - b. The Civil Office will contact the bonded moving and storage company, requested by the plaintiff, to remove and transport the property to their warehouse for storage.
  - c. The deputy executing the order will verify the property is being inventoried by the moving and storage company as it is removed and will obtain a copy of the completed inventory.
  - d. When taking property into our custody, processing, security and storage will be in accordance with the following steps:
    - i. List the property on a Property Receipt/Evidence Log & Tracking Form.
    - ii. If property is turned over to the SCSO Property/Evidence Room, the completed Property Receipt/Evidence Log & Tracking form will accompany the property which is to be secured in a temporary evidence locker at the LEC for processing.
    - iii. Upon taking actual custody of property, we must then serve a copy of the order of attachment upon the person from whom we took possession in the same manner as a levy by service is accomplished.
    - iv. When the Sheriff has taken into his actual custody property or debts having value sufficient to satisfy the amount specified in the order of attachment, the Sheriff shall notify the defendant and each person upon whom the order of attachment was served that the order of attachment has been fully executed.

- v. Obtain a case report number (CR#) from the E-911 Center and complete an SJS report on the details of the seizure action.
  - vi. Notify the Chief Deputy or higher Command Authority prior to the seizure
3. The order of attachment can be served with or without notice (The notice is the summons either served before or after service of the attachment).
    - a. If the action is not started we may be requested to serve the summons. If the summons is not served within sixty (60) days of issuance (date signed by the judge) the order will lapse.
  4. Note the date signed by the judge.
  5. If the summons is served by someone other than us, obtain a copy of the proof of service from the attorney of record.
  6. If the order is served without notice given to the defendant, the plaintiff is required to make a motion to "confirm" the attachment within five (5) days of the levy. For this reason it is important to furnish proof of service immediately to the plaintiff. An order without notice may provide that the Sheriff refrain from taking any property into his actual custody until a further order is issued by the court (CPLR 6211 (b)).
  7. If the order is served with notice it may allow for the court to grant a temporary restraining order to the defendant.
  8. Section 6211 (a) states that the order of attachment may be granted at any time prior to judgment. It further states that the Sheriff is to levy at any time before final judgment. So based on this, an order of attachment granted has a valid and enforceable life indeterminate. For example, if the order is granted 2-1-99 and final judgment is entered on 2-1-02, the order will have had a life of three (3) years. If the order was granted 2-1-99 and it is now 2-1-04 and no judgment has been entered, the order has had a life, so far, for five (5) years and is still alive.
  9. Life of the levy is ninety (90) days. It may be extended by:
    - a. Court order
    - b. Taking custody of the property within ninety (90) days
      - i. After ninety (90) days, the levy is void except for property or debts already taken into custody, collected or received

- c. Plaintiff starting a special proceeding to compel payment or delivery to Sheriff.
- 10. If the property is tangible, we must take that property into custody. If the defendant refuses to turn the property over it is the plaintiff's responsibility to start special proceeding to force delivery.
  - a. The plaintiff can direct us to return or leave the property in the possession of the debtor as long as they make their request in writing and it does not conflict with our duties to the court.
- 11. Hold property until further direction from the court or plaintiff, subject to the payment of Sheriff's fees and expenses.
  - a. Any money collected shall be held in an interest-bearing trust account in a national or state bank or trust company. See ("Financial Transactions"), this manual.
- 12. Make an inventory of levied property to include a description of the property seized, the real property levied upon, the names and addresses of all persons served with the order of attachment, and an estimate of the value of all property levied upon, and file with the courts within fifteen (15) days after levy.
  - a. If there is not a standard for establishing value of property seized such as a NADA book, the attorney should be notified to provide us with an estimated value or an appraiser to determine the estimated value.
- 13. An Order of Attachment may be terminated by discharge, vacatur or annulment. Both the discharge and vacatur must be ordered by the court (CPLR 6222 and 6223). An annulment arises without intervention of the court when:
  - a. The action in which it was granted abates or is discontinued.
  - b. A judgment is entered in favor of the plaintiff and is fully satisfied.
  - c. A judgment is entered in favor of the defendant, however if this occurs and the plaintiff is granted a stay and eventually obtains a reversal of the judgment for the defendant, the attachment would be revived.
  - d. An inventory must be filed within fifteen (15) days after service or as soon as possible after the order has been vacated or annulled.

14. A return is not required by article 62 of the CPLR, unless ordered to do so by the court (CPLR 6225).
15. The deputy will complete all necessary forms and reports according to "**Records Management**", this manual.

## **NOTICE PETITION & EVICTION WARRANT**

STANDARD NO(S): NYSSACD #: 100  
DATE: September 1, 2010  
REFER TO: David Smith

### **I. OBJECTIVE:**

It is the objective of the Civil Division to establish procedures for service of a Notice of Petition and service and enforcement of a Warrant of Eviction. Civil Division members acting pursuant to an eviction proceeding shall serve the Notice of Petition to recover real property according to the time constraints contained in the Civil Practice Law and Rules (CPLR) and Real Property Actions and Proceedings Law (RPAPL). They shall enforce Warrants of Eviction issued by the courts, placing the landlord/petitioner in full possession of the premises by removing all persons and personal property from the premises.

### **II. DETAILS:**

#### **A. Definitions -**

1. **Notice of Petition and Petition:** The Notice of Petition commences an eviction proceeding upon filing the proof of service with the court or court clerk. An Attorney, Judge or the Clerk of the Court may issue a Notice of Petition.
2. **Summary Proceeding:** Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury.
3. **Warrant of Eviction:** The Warrant of Eviction is a court order, signed by a judge, after judgment and issued to an enforcement officer. It directs the enforcement officer to put a landlord/petitioner in full possession of particular premises and to remove all persons and personal property.

#### **B. Notice of Petition and Petition –**

1. The Civil Division will log the papers and obtain a file number for the eviction and record that number on the papers for service.

2. Obtain at least three (3) copies of the Notice of Petition and Petition for service in the event that personal delivery is not possible. Serve copies-not the original. Payment of fees (see fee schedule) will be required at the time the papers are received.
  - a. Service of the Notice of Petition and Petition is similar to service of a summons. Service may be made in the following manner: (RPAPL §735)
    - i. Personal delivery on the respondent.
    - ii. Service upon a person of suitable age and discretion who resides at or is employed at the property sought to be recovered. A copy of the papers must then be mailed, by certified or registered and regular first class mail, to the respondent at the place to be recovered including zip code and apartment number if applicable within one (1) day of the delivery.
    - iii. If service on the respondent or a suitable person is not possible, service may be completed by affixing the papers on a conspicuous part of the property or by placing the copy under the entrance door of the premises. A copy of the papers must then be mailed, by certified and regular 1<sup>st</sup> class mail, to the respondent within one (1) day of the delivery.
    - iv. Rules for mailing after service upon a respondent are different for substituted service upon a corporation, joint-stock or other unincorporated association. The mailings must be:
      1. To the property being recovered and if not the same principal place of business, must be mailed to last known principal place of business, or
      2. If place of business is unknown, then the papers can be mailed to any place of business of the corporation within the state.
      3. All mailings including suitable age must contain the zip code.
    - v. When service is complete, file proof of service with the court or clerk within three (3) days.

**C. Warrant of Eviction –**

1. The original Warrant of Eviction and four (4) copies must be signed by a judge and directed to the Sheriff. The papers must contain a good description of the property.
2. Payment of fee's (see fee schedule) will be required at the time the papers are received. Additional costs or expenses incurred during the service and enforcement of the papers will be charged to the Plaintiff.
3. Ensure that the papers have the Petitioner or attorney name and telephone number so that they may be notified quickly when the paper is served.
  - a. When papers are received the Civil Office shall attempt to determine as much information about the tenant as possible. Copies of the eviction procedures sheet should also be given to the plaintiff/attorney bringing the paper to us.
4. When receiving papers for service on a person who resides in a secured apartment building do not leave the papers at the perimeter entrance. Continue to make attempts.
5. The Civil Division Deputy will put the date and time of service on the Notice of Eviction which will start the 72-hour clock for the warrant.
6. When service is complete contact the petitioner or attorney with the date and time which the tenant has to vacate the premises. Notify the attorney or landlord of any required provisions and additional costs that may be incurred. Ascertain whether the person(s) being evicted are indigent, in need of shelter or if there are unattended children or pets in the residence.
  - a. Obtain a name and number of the contact person who the Civil Office will notify when the eviction is scheduled.
  - b. Enlist the assistance of other agencies such as the County Department of Social Services or the Dog Control Officer.
7. Once the eviction is posted, the Petitioner or his representative should be advised not to enter the property until the day of the eviction, in the presence of a deputy.
8. The Petitioner is responsible for making arrangements for the removal of the tenant's property from the premises ensuring storage of the property and encouraging use of a "bonded" moving and storage company. Property is not to be placed curbside.

- a. The Petitioner is responsible for having the locks to the premises changed after the property has been removed.
  - b. The Petitioner is responsible for the removal of any vehicle from the property where an eviction warrant is enforced. The vehicle towed from the property will be stored at a facility where the tenant will be able to obtain access to the vehicle.
9. If there is any threat of violence or a record of weapons in the residence, special preparations must be taken to ensure the safety of the people involved and the Civil Division members.
  - a. Road Patrol Division may be called to assist and provide additional security.
10. The Civil Officer and/or Civil Division Deputy will respond to the site of each eviction on the scheduled day. If the landlord/attorney wants to cancel, he must do so in writing by fax or call the office with a letter to follow. Wait until receipt of the letter before making a return.
  - a. If the Civil Division responds to a scheduled eviction and the landlord/plaintiff or plaintiff's representative does not show, they will be subject to extra charges for rescheduling.
  - b. Continue to make contact with landlord/attorney for the letter stating it has been canceled, or postponed, before making the return.
11. The Civil Division will send two personnel to each eviction. If the eviction process takes longer than the deputy's normal workday or if additional deputies are required for security purposes, additional labor costs will be charged.
12. The eviction may only be conducted between sunrise and sunset and may not be conducted on a Sunday or other religious Sabbath. It is the landlord's responsibility to have sufficient equipment and personnel to complete the eviction prior to sunset of the scheduled day of eviction. Special arrangements for security may be required, with the landlord-plaintiff, if an eviction cannot be completed by sunset.
  - a. The tenant must have access to their belongings. The locks should not be changed until the eviction is completed.
  - b. Arrange with the movers, a time to conclude the eviction on the next business day.
13. If we receive a stay order on an eviction we will stop all proceedings.

14. The deputies are there to see that the warrant is enforced. It is not their job to personally remove the tenant's possessions. If contraband, illegal drugs or weapons are discovered during the removal process, Road Patrol Division Deputies must be called immediately to initiate an investigation.
15. A visual inventory is required of a commercial eviction, by video camera or still photography. The deputy enforcing the warrant will document the property and the premises with video camera or still photography prior to anyone entering the premises.
16. Hazardous materials such as chemicals or asbestos may **not** be taken into our custody for safekeeping. The plaintiff is responsible for the expenses incurred in the removal of any hazardous materials. Once the deputy determines that hazardous materials may be present he/she shall immediately notify the local fire department and code enforcement offices and advise them of the situation (See "**Hazardous Materials Incidents**", this manual) The Road Patrol Division or local police should be notified if the situation requires restriction of traffic or threats to any public safety. The plaintiff will be required to contact a local hazardous waste removal firm to remove the material.
  - a. Property, such as legally possessed weapons or prescription drugs shall be held for safekeeping. When taking property into our custody, processing, security and storage will be in accordance with the following steps:
    - i. List the property on a Property Receipt/Evidence Log and Tracking Form.
    - ii. If property is turned over to the SCSO Property Evidence Room the Property Receipt/Evidence Log and Tracking Form will accompany such property and secured in a temporary storage locker at the LEC for processing.
    - iii. Notify the respondent how to claim property held for safekeeping.
17. After the eviction has been completed and the premises have been returned to the landlord or a representative, the eviction warrant will be returned to the issuing court with an appropriately worded affidavit.
18. Rules for service and execution for manufactured homes are:
  - a. A person who rents a manufactured home receives the standard 72-hour notice of eviction.

- b. A person, who rents space in a mobile home park (3 or more mobile homes) for the purpose of parking a mobile home, must receive a 90-day notice of eviction. This can be reduced by the court to a 30-day notice, if the court believes that other tenants would be threatened by the conditions that allowed the eviction, or for default in payment of rent.
  - i. In an eviction from a mobile home park, the landlord must make special arrangements, in advance, for special equipment necessary to remove the mobile home and obtain space to which the mobile home can be moved. Special provisions may be required to disconnect utilities such as water, electricity, telephones, and sewers. Road Patrol Division personnel may be required for traffic control to facilitate the removal of the mobile home from the property.

19. Eviction: Mortgaged Property Foreclosure (RPAPL 221)

- a. When a court directs possession of mortgaged property to a person and the possessor withholds possession, the court may order the Sheriff to put that person into full possession.
  - i. This order shall be executed as if it were an execution for the possession of the property.
    1. 72-hour notice is not required.
      - a. A tenant of mortgaged property that was not joined in the foreclosure action cannot be compelled to surrender possession under this section. Due process requires that the tenant can be removed only as a result of an eviction action or summary holdover proceeding.
    2. Remove all persons and put the petitioner into full possession of the real property.
    3. This eviction procedure is not subject to the sunrise to sunset provisions of RPAPL section 749.2.

## **INCOME EXECUTIONS**

STANDARD NO(S): NYSSACD # 111  
DATE: September 1, 2010  
REVISED: 11/01/2010  
REFER TO: David Smith

**I. OBJECTIVE:**

It is the objective of the Civil Division to establish procedures for the service and enforcement of Income Executions in accordance with the provisions of the New York State Civil Practice Law and Rules (CPLR).

**II. DETAILS:**

**A. DEFINITIONS:**

1. INCOME EXECUTION – An enforcement instrument issued by the judgment creditor's attorney acting as an officer of the court, or the court clerk, directing the Sheriff to satisfy a money judgment out of the judgment debtor's income.
2. CLERK – The clerk of the court in which the action is tried.
3. GARNISHEE – A person who owes a debt to a judgment debtor, or a person other than the judgment debtor who has property in his possession or custody in which a judgment debtor has an interest.
4. MONEY JUDGMENT – A judgment for a sum of money or directing the payment of a sum of money.
5. JUDGMENT CREDITOR – A person in whose favor a money judgment is entered or a person who becomes entitled to enforce it.
6. JUDGMENT DEBTOR – A person against whom a money judgment has been awarded.
7. JURISDICTION – An income execution must be delivered to the Sheriff of the county where the debtor resides or, to the Sheriff of the county where the employer is located.
8. GROSS INCOME – Salary, wages or other income, including any and all overtime earnings, commissions and income from trusts, before any deductions are made from such income.

9. DISPOSABLE EARNINGS – The remaining earnings after the deductions required by law to be withheld. (i.e. Social Security, state and federal income taxes, it does not include such items as union dues, health insurance premiums, charities, etc.)

**B. PROCESSING:**

1. The Civil Office will prepare Income Executions for data entry. Income Executions must be served within twenty (20) days of receipt by the Civil Office. Each paper must be time stamped and specify:
  - a. The name and last known address of the judgment debtor.
  - b. The name and address of the employer.
  - c. The name and address of the attorney of record.
  - d. The court where the judgment was obtained and the date of entry.
  - e. The transcribed date if the judgment rendered was from a lower court out of Seneca County.
  - f. The amount of the judgment and the amount due now.
  - g. The notice to judgment debtor.
  - h. The interest date.
2. The Civil Division will collect first stage, second stage and mileage fees in advance.
3. The Civil Division will log the papers, original plus four (4) copies, and issue a file number. The original should stay in the office with copies used for service.
4. The Civil Office will create a file and place it in the corresponding filing cabinet in alphabetical order by last name of debtor. This file will include the original and any copies of the execution plus copies of all appropriate forms which were sent to the debtor by certified and regular mailings, and all other documents related to the file.
5. There are two stages in the Income Execution collection process.
  - a. First Stage Service is when the execution is served on the debtor, giving him the opportunity to make voluntary payments to the Civil Division. There are two methods for serving first stage:
    - 1.) By serving the debtor in the same manner as a summons, or

- 2.) By certified mail return receipt requested, and by regular first class mail to the debtor. Both mailings are sent to the debtors last known address. The mail receipt and post office certificate of mailing must be kept as proof of service.
    - b.) The Civil Division uses the mail method for first stage service.
    - c.) Include along with the execution our standard form letter which explains to the debtor what is required.
6. Once service has been completed a payment schedule, based on how often a debtor is paid is set up and a copy of the debtor's pay stub is required.
  - a. Periodically, request a current copy of the debtors pay stub to verify that the correct payments are being received.
7. If the debtor does not respond and make their first payment within thirty (30) days, the execution is then served at his/her place of employment (Second Stage).
  - a. Second Stage Service is when the employer is served because the debtor is in default. The debtor is in default when:
    - 1.) The debtor fails to make their first payment within thirty (30) days from the date he was served first stage.
    - 2.) The debtor does not make the correct payments in accordance with the payment schedule.
    - 3.) The debtor stops payments before the execution is satisfied.
  - b. The execution is served second stage in the same manner as a summons or by certified mail, return receipt requested. Service by certified mail need not be accompanied by a regular mailing.
    - 1.) The Civil Division uses the summons method for second stage service.
      - a.) Include along with the execution the form letter which explains the employer's responsibilities.
8. Whether executions are in first or second stage service, the deductions must be calculated the same way. There are three (3) ways of determining the appropriate amount. The figure that is the lesser of the three is the appropriate amount to deduct.
  - a. No more than 25% of disposable income.

- b. No more than the difference between the disposable income and thirty (30) times the current minimum wage.
  - c. No more than 10% of gross income.
9. We can only collect on one Income Execution of a judgment debtor at a time. However, if deductions are being made on child support or alimony we can collect on an Income Execution as long as the combined deductions do not exceed twenty-five percent (25%) of the disposable earnings.
10. The priority of multiple Income Executions against the same judgment debtor is determined by the date and time they are delivered to the Civil Office.
11. Apply all payments received to appropriate accounts.
  - a. If the payment is a direct payment of cash, certified bank check or money order, verify first that the appropriate amount is being paid.
    - 1.) If accounts are on hold, go to the notes tab found on the original screen of that account for information needed.
    - 2.) Monies received on accounts are entered daily and disbursed the following month.

### **C. MANAGING ACCOUNTS:**

1. Once an execution is active whether 1<sup>st</sup> or 2<sup>nd</sup> stage, follow up on these accounts.
  - a. Accounts that have had no payments within a thirty (30) day cycle will be listed on a computer generated delinquent payers report.
    - 1.) If in 1<sup>st</sup> stage it will immediately be placed in second stage with the employer.
    - 2.) If in 2<sup>nd</sup> stage, send the employer an inquiry letter requesting payment.
      - a.) Correspondence sent to and received from the employer is placed in the file.
2. If the debtor declares bankruptcy the following steps are taken:
  - a. Request from the debtor's attorney or debtor a copy of the bankruptcy paperwork, if not provided.
  - b. Notify attorney for creditor with our form letter if contact has not been made by phone.

- c. If the execution is in second stage, send a letter to the employer to stop all payments.
  - d. Money received prior to the bankruptcy filing will be disbursed to the attorney of record. Money received after the date of bankruptcy filing is returned to the debtor.
3. The return is a statement of the actions taken by the Civil Division, which must be endorsed on all executions. They are:
- a. Satisfied – the account is paid in full.
  - b. Part Satisfied – the account is partially paid.
  - c. Unsatisfied – no payments received on account or payments applied only to fees and interest.
- 1.) The executions are returned for the following reasons:
- a.) Judgment is satisfied.
  - b.) After first stage service the employer is out of county.
  - c.) Employer is out of business or the debtor is not employed by the named employer.
  - d.) Judgment is vacated or annulled.
  - e.) The debtor has received a discharge through bankruptcy.
  - f.) The attorney of record requests in writing a return.

## Chapter Five – Investigations

- 5-1 Collection & Preservation of Evidence
- 5-2 Inmate Transports
- 5-3 CVSA (Computerized Voice Stress Analyzer)
- 5-4 Investigative Expense Fund
- 5-5 Criminal Investigations
- 5-6 Lineup Procedures
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## **COLLECTION AND PRESERVATION OF EVIDENCE**

STANDARD NO(S):

NYSLEAP: Chapter 7 & 51

DATE:

September 13, 2010

REVISED: 05/19/2016

04/05/2018

REFER TO:

John Cleere

### **I. OBJECTIVE:**

The proper collection and preservation of physical evidence is extremely important to both the prosecution and defense in criminal cases. In many instances, it is superior to other forms of evidence, particularly oral testimony, such as admissions, statements pertaining to eyewitness identifications, etc. The application of guidelines established in this policy can result in more firmly connecting a suspect to the crime or help eliminate a person wrongly suspected of committing the crime.

### **II. POLICY:**

It shall be the policy of this department to protect crime scenes, to search crime scenes; to identify, collect and preserve evidentiary items; and to maintain the chain of custody for presentation of the collected evidence in court. The SCSO utilizes an electronic Bar Coded Evidence Analysis Statistics and Tracking system referred to as “BEAST” for intake, custody, processing, and disposition of every piece of evidence secured.

### **III. DETAILS:**

#### **A. Definitions -**

Chain of Evidence: The continuity of the custody of physical evidence from time of original collection to final disposal that may be introduced in a judicial proceeding.

Impounding Officer: Any member of the SCSO who initially receives evidence and initiates the chain of custody.

Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.

Evidence Coordinator: Designated SCSO member(s) accountable for controlling and maintaining all evidence accepted by or stored in the SCSO evidence room and is responsible for the cleanliness and order of the SCSO property/evidence storage areas. The Sheriff may appoint an aide to the evidence coordinator to assist with the maintaining of evidence. There will not be more than one Evidence Coordinator Aide.

1. The Evidence Coordinator and any appointed aide must successfully complete a course in property/evidence room management within one year of being assigned such duties.

SCSO Property/Evidence Room: Facilities used by the SCSO to store evidence and other items secured for safekeeping.

## B. General Responsibilities at a Crime Scene -

1. Initial Responding Officer(s) will:
  - a. Arrest perpetrator if circumstances permit.
  - b. Render first aid.
  - c. Protect the crime scene in order to prevent evidence contaminated, destroyed or removed.
  - d. Notify the duty supervisor if there is a need for a CID Investigator to process a crime scene or secure evidence. When photographs are not taken or when physical evidence is not recovered from the scene of a serious crime against person or property, the officer will indicate the reason why in the narrative of the SPILLMAN report filed in connection with the case.
  - e. Restrict access to a crime scene to those personnel who have official investigatory interest in the incident.
  - f. Transfer command of the scene upon the arrival of the Investigator. The initial responding officer shall promptly pass on to the Investigator all pertinent information relating to the incident and complete all necessary written reports.
  - g. Continue to maintain security of the scene until otherwise directed by the supervisory personnel or Investigator(s).
2. SCSO Uniform Members have the ancillary function of being Evidence Technicians. Every member has received training in proper evidence collection procedures during their initial basic police officer training course.
3. Once a complaint is received where evidence collection work is required, the SCSO uniform member will identify, collect and secure such physical evidence. Most likely, the SCSO uniform member will be limited to gathering evidence relating to misdemeanor crimes and traffic offenses which may include taking photographs and preparing crime scene sketches.

4. Cases involving Felony or serious Misdemeanor crimes may require the expertise of a CID Investigator who has received specialized advanced training in the collection and processing of physical evidence which may include, but not limited to:
  - a. Recovery of latent fingerprints
  - b. Photography
  - c. Crime Scene Sketch
  - d. Collection and preservation of DNA physical evidence

### **C. Processing evidence at a crime scene –**

1. All personnel responsible for processing crime scenes have received specialized training approved by the NYS Division of Criminal Justice Services of how to properly process a crime scene.
  - a. If specialized crime scene processing is required, the Sheriff or his designee may request the services of a crime scene specialist (i.e. Forensic Specialists from the New York State Police, Medical Examiners Office FBI, BATF or other specialized crime scene processing units). If practical, all crime scene processing should be suspended until the arrival of the crime scene specialist(s).
  - b. If crime scene specialists are requested to assist the SCSO in processing a crime scene, the command of the scene remains with the SCSO; however, we will accept their help and will cooperate fully with their suggestions or directions for processing the scene.
2. Duties of Uniformed or CID member assigned to process a crime scene.
  - a. Respond promptly to the crime scene
  - b. Reconstruct the events by methodically searching, identifying and preserving the physical and biological evidence to be collected.
  - c. The collection of evidence shall be in a systematic, organized and recorded manner. Whenever practical, evidence found at a crime scene shall be properly processed (photographed, dusted for prints, etc.) before being moved
  - d. All evidence collected shall be given "Item #" and shall be marked with some identifying mark by the collector preferably by his initials or badge number.
  - e. If appropriate, each item should be packaged in an evidence bag, can or jar. The information on the bag shall be completely filled out by the collector. If evidence is placed in a container without a pre-printed evidence label, the member will complete an evidence label and affix it to the evidence container. Proper marking is essential for positive identification in later court situations.

- f. Evidence containers shall be properly tagged, sealed and stored in accordance with policy. Each article of evidence shall be stored in separate containers to avoid contamination.
  - g. All items taken as evidence must be documented on a SCSO Property Receipt/Evidence Log and Tracking Form and submitted with the evidence into a temporary evidence storage locker.
  - h. Packaging is based upon the item, its size, composition and future processing needs. The appropriate size package should fit the property. In general a more compact package better facilitates storage of the evidence.
  - i. Personnel will use the following to package evidence: Clear plastic evidence bags, paper evidence bags, manila evidence envelopes, metal evidence cans and evidence boxes. Items too large to package—(e.g. bicycles, appliances, furniture), will have an evidence label affixed to them.
  - j. Packaging of items of evidence in a plastic bag will be sealed by means of a heat—(integrity), seal or by use of approved evidence tape. Staples will not be used to seal any package. Boxes and cans will also be sealed with approved evidence tape.
  - k. The officer sealing the package will place his or her initials, in permanent ink, so that they are partially on the package and partially on the evidence tape or seal.
  - l. Anytime a package must be reopened after having been sealed, the package will be neatly cut open—(at the bottom when possible), and resealed with approved evidence tape. The person who opened the package will reseal the package and initial the seal.
  - m. Items should be packaged separately if they will be disposed of in different manners.
3. Personnel will collect materials and substances from known sources whenever available, for submission to the forensic laboratory for comparison with physical evidence collected (control sample).
4. A crime scene sketch made pursuant to the collection and preservation of evidence will include, at a minimum, the following:
- a. Dimensions of the scene
  - b. Relation of the crime scene to other buildings, geographical features of roads
  - c. Address, floor or room number
  - d. Location of significant features of the scene, including the victim
  - e. Date and time of preparation
  - f. Names of the persons preparing the sketch
  - g. Direction of north
  - h. Location of items of physical evidence recovered
  - i. Notation that the sketch is either “To Scale” or “Not to Scale”.
  - j. Case Number

5. Photographs taken pursuant to the collection and preservation of evidence will include, at a minimum the following:
  - a. Exterior and interior perimeters of the crime scene. The exterior perimeter should physically show the address, approach and escape routes, and the scene in relation to other objects in the area.
  - b. If a central point of the crime exists, such as a homicide victim, four (4) photographs should be taken of the victim as a point of reference encompassing a complete 360 degree circumference.
  - c. All items of an evidentiary nature that will be collected shall be photographed in their natural state prior to being moved.
  - d. All digital photographs, as well as all audio and video recordings will be stored electronically in a secure location on the SCSO computerized systems under the control of the CID Lieutenant.
  - e. If a scene is video taped, photographs are still necessary.
  - f. Nothing in this policy precludes the use of a photo log which may be utilized on major or serious cases.

#### **D. Stolen/Recovered Vehicles –**

1. Processing recovered stolen vehicles shall be authorized by the Road Shift Supervisor, or his designee, if appropriate. The chain of evidence shall be maintained and the vehicle and its contents shall be processed for items of evidentiary value. See "**Vehicles Seized, Impounded and Towing**", this manual. The following criteria may be used to determine if processing of the vehicle will produce substantive results:
  - a. Location of vehicle
  - b. Length of time vehicle was reported stolen
  - c. Used in commission of violent felony
  - d. Upon request of another agency
  - e. Weather conditions

#### **SPECIAL NOTE REGARDING STOLEN/RECOVERED VEHICLES**

The Road Shift Supervisor or his designee shall ensure that the reporting agency, owner and other appropriate person receive prompt notification of the recovered vehicle. The vehicle may be released after it no longer holds any evidentiary value, provided that the SCSO member complies with NYS PL Section 450.10(4)(c) which mandates "*A motor vehicle alleged to have been stolen but not alleged to have been used in connection with any crime or criminal transaction other than the theft or unlawful use of said motor vehicle, which is in the custody of a police officer, a peace officer or a district attorney, may be released expeditiously to its registered owner or the owner's representative without prior notice to the defendant. Before such release, evidentiary photographs shall be taken of such motor vehicle. Such photographs shall include the vehicle identification number, registration on windshield, license plates, each side of the vehicle, including vent windows, door locks and handles, the front and back of the vehicle, the interior of the vehicle, including ignition lock, seat to floor clearance, center console, radio receptacle and*

dashboard area, the motor, and any other interior or exterior surfaces showing any and all damage to the vehicle. Notice of such release, and the photographs taken of said vehicle, shall be furnished to the defendant within fifteen days after arraignment or after counsel initially appears on behalf of the defendant or respondent, whichever occurs later.”

#### **E. Physical Evidence Records –**

1. A “Property Receipt/Evidence Log & Tracking Form” (SCSO-LE-040) will be prepared by the collecting personnel on all evidence collected and shall contain the following:
  - a. Item number
  - b. Quantity
  - c. Description of the item (including make, model number, and serial number, if any)
  - d. Location where obtained
  - e. Name of person collecting the item(s).
  - f. Name of officer, along with the date and time evidence was placed in temporary evidence locker or refrigerator.
2. The Property Receipt/Evidence Log & Tracking Form, (SCSO-LE-040) is a two copy report. One copy goes to the Records Division and one copy goes with the evidence and is secured in a temporary evidence locker in the patrol office of the LEC. In the case of an evidentiary item requiring refrigeration, one copy is placed in the Evidence Coordinators mail slot on the Property/Evidence Room Door, so the Evidence Coordinator is aware of a refrigerated evidence sample for processing. Copies are to be made for CID case file and other needs.

#### **F. Member reporting requirements -**

1. Prepare a SPILLMAN report of events that transpire at the scene to include:
  - a. Date and time of arrival at scene.
  - b. Location of the crime.
  - c. Name of the victim(s), if known.
  - d. Name of the suspect(s), if known.
  - e. Noting observations of the scene and actions taken during the processing of the scene, including photographs, measurements, sketches, and any other duties performed to further the investigation.
  - f. A list of physical evidence recovered.
  - g. Case file reference number.

## **G. Temporary evidence lockers – secure refrigerator**

1. The SCSO has twenty temporary evidence lockers located in the patrol room at the LEC for the short term storage of evidence secured by the SCSO. The Temporary lockers automatically lock when closed and are accessible only by the Evidence Coordinator from within the secure confines of the SCSO Property/Evidence Room.
2. Evidentiary items of a perishable nature, such as fresh blood, blood stained objects, other physiological stains and tissues, and biological materials are placed in a secure refrigerator located in the patrol office of the LEC. The Officer submits the yellow copy of the form to the Evidence Coordinator who enters the refrigerated evidence item into BEAST and secures it a secure refrigerated unit within the secure confines of the Property/Evidence Room.

## **H. Items secured as evidence for laboratory analysis –**

1. Items of an evidentiary nature that require forensic examination shall be submitted to a laboratory in a timely manner. Items of a perishable nature, such as fresh blood, blood stained objects, other physiological stains and tissues, and biological materials shall be packaged in accordance with generally accepted best practice standards. Refrigerated evidentiary items that are not submitted to a forensic laboratory shall be stored in an appropriate location in the department's evidence storage area.
2. The Sheriff, or his designee, shall authorize all requests for laboratory examinations of evidentiary items, and request that written results of laboratory examinations or analysis be forwarded to the Sheriff, or his designee. The SCSO contracts with the Monroe County Public Safety Laboratory in Rochester, New York. The SCSO Evidence Coordinator will generate within the BEAST system an Evidence Intake Form for any physical evidence submitted to the lab for examination which will include:
  - a. The SCSO case number
  - b. Offense(s)
  - c. NYS Offense Code
  - d. Case Investigator
  - e. Investigator telephone number
  - f. Defendants name, DOB, race and sex.
  - g. SCSO Evidence Item number
  - h. Description of evidence
  - i. Evidence collection location
  - j. Name of Officer collecting evidence and date of collection
  - k. Source (ie: victim/suspect) where applicable
  - l. Laboratory analysis requested.
3. Evidence for laboratory analysis shall be delivered to the laboratory by the evidence coordinator or his designee. The evidence coordinator shall

maintain communication with the laboratory to ensure smooth and timely submission and retrieval of evidence.

**I. Evidence Intake** – The SCSO utilizes an electronic Bar Coded Evidence Analysis Statistics and Tracking system referred to as (BEAST), manufactured by Porter-Lee Corporation.

1. Once the Evidence Coordinator receives evidence and the Property Receipt/Evidence Log & Tracking Form from either the temporary evidence locker, or from the secured evidence refrigerator, the Evidence Coordinator completes the following electronic evidence intake screens in the BEAST. The electronic intake entry screens are identified as follows: (a) Case Information, (b) Case Names, (c) Items, (d) Custody, (e) Submission. Each particular evidence intake screen is described more fully below:

- a. Case Information includes:  
SCSO case number  
Any related SCSO case numbers  
Case Officer  
Offense Date/Time  
Offense Location  
Offense Type  
Expiration date  
    (automatically entered by BEAST based on offense type)  
Jurisdiction  
Court Date  
Disposition  
Disposition date  
Case comments

- b. Case Names – all names associated with specific case to include  
Defendant  
Victim  
Person Interviewed

- c. Case Items – all items of evidence secured by Officer including, but not limited to:  
Collection date/time  
Collection purpose  
Collected by  
Collection location  
Packaging/Quantity/Item Type  
Detail description  
Owner  
Current custody information  
Process

#### Item notes

- d. The evidence coordinator completes the Chain of Custody screen for each individual item of evidence and enters the current location within the SCSO Property/Evidence Room where the specific item of evidence will be stored.

After each individual piece of evidence is entered into BEAST, a unique BARCODE is generated automatically which identifies exclusively the particular item of evidence. This unique barcode is affixed to the evidentiary item or to the storage location identified in the custody information screen.

- e. Individual pieces of evidence which must undergo laboratory examination and analysis are migrated and populated into the Evidence Intake Form (Screen 5) from the Case Item Form (Screen 3) from the specific case.

#### J. Evidentiary items delivered to/picked up from a laboratory -

1. The Evidence Coordinator downloads the Evidence Intake Form onto the BEAST Palm Pilot, scans the barcode on the particular piece of evidence to be submitted to the laboratory, which populates the date, time and Officer signing out the evidence to be transported to a laboratory. Once at the laboratory the Evidence Coordinator scans the evidence barcode and requires laboratory intake personnel to sign the digital signature pad on the BEAST palm pilot. Upon returning to the SCSO Property/Evidence Room, the Evidence Coordinator downloads the change in custody information to show the evidentiary item is located at a laboratory.
2. When testing of evidence located at a laboratory has been completed, the Evidence Coordinator will scan the barcode of evidentiary item at the laboratory into the BEAST palm pilot and sign for picking up the item of evidence.
3. In all cases, whenever evidence is transported to or from any laboratory, the SCSO member will travel the most direct route to and from the laboratory.
4. Whenever evidence is transported to any laboratory a laboratory submission form will be completed that details a complete, descriptive list of items submitted along with testing to be performed. A copy of the submission form will be added to the evidence records. Upon completion of the testing the results of the laboratory testing will also be added to the evidence records.

- K.** The Evidence Coordinator will keep a file of all copies of the Property Receipt/Evidence Log & Tracking Form, (SCSO-LE-040) filed by complaint number, so that all evidence stored can be easily located.
1. Any time that evidence is transferred to and from evidence storage for any other reason than already stated a complete record will be recorded that contains descriptive information for the item, date and time of transfer, the person's identity who receives the item(s), the reason for transfer and the name and location to which the item was transferred. The manner of recording will be via the BEAST system as previously described in section I., J. and K.

**L. Security –**

1. All evidence is to be secured in an approved, secured evidence location at the completion of officer's tour of duty. At no time shall evidence be stored in an unsecured, unapproved location (i.e. office, personal locker, patrol vehicle).
2. Access to the SCSO property/evidence room is restricted to certain designated SCSO members and Command Staff.

**M. Additional Security and Control Measures –**

Enhanced security and control measures are in place within the SCSO property/evidence room to safeguard all money, firearms, controlled substances and other high value items within the protective custody of the SCSO.

**N. Annual Quality Control Audits--SCSO Evidence/Property Room -**

Every year Sheriff will cause both an annual Inventory and an annual Audit to be conducted by a Command staff member not normally charged with the custody of property held by the SCSO. The inventory and audit will include tracking multiple samples of various classifications of evidence to include:

1. Money
2. Firearms
3. Controlled Substances
4. High-Value Items of Evidence

The **INVENTORY** is an “eyes on” review of a sampling of property to verify physical accountability. The inventory will consist of 10% of the total Evidence/ Property Room or 100 items—whichever is less.

The **AUDIT** is a complete review of a sampling of property that includes a thorough examination of all records relating to that property. The audit will consist of 5% of the Evidence/Property Room or 50 items—whichever is less.

For quality control purposes, the Command Staff member conducting such sample audit and inventory will conduct the Inventory and Audit at different times; they may not be conducted within 4 months of each other.

During the Audit the Command Staff member will track the intake, forensic testing, storage and disposition of such samples to ensure compliance with generally accepted evidence handling practices.

The member conducting the sample inventory and audit will prepare a report to be forwarded to the Sheriff detailing the findings of such audit and inventory.

In all cases where a new Evidence Coordinator is designated a Command Staff member will perform a sampling audit and inventory and report those findings to the Sheriff.

#### **O. Disposal of Evidence -**

1. It will be the duty of the Evidence Coordinator to obtain the required documentation or otherwise information and approve disposal of property.
2. When no longer needed for evidentiary purposes, all evidence, with the exception of firearms and contraband, shall be returned to its lawful owner unless title to the evidence is transferred to this or other jurisdictions by court order. (See "**NYS Penal Law, Section 450.10**") If the lawful owner fails to claim the evidence, the agency may, as permitted under state law.
  - a. Destroy it
  - b. Dispose of it by public auction or
  - c. Retain it for use by the jurisdiction.
3. Firearms and other non-drug contraband shall be physically destroyed unless
  - a. Court order authorizes use of the item by this agency; or
  - b. The firearm is required by state law to be returned to its lawful owner.
5. Firearms, drugs and other non-drug contraband will be destroyed in an approved DEC incinerator with two witnesses present, one being a law enforcement officer. All appropriate paperwork must be obtained and filed per NYS Law before and after any such evidence or property is destroyed.

#### **P. Disposal of stolen property.**

1. Any evidence in the possession of the SCSO which may be returned to the rightful owner(s) pursuant to the provisions of New York State Penal Law Section 450.10 will be returned according to law.

2. Any member releasing evidence pursuant to law will complete a Property Release Notice (SCSO-LE-041) and file such Notice with the Records Division, Evidence Coordinator, Defendant or Defendant's Attorney, District Attorney and case file.

**NOTE – Applicable statute cited below -**

**NYS PENAL LAW SECTION 450.10**

1. When property, other than contraband including but not limited to those items subject to the provisions of sections 410.00 (equipment used in photographing, filming, producing, manufacturing, projecting or distributing pornographic still or motion pictures);415.00 (vehicles, vessels and aircraft used to transport or conceal gambling records); 420.00 and 420.05 (equipment used in the production of unauthorized recordings) of the New York State Criminal Procedure Law, alleged to have been stolen is in the custody of a police officer, a peace officer or a district attorney and a request for its release is made prior to or during the criminal proceeding, it **may not be released except as provided in subdivisions two, three and four of this section.** When a request is made for the return of stolen property under this section, the police officer, peace officer or district attorney in possession of such property **must provide written notice** to the defendant or his counsel of such request as soon as practicable. Such notice shall advise the defendant or his counsel of the date on which the property will be released and the name and address of a person with whom arrangements can be made for the examination, testing, photographing, photocopying or other reproduction of said property.
2. Both the defendant's counsel and the prosecutor thereafter shall make a diligent effort to examine, test and photograph, photocopy or otherwise reproduce the property. Either party may apply to the court for an extension of any period allowed for examination, testing, photographing, photocopying or otherwise reproducing the property. For good cause shown the court may order retention of the property for use as evidence by either party. Unless extended by a court order sought by either party on notice to the other, the property shall be released no later than the time periods for retention set forth in subdivisions three and four of this section to the person making such request after satisfactory proof of such person's entitlement to the possession thereof. Unless a court, upon application of either party with notice to the other, orders otherwise, the release of property in accordance with the provisions of this section shall be unconditional.
3. Except as provided in subdivision four of this section, when a request is made for the release of property described in subdivision one of this section, the property shall be retained until either the expiration of a fifteen day period from receipt by the defendant or his counsel of the notice of the request, or the examination testing and photographing, photocopying or other reproduction of such property, by the parties,

whichever event occurs first. The fifteen day period may be extended by up to five additional days by agreement between the parties.

4. (a) Except as provided in paragraphs (b) and (c) of this subdivision and in subdivision eleven of this section, when a request is made for the release of property described in subdivision one of this section, and the property shall consist of perishables, fungible retail items, motor vehicles or any other property release of which is necessary for either the operation of a business or the health or welfare of any person, the property shall be retained until either the expiration of a forty-eight hour period from the receipt by the defendant's counsel of the notice of the request, or the examination, testing and photocopying, photographing or other reproduction of such property, by the parties whichever event occurs first. The forty-eight hour period may be extended by up to twenty-four additional hours by agreement between the parties. For the purposes of this section, perishables shall mean any property likely to spoil or decay or diminish significantly in value within twenty days of the initial retention of the property.  
  
(b) If, upon oral or written application by the district attorney with notice to the defendant or his counsel, a court determines that immediate release of property described in paragraph (a) of this subdivision is required under the attendant circumstances, the court shall issue an order releasing the property and, if requested by either party, setting, as a part of such order, any condition appropriate in the furtherance of justice.  
  
(c) A motor vehicle alleged to have been stolen but not alleged to have been used in connection with any crime or criminal transaction other than the theft or unlawful use of said motor vehicle, which is in the custody of a police officer, a peace officer or a district attorney, may be released expeditiously to its registered owner or the owner's representative without prior notice to the defendant. Before such release, evidentiary photographs shall be taken of such motor vehicle. Such photographs shall include the vehicle identification number, registration on windshield, license plates, each side of the vehicle, including vent windows, door locks and handles, the front and back of the vehicle, the interior of the vehicle, including ignition lock, seat to floor clearance, center console, radio receptacle and dashboard area, the motor, and any other interior or exterior surfaces showing any and all damage to the vehicle. Notice of such release, and the photographs taken of said vehicle, shall be furnished to the defendant within fifteen days after arraignment or after counsel initially appears on behalf of the defendant or respondent, whichever occurs later.
6. If stolen property comes into the custody of a court, it must, unless temporary retention be deemed necessary in furtherance of justice, be delivered to the owner, on satisfactory proof of his title, and on his paying the necessary expenses incurred in its preservation, to be certified by the court.

7. If stolen property has not been delivered to the owner, the court before which a trial is had for stealing it, may, on proof of his title order it to be restored to the owner.
7. If stolen property is not claimed by the owner, before the expiration of six months from the conviction of a person for stealing it, the court or other officer having it in custody must, on payment of the necessary expenses incurred in its preservation, deliver it to the county commissioner of social services, or in the city of New York, to the commissioner of social services, to be applied for the benefit of the poor of the county or city, as the case may be.
8. Except in the city of New York, when money or other property is taken from a defendant, arrested upon a charge of an offense, the officer taking it must, at the time, give duplicate receipts therefore, specifying particularly the amount of property taken, one of which receipts he must deliver to the defendant, and the other of which he must forthwith file with the court in which the criminal action is pending.
9. The commissioners of police of the city of New York may designate some person to take charge of all property alleged to be stolen, and which may be brought into the police office, and all property taken from the person of a prisoner, and may prescribe regulations in regard to the duties of the clerk or clerks so designated, and to require and take security for the faithful performance of the duties imposed by this subdivision, and it shall be the duty of every officer into whose possession such property may come, to deliver the same forthwith to the person so designated.
10. Where there has been a failure to comply with the provisions of this section, and where the district attorney does not demonstrate to the satisfaction of the court that such failure has not caused the defendant prejudice, the court shall instruct the jury that it may consider such failure in determining the weight to be given such evidence and may also impose any other sanction set forth in subdivision one of section 240.70 of the criminal procedure law; provided, however, that unless the defendant has convinced the court that such failure has caused him undue prejudice, the court shall not preclude the district attorney from introducing into evidence the property, photographs, photocopies, or other reproductions of the property or, where appropriate, testimony concerning its value and condition, where such evidence is otherwise properly authenticated and admissible under the rules of evidence. Failure to comply with any one or more of the provisions of this section shall not for that reason alone be grounds for dismissal of the accusatory instrument.
11. When a request for the release of stolen property is made pursuant to paragraph (a) of subdivision four of this section and the defendant is not

represented by counsel the notice required pursuant to subdivision one of this section shall be personally delivered to the defendant and release of said property shall not occur for a period less than five days: from (a) the delivery of such notice; or (b) in the case of delivery to such person in custody, from the first appearance before the court, whichever is later.

- Q. SPECIAL CIRCUMSTANCES** – In special cases of civil process, it may be necessary to post a deputy sheriff to guard seized property. In this event, cost of labor will be charged and will be paid in advance of any seizure
- R. RIGHT OF REFUSAL** – The Evidence Coordinator has the right and authority to refuse evidence submissions when problems with the submissions are identified. Examples of such problems are:
1. Improper and/or incomplete chain of custody.
  2. Improper and/or incomplete data relating to the location of the seizure.
  3. Improper and/or incomplete packaging of evidence pursuant to established procedures.
  4. Safety issues including, but not limited to, improper and/or incomplete packaging of accelerates, bio-hazards, sharps and weapons.

If the submitting officer and Evidence Coordinator are both present at the time of submission and refusal the Evidence Coordinator will advise the submitting officer the reason for refusal and advise remedial action needed. The submitting officer will maintain custody of the evidence, take remedial action and then re-submit.

If the submitting officer is not present at the time of refusal the Evidence Coordinator will maintain the evidence in temporary evidence storage and notify the submitting officer in writing the reason for the refusal and remedial action required. It will then be the responsibility of the submitting officer to meet with the Evidence Coordinator at the earliest opportunity to remedy the problems.

## **INMATE TRANSPORTS**

STANDARD NO(S): NYSSA #38,96, 100-105  
NYSSA CS# 18-24  
NYSLEAP# 64.1

DATE: August 5, 2009  
REVIEWED: 03/22/2017

REFER TO: Robert W. Jensen Jr.  
James Altimari

I. OBJECTIVE:

To ensure the safe and timely transportation of inmates.

II. POLICY:

It is the policy of the Seneca County Correctional Facility to provide transportation of inmates to and from authorized locations outside of the facility. Inmates will be treated humanely and in such manner as is necessary to preserve the safety and security of the inmate(s), officer(s), and the public.

III. DETAILS:

1. Vehicles assigned to Transport Officer(s) will be equipped with a protective screen securely mounted between the driver's compartment and rear seats. This screen prevents the inmate(s) from having access to the driver's compartment, but will not impair communication between the Transport Officer(s) and the inmate(s).
2. In the event circumstances make it impossible to accomplish necessary travel in a vehicle as described above, the Transport Officer(s) will make certain that the inmate is never out of sight, is secured in belly chains and leg irons, and has the seat belt fastened in front of them.
3. Prior the use of such vehicle, the following will be checked by the officer(s):
  - a. Engine – Check all fluid levels
  - b. Tires – Inspect for proper inflation
  - c. Equipment – Ensure that spare tire, jack, lug wrench and flares are in place
  - d. Radio – Make contact with Central Control
  - e. Credit and Thruway cards – Only when needed
4. If a piece of equipment is found to be in disrepair, missing, or otherwise unusable, the officer(s) will report such deficiency to the Shift Supervisor using [Form AD-004 \(Maintenance Request\)](#) prior to using the vehicle. If the

Shift Supervisor considers the vehicle to be unsuitable for use, it will be secured, reported as such on [Form AD-004](#) and another vehicle requested. The transport officer(s) will inspect the newly assigned vehicle per section 3. above.

5. When satisfied that the vehicle is in good order, the officer(s) will thoroughly search it to insure that it is free from contraband and any other items which could be used by an inmate to inflict injury or effect escape. The search will be done prior to each time an inmate is transported.
6. The Transport Officer(s) will comply with all state and local vehicle and traffic laws, rules and regulations. The vehicle will be locked; the keys removed, and, when possible, will not be left in an area where the vehicle could be tampered with.
7. After the transport, the vehicle will be fully refueled and a search of the vehicle conducted. After the search, the officer will return the vehicle to its proper location, secured and locked. Anything found during the search will be reported on [Form CF-009 \(Incident Report\)](#) and disciplinary and/or criminal charges will be filed, against the transported inmate, if applicable.

#### IV. TRANSPORT PROCEDURES

- A. All inmates will be subjected to a search by the Transport Officer prior to their departure from the facility and upon their return to the facility.
- B. The Transport Officer(s) will be in close proximity of the inmates at **ALL** times.
- C. All inmates will be restrained by a waist chain with handcuffs and leg shackles.
- D. The Transport Officer will pick up and drop off inmates at the facility through the vehicle sally port.
- E. All transport vehicle keys will be secured in the Sergeants Office. All keys will be signed in/out prior to and after the transport.
- F. Radio contact will be made with Central Control at the following times:
  1. Upon leaving the facility
  2. Upon arriving at the transport destination
  3. Upon leaving the transport destination
  4. Upon return to the facility
  5. When an unusual incident occurs during the transport (i.e. accident, delay, etc.)
- G. Radio contact will be made with E911 at the following times:
  1. Upon arriving at the transport destination
  2. Upon leaving the transport destination
  3. When an unusual incident occurs during the transport (i.e. accident, delay, etc.)

**H.** Transport Officers will sign out all needed equipment for the transport including:

1. A portable radio - to assure emergency communication.
  2. Firearm, duty belt, ballistic body armor
  3. Necessary restraints
  4. Any other equipment as needed
- I.** Transports will always take the most direct route from start to finish with no stops for purposes not directly related to the transport. When needed for security purposes, the route will be varied so as not to show a pattern.
- J.** No meal breaks will be taken while on a transport. If it is anticipated that an inmate meal will be needed during the transport, arrangements will be made with the facility kitchen staff for the preparation of a meal.
- K.** The inmate will not be allowed to communicate with anyone other than the transporting officer, legal counsel, and the court.
- L.** During any transport of an inmate, the officer will not engage in any extraneous activities, except in the case of an extreme emergency.
- M.** Transported inmates will be afforded reasonable opportunities to use the lavatory. Lavatory breaks will be limited to facilities which are safe, secure, and allow for constant observation of the inmate(s). Law Enforcement Centers will be used for such breaks, when available. Officer discretion will be used when selecting an alternate site for such a break.
- N.** If an officer is transporting an inmate of the opposite sex, the officer will make this assignment known to Central Control, giving location, vehicle mileage and destination. Upon reaching the destination, the officer will again contact Central Control and furnish the ending mileage. The same procedures will be followed when returning to the facility.
- O.** If an inmate becomes ill or injured during the transport, the officer will immediately notify Central Control. Central Control will notify the Shift Supervisor of the situation who will make the proper arrangements for the inmate.
- P.** In the event an inmate escapes from custody, the involved Transport Officer(s) will immediately notify the E-911 Center and Central Control. Central Control will notify the Shift Supervisor, who will then perform an "Administration Notification". If the escape occurs in another jurisdiction, notification will be made to the local and state police using inter-agency via radio. The involved officer(s) will submit [Form CF-009 \(Incident Report\)](#) before the end of their shift.

- Q.** Officer(s) responsible for the transportation of an inmate to or from a local correctional facility will obtain all necessary documents, authorizations, and any other necessary information relative to such transportation per the policy entitled ["Transfer of Inmate Records"](#).
- R.** All inmates will be reminded of the rules and restrictions that will be enforced during transport prior to leaving the facility.
- S.** All inmates will wear facility issued uniforms, unless otherwise directed by court order or the Shift Supervisor.
- T.** Any unavoidable delays (heavy traffic, car trouble, etc.) will be immediately reported to Central Control by radio or cell phone.
- U.** At all times, Transport Officer(s) will guard against the inmate receiving unauthorized material or contraband from any source.
- V.** When walking inmates from the transport vehicle to the destination inmates will remain in a single file line, no more than three feet apart and remain silent.

#### V. UNUSUAL CIRCUMSTANCES

- A.** When transporting an inmate, the Transporting Officer(s) is responsible for the safe delivery of the person in custody.
- B.** Any diversion, whether a deliberate attempt to effect an escape, or one which is purely coincidental, can result in the officer's attention being distracted to the extent that the inmate(s) safety or security is placed in jeopardy. The officer must bear in mind that one's primary duties are to protect the inmate from injury and to prevent escape.
- C.** In the case of a roadside emergency, a member of the public may expect that such a vehicle would stop to render assistance. This action must be avoided.
- D.** Only when the risk to a third party is both clear and grave and the risk to the officer and the inmate is slight, a Transport officer may stop en route to render assistance or engage in any law enforcement activity.
- E.** An officer in transport alone will never stop except in a clearly life threatening situation. If there is no way to avoid the stop, the officer will advise Central Control and the 911 Center of their location and request assistance without delay.
- F.** If two or more officers are assigned to the transport and a stop can be safely made, one officer must stay with the transport vehicle parked at a safe distance away from the unusual circumstance, while the other Transport Officer renders assistance. Upon arrival of any other patrol units, the Transport Officers will

immediately resume the inmate transport after briefing the arriving unit(s) of the situation.

- G.** Under no circumstances will an officer engaged in the transportation of an inmate become involved in a pursuit, roadblock, or other situation which creates the risk of harm to the inmate(s) or the officer(s).
- H.** The Transport Officer(s) will be alert to persons, vehicles, or situations which may be unduly interested in or following the transport vehicle. The officer(s) will report any such situations to Central Control and the 911 Center by radio or cell phone.

## VI. TRANSPORTATION OF MENTALLY OR PHYSICALLY HANDICAPPED INMATES

- A.** It must never be assumed that restraining devices are not required for a handicapped inmate. The maximum restraint that can be used without injury to the inmate will be used.
- B.** In circumstances where the handicap precludes the use of restraints, two officers will be assigned to the transport.
- C.** In the event the inmate is confined to a wheelchair, two officers will be assigned to the transport.
- D.** The transportation of an inmate who is mentally ill requires that two officers be assigned to the transport. Restraint equipment will be used to minimize the risk of injury to the officers and inmate(s). In addition to the ordinary restraint equipment, the Humane Restraint Wrap may be used.
- E.** Officers assigned to transport a handicapped inmate will obtain any medication that the inmate might need during the transport.

## VII. CUSTODIAL TRANSFER

- A.** To ensure that the inmate(s) being presented for transport is in fact such inmate, verification of their identity will be made at booking prior to the transport. Such verification will be made by comparing the inmates name and general description information with those presented by the inmate during initial booking.
- B.** A Classification Report will accompany each inmate transferred from the facility to another facility.
- C.** A packet will be prepared for all inmates transferred to a state correctional facility. The packet will contain the following:
  - 1.** A commitment
  - 2.** An indictment

3. A fingerprint card
  4. A probation report
  5. A medical transfer record
  6. A photograph
  7. A custodial transfer form
  8. A certification of time already served
- D. When an inmate is released to the custody of another officer, any information related to the inmates mental or physical condition and the criminal history should be transferred, either verbally or in writing. Particular attention will be given to any information indicating a tendency toward escape or suicide.
- E. Upon arrival at a custodial facility, the transporting officer(s) will secure any weapon according to facility procedures. Officers are obliged to follow procedures of facilities they visit. Unless already familiar with local restrictions, inquiry will be made to ensure compliance.
- F. If the facility does not supply a secured location for weapons, the weapons will be placed either in the trunk or secured in the vehicle.
- G. The transporting officer will present to the receiving officer the accompanying documents. Once these have been accepted, the transporting officer will remove the inmate's restraints.
- H. The transporting officer will obtain a written receipt, when available, showing all pertinent details, from the receiving officer.

## VIII. COURT TRANSPORT

- A. The authorization allowing such transport is known as an "Order to Produce", and is signed by the judge requiring the inmate's appearance. Upon the issuance of such an order, it is the responsibility of the Seneca County Correctional Facility to provide safe and secure transportation of the inmate in both directions.
- B. Officers will ensure that the inmate is segregated from the public at all times.
- C. An inmate will never be left alone.
- D. Upon arrival, the officer will notify court security of which inmate(s) they have. They will then proceed to the area where the inmate(s) will be held until they are called to appear in front of the Judge.
- E. If the inmate's attorney wishes to meet with the inmate, they will meet with each other in a designated conference room.

- F. After the court proceedings, the officer will make sure that they receive a new commitment or release order before leaving. Transporting officers having possession of inmate records essential to court business will hold said records in strict confidence.
- G. Upon arrival back at the facility, the transporting officer(s) will give the new commitment or release order to the Booking Officer. The inmate will be searched and held in a holding cell until an Escort Officer is available to take said inmate back to the housing unit.
- H. A courtroom is a public place and is visited by many persons having legitimate reasons for doing so. While the presence of an incarcerated person is essential to the judicial process, the officers responsible for the inmate's safety and conduct will never relax the vigilance required to ensure the safety of the public as well.

## IX. JUVENILE TRANSPORT

- A. The need may arise for the transport to and from County/Family Court of persons under the age of sixteen (16) who are not committed to the facility. Such juveniles will be transported in the same manner as adults except that they will only be handcuffed when violent or are potential flight risks.
- B. No one will be allowed in designated holding areas except law guardians, attorneys, probation officers, judges, and parent(s) or legal guardian(s) without the prior approval of the Chief Administrative Officer.
- C. A CF-067 (Juvenile Transport Form) will be completed and forwarded to the Chief Administrative Officer at the conclusion of each transport.

## X. FEDERAL TRANSPORT

- A. When a federal inmate(s) is to be transported, two officers will always be assigned.
- B. The inmate(s) will clean their cell and pack all facility issued property into their property bin. The property bin will be stored in the property room. Such property will be returned to the inmate(s) upon their return to the facility.
- C. The inmate(s) personal property located in their cell and in the property room will be collected and taken on the transport, along with any funds. At no time during the transport will the inmate be in possession of their property.
- D. If an inmate is scheduled to receive medication during the transport, the dosage will be retrieved from the facility nurse by the Transport Officers prior to leaving the facility.
- E. Transport Officers will request a "bagged lunch" from the kitchen prior to leaving the facility.

- F.** Any medication and/or food will be taken into the federal building and turned over to the U.S. Marshall.
- G.** If an inmate(s) is released at court, their property will be retrieved from the transport vehicle and turned over to the U.S. Marshall. Facility issued property including uniform(s) and shoe(s) will be recovered from the inmate.
- H.** Upon returning to the facility, the Booking Officer will release the inmate's cell and property from the inmate management system, both Transport Officers will sign the property release form. A designated Escort Officer will empty the inmate's property bin in the shower/search room and complete the CF-013 (Pre-Post Occupancy Cell Inspection Form).
- I.** A CF-069 (Federal Inmate Program Daily Trip Report) will be completed and forwarded to the Chief Administrative Officer at the conclusion of each transport.

## **CVSA (COMPUTERIZED VOICE STRESS ANALYZER) PROCEDURES**

STANDARD NO(S): NYSLEAP# 33.3,50.6

DATE: April 22, 2010  
REVISED: 05/28/2019

REFER TO: John Nesbit

### **I. OBJECTIVE:**

To establish procedures and guidelines for administering CVSA (Computerized Voice Stress Analyzer) examinations in conjunction with investigations conducted by the Seneca County Sheriff's Office and other requesting Government Agencies.

### **II. POLICY:**

CVSA examinations by qualified examiners are gaining national acceptance as an information aid and as a tool to be used in conjunction with an investigation. However, they should not be used as a final determinant factor in investigations. They should not be used to circumvent good investigative procedures. The CVSA is used for truth verification. Therefore, the CVSA should be viewed as a means to protect the integrity of an investigation and/or the interviewee.

### **III. DETAILS:**

#### **A. Definitions:**

1. Computer Voice Stress Analyzer (CVSA) – CVSA detects, measures and charts the stress in a person's voice following a pre-formatted questionnaire.
2. Qualified Examiner – A person who has satisfactorily completed training by a recognized instructor in truth verification and the use of the CVSA. In addition, re-certification must be successfully completed every two years.
3. Overt Interview – A live interview by a CVSA examiner with a suspect, victim, witness, complainant, or other interviewee. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. At the examiner's discretion, all or portions of the interview may be recorded on audio and/or videotape.

4. Structured Interviews – A legally obtained audio tape interview of a suspect, victim, witness or complainant. The interviews are designed to capture a response to preformatted questions. This taped interview is then analyzed by the CVSA examiner.

**B. Procedure:**

1. Use of CVSA examination for investigative screening:
  - a. CVSA examinations should be utilized in conjunction with investigative leads and interviews of available suspect(s), victim(s), and/or witness(es). When practical, both the victim and the accused should be tested for comparison except in the case of a sexual assault crime. A victim of a sexual assault crime is any person alleged to have sustained an offense under article 130 or section 255.25 of the New York State Penal Law.
2. Persons who may be tested:
  - a. Any individual who knows right from wrong. Generally, children who recognize right from wrong may be tested. The standard for determining the testability of a child is:
    - i. There is a presumption of knowing right from wrong at age 9 and older.
    - ii. Children under the age of 9 must:
      - Appreciate the difference between truth and falsehood
      - Appreciate the necessity for telling the truth.
      - Appreciate that a person who makes a false statement may be punished.
  - b. Tests are conducted at the discretion of the examiner.
3. Person who may not be tested:
  - a. Children under the age of eighteen must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination.
  - b. Any person who has been forced or coerced into taking the examination.
  - c. Any person who has been indicted by the Grand Jury or formally charged for the crime the CVSA is being requested for, unless

there is an agreement and stipulation signed by the person to be examined, his or her defense attorney, and the prosecutor.

- d. Any person who has been requested to take a CVSA or other lie detection exam by a private commercial employer in violation of the Employee Polygraph {Protection Act of 1988 (EPPA)}.

4. Responsibilities of CVSA Examiner:

- a. The CVSA Examiner will review the available information pertaining to the case in question prior to administering an examination.
- b. Any structured interview using the CVSA must be authorized by the Criminal Investigations Division Supervisor.
- c. The Criminal Investigations Division Supervisor or Patrol Supervisor must approve an examination request of another organization prior to conducting the CVSA examination.
- d. All CVSA examiners will maintain a record of all examinations they have conducted in the CVSA log.
- e. The CVSA examiner will receive a second opinion on examinations from another certified examiner. In the event that another certified examiner is not available the examiner may use the F.A.C.T. (Final Analysis Confirmation Tool) scoring system.
- f. The CVSA examiner will refrain from examinations that may compromise his/her integrity. Any tests of friends, relatives or persons the examiner has a relationship with which represent a conflict of interest must be conducted by a neutral examiner.
- g. In the event the examiner declines to administer an examination and the decision is questioned, a second opinion from a CVSA is recommended.

5. Responsibilities of Officer/Investigator requesting a CVSA examination:

- a. The investigator/officer will complete a preliminary investigation and consult with the examiner prior to a CVSA examination being scheduled. The CVSA is a supplement to, not a substitute for, a thorough investigation.
- b. The investigator/officer is responsible for notifying the subject of the date and time for the scheduled appointment.

- c. The investigator/officer will remain available to the CVSA examiner until the completion of an examination.
- d. The investigator/officer will notify the CVSA examiner immediately if the subject cancels an examination appointment.

6. CVSA Records:

- a. CVSA records may include a waiver of rights, voluntary submission form, subject information sheet, CVSA graph, and/or statement of results.
- b. CVSA records will be maintained in a secured area in the Criminal Investigation Division. The Criminal Investigations Division Supervisor or designee will be responsible for the storage and maintenance of the CVSA records.

7. Internal Affairs:

- a. CVSA examinations will be administered during criminal or administrative investigations focusing on a sworn officer or civilian member only if the member freely volunteers to participate in the examination.
- b. Civilian complainants or witnesses may be tested with the CVSA in order to determine if their complaint, allegation or knowledge of a case is legitimate. These interviews must only be conducted after a voluntary test waiver has been signed.
  - i. In the case of a structured interview (audio tape analysis), the examiner will receive authority from the Sheriff or Undersheriff.
- c. A CVSA examiner will not administer a test on a department member without written consent.
- d. A CVSA examination will not be the sole determinant of an investigation conclusion..

## INVESTIGATIVE EXPENSE FUND

STANDARD NO(S)

NYSLEAP# 5.3, 50.5

DATE:

March 1, 1995

REVISED: 12/03/2010

REVIEWED: 09/05/2018

REFER TO:

John Cleere

### I. OBJECTIVE:

To establish procedures for the control and maintenance of the investigative expense fund.

### II. POLICY:

It is the policy of the SCSO, each fiscal year, to budget for funds to be used to meet costs incurred in connection with the conduct of certain investigations. Eligible expenses to be withdrawn from this fund include payments to confidential informants, purchases of controlled substances or other illegally possessed items, expenses incurred during covert or undercover operations, and for special investigations requiring the use of rental vehicles or premises.

### III. DETAILS:

- A. The Chief Deputy shall be responsible for the security of all investigative expense funds prior to their disbursement to an operational component of the SCSO. Thereafter, the supervisor in charge of the component receiving the funds is accountable for any further disbursement as well as the justification thereof.
- B. Monies from the investigative expense fund are available to any member of the SCSO demonstrating a need for such a resource. Members seeking such funds are required to complete the Investigative Expense Fund Request Form (SCSO-LE-120) to make such a request. The same form is further used for approval/disapproval of request, receipt of funds and return of unused portion of funds. Retention of funds will be allowed only during the period of the particular operation for which they were requested. Any residual monies must be returned to the fund, as soon as practicable thereafter. No operational component of the SCSO shall retain unexpended funds beyond expiration of the immediate need for them, except as noted in E below. Requests for investigative funds shall be made through the chain of command to the Chief Deputy, or if he is not available then to the Undersheriff, both of whom shall have access to the fund.

- C. The Chief Deputy shall keep a log of all fund monies received to or disbursed from his custody. Upon disbursing any monies to a member, an entry is to be made in the log showing the date of disbursement and the signatures of both the disburser and the recipient. Copies of any affiliated documents shall be maintained in a fund binder. If the disbursement is for payment to an informant, a notation of the CI's identification number shall be made in the log.
- D. Any single expenditure in excess of five hundred dollars (\$500) must have the prior approval of the Sheriff or the Undersheriff.
- E. SCSO members assigned to narcotics investigations are permitted to request monies from the Investigative Expense Fund as stated above. However, due to their ongoing and frequent activities requiring the use of the cash, they will be allowed to retain custody of unused fund monies in an appropriate manner. Each expenditure shall be recorded on the Narcotic Investigator's Daily Expense Log – (SCSO-LE-121). This detailed report, executed promptly, shall be reviewed/signed by the CID Lieutenant and forwarded to the Chief Deputy. Copies will be provided for the Undersheriff and Sheriff. This will be done at the end of each month and, in addition, when the individual investigator's funds are exhausted; or, when the expense log sheet is filled; further, any time a Daily Expense Log is turned in it must be accompanied by any residual monies in the investigator's possession. The purpose of this requirement is to insure that there will be a regular reconciliation of funds used for this activity. The Chief Deputy and CID Lieutenant will note on the Log that it was reconciled and date. A copy of the investigators' daily expense log should be retained at the investigator's office.
- F. An audit of the Investigative Expense Fund will be performed quarterly by the Fiscal Manager and Chief Deputy.

## **CRIMINAL INVESTIGATIONS**

STANDARD NO(S): NYSLEAP#: 50.1-3

DATE: September 10, 2010  
REVISED: 12/31/2011  
REFER TO: REVIEWED 03/15/17  
REVISED 10/29/2018  
Timothy Thompson

**I. OBJECTIVE:**

To establish guidelines within the Seneca County Sheriff's Office for the conduct of criminal investigations.

**II. POLICY:**

Members of the SCSO shall at all times, while acting within the limits of their authority, protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce the laws of the United States, the State of New York, the County of Seneca, and the ordinances of the towns and villages of Seneca County over which the SCSO has jurisdiction.

**III. DETAILS:**

- A.** Pursuant to above policy, it is incumbent upon each member of the SCSO to undertake, or cause to be undertaken, a criminal investigation as soon as one becomes aware of a situation wherein there is reasonable suspicion to believe that criminal activity is involved. It is the responsibility of each member of the SCSO to take action to investigate any suspected or known criminal activity, report such action and information to their supervisor or other person in authority, and coordinate efforts with other members of the SCSO to insure the efficient, effective and thorough investigation and resolution of the suspected activity.
  1. Upon the authority of the Sheriff of Seneca County, there is established within the SCSO a Criminal Investigations component (CID) which will be directly supervised by a Lieutenant in charge of the Division. The primary responsibility of CID shall be the investigation of felony class offenses which occur in the County of Seneca.
    - a. These investigations may be self-generated; or, based upon information and/or intelligence reported by other members of the SCSO; or, based upon information and/or intelligence received from other law enforcement agencies or sources.

- b. All investigations in which CID investigators participate must be approved by the CID supervisor.
    - c. Once a CID investigator is assigned to a case or other particular matter, that person shall be responsible for overseeing all aspects of the case, including investigation, interim and final reports, and in the event that an arrest is made subsequent to an investigation, the assigned investigator shall be responsible for assisting the District Attorney or other prosecuting attorney in the preparation and prosecution of the case in a court of law.
  - d. Investigators assigned to CID shall provide assistance to all SCSO members as requested or upon the direction of supervisory authority.
  - e. In addition to the investigation of suspected criminal activity as previously noted, investigators may be called upon to perform the following, included, but not limited to:
    - 1) Background investigations of prospective SCSO employees;
    - 2) Investigation of pistol permit applicants;
    - 3) Investigations into alleged welfare fraud and child abuse/neglect upon the request of the Department of Social Services;
    - 4) Investigations of reported criminal activity or unusual incidents occurring in the Seneca County Correctional Facility, including suicides or attempts, contraband, assaults upon inmates or staff, damage to property and other matters requiring prompt and thorough investigation by the SCSO;
    - 5) Investigations on behalf of the County Attorney in cases wherein the County may incur liability;
    - 6) Internal or personnel investigations undertaken to resolve complaints made against members of the SCSO;
    - 7) Teaching assignments at recruit or in-service schools and training upon the authority of the Sheriff; and
    - 8) Any other investigations by special requests made by competent authority, and with the approval of the Sheriff.
2. Case assignments to CID investigators are made and monitored by the CID Lieutenant. In some instances, more than one investigator may be assigned to a case.

- a. In cases where there is more than one investigator assigned, one investigator will be assigned the “lead investigator”, who will be responsible for the case as noted under paragraph A sub 2.
  - b. Investigators who respond to investigate a crime or incident while “on-call” shall be responsible for the full investigation of the case unless the case is otherwise later reassigned to another investigator by the CID Lieutenant.
  - c. Investigators, having acquired certain specialized training and experience in the investigation of certain criminal activity, such as welfare fraud, juvenile crime, sexual abuse, narcotics and dangerous drugs, hostage situations, and arson/fire investigations, may be assigned to investigate such criminal activity as a specialized field.
  - d. Assignments made to a specialized field of criminal activity may be for specific periods of time or on a permanent basis depending on the needs of SCSO.
3. Assigned cases are to be investigated as soon as practical. Upon assignment of a case to a CID Investigator, the CID Lieutenant will report such assignment in the narrative of the SPILLMAN report. The assigned investigator will acknowledge such assignment in the narrative of the SPILLMAN report. Follow-up reports will be submitted periodically throughout the investigation documenting the investigative steps taken. All CID cases will be reviewed on a regular basis with contact being made with the complainant to obtain any new information and to advise him/her of the progress in the case.
- a. The CID Lieutenant will monitor cases assigned to CID investigators periodically for case progress and review purposes.
  - b. Copies of the entire CID case file will be forwarded to the Records Division upon approval by the CID supervisor or other authorized person.
  - c. Upon completion of an investigation and in any event, immediately following an arrest, an arrest report shall be submitted together with the completed case file to the CID supervisor for review and approval. In the event of an arrest, or if an indictment is to be sought, the District Attorney’s office will be given a copy of the complete case file, including all notes. This file will be delivered by the investigating officer to the District Attorney’s Office. Upon delivery to the District Attorney’s office, a representative of the DA’s office will sign for receipt of the packet on the prescribed form (SCSO-LE-100).

- d. SPILLMAN reports will have a designation of the case status noted in the appropriate case status box in the Administrative section of the SPILLMAN report
- 4. The proper maintenance of case files is essential to good case management, in addition to being an invaluable resource to investigators. CID files are to be maintained in the Criminal Investigation Division under secure conditions. All original reports and documents pertaining to an investigation will be kept in a secure location within CID and a copy of the entire case file will be forwarded to the Records Division. Each case, upon assignment to an investigator, shall be logged on the “CASE FILE LOG” kept in CID, noting the date received, complaint number, category of offense, complainant, town or village having jurisdiction and assigned investigator. This log will be kept up to date at all times.
  - a. CID case files will consist of originals of all reports, statements, admissions, confessions, copies of teletypes, criminal history of defendant(s), property sheets, evidence logs, laboratory reports, original notes, and any other paperwork generated as a result of the investigation.
  - b. Digital photographs and audio recordings will be stored electronically on a SCSO electronic computerized system by case number under secure conditions monitored by the CID Lieutenant.
    - 1) All digital photographs and audio recordings taken by members of SCSO shall be monitored by the CID Lieutenant who shall be responsible to oversee its proper storage and filing.
    - 2) Outside requests for digital photographs taken by the SCSO CID will be directed to the CID Lieutenant for processing. The SCSO will charge a nominal fee for the processing of such requests. Fees for processing such requests will be turned over to the Fiscal Services Manager for deposit into the appropriate account.
  - c. All open and pending inactive case files are to be maintained within the CID office and shall be available to CID personnel with the exception of drug case files; which will be kept secured and accessible only to the investigator assigned to investigate drug cases and the CID supervisor.
  - d. Original accusatory instruments, statements, depositions and other relevant paperwork necessary for trial or Grand Jury shall be forwarded to the District Attorney’s Office upon request.
  - e. All arrests made by CID members will be logged with the appropriate information on the “CID ARREST LOG”.

- f. All stolen property recovered by CID members will be logged with the appropriate information on the “CID RECOVERED STOLEN PROPERTY LOG”.
5. As previously stated, all members of the SCSO bear a responsibility for undertaking an investigation into a suspected criminal activity. However, concerning the specific accountability for the stages of an investigation, insofar as they can be identified and described, the following procedures will be observed:
  - a. The preliminary investigation is usually handled by a member assigned to road patrol duties who is dispatched to or encounters an offense in one's patrol area.
    - 1) The investigation shall consist of an inquiry of at least sufficient depth to permit the completion of a SPILLMAN report whether the offense is a felony, misdemeanor, or violation.
    - 2) A preliminary investigation may be commenced by a member who becomes aware of a criminal activity; however, such member must keep the supervisor advised of one's activity and is subject to the latter's approval to continue same.
    - 3) Any member shall conduct a preliminary investigation into any matter upon request of a supervisor.
  - b. Accountability for the follow-up criminal investigation is generally divided according to the level of the incident as follows:
    - 1) Members assigned to road patrol duties are accountable for follow-up investigations on violations, misdemeanors, property damage and personal injury motor vehicle accidents and deaths from apparent natural causes. Additionally, members of the road patrol shall be accountable for Felony DWI and AUO cases.
    - 2) Members assigned to CID are accountable for follow-up investigations on felonies, fatal motor vehicle accidents, and deaths where there are suspicious circumstances or where a natural death cannot be readily ascertained.
    - 3) There will be occasions when CID members are called upon to follow-up on non-felony offenses and other matters normally assigned to road patrol members, based upon the nature of the incident. Road patrol members may also be called upon to handle certain felony cases. These occasions will only be with the authority of the CID and Road Patrol Supervisors.
6. Although the SCSO does not use a formal “solvability worksheet”, there are criteria to be applied in making the determination whether to continue an

investigative effort. The first stage of such application occurs following the preliminary investigation conducted by either a member assigned to the Road Patrol Division or to the Criminal Investigation Division.

- a. When the SPILLMAN report is reviewed by the appropriate supervisor, the following factors are considered:

- 1) Is there a continuing threat of danger to life;
- 2) Is there a continuing threat of danger to property;
- 3) Is there a possibility of an apprehension;
- 4) Is there a possibility of obtaining additional evidence;
- 5) Is there a connection with another ongoing case; and
- 6) Are potential witnesses likely?

- b. The results of all preliminary investigations are reviewed by the CID Supervisor and Road Patrol Supervisor, any of whom may assign a follow-up investigation based on the above factors

7. As with the deployment of any SCSO resources, the decision to devote funds and manpower to a case on a continuing basis is made at the administrative level after receiving the recommendations of operational personnel. The decision to commit to a protracted investigation is reserved for the Sheriff or his designee following input by the appropriate Division Supervisors.

**B. CONSTITUTIONAL SAFEGUARDS** - Members of the SCSO shall at all times be aware of and protect the Constitutional rights of all whom they encounter, and especially so when conducting criminal investigations. Members must make every reasonable effort to keep abreast of court decisions and statutory law regarding:

1. VOLUNTARINESS OF CONFESSIONS – (See CPL 60.45) A good rule of thumb for a member to follow when contemplating an interrogation is to ask oneself, "Is what I am about to do or say apt to make an innocent person confess?"
2. DELAY IN ARRAIGNMENT – (See CPL 140.20) Note that questioning of a suspect during an investigative stop, for the purpose of resolving an ambiguous situation, does not constitute an arrest.
3. FAILURE TO INFORM DEFENDANT OF HIS RIGHTS - The "Miranda" warnings need only be given to a suspect who is in custody and who is subjected to interrogation. There is no "bright line" standard for determining exactly when an investigative detention becomes a custodial

arrest; however the courts have stated that an arrest has occurred when a reasonable man in the same circumstances of detention would consider himself under arrest and "not free to leave." Some of the factors to be considered in making this determination are:

- a. Has detainee been informed that he is under arrest?
  - b. What was the amount of force used to affect the detention?
  - c. Has detainee been moved or transported from the scene of the stop?
4. SCOPE OF THE "MIRANDA" WARNINGS - See Miranda v. Arizona 384 US 436.
- You have the right to remain silent and refuse to answer any questions.
  - Anything you do say may be used against you in a court of law.
  - As we discuss this matter, you have a right to stop answering my questions at any time you desire.
  - You have a right to a lawyer before speaking to me, to remain silent until you can talk to him, and to have him present while you are being questioned.
  - If you want a lawyer but you cannot afford one, a lawyer will be provided to you without cost.
  - Do you understand each of these rights that I have explained to you?
  - Now that I have advised you of your rights are you willing to answer my questions without an attorney?
- a. All of these points must be covered in such a way that the suspect clearly understands what he is being told.
  - b. If the suspect indicates at any time, or in any manner whatsoever, that he does not want to talk, the interrogation must cease. The interrogator is not permitted to "talk him out of" his refusal to submit to questioning. If the suspect says, at any time, that he wants a lawyer, the interrogation must cease until he has an opportunity to confer with a lawyer and no further questions may be asked of him outside the lawyer's presence or without the lawyer's permission. The interrogator is not permitted to "talk him out of" his decision to contact a lawyer.

5. DEPRIVATION OF COUNSEL - The following cases illustrate certain aspects of a defendant's rights regarding interrogation and access to an attorney:
- a. People v. Hobson (39NY2d 479 [1976]) - Once an attorney enters the criminal proceedings, defendant cannot waive his rights unless attorney is actually present during such waiver.
  - b. People v. Garofolo (46 NY2d 592 [1979]) - Attorney's telephone call to police station deemed entry to proceedings, even though the call was to the department switchboard and never reached the interrogating officers.
  - c. People v. Arthur (22 NY2d 325 [1968]) – Attorney's telephone call to the officer in charge of the investigation was sufficient to constitute entry of counsel.
  - d. People v. Cunningham (49 NY2d 203 [1980]) - Once a defendant in custody has asked for an attorney, he cannot change his mind about having counsel unless an attorney is physically present.
  - e. People v. Rogers (48 NY2d 167 [1979]) - Once an attorney enters the proceedings, a defendant in custody cannot be questioned in the absence of the attorney, even about charges which are unrelated to the charge for which defendant is being held; however, a defendant taken into custody on a new unrelated charge is free to waive counsel in the absence of counsel. (People v. Bing, 76 NY2d 331 [1990] overturned People v. Bartolomeo, 53 NY2d 225 [1981]).
  - f. People v. Skinner (52 NY2d 24 [1980]) - Defendant not in custody, cannot be questioned outside his attorney's presence even though the attorney had entered the proceedings 1 1/2 years earlier.
  - g. People v. Servidio (54 NY2d 951 [1981]) - Questioning of defendant was permitted where the police did not have actual knowledge that he was represented by an attorney on pending unrelated charges.
  - h. People v. Waterman (9 NY2d 561 [1961]) - Defendant who has been indicted cannot be questioned without an attorney.
  - i. People v. Meyer (11 NY2d 162 [1962]) – Defendant who has been arraigned cannot be questioned without an attorney.
  - j. People v. Samuels (49 NY2d 218 [1980]) - Once an accusatory instrument has been filed with the court, defendant cannot be questioned without an attorney.

- k. People v. Kazmarick (52 NY2d 322 [1981]) - A defendant in custody, for whom there is an outstanding warrant of arrest on pending but unrelated charges, and there is no attorney for those charges, could be questioned without an attorney, even though police knew about the unrelated charges.
  - l. Rhode Island v. Innis (446 US 291 [1980]) - Interrogation can be accomplished without actual questioning. If police conduct and actions are likely to elicit incriminating remarks, it must be considered to be interrogation.
- 6. Members of the SCSO shall make no statements to the media or others which will result in publicity tending to prejudice a fair trial for the defendant. See "Public Information & Community Relations" III (A) (5), this Manual.
- 7. The Fourth Amendment to the United States Constitution requires that a warrant be obtained in order to conduct a lawful search, with the following possible exceptions:
  - a. Exigency - To prevent imminent danger to the officer or a third person; to prevent the destruction of evidence; or, in hot pursuit of a fleeing felon.

**NOTE:** The Court of Appeals, in People v. Sierra and People v. Robbins (both 83 NY2d 928 [1994]), differentiated circumstances wherein evidence was abandoned during flight from police.

In Sierra, evidence was admissible because the officers had reasonable suspicion to pursue the defendant; whereas in Robbins, abandoned evidence was suppressed because the facts did not justify police pursuit. In other words, a person's conduct must support the reasonable suspicion necessary for pursuit or for that matter any police attention, in order for evidence thereafter abandoned to be used against that defendant. The officer must be able to articulate the basis for reasonable suspicion.

- b. Incidental to arrest - To insure officer's safety and to prevent the destruction of evidence. Area to be searched limited to the extent of arrestee's reach.
- c. At the scene of a crime.
- d. Consent - Freely, voluntarily and knowingly given by one who is empowered to do so. The person giving such permission must be advised of his constitutional right to withhold his consent to search.

- 1) In 1992, the Court of Appeals, in People v. Saunders (79 NY2d 181 [1992]), excluded evidence seized in a consent search because the consent was obtained after improper police inquiry. The case concerned a defendant who was waiting in line for a bus at a New York City terminal. The defendant was carrying a gym bag. The police asked for his identification and destination and, based on defendant's "nervousness," asked for his consent to search his bag.
  - a) The Court held that by requesting consent to search, the matter was raised to the second level of a police-citizen encounter, but without the necessary "founded suspicion that criminal activity is afoot."
  - b) The Court ruled that police may not request consent to search a defendant's person, his belongings, his vehicle, or other property, unless such suspicion is justified by the facts present.
  - c) Consequently, any consent obtained will be invalid, even if voluntarily given, unless there is founded suspicion of criminality when the request is made.
- e. Vehicles - Provided there is articulable probable cause.
- f. Plain view - Provided the officer is lawfully present on the defendant's premises, such as by invitation or in connection with some other lawful activity. Plain view alone that is without exigent circumstances does not provide an exception to the requirement for a search warrant to enter and seize property. An officer, lawfully present, who observes evidence from a place not under the defendant's control, may use the observation to provide the probable cause needed to obtain a warrant. (Peo. v. Saurini, 1994)
- g. Inventory - In People v. Galak (80 NY2d 715 [1993]), the Court of Appeals stated that inventory searches are allowed to protect the defendant's personal property; to protect the police against the claims of loss or theft; and, to protect the police and others from dangerous instruments. These warrantless searches must be carried out in a consistent and reasonable manner and must not be an excuse for "general rummaging to discover incriminating evidence."
  - 1) The inventory search may be applicable to a vehicle that has been impounded or is otherwise within the legal custody and control of the SCSO.
  - 2) When exercised, the inventory must be made contemporaneously with the search and must include all personal property found, as well as an indication of the disposition of each item. See "Vehicles Seized/Towed and Impounded", this Manual.

- h. Administrative - Only by agencies having particular enforcement responsibilities such as fire, health or building departments. Not to be used by SCSO members as a subterfuge for a search without a warrant.

### C. HATE CRIMES

## Hate Crimes – Hate Crimes Act of 2000

Specific policy/procedures for hate crimes are designed to assist members in identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery.

1. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the SCSO and will be given high priority. This office shall employ necessary recourses and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.
  2. Members will be familiar with NYS Penal Law section 485.05 (Hate Crimes). The law designates certain crimes or attempts to commit those crimes as Hate Crimes when the primary motive for the crime is based on the victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

For the purpose of this section:

- a. The term “age” means sixty years old or more;
  - b. The term “disability” means a physical or mental impairment that substantially limits a major life activity.

3. Penal Law section 240.31 Aggravated Harassment in the First Degree (E Felony) and section 240.30(3) Aggravated Harassment in the Second Degree (A Misdemeanor) are also Hate Crime statutes.

4. Hate Crime investigations pose a challenge for many agencies since they require establishment of a motive. Early identification and **supervisory notification** is crucial.
  - a. Officers will conduct a thorough and complete investigation in all suspected and confirmed hate crimes incidents and assist the District Attorney.
  - b. Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.
  - c. Initial response shall include those steps similar to other investigations; see "Road Patrol" III(A)(4) this manual. Specific to hate crime investigations officers will ensure supervisory personnel and investigators are notified and on scene as may be necessary, as well as:
    1. Stabilizing injured victims and request medical aid as well as providing victims with protection with increased police presence if necessary;
    2. Protection of the crime scene and summoning CID investigators to process scene;
    3. Identifying criminal evidence on the victim if applicable;
    4. Request the assistance of a translator or counselor when necessary;
    5. Record all relevant information including that which may indicate prior bias-motivated occurrences in the immediate area or against the same victim (check with Crime Analyst, NYSIC (518)786-2100 and or the Monroe County Crime Analysis Center.
  - d. Conduct interviews and attempts to establish motive;
  - e. Look for possible signs that incident may be a hate crime to include:
    1. The motivation of the perpetrator or lack of motive.
    2. Statements made by the perpetrator.
    3. The presence of multiple perpetrators.
    4. The display of offensive symbols words or acts.
    5. Was any hate literature found in the possession of the suspect?
    6. Is the victim the only person of a particular group at a park or facility?
    7. Is the victim from a different racial, ethnic, religious group than the perpetrator?
  - f. The mere mention of bias remark does not make an incident bias motivated, just the absence of a remark does not make an incident without bias. **Even the mere perception that the incident may be**

**motivated by bias shall necessitate a notification of a patrol supervisor/investigator.**

- g. Be cognizant of a dual motivation by some suspects. **Example:** A suspect may be looking to commit robberies but specifically targets elderly victims.
- h. Note that an attack against a transgender victim could be covered under sexual orientation or gender.

**5. Supervisory Responsibilities** – The supervisor shall confer with the initial responding officer(s), take measures to ensure necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

- a. Provide immediate assistance to the crime victim.
- b. Ensure that officers and investigators conduct a thorough preliminary investigation.
- c. Ensure that all relevant facts are documented on an Incident Report or Arrest Report or both and make an initial determination as to whether the incident should be classified as a hate crime.
- d. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- e. Take preventive measures to ensure the safety of the victim.

**6. Investigator's Responsibilities** – In responding to the scene of an alleged hate crime, investigators shall assume control of the follow-up investigations to include the following:

- a. Ensure that the scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented.
- b. Conduct a comprehensive interview with all victims and witnesses (and depose) at the scene, or as soon as possible thereafter, and canvas the neighborhood for additional sources of information.
- c. Work closely with the District Attorney's Office to ensure that a legally adequate case is developed for prosecution.
- d. Coordinate the investigation with state and regional crime analysis centers in an effort to develop any pattern, organized hate groups, and suspects potentially involved in the offense.

- e. Coordinate the investigation with other units of the agency and with outside agencies where appropriate.
- f. Maintain contact with the initial responding officer and keep him or her apprised of the status of the case.
- g. Recommend to the Commanding Officer whether the incident should be classified as a hate crime.
- h. Investigative officers shall take steps to ensure that the appropriate assistance is being provided to hate crime victims, to include the following measures:
  1. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.
  2. Provide ongoing information to the victim about the status of the criminal investigation.
  3. Attempt, whenever possible, to conduct all interviews with the victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate to the incident.

**7. Incident Report Preparation** – SPILLMAN Incident Reports should clearly indicate the following information:

Offense – Hate Crime designated Penal Law  
Victim, age, gender, race and ethnicity

Offender age, gender, race and ethnicity (when available)

The narrative portion of the SJS Incident Report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc.);

**8. Arrest Processing** – The Hate Crime law is a sentencing enhancement statute. Thus, when the specific crime is misdemeanor or class C, D or E felony, the hate crimes stay the same but are subject to higher penalties. It is important to realize that a Class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g. arraignment, bail, grand jury). **Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded.**

**When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter “H” to highlight and make the distinction. The letter “H” is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter “H”. Use caution when using an automated booking system to ensure that the correct offense is being selected.**

Examples:

PL section 120.00, sub 1 – Assault 3<sup>rd</sup>

120.00 (01H) – when it is a Hate Crime

PL section 140.15 – Criminal Trespass 2<sup>nd</sup>

140.15 (00H0 – when it is a Hate Crime

**Note: Do not use the letter “H” when you are not charging a hate crime or the arrest will be reported as a hate crime to DCJS.**

## **9. Accusatory Instrument -**

- a. As the legislature made clear in the language of the Penal Law section 450.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only “a person”. It is the attribute of the protected class (i.e. sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc., of “a person”. Likewise, when alleging Aggravated Harassment in the First Degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.

- b. The accusatory paperwork filed with the court should also have the “H” designator. The narrative portion or the accusatory instrument must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

#### **10. Records Division –**

- a. Assist department in complying with state hate crime reporting requirements:
  1. Submit all incidents or reported hate crimes to DCJS each month using the state Form 3294. **Forms must be submitted each month.**  
**If no hate crimes were reported, departments must complete the form by checking the “Nothing To Report (NTR) box.**

#### **11. Community Relations and Crime Prevention –**

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also a crime against the victim’s identification group as a whole. Working constructively with segments of the larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes.

As stated in “Public Information & Community Relations”, “Victim Witness Assistance”, this manual, Sections 2-12- and 3-9 respectively, it is each member’s responsibility to provide for victims, including hate crime victims, protect their privacy, provide direct or referred assistance, meet with neighborhood groups, engage the media as partners, establish liaisons with and expand, where appropriate, preventative programs such as hate, bias, and crime reduction seminars for the community including school children.

#### **D. MISSING VUNERABLE ADULTS**

**Missing Vulnerable Adult** – Effective October 23, 2011, NYS enacted legislation creating the Vulnerable Adults Clearinghouse-integrates with the

Missing and Exploited Children Clearinghouse which will be the **Missing Persons Clearinghouse**.

**A Missing Vulnerable Adult is an individual 18 years or older who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a credible threat of harm to such a missing individual.**

a. **Mandated Law Enforcement Responsibilities –**

1. No criminal justice agency shall establish a waiting period before accepting and investigating a report of a missing vulnerable adult.
2. The SCSO will cause to be entered such report into the NCIC/DCJS files by the E-911 center when it has been determined that a person is a missing vulnerable adult or that an unidentified living person may be a missing vulnerable adult. The SCSO will cause the Clearinghouse to be notified when the missing vulnerable adult has been located and cause the cancellation of the NCIC/DCJS record.
3. Members of the SCSO will cause be included a description of the cognitive disorder, mental disability or brain disorder and an explanation of the risk of harm or endangerment in the miscellaneous field.
4. If it is believed that the person is traveling in a car and the registration information is known, the SCSO will cause that information to be entered in the record so that it will be cross-referenced. SCSO License plate readers shall include this information as soon as possible.
5. **Missing Adult Alert** – A method to disseminate information regarding a missing vulnerable adult to the general public, law enforcement and broadcast media.

**Information about the missing person shall include –**

- a. Name;
  - b. description of the missing adult;
  - c. other pertinent information including specific medical information which indicates a physical quality or behavioral trait that is readily apparent and contributes to a physical or behavior description of the missing vulnerable adult.
6. **Criteria for a Missing Adult Alert –**
    - a. The missing person must be 18 years of age or older who has a cognitive disorder, mental disability or brain disorder;
    - b. Law enforcement has determined that there is a risk of harm to such missing individual.

7. **To request a Missing Adult Alert –**
  - a. Call the Clearing house at: **1-800-346-3543**
  - b. Complete the Missing Adult Alert Submission form;
  - c. The missing individual must be entered into the NCIC/DCJS database with the Missing Person Condition of “Vulnerable Adult”;
  - d. Submit photograph of missing vulnerable adult to –  
[missingperson@dcjs.state.ny.us](mailto:missingperson@dcjs.state.ny.us)
  - e. If a vehicle is involved and the use of NYSDOT and NYS T-Way messaging signs are requested –
    1. The SCSO must verify the vehicle and registration information;
    2. The SCSO must cause to be entered the vehicle information in the missing person record in the NCIC/DCJS database by the E-911 Center;
    3. The SCSO must cause to be issued a statewide BOLO to other law enforcement/911 centers
  - f. During consultation with Clearinghouse staff, determine appropriate activation regions/dissemination points – Seneca County is both regions 2 and 3 (consider LPR’s, hospitals, train/bus stations/TSA, etc).

- b. **Clearing House responsibilities include –**
    1. Create and oversee the Missing Adult Alert. (If it does not meet the criteria for an Alert, the case may be handled in accordance with the Clearinghouse procedures for non-urgent case dissemination.)
    2. Utilize available resources to duplicate photographs and posters of vulnerable adults reported as missing by the police and disseminate this information throughout the state.
    3. Assist federal, state and local law enforcement agencies in the investigation for cases involving missing vulnerable adults.
    4. Develop curriculum for the training of law enforcement personnel investigation cases involving missing adults, including recognition and management of vulnerable adults.
    5. Operate a toll-free, 24 hour hotline for the public to use to relay information concerning missing vulnerable adults, **1-800-346-3543**.
    6. Maintain and make available to appropriate state and local law enforcement agencies information that may assist in facilitating the recovery of missing vulnerable adults.
    7. Cooperate with the DOH, OMH, OPWDD, Office for the Aging, and other public and private organizations to develop education and prevention programs concerning the safety of vulnerable adults.
  - c. **Summary –**

1. The Missing Vulnerable Adult Legislation establishes a Missing Vulnerable Adult Clearinghouse. (Missing Persons Clearinghouse) which will activate a Missing Adult Alert when appropriate.
2. Law enforcement agencies requesting an Alert will call the Clearinghouse, submit a request form, e-mail a photograph of the missing person and cause the entry of the person into NCIC. The guidelines for the NCIC entry will be followed: the missing person condition is “Vulnerable Adult:
3. There is no waiting period for police agencies to take a report on a missing vulnerable adult.
4. Police should be trained to recognize and manage cases of missing vulnerable adults.
5. Notify the Clearinghouse when the missing vulnerable adult has been located and cause the cancellation of the NCIC/DCJS record.

## LINEUP PROCEDURES

STANDARD NO(S):

NYSLEAP# 50.1

DATE:

April 28, 2011

REVIEWED: 03/15/17

REVISED: 10/29/18

REFER TO:

Timothy Thompson  
John Cleere

I. **OBJECTIVE:** To establish SCSO policy with respect to conducting lineups.

II. **POLICY:**

There are various ways to conduct a fair and reliable identification procedure. The guidelines below outline how a neutral, fair and reliable identification procedure can be conducted by the case investigator or by an administrator unfamiliar with the case.

III. **DEFINITIONS:**

- A. **LINEUP:** A collection of individuals, either sitting or standing in a row, who are shown to a witness to determine if the witness can recognize a person involved with the crime.
- B. **SUSPECT:** Person police believe to have committed the crime.
- C. **FILLER:** A person who is in the lineup, but is not a suspect in the crime.
- D. **LINEUP MEMBERS:** The people who make up the lineup; both the suspect and the fillers.
- E. **LINEUP ROOM:** Room where the fillers and suspect are arranged for viewing by the witness.
- F. **VIEWING ROOM:** Room from which the witness, the administrator, and on some occasions the defense attorney, view the lineup.
- G. **SECURITY OFFICER:** The person monitoring the fillers and the suspect in the lineup room.
- H. **ADMINISTRATOR OF THE LINEUP:** The person who is conducting the identification procedure. Depending on the jurisdiction and the circumstances of the case, a lineup administrator may be the investigator assigned to the case or a "blind" administrator. The procedures described in this document apply equally to both types of administrators. The types of administrators are:

1. The Investigator Assigned to the Case: The administrator of the lineup can be an investigator working on the case.
2. A “Blind” Administrator: A “blind” administrator is someone who does not know which person in the lineup is the suspect. An identification procedure is considered “double” blind when it is run by a “blind” administrator.
3. Assistant District Attorney (ADA): In some jurisdictions, an ADA and/or the investigator are in the viewing room with the witness and ask the witness questions. If the ADA does not know who the suspect is in the lineup, then this is the same as a “double blind” identification procedure. The protocols outlined here apply equally to the ADA.
4. Supervisor: In some jurisdictions, a supervisor participates in various stages of the identification procedure. The protocols outlined here apply equally to the supervisor.

#### IV. HOW TO INVITE THE WITNESS TO COME IN FOR A LINEUP:

- A. When an investigator calls a witness to arrange for the witness to view a lineup, the officer should simply ask the witness to come in for the identification procedure and should not say anything about the suspect. For example, the officer should say to the witness: “We’d like you to come in to view a lineup in connection with the crime you witnessed on (*date and location*).”
  1. Officer Should Remain Neutral: The officer should give no opinions about the witness’ ability to make an identification.
  2. What to Avoid Saying: Unless the witness specifically asks the investigator if someone is in custody, the witness should not be informed that an arrest has been made and that the police have a suspect that the witness will be viewing. The member should not say: “We have caught the guy, he had your credit card, and now we want you to identify him.”

#### V. FILLERS FOR LINEUP:

- A. **NUMBER OF FILLERS:** Where practicable, there should be five (5) fillers, in addition to the suspect, but in no case should there be less than four (4) fillers. There should be only one (1) suspect per lineup.
- B. **SIMILARITIES OF FILLERS:** The fillers should be similar in appearance to the suspect in the lineup. Similarities should include gender, clothing, facial hair, race, age, height, extraordinary physical features, or other distinctive characteristics. Fillers should not be known to the witness.
- C. **FILLERS SEATED:** All members of the lineup should be seated, if necessary, to eliminate any extreme variations in height.

- D. SUSPECT PICKS POSITION: The suspect should be allowed to pick his own position in the lineup. If there was an identification based on a photo array prior to the lineup, the suspect should not be placed in the same numerical position in the lineup as he appeared in the array (unless the suspect insists on that number).
- E. REQUESTS FROM DEFENSE COUNSEL: Document requests made by the defense counsel and whether they were granted, and if not, why not. Reasonable requests from defense counsel should be honored and documented. Any defense request for a change in the lineup that is not, or cannot be, honored must also be documented.
- F. DEFENSE ATTORNEY CANNOT SPEAK IN VIEWING ROOM: The defense attorney must be instructed not to speak in the viewing room when the witness is present.
- G. IF ASKED, ALL LINEUP MEMBERS MUST SPEAK, MOVE OR CHANGE CLOTHING: If any lineup member is asked to speak, move or change clothing, all lineup members must do so. Everything the lineup members are asked to do should be documented. If a witness' request of the lineup members is not feasible and cannot be accommodated, the request should also be documented.
- H. FILLERS MUST REMAIN NEUTRAL: The fillers must be instructed not to speak with each other or make any unnecessary gestures, but should remain still, hold the placard and look forward, unless instructed otherwise by the security officer in the room with the fillers.
- I. PHOTO ARRAY FILLERS: Fillers from a photo array previously viewed by the witness should not be used as fillers in the lineup.

**VI. INSTRUCTIONS TO WITNESSES:**

- A. WRITTEN INSTRUCTIONS FOR THE WITNESS: The member must read the instructions to the witness contained in the SCSO Lineup form (SCSO-LE-012). The witness must sign and initial the instructions after reading them, or after having the administrator read the instructions to the witness.
- B. NO COMMENT BY THE ADMINISTRATOR UNTIL THE IDENTIFICATION PROCEDURE IS COMPLETED AND DOCUMENTED: Until the information about the identification procedure is documented, the investigator should not comment about the procedure or the next steps in the case. Stray comments that could potentially focus a witness' attention to one lineup member over the others, such as: "Are you sure you got a good look at number 2?" or "Can you take another look at number 6?" should not be made before, during or after the procedure.

C. GIVE INSTRUCTIONS BEFORE THE IDENTIFICATION PROCEDURE:  
Instructions should be given to the witness *before* the identification procedure begins and not while the witness is in the process of viewing the lineup. This will alleviate confusion and minimize claims that the investigator somehow, even inadvertently, provided cues to the witness. Witnesses should also be told to take whatever time they will need when they view the lineup.

1. Setting the Context: The investigator should tell the witness that as part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) the witness is being asked to view a lineup to see if the witness recognizes anyone involved with that crime.
2. Instructions to the Witness to Avoid Any Influence by the Administrator: These instructions let the witness know not to look to the administrator for assistance in either making a selection or ratifying an identification. They also address the possibility of a witness feeling any self imposed or undue pressure to make an identification. The instructions are as follows:
  - a. The person who committed the crime may or may not be present.
  - b. Do not assume I know who the perpetrator is.
  - c. I want you to focus on the lineup and not to ask me or anyone else in the room for guidance during the procedure.
3. Lineup Members Speaking, Moving or Changing Clothing: Consideration should be given to telling the witness that the lineup members can be asked to speak, move or change clothing, if necessary. However, if one lineup member is asked to do so, then all the lineup members will be asked to do the same.

## VII. QUESTIONS ASKED AFTER AN OPPORTUNITY TO VIEW THE LINEUP:

- A. After viewing the lineup the witness will be asked:
  1. Do you recognize anyone?
  2. If so, what is the number of the person that you recognize?
  3. From where do you recognize the person?
- B. If the witness' answers are vague or unclear, the administrator will ask the witness what the witness meant by the answer.

**VIII. MULTIPLE WITNESSES:**

- A. **WITNESSES CANNOT SPEAK TO OTHER WITNESSES ABOUT THE IDENTIFICATION PROCEDURES:** If there are multiple witnesses who will be viewing a lineup, they should be told not to speak to each other about the identification procedure before, during and after the process. There are a number of ways to make sure the witnesses do not speak with each other about the identification. The following are some suggestions that will diminish the opportunities that the witnesses have of talking to each other before or immediately after the identification procedure.
  - 1. They can be kept in separate rooms before and after the identification, or
  - 2. An officer can sit with the witnesses to ensure they do not speak about the process or the case, or
  - 3. The witnesses can be allowed to leave immediately after participating in the procedure, or
  - 4. The witnesses can be taken to separate areas after the identification procedure for further interviews with the member(s).
- B. **ONE VIEWING OF THE PHOTO ARRAY:** In those jurisdictions that regularly use lineup procedures, consideration should be given to running lineups after the first witness makes an identification from a photo array. Where practicable, the additional witnesses can view only the lineup and not the photo array.

**IX. PROCEDURES FOR VIEWING A LINEUP:**

- A. **SECURITY:** Safety and security for all civilians, suspects and law enforcement personnel must be ensured during any lineup procedure. Where necessary, the confidentiality of the witness' identity must be protected.
- B. **REMAIN NEUTRAL:** To protect the integrity of the identification procedure, the administrator must remain neutral throughout the procedure so as not to, even inadvertently, suggest a particular lineup member to the witness. Comments that could potentially focus a witness' attention to one lineup member over the others, such as: "Are you sure you got a good look at number 2?" or "Can you take another look at number 6?" should not be made before, during or after the procedure. If a witness seeks guidance about whom to pick, the administrator should refocus the witness on the lineup.
- C. **ADMINISTRATOR STANDING AWAY FROM THE WITNESS:** The administrator of the lineup should stand away from the witness during the lineup, in a neutral manner, while still being in a position to observe the witness. The key is for the administrator to stand outside the witness' line of sight while the witness is viewing the lineup.

This will reduce any inclination by the witness to look at the administrator for guidance. When coupled with the type of instructions discussed above, this procedure will create a neutral environment, free of inadvertent cues from the administrator.

- D. SECURITY OFFICER WITH THE SUSPECT AND THE FILLERS: The security officer who is monitoring the suspect and fillers in the lineup room should remain out of view of the witness. This will eliminate the potential for any claims of inadvertent suggestions by the security officer and it also removes the potential for distracting the witness as the lineup is being viewed. However, if the witness needs a lineup member to speak, move, or change clothing, then the security officer in the room with the lineup members may have to be seen.

E. LOCATION OF LINEUP:

1. Neutral Location: The witness should view the lineup in a room or area away from things that could influence the witness' identification, for example, other evidence in the case, wanted posters, sketches and other information about the suspect.
2. Central Location: If identification procedures are conducted in a central location, away from the arrest precinct, a trained, neutral administrator, with no knowledge of the investigation may be available to conduct the identification procedure. A central location can be designed for a double blind identification procedure. However, the ability to construct and outfit a central location is a strain on resources and not available in the vast majority of jurisdictions.

X. DOCUMENTING THE LINEUP ON THE LINEUP FORM:

- A. IDENTIFICATION PROCEDURE PROTOCOLS AND FORMS: Standard instruction sheets, questions, protocols and forms should be developed. All investigators involved in the identification procedure should be trained on the protocols.
- B. PHOTOGRAPHING THE LINEUP: Every time a witness views a lineup, the lineup should be preserved by photograph. The witness should sign the photograph, if one is available at that time, to verify that it is the lineup that he or she viewed.
- C. DOCUMENTING WHAT THE SUSPECT AND FILLERS WERE ASKED TO DO: Anything the lineup members are asked to do (e.g., speak, move, or change clothing) must be documented.
- D. DOCUMENT ALL PEOPLE PRESENT FOR THE LINEUP: Document all people in the viewing room with the witness and the lineup room with the suspect.

- E. ESCORTING OFFICERS: Document the officers who escort the witnesses to and from the lineup room, if any.
- F. RECORDING THE WITNESS' STATEMENT AND PHYSICAL REACTION: Comments made by the witness during the identification should be written down word for word. The documentation should not merely state: "positive" or "negative" nor "hit" or "no hit" as the results. The witness' words uttered during and after the identification procedure should be recorded, for example, "It is definitely #1", "If I had to pick, it would be #2", "I'm not sure, but it might be #3: or "I didn't want to say inside the room but it was #4". The witness' words and physical reactions should be recorded.
- G. FOLLOW-UP QUESTIONS: If the witness is vague in his or her answer, such as "I think it is #3" or "It looks like #3", then the administrator should say: "You said [I think it is #3], what do you mean by that? The witness' answer should be documented.

XI. SPEAKING WITH THE WITNESS AFTER THE IDENTIFICATION PROCEDURE:

- A. RECORD THE WITNESS' STATEMENTS FIRST: The administrator, or other appropriate person, should record the statements, comments or gestures of the witness regarding the identification procedure *before* talking with the witness about next steps.
- B. DISCUSSING NEXT STEPS: Once the identification procedure is concluded and documented, the administrator can talk to the witness about how the case will proceed or what the next steps in the case may be, *e.g.* we will continue to search for the perpetrator (where there has been no identification), or we will contact you about meeting with the Assistant District Attorney next week, etc. After the identification procedure, witnesses frequently have questions about the case. It is entirely appropriate for the investigator to accurately answer questions about the case, including whether an arrest will be made.
- C. DO NOT COMMENT ON THE IDENTIFICATION: The administrator should not comment or make gestures on the identification itself by saying things such as: "Great job" or "We knew you would recognize him" or even nodding his head in agreement. Such comments or reactions may subsequently affect the witness' confidence in his or her identification. The administrator should remain neutral about the identification when speaking with the witness.
- D. DO NOT DISCUSS THE IDENTIFICATION WITH OTHER WITNESSES: The witness should be told not to discuss what was said, seen or done during the identification procedure with other witnesses, nor should the investigator discuss any other identification procedures with the witness.

XII. TRAINING:

- A. Proper training is an important component of conducting a fair and reliable identification procedure. Investigators who will be participating in lineup procedures in any way by picking up the witnesses, standing with the lineup members or instructing the witnesses, should be trained in these procedures.

XII. TRAINING:

- A. Proper training is an important component of conducting a fair and reliable identification procedure. Investigators who will be participating in lineup procedures in any way by picking up the witnesses, standing with the lineup members or instructing the witnesses, should be trained in these procedures.

**SCSO LINEUP FORM**  
**Information Sheet**

Complaint Report #\_\_\_\_\_ Crime Committed:\_\_\_\_\_

SJS #: \_\_\_\_\_

Crime Date & Location: \_\_\_\_\_

Lineup Date\_\_\_\_\_

Location of Lineup:\_\_\_\_\_

Witness' Name:\_\_\_\_\_

**Was Witness Transported?** Yes:\_\_\_\_\_ No:\_\_\_\_\_

Transporting Officer\_\_\_\_\_ Rank\_\_\_\_\_ ID #\_\_\_\_\_

Case Officer\_\_\_\_\_ Rank\_\_\_\_\_ ID #\_\_\_\_\_

Suspect's Name\_\_\_\_\_ DOB\_\_\_\_\_

Lineup Administrator\_\_\_\_\_ Rank\_\_\_\_\_ ID #\_\_\_\_\_

Security Officer\_\_\_\_\_ Rank\_\_\_\_\_ ID #\_\_\_\_\_

**Supervisor Present?** If so, name:\_\_\_\_\_ Rank\_\_\_\_\_ ID #\_\_\_\_\_

**Assistant District Attorney Present?** Yes:\_\_\_\_\_ No:\_\_\_\_\_

Name of ADA \_\_\_\_\_ Telephone #\_\_\_\_\_

**Interpreter Present?** If so, name:\_\_\_\_\_

**Who selected the suspect's position?** \_\_\_\_\_

**Lineup Members**

Name	Number Held	Position	Age	Height	Weight
1					
2					
3					
4					
5					
6					

**SCSO LINEUP FORM**  
**Defense Counsel Sheet**

Suspect's Attorney Present? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Defense Attorney: \_\_\_\_\_ Telephone #: \_\_\_\_\_

- The Defense Attorney was instructed ***not*** to speak while in the viewing room with the witness. Yes: \_\_\_\_\_ No: \_\_\_\_\_
- If Defense Attorney makes requests about the lineup, record the request and whether the request was agreed to or refused :

1.Request: \_\_\_\_\_

Agreed \_\_\_\_\_ Refused \_\_\_\_\_

Reason for Refusal \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.Request: \_\_\_\_\_

Agreed \_\_\_\_\_ Refused \_\_\_\_\_

Reason for Refusal \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3.Request: \_\_\_\_\_

Agreed \_\_\_\_\_ Refused \_\_\_\_\_

Reason for Refusal \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# SCSO LINEUP FORM

## Instructions to the Witness

Witness Name: \_\_\_\_\_

**LINEUP ADMINISTRATOR MUST READ THE FOLLOWING TO THE  
WITNESS**

- As part of our on-going investigation into a crime that occurred at \_\_\_\_\_ (*location*) on \_\_\_\_\_ (*date*) you are about to view a lineup.  
*(Use similarly neutral language to invite witness to the identification procedure.)*
- You will look through a one-way mirror and see six people in the lineup. They will not be able to see you.
- There will be a number associated with each person on the other side of the mirror.
- Take whatever time you want to view the lineup.
- The perpetrator may or may not be among the six people in the lineup.
- Do not assume I know who the perpetrator is.
- Do not look to me or anyone else in the room for guidance during the procedure.
- Individuals presented in the lineup may not appear exactly as they did on the date of the incident because features, such as head and facial hair, are subject to change.
- After you have had an opportunity to view the lineup I will ask you the following three questions:
  1. Do you recognize anyone?
  2. If you do, what is the number of the person you recognize?
  3. From where do you recognize the person?
- I may ask you follow up questions.
- After the identification procedure is concluded, do not discuss with other witnesses what was said or observed during this identification procedure.

**WITNESS MUST INITIAL:**

The above instructions have been read to me: \_\_\_\_\_ (initials). Date: \_\_\_\_\_

## Running the Lineup and Results

### Instructions for Administrator When Entering the Viewing Room:

- Remain neutral. Do not comment on the identification before, during or after the identification procedure.
- Take a photograph of the lineup composition. Preserve the photograph and have the witness sign the photo, if possible.
- Take the witness into the viewing room.
- So as not to distract the witness, do not comment during the identification procedure.
- Introduce by name all individuals present in the viewing room to the witness.
- Tell the witness when the identification procedure will begin, e.g., “You will now look through the one way mirror.”
- If there is a need to have a lineup member speak, move, change clothing, or some other activity, then all the lineup members must do the same activity.
- While the witness is viewing the lineup, you should stand out of the witness’ line of sight, while still being in a position to observe the witness.

**AFTER THE WITNESS HAS VIEWED THE ARRAY ASK THESE QUESTIONS:**

- Did you recognize anyone in the line-up: \_\_\_\_\_
- What is the number of the person that you recognize? \_\_\_\_\_
- From where do you recognize that person? \_\_\_\_\_

**Record the words and gestures made by the witness:**

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**If the Witness Gives a Vague Answer** (for example: I think it is..” or “It might be...”)

Then say the following: **You said** \_\_\_\_\_ (*insert witness’ words, e.g. “I think it is...”*), **what do you mean by that?** Record the witness’ answer: \_\_\_\_\_

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Date: \_\_\_\_\_ Time: \_\_\_\_\_ Witness Signature: \_\_\_\_\_

**FINAL INSTRUCTION TO WITNESS:** *Do not discuss with any other witness what you observed or said during this identification procedure.*

## **CRIMINAL INTELLIGENCE**

STANDARD NO(S): NYSLEAP#: 50.7

DATE: 12/21/2015  
REVIEWED 03/15/2017  
REVISED 12/18/2018

REFER TO: Tim Thompson

**I. OBJECTIVE:**

To establish policy and guidelines regarding the collecting, processing and disseminating of intelligence information.

**II. POLICY:**

It is the policy of the SCSO to collect, maintain and disseminate criminal intelligence information in accordance with all applicable federal and state law.

**III. DETAILS:**

**A.** As noted in the section entitled “Criminal Investigations”, of the Seneca County Sheriff’s Office standard operating procedures, all members of the SCSO, upon becoming aware of a criminal activity, or suspecting a criminal activity, are required to take action. Depending upon the member’s training and/or job assignment, that action may be merely the passing along of pertinent intelligence information to appropriate personnel within the SCSO. There is a continuous commitment to gathering intelligence information by SCSO members, including all pertinent information received from other law enforcement agencies. There is a further obligation on the part of the SCSO to insure that such information is disseminated within the law enforcement community, unless there is a compelling reason not to do so.

**B.** The current workload of the SCSO does not justify a full-time intelligence component; however, all such information obtained is to be forwarded to the Lieutenant in charge of the Criminal Investigation Division (CID) or his designee. This officer shall have the responsibility for:

1. Analyzing the raw data to insure that an informant’s identity is protected, that members are in compliance with applicable New York State Laws and the information developed is reliable.
  - a. The information is evaluated as to its quality and reliability.

2. Maintaining a secure records system separate from the Records Division with access available only through the Lieutenant in charge of CID or the narcotics officer. Once evaluated, intelligence relating to narcotics activity, will be placed in a secured file which is maintained in the narcotics office. Other criminal intelligence, non-narcotic related, will be maintained in a secure file in the CID Lieutenant's office.
3. Regulating the dissemination of intelligence information to components within the SCSO or to outside agencies as appropriate. All documents containing intelligence information will carry the designation "CONFIDENTIAL – For Police Use Only".
  - a. A MOU will be completed and kept on file prior to allowing access to the Intelligence File by any outside agency. At the present time no outside agencies have access to the Intelligence File.

The lieutenant in charge of CID shall be responsible for regularly purging the intelligence file of uncorroborated or outdated information by shredding or otherwise destroying intelligence information which pertains to non-criminal conduct. For purposes of this directive "outdated" shall mean:

- a. Information which has been superseded by a later reference;
  - b. Information about a criminal activity for which the statue of limitations (CPL 30.10) has expired;
  - c. Information which is deemed to be of limited or no use as evidence or to provide investigative leads; and
  - d. Information which has been passed on to another police agency having appropriate jurisdiction and which serves no further use to the SCSO.
4. Incorporating relevant intelligence information into an active file when an investigation is undertaken based on such intelligence information or as a result of its being correlated with an investigation in progress. Any incorporate material will no longer be retained in the Intelligence File .

**C.** Certain administrative records pertaining to the acquisition of intelligence information will not be purged. These are:

1. Records of cash transactions for the purpose of paying an informant for expenses or services;
2. Records relating to the purchase of equipment to be used for intelligence gathering;

3. Records of any extraordinary expenses incurred in an intelligence gathering operation;
  4. The annual audit report pertaining to expenditures from the Investigative Expense Fund used for intelligence purposes;
  5. Specialize Sign-out Equipment Log entries; and
  6. Copies of Eavesdropping Warrants issued under the provisions of Article 700 of the CPL, and any surveillance notes generated as a result thereof;
  7. Surveillance Logs and any notes generated as a result thereof..
- D.** When it becomes necessary to use specialized equipment or vehicles for intelligence gathering purposes, such equipment, whether owned by the SCSO or an outside agency, shall be used only with the approval and authority of the Lieutenant in charge of CID. The term “specialized equipment” includes, but is not limited to audio and/or visual monitoring equipment, night vision equipment and specially outfitted surveillance vehicles.
- E.** Intelligence information, either received or developed, will be shared with other law enforcement agencies, including the FBI, US Secret Service, DEA, ATF, the US Attorney for the Western District of New York, or any other local, state or Federal agency who has a legitimate interest in criminal activity.
- F.** Within the SCSO, intelligence information from any source should be furnished immediately to the Lieutenant in charge of CID in memorandum form via a written or electronic communication such as E-mail..
- G.** All intelligence information received by CID affecting a known or suspected criminal enterprise in a patrol area, may be relayed to the Shift Supervisors and road patrol members in order to increase their effectiveness in deterring crime. Written notices which contain intelligence information will be marked “CONFIDENTIAL-For Police Use Only”.
- H.** All intelligence information will be formulated into an Incident Report. Following the completion if the Incident Report, the Report will be electronically partitioned. This partition conceals the Report and only allows access to select members.

## **INFORMANTS**

STANDARD NO(S):	NYSLEAP#50.5
DATE:	03/22/95 REVISED: 08/27/10 REVISED: 01/23/13 REVIEWED 03/15/2017 REVISED:10/29/18
REFER TO:	Timothy Thompson John Cleere

I. OBJECTIVE:

To establish procedures for the use and handling of informants by members of the Uniform Road Patrol and CID Investigators of the SCSO.

II. POLICY:

It shall be the policy of the Seneca County Sheriff's Office to encourage all officers assigned to law enforcement functions to develop and use sources of information, referred to herein as confidential informants, or confidential paid informants.

III. DETAILS:

**A.** The use of confidential informants is an accepted practice in law enforcement; however, such use must always be firmly controlled and fully documented. All members are encouraged to establish contacts that will produce information to assist in the solution and successful prosecution of criminal matters. Some contacts require anonymity as a condition of their cooperation. Such contacts may include private citizens, business people, former arrestees or inmates of the Seneca County Correctional Facility or other correctional facilities. High priority should be placed on reliability and confidentiality when developing an informant. Although the use of confidential informants by investigative personnel may be of longer duration and involve their actual direction to a greater extent, the following guidelines attempt to address the needs of both those members assigned to the Road Patrol as well as CID.

1. Confidential Sources- Persons who furnish information on the condition that their identities will not be revealed. Persons in this category may be furnishing information about a single happening, as

would an observant neighbor or a disgruntled co-worker, who for personal reasons is reluctant to speak for the record but, nevertheless, wants to help the police agency.

A confidential source may also furnish information on a continuing basis, which information might be obtained as a result of his position in the community, and his cooperation, if known, would be detrimental to that position.

2. Unlike an informant, the activities of a confidential source are seldom controlled by the member receiving the information. Disclosure of the source's identity within the SCSO shall be on a need-to-know basis. Any report prepared for dissemination outside the agency should note his request for confidentiality.
3. Confidential Informants (CI)- Persons who supply information, which information is obtained at the direction of the member who is acting as the controlling officer (CO). All Confidential Informants must fully understand and sign the Confidential Informant Agreement Form (SCSO-ND-002) prior to the undertaking of their role as a Confidential Informant.
  - a. The CO shall compile information about the CI to include the CI's full name, aliases, date of birth, education, criminal history, vehicles, employment, living arrangements, reliability, motives for cooperation, and the CI's potential for personal gain from the transaction; a thorough background investigation may be conducted if necessary. All information that is obtained will be fully documented in the Confidential Informant Personal History Report Form (SCSO-ND-001). The CO shall place all the documentation, which should include a photograph and fingerprints of the CI, if available, in a sealed manila envelope identified by a number to be assigned by the CID supervisor, or his designee. The number to be assigned will be sequential and will start with the letters CI. The next group of numbers will be a 3 digit sequentially assigned number (Example: CI-1001). This becomes the number under which information pertaining to the CI is filed, and by which the informant is thereafter known. The sealed envelope shall be maintained in a secure place under the control of the CID supervisor, or his designee, along with a master file showing the identifying number and a general statement as to the type cases about which the CI can furnish information.
  - b. A permanent record will be kept of every meeting with the

informant to include time, date, place and persons present, as well as any specific directions given the informant by the CO. Prior to each meeting, when practical, the CID (or patrol) supervisor is to be advised.

- c. **NO PROMISES OF ANY KIND** are to be made to a criminal informant. In the event there are criminal charges pending against the potential informant, prior approval for his use as an informant must be secured from the district attorney in concert with the defendant's attorney, if any. The agreement will be documented in the Confidential Informant Contract Worksheet (SCSO-ND-003). All parties involved are required to sign the form prior to the execution of the agreement.
  - d. Notwithstanding the prohibition against revealing the CI's identity within the SCSO, it is highly desirable to introduce an Alternate Controlling Officer (ACO) to the CI early in the relationship, provided it can be done without objection. The advantage of having an alternate contact in an emergency should be obvious to the CI, and from the CO's standpoint, having a witness to all informant transactions could prove invaluable.
  - e. If an informant's veracity becomes suspect, he should be requested to submit to a polygraph or CVSA examination. The CI's refusal should be considered to be grounds for discontinuing the relationship.
4. **Confidential Paid Informants (CPI)**- Persons who are paid, either for expenses or services, based on their information furnished, which payments are made from the public monies known as the "Investigative Expense Fund".
    - a. All CPI's will be coordinated by the CID supervisor using the procedures as set out under paragraph B above.
    - b. Any arrangements for payments to be made to an informant must be approved by the CID supervisor and either the Chief Deputy, Under Sheriff or Sheriff after full justification, with the terms of such arrangement clearly understood by all parties concerned.
    - c. Any payments given to an informant must first be

photocopied. A receipt must be obtained from the informant and initialed by the CO. This document, like others pertaining to the CI, is placed in a sealed envelope bearing the CI's identifying number, and showing the amount, date and purpose of the payment and placed in the CI's master file.

5. Always remember that at an informant's motive for cooperating with a law enforcement agency is the desire to somehow benefit himself. Never furnish or even allude to information which the CI can use for their own gain. Each and every transaction, however slight, must be fully documented, and the appropriate supervisor advised. The CO is responsible for keeping the informant under control and in the event that the CI does not comply with the CO the CI will be contacted and told that the relationship has ended.
6. Files relating to a criminal informant, paid or not, will be subject to special security. They will be under the cognizance of the CID supervisor (or an alternate) who will limit access to them on a strict "need to know" basis. No information from these files will be released to anyone, unless authorized by the CID supervisor, or upon the direction of the Sheriff, a designee, or upon the order of a competent court.

5. Always remember that at an informant's motive for cooperating with a law enforcement agency is the desire to somehow benefit himself. Never furnish or even allude to information which the CI can use for their own gain. Each and every transaction, however slight, must be fully documented, and the appropriate supervisor advised. The CO is responsible for keeping the informant under control and in the event that the CI does not comply with the CO the CI will be contacted and told that the relationship has ended.
6. Files relating to a criminal informant, paid or not, will be subject to special security. They will be under the cognizance of the CID supervisor (or an alternate) who will limit access to them on a strict "need to know" basis. No information from these files will be released to anyone, unless authorized by the CID supervisor, or upon the direction of the Sheriff, a designee, or upon the order of a competent court.

## JUVENILE OPERATIONS

STANDARD NO(S) NYSLEAP 50.4

DATE: May19, 2009

REFER TO: Kipp M. Goodman

### I. OBJECTIVE:

To establish guidelines for the conduct of investigations of cases involving juveniles; for participation in the preparation of Family Court cases; and for the development and perpetuation of programs intended to prevent delinquent and criminal behavior by juveniles.

### II. POLICY:

Recognizing that for the youth of any society to undertake criminal activity is destructive and costly in terms of both human and economic resources, the SCSO and all its members are dedicated to prevent and control juvenile delinquency as well as any diminution in respect for the law by the youth of the community. The coordination of such activity shall be the primary responsibility of a section established for this purpose.

### III. Details:

**A.** The SCSO has established and maintains a component known as the Juvenile Aid Bureau, whose activities shall include but not be limited to:

1. Designing and implementing programs intended to prevent, or at least control, delinquent and criminal behavior by youths;
2. Follow-up processing of youth arrests;
3. Coordinating or preparing court cases in which a juvenile offender is involved;
4. Diverting juvenile offenders out of the juvenile justice system and adjusting cases; and,
5. Providing in-service training in juvenile procedures to members of the SCSO, as needed.

The above activities shall form the core around which other endeavors may be undertaken as needs dictate.

**B.** The Juvenile Aid Bureau (JAB) is an organizational component within the Criminal Investigation Division (CID), and consists of two investigators.

Responsibilities of the members assigned to the JAB fall within the unique procedural aspects of the juvenile justice system, the problems and needs of youth, and are intended to be discharged with the specialization required in juvenile matters. Specifically, the JAB shall:

1. Insofar as is possible, assume control of any SCSO investigation which involves one or more juvenile suspects;
2. Assist other SCSO members in juvenile cases; and,
3. Maintain liaison with other agencies and organizations interested in juvenile matters.

Although juvenile matters are primarily the responsibilities of JAB, they shall be willingly shared by all SCSO members assigned to a law enforcement function. It is particularly important that investigators and road patrol personnel be familiar with handling juvenile problems, both criminal and noncriminal.

**C.** The SCSO, through the activities of the JAB, shall encourage the review and comment by other agencies in the juvenile justice system as they may pertain to the SCSO's policies and procedures. Agencies that may be heard on juvenile matters are the New York State Office of Children & Family Services and, within Seneca County, the Department of Social Services, the Department of Probation, the Youth Bureau, and the Youth Court. In the event such review indicates that a change should be made in SCSO's procedures, the change shall be evaluated and processed through the chain of command for approval prior to implementation.

**D.** SCSO members should be aware of the terms, which appear regularly in the handling of juvenile matters. Selected ones are noted below for ready reference:

1. Infancy - A defense described in the Penal Law which states that a person less than 16 years of age is not criminally responsible for his conduct.
2. PINS (person in need of supervision) - A person, less than 18 years of age, who is truant or incorrigible, or who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other authority, or who is in possession of marihuana and is deemed to be in need of supervision or treatment as prescribed by the family court.
3. Juvenile offender - A person who is 13, 14, or 15 years of age and who is criminally responsible for his conduct as it applies to certain serious felonies as enumerated under paragraph 18 of section 10.00 of the New York State Penal Law. Juvenile offenders are prosecuted by the District Attorney.
4. Juvenile delinquent - A person over 7 and less than 16 years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article 725 of the CPL. Actions against juvenile delinquents are handled by the County Attorney.

5. Designated felony - An act which, if done by an adult, would be a crime as defined in the Family Court Act, Section 301.2(8) and variously affecting persons 13, 14 or 15 years of age. Since these persons are also juvenile delinquents, actions involving a designated felony are handled by the County Attorney. To distinguish between the status of juvenile offender and a juvenile accused of committing a designated felony, see chart at the end of this section.

6. Intake - The process comparable to the commencement of a criminal action as described in the Criminal Procedure Law, but applicable to juvenile delinquents. In Seneca County this function is performed by the Probation Department, acting on a petition (Family Court Deposition) prepared by the County Attorney's office at the request of the SCSO investigator, or in some cases, at the request of a parent or guardian as the complainant.

**E. The decision to refer** a juvenile to intake rests largely with the investigator who, by virtue of a thorough investigation, is in a position to determine what course of action will best serve justice. Some of the factors that may influence the decision for or against intake are:

1. The seriousness of the offense as judged by its nature, the use of a weapon, whether gang-related, premeditated, or whether the juvenile was under the influence of alcohol or drugs;
2. The juvenile's history of criminal activities and recent of similar conduct;
3. The juvenile's status with respect to official supervision; and,
4. The effectiveness of juvenile's participation in any previous rehabilitation programs, including his attitude toward parental supervision.

**F.** If, considering his age and conduct, the juvenile qualifies as a juvenile offender within the meaning of the term as described above, there shall be no discretion concerning disposition of his case and he shall be petitioned into Family Court, regardless of his history for compliance with supervision.

**G.** Members of the SCSO who are dealing with juveniles shall take the least coercive action among reasonable alternatives consistent with preserving public safety, order and individual liberty. Specifically, in an effort to seek the least forceful disposition of a juvenile case, the juvenile shall be dealt with in one of the following ways:

1. Release with no further action, or
2. Conference involving the juvenile, his parents and the investigator, or
3. Voluntary and prolonged program of treatment involving the participation of one or more agencies providing social or supervisory services, or
4. Referral through petition into Family Court.

**H.** Patrol officers who elect not to make a custody arrest should complete a juvenile arrest report and forward a copy to JAB. If appropriate, JAB will issue an appearance ticket under Section 307.1 of the Family Court Act directing the juvenile to probation intake.

Guidelines for use of the family court appearance ticket are as follows:

1. The juvenile should be regarded as posing a threat neither to himself nor to the safety or property of others.
2. The criteria set out in paragraph F. above shall be considered in assessing the appropriateness of the appearance ticket.
3. If the crime to be charged is a designated felony, the return date on the ticket shall be no later than 72 hours, excluding Saturdays, Sundays and public holidays after issuance.
4. If the crime to be charged is not a designated felony, the return date shall be no later than 14 days after issuance.
5. A copy of the appearance ticket shall be forwarded to the complainant, the juvenile, the juvenile's parent or guardian and the Probation Department.

**I. Custody**, as it applies to juvenile matters is twofold. One is in the conventional sense of being an arrest that restricts the liberty of the arrestee; the other encompasses the concept of protective custody for juveniles who have been harmed or are in danger of harm.

This paragraph will deal with the former meaning; the latter in ¶ O below.

1. Section 305.2 of the Family Court Act sets out the authority for a police officer's arrest of a juvenile without a warrant, which authority is derived from Article 140 of the Criminal Procedure Law as it applies to the arrest of any person for a crime.

The same rules affecting the seizing of evidence and the securing of admissions following the arrest of an adult are applicable to the arrest of a juvenile under this section, including the requirement that the juvenile be notified of his constitutional rights.

2. The officer effecting such an arrest is required to make immediate notification to the juvenile's parent or guardian, or if unavailable, to the person with whom he resides, that the juvenile has been taken into custody. After making every reasonable effort to give such notice, the officer shall take one or more of the following actions:

- a. If the child has allegedly committed a designated felony as defined in FCA 301.2(8), and the family court is in session, the officer shall forthwith take the child directly to such family court, unless the officer takes the child to a facility for questioning (see paragraph V. below), or, upon the consent of a

parent or other person legally responsible for the care of the child, to the child's residence and there conduct questioning for a reasonable period of time. The decision to proceed directly to family court or to a place for questioning should be made after consultation with a JAB investigator.

If the family court is not in session, that is, outside of regular court hours or a family court judge is not available, and questioning is or is not conducted, the officer must release the child upon issuance of an appearance ticket to the child and to the person into whose custody the child is released; or, if circumstances warrant, the officer may take the child to a detention facility. Again, before acting on any of these alternatives, an on-call investigator should be contacted. Under no circumstances will a juvenile be detained in an adult detention facility.

- b. If the child is accused of committing a crime that is not a designated felony, and the family court is in session, the child must be released with an appearance ticket (see paragraph J. above), or taken forthwith to the court. Note that in these circumstances, detention is precluded. When the court is not in session, the child must be released and an appearance ticket issued unless special circumstances exist that would justify detention. An on-call investigator should be contacted before taking the latter action since temporary detention is allowable only when there is substantial risk that the juvenile will not appear in court or a substantial risk that the juvenile will commit another crime.
3. A juvenile may also be taken into custody upon the authority of a family court warrant signed by a family court judge commanding his appearance in court. Such a warrant may be issued for a juvenile offender, a juvenile delinquent, or for a PINS. It may be based on the juvenile's failure to appear for a court date or a probation meeting. The options set out under paragraph 2 above are applicable to a warrant arrest, except for subparagraph a. (release with an appearance ticket).

**J. Noncustodial interview** of a person under the age of 16, who is a victim or a potential witness, may occur and statements may be taken under "reasonable circumstances." Reasonable circumstances depend upon age, emotional state, mental acuity, time of day and the anticipated duration of the interview. Experience has shown that, whenever possible, the interview should be conducted with the consent of the parent or guardian.

**K. Custodial interrogation** of a juvenile is covered under Section 305.2 of the Family Court Act which notes that the presence or absence of the child's parents, his age, and the period of time for questioning will all be considered relevant in determining whether such interrogation was suitable. The following procedures will govern such activity by members of the SCSO:

1. Questioning may occur only in an approved, designated facility (see paragraph V. below) or alternatively, and with the parent's consent, in the juvenile's own residence.

2. Every reasonable effort must be made to notify the juvenile's parent or guardian that the juvenile is in custody and of his location.
3. Questioning must await the arrival of the juvenile's parent or guardian, unless such person has elected not to be present and/or has given express permission to proceed in his absence. In the event that a parent or guardian cannot be located, permission for the questioning should be sought from another close family member who is at least 18 years of age. For serious crimes, consideration should be given to requesting the assistance of a police officer from another jurisdiction in an attempt to locate a parent or guardian who is temporarily outside of Seneca County.
4. Both the juvenile and the parent or guardian must be advised:
  - a. Of the child's right to remain silent;
  - b. That the statements made by the child may be used in a court of law;
  - c. Of the child's right to have an attorney present; and,
  - d. Of the child's right to have an attorney provided for him without charge if he is indigent.
5. If the juvenile agrees to proceed without an attorney being present, the SCSO member will read the appropriate Miranda (For Juveniles) Notification and Waiver (SCSO-LE-050) to the juvenile and parent or legal guardian and record in the spaces provided, the responses given by both the juvenile and parent or legal guardian to the questions asked by the SCSO member. The SCSO member after recording these responses will request the juvenile and parent or legal guardian to sign and date the Miranda (For Juveniles) Notification and Waiver Form. The SCSO member will attest to the Miranda (For Juveniles) Notification and Waiver by signature, date and time. The parent or guardian should be requested to sign as a witness.
6. The juvenile shall be informed of the responsibilities and procedures of the SCSO and of the juvenile justice system in the matter at hand.
7. Questioning shall be limited to a reasonable period of time and at no time shall there be more than two investigators present during the interrogation.

**L. Authorization for the fingerprinting** and photographing of persons who are alleged to be juvenile delinquents and limitations on their collection, dissemination and retention are set out under Section 306.1 of the Family Court Act. JAB investigators shall be responsible for insuring compliance (ages 11 to 12 for A or B felony - 13 to 15, any felony). Other forms of identification pertaining to juveniles may be secured by court order or with the consent of the juvenile and his parent or guardian. In addition, a juvenile may be fingerprinted and photographed when the investigator:

1. Is unable to ascertain the juvenile's identity, or

2. Reasonably suspects that the identification given by the juvenile is not accurate.

**M. Taking a juvenile into protective custody** is also authorized when there is justification for such action; however, persons so apprehended shall be placed in the least restrictive environment, which insures safety and supervision. The parental home, a non-secure detention facility, or release into the care of the Department of Social Services are alternatives in this regard. Juveniles subject to being taken into custody for their own protection include:

1. An abandoned, abused or neglected child;
2. One who is suffering from illness or injury, or who is under the influence of alcohol or drugs;
3. One who is in immediate danger from his surroundings;
4. A runaway (less than 18 years old) reported by a person of legal responsibility; or who, to an officer, reasonably appears to be a runaway (see FCA §718).
  - a. If there is probable cause to believe the child is a runaway the officer must reach a reasonable conclusion as to whether the child has run away with just cause due to a possible abuse or neglect situation. In that case, the officer should contact the child abuse hotline and the local child protective facility and request assistance in arranging for care.
  - b. If the officer concludes that the child has run away without just cause, the officer must either return the runaway to a parent or other person legally responsible for the child's care OR seek to have the child placed at a local child care facility through the Family Court if during regular court hours. Note the requirement for consultation with a JAB investigator as set out in ¶ K above.
  - c. Detention of a runaway is, in effect, an arrest and the officer can use whatever reasonable force is necessary to make the arrest, prevent escape or to defend oneself or a third party from what the officer reasonably believes to be the use or imminent use of physical force.

The reasonableness of the force used is judged from the perspective of the reasonable officer taking into account factors such as severity of the matter or crime at issue, whether the person poses an immediate threat to the safety of self, another or officer, or whether the person is actively resisting arrest or attempting to evade arrest by flight.
  - d. Officers must discharge the responsibilities mandated by the FCA §718. Upon reaching a reasonable conclusion that a person is a runaway, the first preference is that the officer return the person home. However, if that cannot be reasonably and safely accomplished and the officer acts in such a manner to reasonably safeguard the person's well-being and prevent further runaway behavior, then the officer should seek to have the person detained.

5. Any other situation in which custody is in keeping with the paramount issue of the juvenile's safety.

**N. Diversion**, as it applies to handling a juvenile offender, means any lesser alternative, which is substituted for one, which might be imposed within the juvenile justice system. The rationale for its use is to impose a more moderate punishment (or treatment) in an effort to encourage the offender to accept rehabilitation and to alter his behavior to that which is acceptable in the community. The decision to divert a juvenile offender from the system shall be taken only after consideration of the following factors:

1. The nature of the alleged offense;
2. The age and family circumstances of the accused;
3. Prior record of the accused;
4. The availability of community based rehabilitation programs;
5. Attitude of the accused and the likelihood of his acceptance of rehabilitation efforts;
6. Input from the appropriate social agency, if necessary; and,
7. Input of victim/complainant. If a recommendation for diversion is received from a victim or complainant, such recommendation shall be documented in the disposition of the case.

**O. Apart from diverting** a juvenile to a social service agency, or petitioning him into Family Court, law enforcement agencies have a wide range of alternative remedies that they, themselves, may employ. "Station house" warnings, informal referrals, counseling referrals, consulting with and arranging for appropriate corrective action by parents, and dropping the charges altogether are examples of such alternative actions.

The following procedures shall be considered as possible courses of action when a juvenile is to be released, but some adjustment is indicated:

1. When a juvenile is deemed not to be a continual threat to himself or others, he may be released to a parent, legal custodian, or a responsible adult relative provided the person receiving the juvenile has indicated a willingness and capacity to exercise reasonable care and control over the juvenile to prevent his immediate resumption of the conduct which brought him to the attention of the SCSO.
2. A warning letter calling the attention of the juvenile and his parent or guardian to the consequences of juvenile's continued misconduct may be prepared by the investigator.
3. The investigator may make an informal referral to the probation department, suggesting some follow-up corrective action. In some cases a juvenile offender, as part of his diversion, may be placed on "informal probation" by the Probation

Department. This entails signing an agreement to certain conditions such as observing a curfew, associating with undesirables, frequenting a specified location, etc.

JAB investigators are aware of such probationers and periodically notify the Road Patrol of their names so that if seen to engage in activities in contravention of the probationary terms, such information will be forwarded to JAB for appropriate action.

4. The investigator may refer the juvenile and his parent to the Center for Dispute Settlement in an effort to resolve a behavior problem voluntarily as a condition for adjustment.

5. Youth Court is another alternative action that may be taken concerning delinquent youths. Peers determine the conditions of action against the youth, such as community service, curfew, etc. Both youth and parents sign an agreement to abide by the decision and the sentence imposed by the Youth Court.

6. If, in the opinion of the investigator, there is little assurance that the juvenile will receive the necessary care and control; or, that there appears to be a substantial risk that he will continue in a criminal activity; or, that he may become a runaway, the investigator should consider placement in a Youth Care Facility, Detention Center, or any other placement that may be appropriate. Secure detention is used only for a juvenile accused of a misdemeanor or felony.

7. Under no circumstances will a juvenile be released if there is probable cause to believe that he has committed those crimes specified in Article 30 of the New York State Penal Law (Defense of Infancy). This situation requires that the juvenile be detained in the appropriate facility.

**P. Juvenile records** - Confidentiality is nowhere more important than in dealing with juveniles. The SCSO is required by law to keep records and results of juvenile cases in strict confidence. Section 381.3 of the Family Court Act states:

"1. All police records relating to the arrest and disposition of any person under this article shall be kept in files separate and apart from the arrests of adults and shall be withheld from public inspection.

"2. Notwithstanding the provisions of subdivision one, the family court in the county in which the petition was adjudicated may, upon motion and for good cause shown, order such records open:

(a) to the respondent or his parent or person responsible for his care; or

(b) if the respondent is subsequently convicted of a crime, to a judge of the court in which he was convicted, unless such record has been sealed pursuant to section 375.1.

"3. An order issued under subdivision two must be in writing."

All SCSO members are to be alert to any request made for information pertaining to a juvenile or his case, and must be certain that the person requesting the information has a legal right to receive it. Any doubt shall be resolved by referring the matter through the chain of command.

1. Destruction of juvenile records shall be in accordance with New York State and Seneca County retention schedules.
2. Upon receipt of a court order to expunge records pertaining to a juvenile, all such records shall be destroyed without delay.
3. Access to records pertaining to juveniles shall be obtained only through those members who are assigned to the Juvenile Aid Bureau and who are responsible for the generation, collection and retention of such records, except that in certain circumstances access may be obtained through the Sheriff or a designee.

**Q. Recreational youth programs** are generally conducted under the auspices of the various municipalities within Seneca County; however, upon request the SCSO shall participate by providing safety instruction to those engaged in certain recreational activities. Examples of such participation include bicycle rodeos, boating safety courses, and an annual appearance at the Seneca County Safety Fair where the SCSO exhibits equipment, gives demonstrations and safety instructions.

**R. Social service and similar agencies** which provide services to youths in and around Seneca County are listed below and shall be updated by the JAB at least annually. These may be of value when considering diversion as an alternative to referring a person into the juvenile justice system.

1. Employment -
  - a. New York State Job Services
  - b. Seneca County Workforce Development
  - c. Job Connection- Youth Bureau
2. Drug or Alcohol Concerns -
  - a. Alcoholism Clinic Services
  - b. Youth Counseling Services
  - c. Al- Ateen and Al- Anon
  - d. Finger Lakes Alcohol Counseling & Referral
  - e. Addictions Recovery Center Clifton Springs Hospital

- f. Dick Van Dyke Clinic
- g. Council on Alcoholism & Other Chemical Dependencies of the Finger Lakes.
- 3. Physical/ Emotional Health
  - a. Seneca County Department of Human Services
  - b. Seneca County Runaway Homeless Youth Program
  - c. Communtiy Counseling Program
  - d. Seneca County Health Dept.
  - e. Happiness House (Handicap Children)
  - f. Family Counseling Service of the Finger Lakes
  - g. Seneca County ARC
  - h. Finger Lakes Family Care
  - i. Women, Infants, and Children (WIC)
- 4. Miscellaneous -
  - a. Any public school for education, employment and personal counseling
  - b. AIDS Information 1-800-342-AIDS
  - c. Alcoholism Information 1-800-Alcohol
  - d. Child Abuse 1-800-342-3720  
(for police officers, as mandated reporters) 1-800-635-1522
  - e. Growing Up Healthy Hotline (teen pregnancy) - 1-800-522-5006
  - f. Lifeline - suicide information (585) 275-5151  
1-800-333-0542
  - g. National Helplines, cocaine and other drug info 1-800-Cocaine
  - h. Rape Crisis Hotlines (Ontario Co) 1-800-247-7273  
1-800-527-1757
  - i. Rape Crisis, also (585) 546-2595
  - j. Runaway Hotline 1-800-231-6946
  - k. VD Hotline 1-800-227-8922

5. Law Related Agencies

- a. Seneca County Probation Dept.
- b. PINS Program
- c. Family Court
- d. Pre- Trial Diversion
- e. Legal Assistance
- f. Seneca County Attorney
- g. Seneca County District Attorney
- h. Statewide Youth Advocacy

6. Recreation -

- a. Seneca Falls Community Center
- b. Waterloo Community Center
- c. Seneca County Swim Program

7. Special Programs

- a. Cooperative Extension (4- H)
- b. Boy Scouts
- c. Girl Scouts
- d. Seneca County Children's Committee Referrals/ Financial Assistance
- e. Seneca County Child Care Center
- f. Community Action Program (CAP)
- g. House of Concern
- h. Community Christmas Project
- i. Mentoring Program (Big Brother/ Sister)- Youth Bureau

**S. Designated facilities** - Following is a list of locations within the SCSO Law Enforcement Center which have been approved by the New York State Court

Administrator as suitable places for the questioning of children. These locations are known as "designated facilities:"

They are all located in the Criminal Investigation Division section of the Seneca County Law Enforcement Center in Romulus, NY.

1. Room # 162
2. Room # 164
3. Interview Room- A (CID)
4. Child Interview Room (CID)

There are no designated rooms in the Waterloo Sub-station.

## **PHOTO IDENTIFICATION PROCEDURE**

STANDARD NO(S): NYSLEAP#: 50.1  
DATE: April 28, 2011  
REFER TO: Jack S. Stenberg

I. **OBJECTIVE:**

To establish a policy and procedure with regards to photographic identification conducted pursuant to criminal investigations.

II. **POLICY:**

There are various ways to conduct a fair and reliable identification procedure. The guidelines below outline how a neutral, fair and reliable identification procedure can be conducted by the case investigator or by an administrator unfamiliar with the case.

III. **DETAILS:**

A. **DEFINITIONS:**

1. **PHOTO ARRAY:** A collection of photographs that are shown to a witness to determine if the witness can recognize a person involved with the crime.
2. **SUSPECT:** Person police believe to have committed the crime.
3. **FILLER:** A person whose photograph is included in a photo array, but is not a suspect in the crime.
4. **ADMINISTRATOR OF THE PHOTO ARRAY:** The person who is conducting the identification procedure. Depending on the jurisdiction and the circumstances of the case, a photo array administrator may be the investigator assigned to the case or a “blind” administrator. The procedures described in this document apply equally to both types of administrators.  
The types of administrators are:
  - a. **The Investigator Assigned to the Case:** The administrator of the photo array can be the investigator working on the case.
  - b. **A “Blind” Administrator:** A “blind” administrator is someone who does not know which person in the photo array is the suspect. An identification procedure is considered “double” blind when it is run by a “blind” administrator.

- c. Supervisor: In all situations, an SCSO supervisor will participate in the identification procedure. The protocols outlined here apply equally to the supervisor.

**B. HOW TO INVITE THE WITNESS TO COME IN FOR AN IDENTIFICATION PROCEDURE:**

1. NO KNOWN SUSPECT: The investigator should call the witness and invite him or her in to view photos to possibly identify the perpetrator of the crime.
2. SUSPECT IS KNOWN: When a suspect is known and the investigator calls a witness to arrange for the viewing of a photo array, either at the SCSO, the witness' home or the witness' place of business, the member will simply advise the witness that they intend to conduct an identification procedure and should not say anything about the suspect. For example, the member should say to the witness: "We'd like you to come in to view a photo array in connection with the crime committed on (*date and location*)."
  - a. Member Should Remain Neutral: The member should give no opinions about the witness' ability to make an identification.
  - b. What to Avoid Saying: Unless the witness specifically asks the investigator if someone is in custody, the witness should not be informed that an arrest has been made and that the police have a suspect that the witness will be viewing. The member should not say: "We have caught the guy. He had your credit card and now we want you to identify him."

**C. SHOWING PHOTOGRAPHS WHEN THERE IS NO SUSPECT:**

1. When there is no known suspect, multiple photographs can be shown to a witness to see if a suspect can be identified.
2. If possible, a computer program should select the photos based on the description of the perpetrator as provided by the witness.
3. The investigator should record the source of the photographs and, if possible, how many photographs were shown to the witness. However, current computer systems may not have the capacity to record all the photographs shown to the witness.

**D. ARRANGING A PHOTO ARRAY FOR A KNOWN SUSPECT:**

1. COMPUTER GENERATED ARRAYS: Where possible, computer-generated photo arrays should be used. E-Justice provides an automatic photo array system, which eliminates the claim that the investigator assembled an intentionally biased array. The computer can generate a photo array based on the characteristics of the suspect.

2. FILLERS: The fillers should be similar in appearance to the suspect in the lineup. Similarities should include gender, clothing, facial hair, race, age, height, extraordinary physical features, or other distinctive characteristics. Fillers should not be known to the witness. At least five (5) fillers should be used, in addition to the suspect. Only one (1) suspect should be in each array. If there is more than one (1) suspect, then different fillers should be used in separate arrays for each suspect.
3. PHOTO QUALITY: Photo quality, color and size should be consistent. Administrator should ensure that the photos do not contain any stray markings or information about the subject. Some photo array programs can create similar color backgrounds for all of the pictures. However, in some instances it may not be possible for the photographs to be consistent. The witness should be instructed to ignore any differences in the photographs, such as background, markings, or lighting.
4. INDIVIDUAL CHARACTERISTICS: If individual characteristics are seen in the photo, (for example: clothing, facial hair, race, skin color, age, gender, height, extraordinary physical features, etc.), then these individual characteristics should be as consistent for all photos as possible.
5. DOCUMENT CHANGES TO THE PHOTOS: Document any alterations made to photographs in the array, for example, changing the background color of the photo to make them look more uniform.
6. MULTIPLE SUSPECTS: If there are multiple suspects, then each suspect must be placed in a separate photo array. Different fillers should be used for each photo array.

**E. INSTRUCTIONS TO WITNESSES VIEWING A PHOTO ARRAY:**

Instructions should be given to the witness *before* the identification procedure begins and not while the witness is in the process of viewing the photo array. This will alleviate confusion and minimize any allegations that the investigator provided cues to the witness.

1. WRITTEN INSTRUCTIONS: Members will complete a SCSO Photo Array Form (SCSO-LE-013) which provides written and verbal instructions to the witness. The witness will initial and sign the instructions after reading them, or after having the administrator read the instructions to the witness.
2. NO COMMENT BY THE ADMINISTRATOR UNTIL THE IDENTIFICATION PROCEDURE IS COMPLETED AND DOCUMENTED: Until the information about the identification procedure is documented, the administrator should not comment about the procedure or the next steps in the case. Stray comments that potentially focus a witness' attention to one photo over the others, such as: "Are you sure you

3. INSTRUCTIONS GIVEN BEFORE THE VIEWING OF THE ARRAY:  
Before the identification procedure begins, the administrator should tell the witness what questions will be asked during the identification procedure.

- a. Setting the Context: The investigator should tell the witness that as part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) the witness is being asked to view the photo array to see if the witness recognizes anyone involved with that crime.
- b. Instructions to the Witness to Avoid Any Influence by the Administrator: These instructions let the witness know not to look to the administrator for assistance in either making a selection or ratifying an identification. They also address the possibility of a witness feeling any self-imposed or undue pressure to make an identification. The instructions are as follows:
  - 1) The person who committed the crime may or may not be present.
  - 2) Do not assume I know who the perpetrator is.
  - 3) I want you to focus on the photo array and not to ask me or anyone else in the room for guidance during the procedure.
- c. Instructions to the Witness About the Quality of the Photographs:
  - 1) Individuals presented in the photo array may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
  - 2) Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
  - 3) Pay no attention to any markings that may appear on the photos, or any other differences in the type or style of the photographs.

4. QUESTIONS ASKED AFTER VIEWING THE PHOTOGRAPHS:

- a. After viewing the array the witness will be asked:
  - 1) Do you recognize anyone?
  - 2) If so, what number photograph do you recognize?
  - 3) From where do you recognize the person?

- b. If the witness' answers are vague or unclear, the administrator will ask the witness what he or she meant by the answer.

**F. MULTIPLE WITNESSES VIEWING A PHOTO ARRAY:**

1. **WITNESSES CANNOT SPEAK TO OTHER WITNESSES ABOUT THE IDENTIFICATION PROCEDURES:** If there are multiple witnesses who will be viewing a photo array, they should be told not to speak to each other about the identification procedure before, during and after the process. There are a number of ways to make sure the witnesses do not speak with each other about the identification. The following are some suggestions that will diminish the opportunities that witnesses have of talking to each other before or immediately after the identification procedure.
  - a. They can be kept in separate rooms before and after the identification, or
  - b. A member can sit with the witnesses to ensure they do not speak about the process or the case, or
  - c. The witnesses can be allowed to leave immediately after participating in the procedure, or
  - d. The witnesses can be taken to separate areas after the identification procedure for further interviews with member.
2. **SHOWING THE SAME ARRAY TO MULTIPLE WITNESSES:** The witnesses must view the photo arrays separately. One photo array per suspect can be shown to multiple witnesses, provided there are no markings on the photo array. Duplicate copies of one photo array can be made for each witness, particularly if the witness will be signing the form. A SCSO Photo Array form (SCSO-LE-013) will be completed for each witness.

**G. PROCEDURES FOR VIEWING A PHOTO ARRAY:**

1. **REMAIN NEUTRAL:** To protect the integrity of the identification procedure, the administrator must remain neutral throughout the procedure so as not to, even inadvertently, suggest a particular photograph to the witness. Comments that could potentially focus a witness' attention to one photograph over the others, such as: "Are you sure you got a good look at number 2?" or "Can you take another look at number 6?" should not be made before, during or after the procedure. If a witness seeks guidance about whom to pick, the administrator should simply direct the witness to focus on the array.
2. **INSTRUCTIONS BEFORE THE PROCEDURE BEGINS:** The witness should be instructed on how to view the array *before* being handed the array. Witnesses should be told to take whatever time they want when they view the array.

3. COVER THE PHOTO ARRAY: The photo array should be handed to the witness in an envelope, or in a folder, so neither the witness nor the officer can see the pictures. This will avoid the possibility of any inadvertent influence by the administrator.
4. ADMINISTRATOR NOT IN THE WITNESS' LINE OF SIGHT, WHERE PRACTICABLE: After being instructed about how to view the array, where practicable, the witness should view the array in such a way that the witness cannot see the administrator at the time the witness is viewing the photos in the array. Where practicable, the administrator should be positioned to see and hear what the witness says as the witness views the array, but should remain out of the witness' line of sight while the witness views the array. This will avoid claims of inadvertent cueing by the administrator and it reduces any inclination by the witness to look at the administrator for guidance. The administrator should neither crowd the witnesses nor interrupt the concentration of the witness. The administrator should never tell the witness to look at a particular photograph.
5. LOCATION OF IDENTIFICATION PROCEDURE: The witness should view the photo array in a location away from things that could influence the witness' identification, for example, other evidence in the case, wanted posters about the case and other information about the suspect, e.g., the suspect's rap sheet. A photo array can be viewed away from a police facility, for example, at the witness' home or place of business.

#### **H. DOCUMENTING THE IDENTIFICATION PROCEDURE:**

1. TRAINING, PROTOCOLS AND FORMS: Standardized instructions and questions contained in SCSO-LE-013 will be read to all witnesses.
2. PRESERVING THE PHOTO ARRAY: The photo array should be preserved in the original form it was shown to each witness. A copy of the photo array used should be given to the Assistant District Attorney as soon as practicable.
3. DOCUMENT THE PHOTO ARRAY PROCEDURE: Document all the people involved in the identification procedure, where it took place and the date and time it took place.
4. RECORDING THE WITNESS' STATEMENT AND PHYSICAL REACTION: Any comments made by the witness at the time of the identification should be written down. The documentation should not merely state: "positive" or "negative" results. The witness' words uttered during and after the identification procedure should be recorded, for example, "It is definitely #1", "If I had to pick, it would be #2", "I'm not sure, but it might be #3." The witness' words and physical reactions should be recorded.

5. FOLLOW-UP QUESTIONS: If the witness is vague in his or her answer, such as “I think it is #3” or “It looks like #3”, then the administrator should say: “You said [*I think it is #3*], what do you mean by that?” The witness’ answer should be documented.
  6. SIGNING THE PHOTO ARRAY OR A FORM: To record the result of the photo array, the witness can sign and date the photograph that was selected or sign an identification form. If there are multiple witnesses, a fresh, unsigned photo array must be shown to subsequent witnesses.
- I. SPEAKING WITH THE WITNESS AFTER THE IDENTIFICATION PROCEDURE:**
1. RECORD THE WITNESS’ STATEMENTS BEFORE DISCUSSING NEXT STEPS: The administrator, or another appropriate person, should record the statements of the witness regarding the identification procedure *before* talking with the witness about next steps.
  2. DISCUSSING NEXT STEPS: Once the identification procedure is concluded and documented, the administrator can talk to the witness about how the case will proceed or what the next steps in the case may be, for example, we will continue to search for the perpetrator (where there has been no identification), or we will contact you about meeting with the Assistant District Attorney next week, etc. After the identification procedure, witnesses frequently have questions about the case. It is entirely appropriate for the investigator to accurately answer questions about the case, including whether an arrest will be made.
  3. DO NOT COMMENT ON THE IDENTIFICATION: The administrator should never comment on or make gestures about the identification itself by saying things such as: “Great job.” Or “We knew you would recognize him.” or even nodding in agreement. Such comments or reactions may subsequently affect the witness’ confidence in his or her identification. The administrator should remain neutral about the identification when speaking with the witness.
  4. DO NOT DISCUSS THE IDENTIFICATION WITH OTHER WITNESSES: The witness should be told not to discuss what was said, seen or done during the identification procedure with other witnesses, nor should the administrator speak to the witness about other identification procedures conducted..

**J. TRAINING:**

Proper training is a critical component of conducting a fair and reliable identification procedure. Investigators who will be participating in the identification procedures in any way by picking up the witnesses, creating the photo array or instructing the witnesses, should be trained in these procedures.

**CASE INFORMATION AND WITNESS INSTRUCTIONS**

Complaint Report # \_\_\_\_\_ Crime Date &amp; Location: \_\_\_\_\_

SJS #: \_\_\_\_\_

Photo Array Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_

Crime Committed: \_\_\_\_\_ Witness' Name \_\_\_\_\_

Was Witness Transported? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Transporting Officer: \_\_\_\_\_

Rank \_\_\_\_\_ ID # \_\_\_\_\_

Photo Array Administrator: \_\_\_\_\_

Rank \_\_\_\_\_ ID # \_\_\_\_\_

**READ THE FOLLOWING TO THE WITNESS PRIOR TO SHOWING THE PHOTO ARRAY**

- As part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) you will view a photo array. (*Use similarly neutral language to invite witness to the id procedure.*)
- It consists of six photographs of individuals. Each photograph has a number underneath the photograph.
- Take whatever time you want to view the photo array.
- The perpetrator may or may not be among the pictures.
- Do not assume that I know who the perpetrator is.
- Do not look to me or anyone else in the room for guidance during the procedure.
- Individuals presented in the photo array may not appear exactly as they did on the date of the incident because features, such as head and facial hair, are subject to change.
- Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
- Pay no attention to any markings that may appear on the photos, or any other difference in the type or style of the photographs.
- Do not discuss with other witnesses what you see, say or do during this procedure.
- After you have had an opportunity to view the photo array I will ask you the following three questions:
  1. Do you recognize anyone?
  2. If you do, what is the number of the person you recognize?
  3. From where do you recognize the person?
- I may ask you follow up questions.

**WITNESS MUST INITIAL:**

The above instructions have been read to me: \_\_\_\_\_ (initials) Date: \_\_\_\_\_

**SHOWING THE PHOTO ARRAY**

Witness: \_\_\_\_\_ Administrator: \_\_\_\_\_

Interpreter or Other Officers, if any: \_\_\_\_\_

**Instructions to the Administrator Showing the Photo Array:**

- Remain neutral. Do not comment on the identification before, during or after the identification procedure.
- Provide the photo array in an envelope or folder when handing it to the witness.
- Stand out of the witness' line of sight, where practical, but still observe the witness as the witness views the photo array.
- So as not to distract the witness, do not comment during the identification procedure.

**AFTER THE WITNESS HAS VIEWED THE ARRAY, ASK THESE QUESTIONS:**

Did you recognize anyone in the photo array? \_\_\_\_\_

If so, what is the number of the person that you recognize? \_\_\_\_\_

From where do you recognize that person? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Record words and gestures of the witness: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**If The Witness Gives a Vague Answer** (for example: "I think it is..", or "It might be..")Then say the following: **You said** \_\_\_\_\_ (*insert witness' words, e.g. "I think it is.."* ), **what do you mean by that?** Record the witness' answer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Witness Signature: \_\_\_\_\_

**FINAL INSTRUCTION TO WITNESS:** *Do not discuss with any other witness what you observed or said during this identification procedure.*

**Information Sheet**

***THIS PAGE OF THE FORM MUST NOT BE SHOWN  
TO THE WITNESS***

**THE PERSON COMPILING THE ARRAY SHOULD FILL OUT THE AREA BELOW**

**The photo array:**

- The original photo array MUST be preserved.
- Attach a copy of the photo array to this form.
- Provide the information below, if available (documentation from the computer system of this information).

Position	Name	NYSID #	Date of Photo
1			
2			
3			
4			
5			
6			

Suspect's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Suspect's Position in the Photo Array: \_\_\_\_\_

Was Any Photo Altered? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, which photo? \_\_\_\_\_

Describe alteration: \_\_\_\_\_

Comments:

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Date: \_\_\_\_\_

**Signature of Person Compiling the Array**

# **Recording of Custodial Interrogations**

STANDARD NO(S):

NYSLEAP 7.1;50.1

DATE:

February 12, 2014

REVIEWED: 03/15/2017

REFER TO:

John Cleere  
Timothy Thompson

## **I. OBJECTIVE**

The purpose of this policy is to establish broad guidelines for the electronic recording of suspects' statements in custodial interrogations and the associated use, management, storage and retrieval of such recordings. While this policy endorses the practice of recording custodial interrogations, it also recognizes the dynamics of police work, field operations and suspect encounters. This policy is mindful of the benefits of recordings balanced with the overwhelming public policy demands upon the police in solving crimes. This policy provides latitude for officers in conducting interrogations at times that may not lend themselves to the availability of recording equipment.

## **II. POLICY**

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.

## **III. DEFINITIONS**

- A. **Custodial Interrogation:** *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. *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.

- B. **Electronic Recording:** A digital, electronic video or other recording on electronic media.
- C. **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.).
- D. **Recording Room:** For the purpose of this policy, includes any designated room outfitted with audio-video recording equipment, and any police vehicle similarly equipped.

#### **IV. QUALIFYING OFFENSES**

- A. 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:
  - 1. All A-I non-drug felonies;
  - 2. All B violent felonies codified in Section 125 of the New York State Penal Law;
  - 3. All B violent felonies codified in Section 130 of the New York State Penal Law.
- B. Nothing in this policy prohibits the use of electronic recording equipment for any other interview or offense at the discretion of the police department.

#### **V. EXCEPTIONS**

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, e.g., 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 interrogation that is conducted at another location not equipped with recording devices, and the reasons for using that location are not to subvert the intent of this policy.
- H. Statements are made during a custodial interrogation at a location other than the recording room identified in these procedures because the defendant cannot be in the recording room, e.g., 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.

## **VI. FIELD INTERVIEWS**

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.

## **VII. MIRANDA WARNINGS**

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.

## VIII. PRIOR TO READING

- A. **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.
- B. **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.
- C. **Covert Recording:** If an agency chooses to make the electronic recording equipment covert, the officer shall not inform the subject that the interrogation is being recorded, nor discuss the topic of recording. If the subject asks about the recording, the interviewing officer shall inform the subject that the interrogation is being recorded for their protection and the protection of the SCSO, unless disclosure would be detrimental to the investigation.
- D. **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.
- E. **Juveniles:** So that juveniles (over seven and less than sixteen years old) and adults can be questioned in the recording room, the room may also be designated a juvenile room, where practical. To meet these criteria, the room must have been 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. CPL 1.20 (42) [defining “juvenile offender”].

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 may 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 a juvenile offender arrested without a warrant of the arrest and the location where the juvenile is detained). The officer may also consider using simplified Miranda Warnings when questioning a juvenile.

- F. **Recording Device Responsibility:** At least one officer shall be responsible for operating the recording device used during the interrogation and should know the Department's electronic recording protocols.
- G. **Recording Time and Date:** Date and time stamping of the electronic recording is encouraged. If the equipment 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 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.
- H. **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.
- I. **Recording Capacity:** Before the interrogation begins, the officer should make sure there is enough capacity to record the entirety of the interrogation.
- J. **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.

## **IX. DURING RECORDING**

- A. **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 recommences 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 attorney and the suspect be recorded.

- B. **Written Statements:** After the suspect of the recorded custodial interrogation has provided all of the pertinent information, a written statement may be obtained from the subject. If the officer opts to obtain a written statement, that procedure should also be recorded.
- C. **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.
- D. **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.

## X. AFTER INTERVIEW

- A. **Label Recording Media:** After the custodial interrogation, the officer(s) conducting the interrogation, or an employee designated by the Department, shall label all applicable documents, recorded media and notes according to Department protocols.
- B. **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.
- C. **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.
- D. **Originals:** The original of the electronic media should be appropriately vouchered in accordance with Departmental evidence procedures. The original should be retained according to the Department's retention policy. Accordingly, electronic media may be utilized to create an authoritative original of the recording for systems that write and maintain the video file on a hard drive or server. The original recording will be saved on the secure Blackcreek server identified by the incident case number and an

authoritative original copy will be made and secured as evidence following SCSO policies and procedures. A working copy of the original recording may be made and provided to the lead investigator(s) for further investigative processes. Additional copies may be made from the working copy as needed.

E. **Dissemination of Recordings:** Any dissemination of any recording shall be carried out according to documented Department rules and procedures.

F. **710.30 Notice:** Complete either a 710.30 CPL Notice of Statement or a Felony Interview Reporting Form, 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.

## ELECTRONIC DEVICES AND COMPUTER EQUIPMENT

STANDARD NO(S):

NYSLEAP 50.1

DATE:

March 27, 2014

REVIEWED: 03/15/2017

REFER TO:

Timothy Thompson

### I. OBJECTIVE:

In order to maintain compliance with accepted electronic evidence collection and forensic examination procedures, the SCSO will maintain the equipment, tools and supplies necessary to collect and preserve electronic evidence and to conduct forensic examinations of that electronic evidence. SCSO members will follow the procedures outlined in this policy to guide them through identification and collection of electronic evidence. Furthermore, the member assigned to analyze electronic equipment will follow the procedures outlined in this policy to guide them through forensic examination of electronic evidence.

### II. DEFINITIONS:

- A. Electronic/Digital Evidence: Any information that is stored or transmitted in digital format that can be of evidentiary value in a criminal or internal proceeding (i.e., internal or external hard drives, thumb drives, compact discs, smart cards, tape media, or other devices designed to hold data in a digital format.)
- B. Electronic Evidence Forensics: The use of specialized techniques for recovery, authentication and analysis of electronic data when a case involves issues relating to the reconstruction of electronic equipment usage, the examination of residual data, the authentication of data by technical analysis or explanation of technical features of data and electronic equipment usage.
- C. Electronic Evidence Forensic Examiner: A member of the SCSO who has been specifically trained in the techniques of electronic data recovery and seizure.
- D. Computer Systems: Computer monitor, CPU, hard drive, modem, CD ROM drive, DVD drive, internal hard drive device configured to work together as a unit or cabled together externally.
- E. Hard Drive: Data storage devices that consist of an external circuit board, external data and power connections, and internal magnetically charged glass, ceramic or metal platters that store data.

- F. External Hard Drive: Hard drives can also be installed in an external drive case. External hard drives increase the computer's storage capacity and provide the user with portable data. Generally, external hard drives require a power supply and a universal serial bus (USB), FireWire, Ethernet, or wireless connection to a computer system.
- G. Removable Media: Cartridges and disk-based data storage devices typically used to store, archive, transfer and transport data and other information.
- H. Thumb Drives: Small, lightweight, removable media with USB connections, these devices, also referred to as flash drives are easy to conceal and transport. They can be found as part of, or disguised as, a wristwatch, a pocket size multi tool such as a Swiss Army Knife, a keychain FOB, or any number of common devices.
- I. Cellular Telephone: Handheld device capable of transmitting or receiving communications through a cellular network while moving around a wide geographic area. Some of these communications may include voice communications, text or media message communications. Most devices are able to contain personal information management applications such as, a phone book and calendar. Some devices are also capable of receiving internet access or other short range communications such as, Bluetooth, Near Field Communications (NFC), WiFi and hotspots. Some devices are able to install applications (apps) such as games or social media sites, etc. Many of these applications are valuable evidence in an investigation or prosecution.
- J. Media Cards: Small data storage devices commonly used with digital cameras, computers, cellular telephones, digital music players, video game consoles, and other handheld electronic equipment.
- K. SIM Card: Subscriber Identity Module. Often found as a small rectangular chip with one angled corner hidden inside a cellular telephone under the battery. This card may contain the subscriber's profile, including an IMSI.
- L. IMSI: International Mobile Subscriber Identity. It is a 14 or 15 digit (depending on location) number on the SIM card. The first three digits represent the Mobile Country Code (MCC). The following three digits (in North America; 2 digits in Europe) represent the Mobile Network Code (MNC). The remaining digits represent the Mobile Subscription Identification Number (MSIN) within the network's customer base.
- M. GSM cell phones: Global System for Mobile Communications. IT is a communication standard for wireless networks. Mostly used by AT&T and T-Mobile although other networks may use it also. This standard is used globally and it is likely to find a SIM card in devices on this standard.
- N. CDMA: Code Division Multiple Access. It is a communication standard for wireless networks. Mostly used by Verizon and Sprint although other networks may use it also. This standard is not used globally as frequently and it is unlikely to find a SIM card in devices on this standard, although some devices may have one.
- O. IMEI: International Mobile Equipment Identifier. This is a unique number on GSM phones.
- P. MEID: Mobile Equipment Identifier. This is a unique number on CDMA phones.

- Q. U.F.E.D.: is an acronym for: Universal Forensic Extraction Device.
- R. Operator: is a member, certified to conduct a forensic downloading of a device.
- S. Exam: means the forensic download of a device and any subsequent analysis by the operator.
- T. Device: means, but is not limited to a cellular telephone, computer tablet, or other instrument that contains electronic digital data.

III. **RESPONSIBILITES:**

- A. The initial member(s) on scene where the possibility exists that electronic/digital evidence may be present should not attempt to analyze electronic evidence unless specially trained to do so. Members should secure the scene and request assistance from a SCSO member who, or outside law enforcement agency that have persons specially trained in collection and examination of these devices.
- B. The Sheriff will assign certain members of the Office of Sheriff to be trained and certified in forensic electronic evidence examination. While these members will be the main electronic forensic examiners for electronic equipment, other Department members may also be trained in the proper procedures for collection of these devices.

IV. **PROCEDURES:**

- A. Computer systems and other electronic equipment are inherently fragile by nature. It is imperative that proper care be afforded to electronic equipment, during both seizure and analysis. Improper attempts to view electronic data could result in alterations to the data, thereby potentially corrupting evidentiary material. The integrity of the electronic device and/or data is preserved by using personnel specifically trained to perform the computer seizures and subsequent analysis.
- B. The SCSO member(s) trained and certified to handle electronic equipment are responsible for assisting with the physical seizure of electronic equipment that have been identified as or suspected of containing data relating to or constituting criminal offenses which are the subject of a criminal investigation. This member(s) shall be responsible for conducting the subsequent forensic analysis of all electronic media that he is certified to examine.
- C. The following procedures will apply only in those cases where data residing on any electronic media is being sought as evidence in a criminal investigation. Any electronic media seized as recovered/stolen property will not be examined, unless there is an open criminal investigation and only done so under authority of an in-force search warrant for the particular device that has been recovered.
- D. No member of the SCSO, except those under the direction of a certified electronic forensic examiner shall power on or access a computer system, digital recording device, storage media, or cellular telephone that is or has been seized. These devices may contain destructive programs that can alter, encrypt, or destroy evidence. Accessing files and programs can alter file access dates and other data which may be critical as evidence.

- E. Seizing Desktop Computers:
- a. Immediately isolate any suspects from the computer. Consider the possibility of latent prints or DNA on the keyboard, mouse, and other peripheral devices.
  - b. Photographs will be taken of all evidence prior to disassembly and collection.
  - c. If the computer is off, leave it off.
  - d. If the computer is on, leave it and photograph the screen as you found it.
  - e. Unplug the computer from the back of the computer first, then the wall.
  - f. All cables and hardware they belong to are to be labeled.
  - g. All evidence collected will be documented pursuant to SCSO property and evidence collection procedures.
  - h. All evidence collected shall be packaged in suitable evidence containers/bag(s).
- F. Seizing Laptop Computers:
- a. Immediately isolate any suspects from the computer. Consider the possibility of latent prints or DNA on the keyboard, mouse, and other peripheral devices.
  - b. Photographs will be taken of all evidence prior to disassembly and collection.
  - c. If the computer is off, leave it off.
  - d. If the computer is on, leave it and photograph the screen as you found it.
  - e. Unplug the computer from the back of the computer first, then the wall.
  - f. All cables and hardware they belong to are to be labeled.
  - g. All evidence collected will be documented pursuant to SCSO property and evidence collection procedures.
  - h. All evidence collected shall be packaged in suitable evidence containers/bag(s).
- G. Seizing Large Network Computers – Mainframes:
- a. Immediately request assistance from the New York State Police Computer Forensic Unit.
  - b. Isolate suspects from the computers. Remember, it is possible for them to access these remotely utilizing other hand held devices.
  - c. Do not disconnect the power or take any other action, as doing so may severely damage the system and/or cause the loss of evidentiary data.
  - d. All evidence collected will be documented pursuant to SCSO property and evidence collection procedures.
- H. Seizing Cellular Telephones:
- a. If the cell phone is off, leave it off and remove the battery if possible.
  - b. If the cell phone is on and not password protected, put the phone into airplane mode and turn it off. Then remove the battery if possible.
  - c. If the cell phone is on and password protected, try to get the password from the owner, then follow step b.
  - d. If the cell phone is on and password protected and you can't get the password from the owner, remove the battery if possible. Do not try to guess at a password, it could lock the device and a forensic examination will not be possible.

- e. All available cables and chargers should be collected.
- f. Each cell phone and it's chargers should be packaged as one item in a paper evidence bag. Do not package multiple phones as one item.
- g. Write the password (if applicable) and owner's name on the outside of paper evidence container. If the password is a 9 dot pattern code, be sure to label the top left corner as such and draw arrows showing flow of pattern marking start and end locations.
- h. All evidence collected will be documented pursuant to SCSO property and evidence collection procedures.

#### **V. AUTHORIZATION FOR CELLULAR TELEPHONE EXAMINATIONS**

- A. All U.F.E.D. exams conducted pursuant to a SCSO criminal investigation will be authorized by either the CID Lt, or the Sheriff, Undersheriff or Chief Deputy prior to the examination.
- B. All requests for a U.F.E.D. exam made by an outside agency will be authorized by either the CID Lieutenant, Sheriff, Undersheriff or Chief Deputy prior to the exam being conducted and will follow the procedures outlined in Section VI.
- C. Any exam conducted pursuant to an internal SCSO investigation will be authorized by the Sheriff prior to any exam being conducted.

#### **VI. PROCEDURES FOR U.F.E.D. EXAMINATIONS:**

- A. All electronic devices in which a U.F.E.D. examination has been requested should have been properly examined first for physical evidence such as: DNA, latent fingerprints, gunshot or blood residue or other trace evidence.
- B. All devices in which a U.F.E.D. examination is requested will be accompanied with either a copy of an in-force criminal search warrant or a fully executed consent to search form signed by the owner of such device. The only exceptions are:
  - a. Exams conducted on devices for training purposes which are County property or have been turned over to the SCSO as donations.
  - b. Exams on devices that are SCSO property and the exam has been authorized by the Sheriff.
- C. The certified U.F.E.D. operator will generate a SJS number and accompanying report listing all pertinent information and results of such logical or physical forensic examination.
- D. The investigator requesting such forensic examination will complete the SCSO Forensic Exam of Electronic Device Spreadsheet (SCSO-LE-015) which will be provided to the operator and maintained in a binder located in the UFED office in the Criminal Investigation Division.
- E. Seneca County Sheriff's Office cases:
  - a. The operator will make a pristine evidence copy of the forensic download to a Thumb drive, memory card, compact disc (CD) or a digital disc (DVD). The

pristine evidence copy will be packaged and secured into evidence by the operator following procedures outlined in SCSO policy 5-1 “Collection & Preservation of Evidence. The operator will make a “Working Copy” of the forensic download which will be turned over to the Investigating Officer.

F. Outside Agency cases:

- a. The requesting officer from the outside agency will complete SCSO-LE-015 and will provide a thumb drive of sufficient memory size to the operator prior to conducting the examination.
- b. The operator will make a pristine evidence copy of the forensic download to a thumb drive (provided by the outside agency). This evidence copy will be turned over to the outside agency requesting officer after it has been placed into an evidence container and the operator has completed a SCSO Property Evidence Form. The operator will make a “working copy” of the forensic download to a media device (provided by the outside agency). Both the pristine copy and the working copy will be turned over to the requesting officer from the outside agency. It is the responsibility of the outside requesting agency to maintain the evidence and document the chain of custody.

VII. REQUEST FOR ANALYSIS OF NON-CELLULAR ELECTRONIC EQUIPMENT

- A. All non-cellular electronic equipment submitted for analysis will be accompanied with a copy of the search warrant or consent to search form authorizing the search.
- B. The member conducting the analysis must be familiar with the scope of the search warrant or any limited consent before performing any forensic analysis. If the member finds evidence of a separate crime in plain view during a forensic analysis, the member will stop the search immediately and notify the case investigator who will apply for a secondary search warrant for any material observed outside of the scope of the original search warrant or consent.
- C. Specific information detailing the accepted methods of collecting electronic evidence can be found in the Special Report published by the National Institute of Justice titled; “Electronic Crime Scene Investigation: An Guide for First Responders” Second Edition dated April 2008. A PDF version is available for reference at <http://www.ncij.gov/publications/ecrime-guide-219941/Pages/welcome.aspx>



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**Electronic Crime Scene Investigation:  
A Guide for First Responders, Second Edition**

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**U.S. Department of Justice  
Office of Justice Programs**

810 Seventh Street N.W.  
Washington, DC 20531

**Michael B. Mukasey**  
*Attorney General*

**Jeffrey L. Sedgwick**  
*Acting Assistant Attorney General*

**David W. Hagy**  
*Director, National Institute of Justice*

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**Electronic Crime Scene Investigation:  
A Guide for First Responders,  
Second Edition**

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**NCJ 219941**



## **David W. Hagy**

*Director, National Institute of Justice*

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# Introduction

This guide is intended to assist State and local law enforcement and other first responders who may be responsible for preserving an electronic crime scene and for recognizing, collecting, and safeguarding digital evidence. It is not all inclusive but addresses situations encountered with electronic crime scenes and digital evidence. All crime scenes are unique and the judgment of the first responder, agency protocols, and prevailing technology should all be considered when implementing the information in this guide. First responders to electronic crime scenes should adjust their practices as circumstances—including level of experience, conditions, and available equipment—warrant. The circumstances of individual crime scenes and Federal, State, and local laws may dictate actions or a particular order of actions other than those described in this guide. First responders should be familiar with all the information in this guide and perform their duties and responsibilities as circumstances dictate.

When dealing with digital evidence, general forensic and procedural principles should be applied:

- The process of collecting, securing, and transporting digital evidence should not change the evidence.
- Digital evidence should be examined only by those trained specifically for that purpose.
- Everything done during the seizure, transportation, and storage of digital evidence should be fully documented, preserved, and available for review.

First responders must use caution when they seize electronic devices. Improperly accessing data stored on electronic devices may violate Federal laws, including the Electronic Communications Privacy Act of 1986 and the Privacy Protection Act of 1980. First responders may need to obtain additional legal authority before they proceed. They should consult the prosecuting attorney for the appropriate jurisdiction

to ensure that they have proper legal authority to seize the digital evidence at the scene.

In addition to the legal ramifications of improperly accessing data that is stored on a computer, first responders must understand that computer data and other digital evidence are fragile. Only properly trained personnel should attempt to examine and analyze digital evidence.

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**NOTE:** Officer safety and the safety of others should remain the primary consideration of first responders. Nothing in this guide is intended to be, or should be construed as being, a higher priority than officer safety or the safety of others.

---

## Using This Guide



When the STOP sign is encountered in this guide, the first responder is advised to STOP, review the corresponding information, and proceed accordingly.



When the YIELD sign is encountered in this guide, the first responder is advised to review the corresponding information and proceed accordingly.

## Intended Audience for This Guide

- Anyone who may encounter a crime scene that might involve digital evidence.
- Everyone who processes a crime scene that includes digital evidence.
- Everyone who supervises personnel who process such crime scenes.
- Everyone who manages an organization that processes such crime scenes.

# What Is Digital Evidence?

Digital evidence is information and data of value to an investigation that is stored on, received, or transmitted by an electronic device. This evidence is acquired when data or electronic devices are seized and secured for examination.

Digital evidence—

- Is latent, like fingerprints or DNA evidence.
- Crosses jurisdictional borders quickly and easily.
- Is easily altered, damaged, or destroyed.
- Can be time sensitive.

---

**NOTE:** First responders should remember that digital evidence may also contain physical evidence such as DNA, fingerprints, or serology. Physical evidence should be preserved for appropriate examination.

---

## Handling Digital Evidence at the Scene

Precautions should be taken in the collection, preservation, and transportation of digital evidence. First responders may follow the steps listed below to guide their handling of digital evidence at an electronic crime scene:

- Recognize, identify, seize, and secure all digital evidence at the scene.
- Document the entire scene and the specific location of the evidence found.
- Collect, label, and preserve the digital evidence.
- Package and transport digital evidence in a secure manner.

Before collecting evidence at a crime scene, first responders should ensure that—



- Legal authority exists to seize evidence.
- The scene has been secured and documented.
- Appropriate personal protective equipment is used.



First responders without the proper training and skills should not attempt to explore the contents of or to recover information from a computer or other electronic device other than to record what is visible on the display screen. Do not press any keys or click the mouse.

## Is Your Agency Prepared to Handle Digital Evidence?

Every agency should identify personnel—before they are needed—who have advanced skills, training, experience, and qualifications in handling electronic devices and digital evidence. These experts should be available for situations that exceed the technical expertise of the first responder or agency. This preparation and use is similar to the provisions in place for biohazard and critical incident responses. It is recommended that protocols for how to handle electronic crime scenes and digital evidence be developed in compliance with agency policies and prevailing Federal, State, and local laws and regulations. In particular, under the Privacy Protection Act of 1980, with certain exceptions, law enforcement is prohibited from seizing material from a person who has a legal right to disseminate it to the public. For example, seizure of first amendment material such as drafts of newsletters or Web pages may violate the Privacy Protection Act of 1980.

This guide was developed to assist law enforcement and other first responders when they encounter electronic crime scenes. These guidelines will help first responders—

- Ensure that officer safety and the safety of others remain the highest priority.
- Recognize the investigative value of digital evidence.
- Assess available resources.
- Identify the equipment and supplies that should be taken to electronic crime scenes.
- Assess the crime scene and the digital evidence present.
- Designate the assignments, roles, and responsibilities of personnel involved in the investigation.

# Chapter 1. Electronic Devices: Types, Description, and Potential Evidence

Internally attached computer hard drives, external drives, and other electronic devices at a crime scene may contain information that can be useful as evidence in a criminal investigation or prosecution. The devices themselves and the information they contain may be used as digital evidence. In this chapter, such devices will be identified, along with general information about their evidential value.

Some devices require internal or external power to maintain stored information. For these devices, the power must be maintained to preserve the information stored. For additional information about maintaining power to these devices, please refer to chapter 3 of this guide, the device manufacturer's Web site, or other reliable sources of information.

## Computer Systems

**Description:** A computer system consists of hardware and software that process data and is likely to include:

- A case that contains circuit boards, microprocessors, hard drive, memory, and interface connections.
- A monitor or video display device.
- A keyboard.
- A mouse.
- Peripheral or externally connected drives, devices, and components.

Computer systems can take many forms, such as laptops, desktops, tower computers, rack-mounted systems, minicomputers, and mainframe computers. Additional components and peripheral devices include modems, routers, printers, scanners, and docking stations. Many of these are discussed further in this chapter.

### Types of Computer Systems



PC, monitor, keyboard, and mouse



Apple G3 computer, monitor, keyboard, and mouse



Apple iMac, keyboard, and mouse



Laptop computer

**Potential evidence:** A computer system and its components can be valuable evidence in an investigation. The hardware, software, documents, photos, image files, e-mail and attachments, databases, financial information, Internet browsing history, chat logs, buddy lists, event logs, data stored on external devices, and identifying information associated with the computer system and components are all potential evidence.

## Storage Devices

**Description:** Storage devices vary in size and the manner in which they store and retain data. First responders must understand that, regardless of their size or type, these devices may contain information that is valuable to an investigation or prosecution. The following storage devices may be digital evidence:

- **Hard drives.** Hard drives are data storage devices that consist of an external circuit board; external data and power connections; and internal magnetically charged glass, ceramic, or metal platters that store data. First responders may also find hard drives at the scene that are not connected to or installed on a computer. These loose hard drives may still contain valuable evidence.

### Types of Hard Drives



SCSI drives

SATA drive

IDE drive

Laptop hard drives



IDE 40-pin

2.5" IDE 44-pin



IDE power and data connections



Serial ATA (SATA)



SCSI HD 68-pin

SCSI IDC 50-pin

- **External hard drives.** Hard drives can also be installed in an external drive case. External hard drives increase the computer's data storage capacity and provide the user with portable data. Generally, external hard drives require a power supply and a universal serial bus (USB), FireWire, Ethernet, or wireless connection to a computer system.

### External Hard Drive Cases



3.5" Hard drive



2.5" Hard drive



Network storage device

- **Removable media.** Removable media are cartridges and disk-based data storage devices. They are typically used to store, archive, transfer, and transport data and other information. These devices help users share data, information, applications, and utilities among different computers and other devices.

### Removable Media

Floppy disks



Zip disks



Compact Disc



Digital Versatile Disc



- **Thumb drives.** Thumb drives are small, lightweight, removable data storage devices with USB connections. These devices, also referred to as flash drives, are easy to conceal and transport. They can be found as part of, or disguised as, a wristwatch, a pocket-size multitool such as a Swiss Army knife, a keychain fob, or any number of common and unique devices.

### Common Thumb Drives



### Other Types of Thumb Drives



- **Memory cards.** Memory cards are small data storage devices commonly used with digital cameras, computers, mobile phones, digital music players, personal digital assistants (PDAs), video game consoles, and handheld and other electronic devices.

## Memory Cards



Smart media (SM)  
card



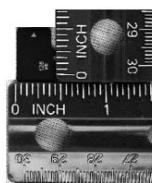
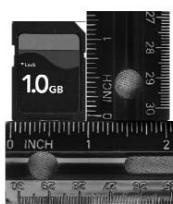
Secure digital (SD)  
card



Mini secure digital  
card



Micro secure  
digital card



Compact flash card



Memory stick

**Potential evidence:** Storage devices such as hard drives, external hard drives, removable media, thumb drives, and memory cards may contain information such as e-mail messages, Internet browsing history, Internet chat logs and buddy lists, photographs, image files, databases, financial records, and event logs that can be valuable evidence in an investigation or prosecution.

## Handheld Devices

**Description:** Handheld devices are portable data storage devices that provide communications, digital photography, navigation systems, entertainment, data storage, and personal information management.

### Handheld Devices



**Potential evidence:** Handheld devices such as mobile phones, smart phones, PDAs, digital multimedia (audio and video) devices, pagers, digital cameras, and global positioning system (GPS) receivers may contain software applications, data, and information such as documents, e-mail messages, Internet browsing history, Internet chat logs and buddy lists, photographs, image files, databases, and financial records that are valuable evidence in an investigation or prosecution.



It is important to note that—

- Data or digital evidence may be lost if power is not maintained.
- Data or digital evidence on some devices such as mobile or smart phones can be overwritten or deleted while the device remains activated.
- Software is available for mobile and smart phones that can be activated remotely to render the device unusable and make the data it contains inaccessible if the phone is lost or stolen. This software can produce similar results if activated on a device seized by law enforcement. First responders should take precautions to prevent the loss of data on devices they seize as evidence.

## Peripheral Devices

**Description:** Peripheral devices are equipment that can be connected to a computer or computer system to enhance user access and expand the computer's functions.

### Peripheral Devices



Keyboard and mouse



Microphones



USB and FireWire hubs



Web cameras



Memory card readers



VoIP devices

**Potential evidence:** The devices themselves and the functions they perform or facilitate are all potential evidence. Information stored on the device regarding its use also is evidence, such as incoming and outgoing phone and fax numbers; recently scanned, faxed, or printed documents; and information about the purpose for or use of the device. In addition, these devices can be sources of fingerprints, DNA, and other identifiers.

## Other Potential Sources of Digital Evidence

**Description:** First responders should be aware of and consider as potential evidence other elements of the crime scene that are related to digital information, such as electronic devices, equipment, software, hardware, or other technology that can function independently, in conjunction with, or attached to computer systems. These items may be used to enhance the user's access of and expand the functionality of the computer system, the device itself, or other equipment.



Data storage tape drives



Surveillance equipment



Digital cameras



Video cameras



Digital audio recorders



Digital video recorders



MP3 players



Satellite audio, video receiver, and access cards



Video game consoles



Computer chat headset



Keyboard, mouse, and video (KM) sharing switch



Sim card reader



Global Positioning System (GPS) receiver



Thumb print reader



Reference material

**Potential evidence:** The device or item itself, its intended or actual use, its functions or capabilities, and any settings or other information it may contain is potential evidence.

# Computer Networks

**Description:** A computer network consists of two or more computers linked by data cables or by wireless connections that share or are capable of sharing resources and data. A computer network often includes printers, other peripheral devices, and data routing devices such as hubs, switches, and routers.

## Computer Networks



Network hub



Laptop network card and ethernet cable



Internet modems



Network switch and power supply



Wireless access points



Wireless network server



Wireless cards and devices



Wireless USB device



Wireless card for PC



Directional antenna for wireless card

**Potential evidence:** The networked computers and connected devices themselves may be evidence that is useful to an investigation or prosecution. The data they contain may also be valuable evidence and may include software, documents, photos, image files, e-mail messages and attachments, databases, financial information, Internet browsing history, log files, event and chat logs, buddy lists, and data stored on external devices. The device functions, capabilities, and any identifying information associated with the computer system; components and connections, including Internet protocol (IP) and local area network (LAN) addresses associated with the computers and devices; broadcast settings; and media access card (MAC) or network interface card (NIC) addresses may all be useful as evidence.

## **Chapter 2. Investigative Tools and Equipment**

In most cases, items or devices containing digital evidence can be collected using standard seizure tools and materials. First responders must use caution when collecting, packaging, or storing digital devices to avoid altering, damaging, or destroying the digital evidence. Avoid using any tools or materials that may produce or emit static electricity or a magnetic field as these may damage or destroy the evidence.

Should the complexity of an electronic crime scene exceed the expertise of a first responder, the first responder should request assistance from personnel with advanced equipment and training in digital evidence collection. The technical resource list at [www.ecpi-us.org/Technicalresources.html](http://www.ecpi-us.org/Technicalresources.html) provides additional information for these situations.

### **Tools and Materials for Collecting Digital Evidence**

In addition to tools for processing crime scenes in general, first responders should have the following items in their digital evidence collection toolkit:

- Cameras (photo and video).
- Cardboard boxes.
- Notepads.
- Gloves.
- Evidence inventory logs.

- Evidence tape.
- Paper evidence bags.
- Evidence stickers, labels, or tags.
- Crime scene tape.
- Antistatic bags.
- Permanent markers.
- Nonmagnetic tools.

First responders should also have radio frequency-shielding material such as faraday isolation bags or aluminum foil to wrap cell phones, smart phones, and other mobile communication devices after they have been seized. Wrapping the phones in radio frequency-shielding material prevents the phones from receiving a call, text message, or other communications signal that may alter the evidence.

### Collection Tools



Toolkit



Antistatic Bag

## Chapter 3. Securing and Evaluating the Scene

The first responder's primary consideration should be officer safety and the safety of everyone at the crime scene. All actions and activities carried out at the scene should be in compliance with departmental policy as well as Federal, State, and local laws.

After securing the scene and all persons at the scene, the first responder should visually identify all potential evidence and ensure that the integrity of both the digital and traditional evidence is preserved. Digital evidence on computers and other electronic devices can be easily altered, deleted, or destroyed. First responders should document, photograph, and secure digital evidence as soon as possible at the scene.

When securing and evaluating the scene, the first responder should—

- Follow departmental policy for securing crime scenes.
- Immediately secure *all* electronic devices, including personal or portable devices.
- Ensure that no unauthorized person has access to any electronic devices at the crime scene.
- Refuse offers of help or technical assistance from any unauthorized persons.
- Remove all persons from the crime scene or the immediate area from which evidence is to be collected.
- Ensure that the condition of any electronic device is not altered.



- Leave a computer or electronic device off if it is already turned off.

Components such as keyboard, mouse, removable storage media, and other items may hold latent evidence such as fingerprints, DNA, or other physical evidence that should be preserved. First responders should take the appropriate steps to ensure that physical evidence is not compromised during documentation.

**If a computer is on or the power state cannot be determined, the first responder should—**

- Look and listen for indications that the computer is powered on. Listen for the sound of fans running, drives spinning, or check to see if light emitting diodes (LEDs) are on.
- Check the display screen for signs that digital evidence is being destroyed. Words to look out for include “delete,” “format,” “remove,” “copy,” “move,” “cut,” or “wipe.”
- Look for indications that the computer is being accessed from a remote computer or device.
- Look for signs of active or ongoing communications with other computers or users such as instant messaging windows or chat rooms.
- Take note of all cameras or Web cameras (Web cams) and determine if they are active.

Developments in technology and the convergence of communications capabilities have linked even the most conventional devices and services to each other, to computers, and to the Internet. This rapidly changing environment makes it essential for the first responder to be aware of the potential digital evidence in telephones, digital video recorders, other household appliances, and motor vehicles.

## Preliminary Interviews

First responders should separate and identify all adult persons of interest at the crime scene and record their location at the time of entry onto the scene.



No one should be allowed access to any computer or electronic device.

Within the parameters of the agency's policies and applicable Federal, State, and local laws, first responders should obtain as much information from these individuals as possible, including:

- Names of all users of the computers and devices.
- All computer and Internet user information.
- All login names and user account names.
- Purpose and uses of computers and devices.
- All passwords.
- Any automated applications in use.
- Type of Internet access.
- Any offsite storage.
- Internet service provider.
- Installed software documentation.
- All e-mail accounts.
- Security provisions in use.
- Web mail account information.
- Data access restrictions in place.
- All instant message screen names.
- All destructive devices or software in use.

- MySpace, Facebook, or other online social networking Web site account information.
- Any other relevant information.

## Chapter 4. Documenting the Scene



This chapter provides recommendations on documenting or creating a record of an electronic crime scene. The information provided in this guide is not intended to supersede or supplant applicable laws or agency policies.

Documentation of a crime scene creates a record for the investigation. It is important to accurately record the location of the scene; the scene itself; the state, power status, and condition of computers, storage media, wireless network devices, mobile phones, smart phones, PDAs, and other data storage devices; Internet and network access; and other electronic devices. The first responder should be aware that not all digital evidence may be in close proximity to the computer or other devices.

Officials may need to move a computer or another electronic device to find its serial numbers or other identifiers. Moving a computer or another electronic device while it is on may damage it or the digital evidence it contains. Computers and other electronic devices should not be moved until they are powered off. Additional documentation of the system and devices may be performed during the collection phase discussed in chapter 5.

The initial documentation of the scene should include a detailed record using video, photography, and notes and sketches to help recreate or convey the details of the scene later. All activity and processes on display screens should be fully documented.

Documentation of the scene should include the entire location, including the type, location, and position of computers, their components and peripheral equipment, and other

electronic devices. The scene may expand to multiple locations; first responders should document all physical connections to and from the computers and other devices.

Record any network and wireless access points that may be present and capable of linking computers and other devices to each other and the Internet. The existence of network and wireless access points may indicate that additional evidence exists beyond the initial scene.

Some circumstances may not permit first responders to collect all electronic devices or components at a scene or location. Applicable laws, agency policies, or other factors may prohibit collecting some computer systems and other electronic devices and the information they contain; however, these devices should be included in the first responder's documentation of the scene.

# Chapter 5. Evidence Collection

The first responder must have proper authority—such as plain view observation, consent, or a court order—to search for and collect evidence at an electronic crime scene. The first responder must be able to identify the authority under which he or she may seize evidence and should follow agency guidelines, consult a superior, or contact a prosecutor if a question of appropriate authority arises.

Digital evidence must be handled carefully to preserve the integrity of the physical device as well as the data it contains. Some digital evidence requires special collection, packaging, and transportation techniques. Data can be damaged or altered by electromagnetic fields such as those generated by static electricity, magnets, radio transmitters, and other devices. Communication devices such as mobile phones, smart phones, PDAs, and pagers should be secured and prevented from receiving or transmitting data once they are identified and collected as evidence.



**NOTE:** If data encryption is in use on a computer, data storage device, or other electronic device and it is improperly powered off during digital evidence collection, the data it contains may become inaccessible.

## Computers, Components, and Devices

To prevent the alteration of digital evidence during collection, first responders should first—

- Document any activity on the computer, components, or devices.

- Confirm the power state of the computer. Check for flashing lights, running fans, and other sounds that indicate the computer or electronic device is powered on. If the power state cannot be determined from these indicators, observe the monitor to determine if it is on, off, or in sleep mode.

## Assess the Situation

After identifying the computer's power status, follow the steps listed below for the situation most like your own:

**Situation 1: The monitor is on. It displays a program, application, work product, picture, e-mail, or Internet site on the screen.**

1. Photograph the screen and record the information displayed.
2. Proceed to "If the Computer Is ON" (see P. 25).

**Situation 2: The monitor is on and a screen saver or picture is visible.**

1. Move the mouse slightly without depressing any buttons or rotating the wheel. Note any onscreen activity that causes the display to change to a login screen, work product, or other visible display.
2. Photograph the screen and record the information displayed.
3. Proceed to "If the Computer Is ON" (see P. 25).

**Situation 3: The monitor is on, however, the display is blank as if the monitor is off.**

1. Move the mouse slightly without depressing any buttons or rotating the wheel. The display will change from a blank screen to a login screen, work product, or other visible display. Note the change in the display.
2. Photograph the screen and record the information displayed.

3. Proceed to "If the Computer Is ON" (see P. 25).

**Situation 4a: The monitor is powered off. The display is blank.**

1. If the monitor's power switch is in the off position, turn the monitor on. The display changes from a blank screen to a login screen, work product, or other visible display. Note the change in the display.
2. Photograph the screen and the information displayed.
3. Proceed to "If the Computer Is ON" (see P. 25).

**Situation 4b: The monitor is powered off. The display is blank.**

4. If the monitor's power switch is in the off position, turn the monitor on. The display does not change; it remains blank. Note that no change in the display occurs.
5. Photograph the blank screen.
6. Proceed to "If the Computer Is OFF" (see P. 24).

**Situation 5: The monitor is on. The display is blank.**

1. Move the mouse slightly without depressing any buttons or rotating the wheel; wait for a response.
2. If the display does not change and the screen remains blank, confirm that power is being supplied to the monitor. If the display remains blank, check the computer case for active lights, listen for fans spinning or other indications that the computer is on.
3. If the screen remains blank and the computer case gives no indication that the system is powered on, proceed to "If the Computer Is OFF" (see P. 24).

## If the Computer Is OFF

For desktop, tower, and minicomputers follow these steps:

1. Document, photograph, and sketch all wires, cables, and other devices connected to the computer.
2. Uniquely label the power supply cord and all cables, wires, or USB drives attached to the computer as well as the corresponding connection each cord, cable, wire, or USB drive occupies on the computer.
3. Photograph the uniquely labeled cords, cables, wires, and USB drives and the corresponding labeled connections.
4. Remove and secure the power supply cord from the back of the computer and from the wall outlet, power strip, or battery backup device.
5. Disconnect and secure all cables, wires, and USB drives from the computer and document the device or equipment connected at the opposite end.
6. Place tape over the floppy disk slot, if present.
7. Make sure that the CD or DVD drive trays are retracted into place; note whether these drive trays are empty, contain disks, or are unchecked; and tape the drive slot closed to prevent it from opening.
8. Place tape over the power switch.
9. Record the make, model, serial numbers, and any user-applied markings or identifiers.
10. Record or log the computer and all its cords, cables, wires, devices, and components according to agency procedures.
11. Package all evidence collected following agency procedures to prevent damage or alteration during transportation and storage.

**For laptop computers follow these steps:**

1. Document, photograph, and sketch all wires, cables, and devices connected to the laptop computer.
2. Uniquely label all wires, cables, and devices connected to the laptop computer as well as the connection they occupied.
3. Photograph the uniquely labeled cords, cables, wires, and devices connected to the laptop computer and the corresponding labeled connections they occupied.
4. Remove and secure the power supply and all batteries from the laptop computer.
5. Disconnect and secure all cables, wires, and USB drives from the computer and document the equipment or device connected at the opposite end.
6. Place tape over the floppy disk slot, if present.
7. Make sure that the CD or DVD drive trays are retracted into place; note whether these drive trays are empty, contain disks, or are unchecked; and tape the drive slot closed to prevent it from opening.
8. Place tape over the power switch.
9. Record the make, model, serial numbers, and any user-applied markings or identifiers.
10. Record or log the computer and all its cords, cables, wires, devices, and components according to agency procedures.
11. Package all evidence collected following agency procedures to prevent damage or alteration during transportation and storage.

**If the Computer Is ON**

For practical purposes, removing the power supply when you seize a computer is generally the safest option. If evidence of a crime is visible on the computer display, however, you may

need to request assistance from personnel who have experience in volatile data capture and preservation.

In the following situations, immediate disconnection of power is recommended:

- Information or activity onscreen indicates that data is being deleted or overwritten.
- There is indication that a destructive process is being performed on the computer's data storage devices.
- The system is powered on in a typical Microsoft® Windows® environment. Pulling the power from the back of the computer will preserve information about the last user to login and at what time the login occurred, most recently used documents, most recently used commands, and other valuable information.



In the following situations, immediate disconnection of power is NOT recommended:

- Data of apparent evidentiary value is in plain view onscreen. The first responder should seek out personnel who have experience and training in capturing and preserving volatile data before proceeding.
- Indications exist that any of the following are active or in use:
  - Chat rooms.
  - Open text documents.
  - Remote data storage.
  - Instant message windows.
  - Child pornography.
  - Contraband.
  - Financial documents.
  - Data encryption.
  - Obvious illegal activities.



For mainframe computers, servers, or a group of networked computers, the first responder should secure the scene and request assistance from personnel who have training in collecting digital evidence from large or complex computer systems. Technical assistance is available at [www.ecpi-us.org/Technicalresources.html](http://www.ecpi-us.org/Technicalresources.html).

## Other Forms of Evidence

Be alert to the crime scene environment. Look out for pieces of paper with possible passwords, handwritten notes, blank pads of paper with impressions from prior writings, hardware and software manuals, calendars, literature, and text or graphic material printed from the computer that may reveal information relevant to the investigation. These forms of evidence also should be documented and preserved in compliance with departmental policies.

## Other Electronic and Peripheral Devices of Potential Evidential Value

Electronic devices such as those listed below may contain information of evidentiary value to an investigation. Except in emergency situations, such devices should not be operated and the information they might contain should not be accessed directly. If a situation warrants accessing these devices and the information they contain immediately, all actions taken should be thoroughly documented. Data may be lost if a device is not properly handled or its data properly accessed.

The following are examples of electronic devices, components, and peripherals that first responders may need to collect as digital evidence:

- Audio recorders.
- GPS accessories.
- Answering machines.
- Computer chips.

- Pagers.
- Cordless landline telephones.
- Copy machines.
- Cellular telephones.
- Hard drive duplicators.
- Facsimile (fax) machines.
- Printers.
- Multifunction machines (printer, scanner, copier, and fax).
- Wireless access points.
- Laptop power supplies and accessories.
- Smart cards.
- Videocassette recorders (VCRs).
- Scanners.
- Telephone caller ID units.
- Personal Computer Memory Card International Association (PCMCIA) cards.
- PDAs.



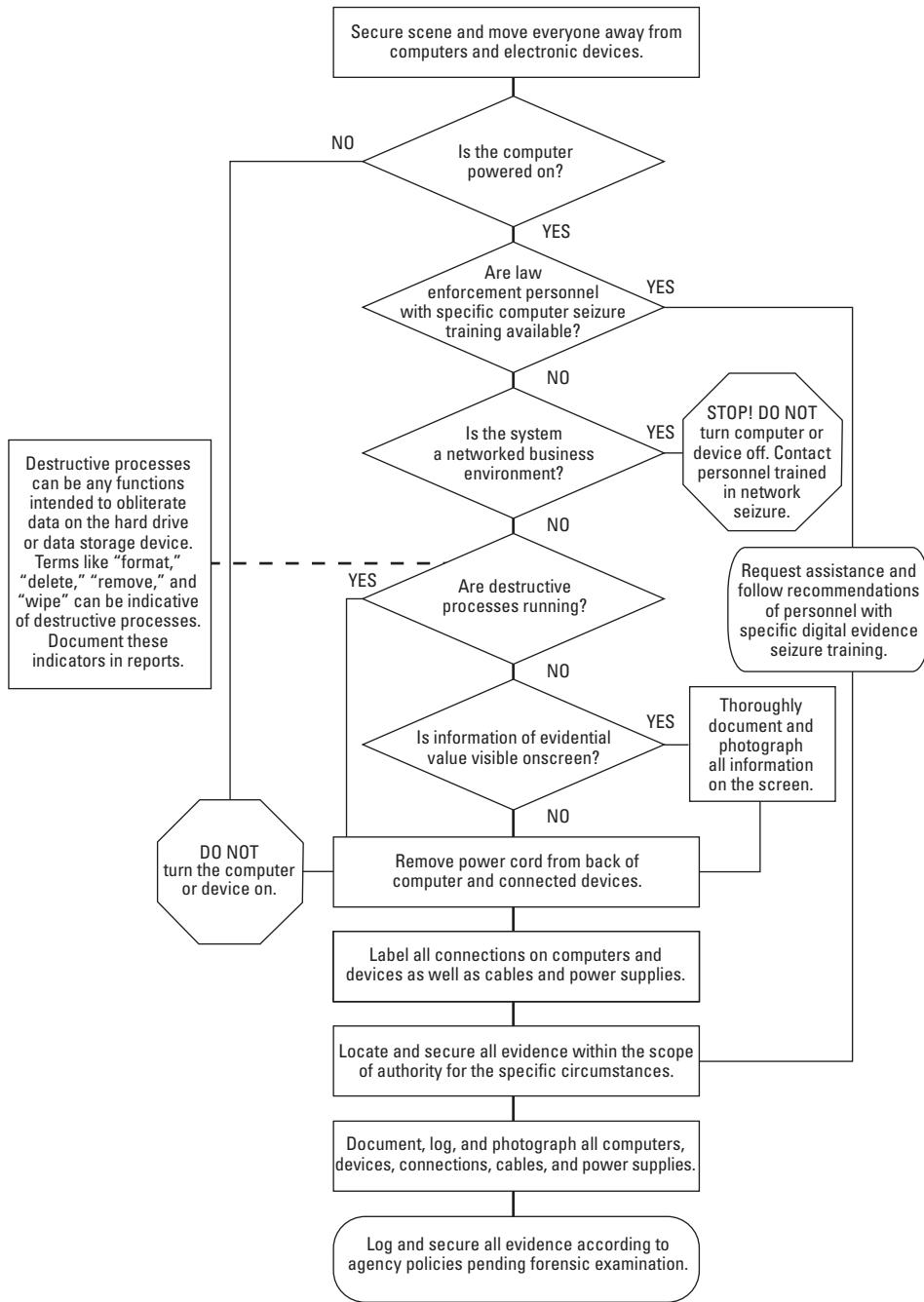
Special handling may be required to preserve the integrity and evidentiary value of these electronic devices. First responders should secure the devices and request assistance from personnel who have advanced training in collecting digital evidence. Refer to [www.ecpi-us.org/Technicalresources.html](http://www.ecpi-us.org/Technicalresources.html) for more information on advanced technical assistance.

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**NOTE:** When collecting electronic devices, components, and peripherals such as those listed above, remember to collect the power supplies, cables, and adapters for those devices as well.

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## Collecting Digital Evidence Flow Chart



## Computers in a Business Environment

Business environments frequently have complicated configurations of multiple computers networked to each other, to a common server, to network devices, or a combination of these. Securing a scene and collecting digital evidence in these environments may pose challenges to the first responder. Improperly shutting down a system may result in lost data, lost evidence, and potential civil liability.



The first responder may find a similar environment in residential locations, particularly when a business is operated from the home.

In some instances, the first responder may encounter unfamiliar operating systems or unique hardware and software configurations that require specific shutdown procedures. Such circumstances are beyond the scope of this guide. For assistance with this type of scene, first responders should refer to [www.ecpi-us.org/Technicalresources.html](http://www.ecpi-us.org/Technicalresources.html).

### Servers



# Chapter 6. Packaging, Transportation, and Storage of Digital Evidence



Digital evidence—and the computers and electronic devices on which it is stored—is fragile and sensitive to extreme temperatures, humidity, physical shock, static electricity, and magnetic fields.

The first responder should take precautions when documenting, photographing, packaging, transporting, and storing digital evidence to avoid altering, damaging, or destroying the data.

## Packaging Procedures

All actions related to the identification, collection, packaging, transportation, and storage of digital evidence should be thoroughly documented. When packing digital evidence for transportation, the first responder should—

- Ensure that all digital evidence collected is properly documented, labeled, marked, photographed, video recorded or sketched, and inventoried before it is packaged. All connections and connected devices should be labeled for easy reconfiguration of the system later.
- Remember that digital evidence may also contain latent, trace, or biological evidence and take the appropriate steps to preserve it. Digital evidence imaging should be done before latent, trace, or biological evidence processes are conducted on the evidence.

- Pack all digital evidence in antistatic packaging. Only paper bags and envelopes, cardboard boxes, and antistatic containers should be used for packaging digital evidence. Plastic materials should not be used when collecting digital evidence because plastic can produce or convey static electricity and allow humidity and condensation to develop, which may damage or destroy the evidence.
- Ensure that all digital evidence is packaged in a manner that will prevent it from being bent, scratched, or otherwise deformed.
- Label all containers used to package and store digital evidence clearly and properly.
- Leave cellular, mobile, or smart phone(s) in the power state (on or off) in which they were found.
-  ■ Package mobile or smart phone(s) in signal-blocking material such as faraday isolation bags, radio frequency-shielding material, or aluminum foil to prevent data messages from being sent or received by the devices. (First responders should be aware that if inappropriately packaged, or removed from shielded packaging, the device may be able to send and receive data messages if in range of a communication signal.)
- Collect all power supplies and adapters for all electronic devices seized.

## Transportation Procedures

When transporting digital evidence, the first responder should—

-  ■ Keep digital evidence away from magnetic fields such as those produced by radio transmitters, speaker magnets, and magnetic mount emergency lights. Other potential hazards that the first responder should be aware of include seats heaters and any device or material that can produce static electricity.

- Avoid keeping digital evidence in a vehicle for prolonged periods of time. Heat, cold, and humidity can damage or destroy digital evidence.
- Ensure that computers and electronic devices are packaged and secured during transportation to prevent damage from shock and vibration.
- Document the transportation of the digital evidence and maintain the chain of custody on all evidence transported.

## Storage Procedures

When storing digital evidence, the first responder should—

- Ensure that the digital evidence is inventoried in accordance with the agency's policies.
- Ensure that the digital evidence is stored in a secure, climate-controlled environment or a location that is not subject to extreme temperature or humidity.
- Ensure that the digital evidence is not exposed to magnetic fields, moisture, dust, vibration, or any other elements that may damage or destroy it.

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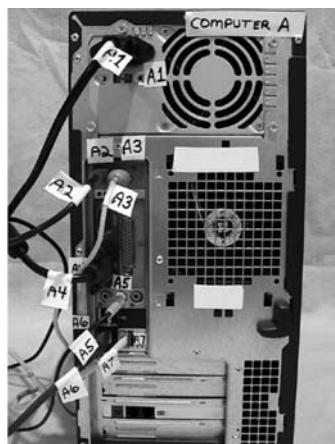
**NOTE:** Potentially valuable digital evidence including dates, times, and system configuration settings may be lost due to prolonged storage if the batteries or power source that preserve this information fails. Where applicable, inform the evidence custodian and the forensic examiner that electronic devices are battery powered and require prompt attention to preserve the data stored in them.

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If more than one computer is seized as evidence, all computers, cables, and devices connected to them should be properly labeled to facilitate reassembly if necessary. In this example, the computer is designated as computer A. All connections and cables are marked with an "A" and a unique number.

Subsequently seized computers can be labeled in alphabetical order. The corresponding connections and cables can be labeled with the letter designation for the computer and a unique number to ensure proper reassembly.

### Example: Computer A



Label computer, all cables, and corresponding connections.

# Chapter 7. Electronic Crime and Digital Evidence Considerations by Crime Category

The lists of electronic crime and digital evidence considerations presented in this chapter are not exhaustive, but are intended to assist a first responder identify sources of potentially valuable digital evidence by crime category. Depending on the complexity of the scene and the situation, the first responder may need to request more advanced technical assistance.

In some circumstances, trace, latent, or biological evidence such as fingerprints or DNA that may be important to the investigation may be present on computers and their components or on other electronic devices. First responders should follow agency procedures for collecting such evidence. Any destructive processes associated with recovering or analyzing trace, latent, biological, or other evidence should be postponed until after the digital evidence has been recovered for examination and analysis.



To assist in the forensic examination, the first responder should document the following information when possible:

- A summary of the case.
- Passwords to digital evidence seized.
- Investigation point-of-contact information.
- Preliminary reports and documents.
- Keyword lists.

- Suspected criminal activity.
- Suspect information including nicknames.

## Child Abuse or Exploitation

Potential digital evidence in child abuse or child exploitation investigations includes:

- Computers.
- Scanners.
- Mobile communication devices.
- Video and still photo cameras and media.
- Calendars or journals.
- Digital camera software.
- Internet activity records.
- Photo editing and viewing software.
- Printed e-mail, notes, and letters and maps.
- Printed images or pictures.
- Notes or records of chat sessions.
- Web cameras and microphones.
- Computer games.
- Printers and copiers.
- Information regarding steganography.
- Removable media.
- External data storage devices.
- Videotapes.

- Video game consoles, games, and expansion packs.
- References to user-created folders and file names that classify images.

## Computer Intrusion

Potential digital evidence in computer intrusion investigations includes:

- Computers.
- Network devices, routers, switches.
- Handheld mobile devices.
- Antennas.
- Removable media.
- External data storage devices.
- Web camera(s).
- Wireless network equipment.
- Lists of contacts and address books.
- Lists of Internet protocol addresses.
- Lists or records of computer intrusion software.
- Records of Internet chat sessions.
- Printed e-mail, notes, and letters.
- Printed computer program code.
- Executable programs.
- Lists of computers accessed.
- Notes or records of Internet activity.
- Usernames and passwords.

## Counterfeiting

Potential digital evidence in counterfeiting investigations includes:

- Computers.
- Handheld mobile devices.
- PDAs or address books.
- Information regarding Internet activity.
- Information regarding checks, currency, and money orders.
- Removable media and external data storage devices.
- Credit card magnetic strip reader.
- Online banking software.
- Calendar(s).
- Reproductions of signatures.
- Customer information or credit card data.
- False identification.
- Printed e-mail, notes, and letters.
- False financial transaction forms.
- Information regarding financial records.
- Printouts of databases.

## Death Investigation

Potential digital evidence in death investigations includes:

- Computers.
- Internet service bills.

- Removable media.
- External data storage devices.
- Mobile communication devices.
- PDAs.
- Address books and contact information.
- Telephone records.
- Personal writings and diaries.
- Medical records.
- Printed e-mail, notes, and letters.
- Financial or asset records.
- Recently printed material.
- Information regarding legal documents.
- Information regarding Internet activity.
- Will-making software or references.

## **Domestic Violence, Threats, and Extortion**

Potential digital evidence in domestic violence, threats, and extortion investigations includes:

- Computers.
- Removable media.
- User names and accounts.
- External data storage devices.
- Mobile communication devices.
- Telephone records.

- PDAs or address books.
- Financial or asset records.
- Personal writings and diaries.
- Information regarding Internet activity.
- Printed e-mail, notes, and letters.
- Legal documents.
- Caller ID units.

## E-mail Threats, Harassment, and Stalking

Potential digital evidence in e-mail threat, harassment, and stalking investigations includes:

- Computers.
- Handheld mobile devices.
- PDAs and address books.
- Telephone records.
- Diaries or records of surveillance.
- Evidence of victim background research.
- E-mail, notes, and letters.
- Financial or asset records.
- Printed photos or images.
- Legal documents.
- Information regarding Internet activity.
- Printed maps.

## Gambling

Potential digital evidence in gambling investigations includes:

- Computers.
- Removable media.
- PDA, address books, or contact lists.
- External data storage devices.
- Customer database and bettor records.
- Information regarding Internet activity.
- Electronic money transfers.
- Online banking software.
- Calendars.
- Sports betting statistics.
- Customer information or credit card data.
- Financial asset records.
- Printed e-mail, notes, and letters.
- References to online gambling sites.

## Identity Theft

Potential digital evidence in identity theft investigations includes:

- Computers.
- Mobile devices.
- Records of online purchases.
- Removable media.

- External data storage devices.
- PDAs, address books, contact lists.
- Online banking software.
- Information regarding Internet activity.
- Financial asset records.
- Electronic money transfers.
- Laminator(s).
- Calendars or journals.
- Forged documents and false identification.
- Victim information and credit card data.
- Copies of signatures.
- Printed e-mail, notes, and letters.
- ID pictures.
- Check cashing cards.
- Scanner(s).

## Narcotics

Potential digital evidence in narcotics investigations includes:

- Computers.
- Handheld mobile devices.
- Removable media.
- External data storage devices.
- PDAs, address books, and contact information.

- Forged identification.
- Databases.
- Information regarding Internet activity.
- Drug receipts.
- Blank prescription forms.
- Printed e-mail, notes, and letters.
- Financial asset records.
- GPS devices.

## Online or Economic Fraud

Potential digital evidence in online or economic fraud investigations includes:

- Computers.
- Removable media.
- Mobile communication devices.
- External data storage devices.
- Online auction sites and account data.
- Databases.
- PDAs, address books, and contact lists.
- Printed e-mail, notes, and letters.
- Calendars or journals.
- Financial asset records.
- Accounting or recordkeeping software.
- Printed photos and image files.

- Records or notes of chat sessions.
- Information regarding Internet activity.
- Customer credit information.
- Online banking information.
- List(s) of credit card numbers.
- Telephone numbers and call logs.
- Credit card magnetic strip reader.
- Credit card statements or bills.
- Printers, copiers, and scanners.

## Prostitution

Potential digital evidence in prostitution investigations includes:

- Computers.
- Handheld mobile devices.
- Removable media.
- External data storage devices.
- Address books and client lists.
- Customer database or records.
- Calendars or datebooks.
- Forged identification.
- Information regarding Internet activity.
- Financial asset records.
- Printed e-mail, notes, and letters.

- Information regarding Web site.
- Medical records.
- Web camera(s).

## Software Piracy

Potential digital evidence in software piracy investigations includes:

- Computers.
- Handheld mobile devices.
- Removable media.
- External data storage devices.
- Information regarding chat sessions.
- Information on cracking software.
- Printed e-mail, notes, and letters.
- References to copyrighted software.
- Forged software certificates.
- Lists of software activation codes.
- Information regarding Internet activity.
- Software duplication and packing material.

## Telecommunication Fraud

Potential digital evidence in telecommunication fraud investigations includes:

- Computers.
- Handheld mobile devices.

- Removable media.
- External data storage devices.
- Phone programming software and cables.
- Multiple mobile phones.
- Subscriber identity module (SIM) card reader.
- Hacker boxes and cables.
- Lists of customer database records.
- Stolen telephones.
- Printed e-mail, notes, and letters.
- Financial asset records.
- Information regarding Internet activity.
- Telephone programming manuals.
- Erasable programmable read-only memory (EPROM) burner.

## Terrorism (Homeland Security)

Potential digital evidence in terrorism investigations includes:

- Computers.
- Handheld mobile devices.
- Removable media.
- External data storage devices.
- Communication devices.
- Network components, routers, and switches.
- Voice over Internet Protocol (VoIP) equipment.

- GPS equipment.
- Information regarding Internet activity.
- Information regarding steganography.
- Printed e-mail, notes, and letters.

# Glossary

**Analog:** Also spelled analogue. A device or system that represents changing values as continuously variable physical quantities. A typical analog device is a clock on which the hands move continuously around the face. Such a clock is capable of indicating every possible time of day. In contrast, a digital clock is capable of representing only a finite number of times (every 10th of a second, for example).

**Bandwidth:** The amount of information or data that can be sent over a network connection in a given period of time. Bandwidth is usually stated in bits per second (bps), kilobits per second (kbps), or megabits per second (mps).

**Bit-by-bit duplicate copy:** The process of copying data stored on digital media so that it replicates the data at the lowest level. The term “bit copy” refers to the duplication of the zeros and ones (bits) that are the binary form of digital data.

**BIOS:** Basic Input Output System. The set of routines stored in read-only memory on a system circuit board that starts a computer, then transfers control to the operating system. The BIOS opens communication channels with computer components such as the hard disk drives, keyboard, monitor, printer, and communication ports.

**Blackberry:** A handheld device that functions as a cellular phone, personal organizer, wireless Internet browser, speaker-phone, long-range digital walkie-talkie, and mini-laptop. Can be used to send and receive e-mail and text messages.

**Blog:** Derived from Weblog. A series of online journal entries posted to a single Web page in reverse-chronological order. Blogs generally represent the personality of the author or reflect the purpose of the Web site that hosts the blog.

**BMP:** A filename extension for Bitmap, an image file format generally used to store digital images or pictures.

**Buffer:** A block of memory that holds data temporarily and allows data to be read or written in larger chunks to improve a computer's performance. The buffer is used for temporary storage of data read from or waiting to be sent to a device such as a hard disk, CD-ROM, printer, or tape drive.

**Cables:** A collection of wires or optical fibers bound together, used as a conduit for components and devices to communicate or transfer data.

**CAT-5/Category-5:** A cable capable of transmitting data at high speeds (100 megabits per second and faster). CAT-5 cables are commonly used for voice and data applications in the home.

**CAT-5e:** Enhanced CAT-5. Similar to a CAT-5 cable, but with improved specifications.

**CAT-6/Category-6 (ANSI/TIA/EIA-568-B.2-1):** A cable standard for Gigabit Ethernet and other interconnect that is backward compatible with CAT-5, CAT-5e and Cat-3 cables. A Cat-6 cable features more stringent specifications for crosstalk and system noise. The cable standard is suitable for 10BASE-T, 100BASE-TX, and 1000BASE-T (Gigabit Ethernet) connections.

**CD/CD-ROM:** Compact Disc—Read-Only Memory. A compact disc that contains data accessible by a computer.

**CD-R:** Compact Disc—Recordable. A disc to which data can be written but not changed or erased.

**CD-RW:** Compact Disc—Rewritable. A disc to which data can be written, rewritten, changed, and erased.

**Chat Room:** An Internet client that allows users to communicate in real time using typed text, symbols, or audio.

**Compact Flash Card:** A small, removable mass storage device that relies on flash memory technology—a storage technology that does not require a battery to retain data indefinitely. There are two types of compact flash cards: Type I cards are 3.3mm thick; Type II cards are 5.5mm thick.

**Compressed File:** A file that has been reduced in size by use of an algorithm that removes or combines redundant data for ease of transfer. A compressed file is generally unreadable to most programs until the file is uncompressed.

**Cookies:** Small text files on a computer that store information about what information a user accessed while browsing the Internet.

**CPU:** Central Processing Unit. The computer microprocessing chip that contains several thousand to several million transistors that perform multiple functions simultaneously.

**Deleted Files:** Files no longer associated with a file allocation table or master file table. Deleted files are still resident on the media but are not accessible by the operating system.

**DHCP:** Dynamic Host Configuration Protocol. A set of rules used by communications devices such as computers, routers, or network adapters to allow the device to request and obtain an IP address from a server that has a list of addresses available for assignment.

**Digital (photographs, video, audio):** A digital system uses discrete values rather than the continuous spectrum values of analog. The word “digital” can refer to the type of data storage and transfer, the internal working of a device, or the type of display.

**Digital Camera:** A still camera that records images in digital format. Unlike traditional analog cameras that record infinitely variable intensities of light, digital cameras record discrete numbers for storage on a flash memory card or optical disk.

**Digital Evidence:** Information stored or transmitted in binary form that may be introduced and relied on in court.

**DivX:** A brand name of products created by DivX, Inc., including the DivX Codec, which has become popular due to its ability to compress lengthy video segments into small sizes while maintaining relatively high visual quality. It is one of several codecs, or digital data encoding and decoding programs, commonly associated with ripping, where audio and video multimedia are transferred to a hard disk and transcoded. As a result, DivX has been a center of controversy because of its use in the replication and distribution of copyrighted DVDs.

**Docking Station:** A device that enables laptop and notebook computers to use peripheral devices and components normally associated with a desktop computer such as scanners, keyboards, monitors, and printers.

**Documentation:** Written notes, audio or videotapes, printed forms, sketches, or photographs that form a detailed record of a scene, the evidence recovered, and actions taken during the search of a scene.

**Dongle:** A copy protection or security device supplied with software. The dongle hinders unauthorized use or duplication of software because each copy of the program requires a dongle to function.

**DSL:** Digital Subscriber Line. A high-speed digital modem technology that allows high-speed data communication over existing telephone lines between end users and telephone companies.

**DVD:** Digital Versatile Disk. A high-capacity compact disk that can store up to 28 times the amount of data that a standard CD-ROM can hold. DVDs are available in DVD-R, DVD-RW, DVD+R, DVD+RW, and BlueRay formats.

**Electromagnetic Field:** The field of force associated with electric charge in motion that has both electric and magnetic components and contains a definite amount of electromagnetic energy. Speakers and radio transmitters frequently

found in the trunks of patrol cars are examples of devices that produce electromagnetic fields.

**Electronic Device:** A device that operates on principles governing the behavior of electrons. Examples of electronic devices include computer systems, scanners, and printers.

**Electronic Evidence:** Information or data of investigative value that is stored on or transmitted by an electronic device.

**Electronic Storage Device:** Any medium that can be used to record information electronically. Examples include hard disks, magnetic tapes, compact discs, videotapes, and audiotapes. Examples of removable storage devices include thumb drives, smart media, flash cards, floppy disks, and Zip® disks.

**Encryption:** Any procedure used in cryptography to convert plain text into cipher text to prevent anyone but the intended recipient with the corresponding key from reading that data.

**EPROM:** Erasable programmable read-only memory. A type of computer memory chip that retains its data when its power supply is switched off. Once programmed, an EPROM can be erased only by exposing it to strong ultraviolet light.

**Ethernet:** The standard local area network (LAN) access method that connects electronic devices to a network, cable modem, or DSL modem for Internet access.

**Exculpatory Evidence:** Evidence that shows that a criminal charge is not substantiated by the evidence.

**Faraday:** A dimensionless unit of electric charge quantity, equal to approximately  $6.02 \times 10^{23}$  electric charge carriers. This is equivalent to one mole, also known as Avogadro's constant. Faraday isolation bags are used to prevent mobile phones and devices from connecting to communication signals.

**File Format:** Refers to file type based on file structure, layout, or how a particular file handles the information (sounds, words, images) contained within it. A file's format is usually indicated by the three- or four-letter file extension in the MS-DOS filename, e.g., .doc or .jpg.

**Firewall:** A firewall allows or blocks traffic into and out of a private network or a user's computer, and is the primary method for keeping a computer secure from intruders. Also used to separate a company's public Web server from its internal network and to keep internal network segments secure.

**FireWire:** A high-speed serial bus that allows for the connection of up to 63 devices. Widely used for downloading video from digital camcorders to the computer.

**First Responder:** The initial responding law enforcement officer or other public safety official to arrive at a scene.

**GPS:** Global Positioning System. A system of satellites and receiving devices used to compute positions on Earth. GPS is used in navigation and real estate assessment surveying.

**GIF:** Graphics Interchange Format. One of the two most common file formats for graphic images; the other is the jpg. Widely used on the Internet due to its high compression and subsequent small file size. GIF files have a .gif file extension and can be created or edited in most popular graphics applications.

**Hard Copy:** A permanent reproduction of data on any media suitable for direct use by a person, e.g., printed pages and facsimile pages.

**Hard Drive:** A data storage device that consists of an external circuit board; external data and power connections; and internal glass, ceramic, or magnetically charged metal platters that store data. The most common types of hard drives are IDE and SCSI.

**Hardware:** The physical components that make up a computer system such as the keyboard, monitor, and mouse.

**Header:** In many disciplines of computer science, a header is a unit of information that precedes a data object. In a network transmission, a header is part of the data packet and contains transparent information about the file or the transmission. In file management, a header is a region at the beginning of each file where bookkeeping information is kept. The file header may contain the date the file was created, the date it was last updated, and the file's size. The header can be accessed only by the operating system or by specialized programs.

**Hidden Data:** Many computer systems include an option to protect information from the casual user by hiding it. A cursory examination of the system may not display hidden files, directories, or partitions to the untrained viewer. A forensic examination will document the presence of this type of information.

**Host:** A computer on a network that provides resources or services to other computers on the same network. One host machine may provide several services, such as SMTP (e-mail) and HTTP (Web).

**IM:** Instant Messenger. A type of communications service that enables users to communicate in real time over the Internet. Analogous to a telephone conversation but communication is text-based.

**Internet Protocol (IP) Address:** A 32-bit binary number that uniquely identifies a host connected to the Internet or to other Internet hosts for communication through the transfer of data packets. An IP address is expressed in "dotted quad" format consisting of decimal values of its four bytes separated with periods, e.g., 127.0.0.1.

**IRC:** Internet Relay Chat. A multiuser Internet chat client through which users communicate on channels referred to as chat rooms.

**ISDN:** Integrated Services Digital Network. A high-speed digital telephone line Internet connection.

**ISP:** Internet Service Provider. A business that provides access to the Internet. Small Internet service providers provide service via modem and ISDN, while larger ones also offer private line hookups.

**JPG:** Joint Photographic Experts Group. Also JPEG. A compression technique used for saving images and photographs. Reduces the file size of the images without reducing their quality; widely used on the World Wide Web.

**Latent:** Present, although not visible, but capable of becoming visible.

**MAC Address:** Also known as the hardware address or ethernet address. A unique identifier specific to the network card inside a computer. Allows the DHCP server to confirm that the computer is allowed to access the network. MAC addresses are written as XX-XX-XX-XX-XX-XX, where the Xs represent digits or letters from A to F.

**Magnetic Media:** Includes hard disk drives, tapes, cartridges, diskettes, or cassettes used to store data magnetically.

**Media Storage Devices:** Examples include disk drives, tape drives, Zip® drives, thumb drives, floppy disks, CDs, and DVDs. Unlike main memory, media storage devices retain data even when the computer is turned off.

**Memory Card:** A removable data storage device commonly used for storing images in digital cameras but can also be used to store any type of data. These devices are made up of nonvolatile flash memory chips in various forms such as CompactFlash, SmartMedia, and Memory Stick.

**MiniDV:** A videocassette designed for use in MiniDV digital camcorders. MiniDV cassettes can have up to 530 lines of video resolution.

**MP3:** An acronym for MPEG-1 or MPEG-2 audio layer 3. MP3 is the file extension for MPEG audio layer 3. Layer 3 is one of three coding schemes for the compression of audio signals. Layer 3 uses perceptual audio coding and psychoacoustic compression to remove the redundant and irrelevant parts of a sound signal.

**MPEG:** Moving Picture Experts Group. A standard for compressing full motion video. MPEG files frequently have an .mpg file extension.

**Multimedia Player:** A hard disk or flash memory-based electronic device, such as an MP3 player, capable of storing and playing files in one or more media formats including: MPEG, DivX, and Xvid, audio, MP3, WAV, Ogg Vorbis, BMP, JPEG, GIF, images, and interactive media Adobe Flash and Flash LITE.

**Network:** A configuration of independent computers, peripherals, and devices connected through data communication wires or wireless technologies capable of sharing information and resources.

**Network Connection:** A wired or wireless communication link between a group of computers or devices for the purpose of sharing information and resources.

**Ogg Vorbis:** An open-source audio encoding and streaming technology.

**Operating System:** A computer program that controls the components of a computer system and facilitates the operation of applications. Microsoft® Windows® Me, Microsoft® Windows® XP, Vista®, Linux, and Apple® MacOS are common operating systems.

**Original Electronic Evidence:** Physical devices and the data contained by those items at the time of seizure.

**Palm:** Any of the various models of personal digital assistants marketed by Palm, Inc.

**Password-Protected File:** A file configured to deny access to users who do not enter the correct password (a specific character or combination of characters). Access denial security does not modify the content of the file; it only prevents those without the password from accessing it.

**PCMCIA:** Personal Computer Memory Card International Association. A trade association responsible for promulgating standards for integrated circuit cards, including PC cards and Express Cards.

**PCMIA:** Personal Computer Manufacturer Interface Adaptor. Used to expand the function of personal computers.

**PDA:** Personal Digital Assistant. A handheld device that can function as a cellular phone, fax sender, and personal organizer. Many PDAs incorporate handwriting and voice recognition features. Also referred to as a palmtop, handheld computer, or pocket computer.

**Peripheral:** Any device used in a computer system that is not part of the essential computer, i.e., the memory and micro-processor. Peripheral devices can be external such as a mouse, keyboard, printer, monitor, external Zip® drive or scanner; or internal such as a CD-ROM drive, CD-R drive, or internal modem.

**Personal Computer (PC):** A computer whose price, size, and capabilities make it useful for individuals.

**Phishing:** Internet fraud perpetrated through an e-mail linking to a Web site simulating a legitimate financial organization; once on the fake Web site, victims are tricked into revealing a security access code, credit card or Social Security number, user ID, or password, which is then used by the thieves to steal the victim's financial resources.

**Phreaking:** Telephone system hacking.

**Printer Cable:** A cable that connects a printer to a computer.

**Port:** An interface by which a computer communicates with another device or system. Personal computers have various types of ports. Internally, there are several ports for connecting disk drives, display screens, and keyboards. Externally, personal computers have ports for connecting modems, printers, mice, and other peripheral devices.

**Port Replicator:** A device that contains common computer ports (e.g., serial, parallel, and network ports) that plug into a notebook computer. A port replicator is similar to a docking station but docking stations normally provide capability for additional expansion boards.

**Printer Spool File:** The temporary file created when a print command is executed.

**Processor:** The logic circuitry that responds to and processes the basic instructions that drive a computer. The term processor has generally replaced the term central processing unit (CPU). The processor in a personal computer or that is embedded in small devices is often called a microprocessor.

**PS2:** PlayStation 2. A popular video game console.

**PSP:** PlayStation Portable. A handheld videogame console released in 2005 by Sony. Uses a Universal Media Disc and Memory Stick PRO Duo card for storage. The PSP also plays music and displays photos.

**Quarantine:** The status of any item or material isolated while pending a decision on its use.

**RAM:** Random Access Memory. Computer memory that stores data and can be accessed by the processor without accessing the preceding bytes, enabling random access to the data in memory.

**Remote:** Files, devices, and other resources that are not connected directly to a computer.

**Removable Media:** Items that store data and can be easily removed from a computer system or device such as floppy disks, CDs, DVDs, cartridges, and data backup tape.

**Screen Name:** The name a user chooses to use when communicating with others online. A screen name can be a person's real name, a variation of the person's real name, or it can be a pseudonym (handle). Screen names are required for instant messaging (IM) applications.

**Screen Saver:** A utility program that prevents a monitor from being etched by an unchanging image. It also can provide access control.

**Seizure Disk:** A specially prepared floppy disk configured to boot a computer system and protect it from accidental or unintentional alteration of data.

**Serial Cable:** Provided with a digital camera. Used to connect a digital camera to a personal computer so that images can be downloaded on to the computer hard disk.

**Server:** A computer that provides some service for other computers connected to it via a network.

**SIM:** Subscriber Identity Module. The SIM card is the smart card inserted into GSM cellular phones. The SIM identifies the user account to the network, handles authentication, and provides data storage for basic user data and network information. It may also contain some applications that run on a compatible phone.

**Sleep Mode:** Also Suspend Mode. A power conservation state that suspends power to the hard drive and monitor; results in a blank screen.

**Smart Card:** Also chip card, or integrated circuit card. A pocket-sized card with embedded integrated circuits which can process information. There are two broad categories of smart cards. Memory cards contain only nonvolatile memory storage components, and perhaps some specific security logic. Microprocessor cards contain volatile memory and microprocessor components.

**Software:** Computer programs designed to perform specific tasks, such as word processing, accounting, network management, Web site development, file management, or inventory management.

**Stand-Alone Computer:** A computer not connected to a network or other computer.

**Steganography:** The process of hiding files within other files.

**System Administrator:** A user who has the most comprehensive access privileges over a computer system.

**Temporary and Swap Files:** To improve computer performance, many computer operating systems and applications temporarily store data from system memory or RAM in files on the hard drive. These files, which are generally hidden and inaccessible, may contain information useful to the investigator.

**Thumbnail:** A miniature representation of a page or an image used to identify a file by its contents. Clicking the thumbnail opens the file. Thumbnails are an option in file managers, such as Windows Explorer, and they are found in photo editing and graphics program to quickly browse multiple images in a folder.

**Touch Screen:** A video display screen that has a touch-sensitive transparent panel covering the screen. A user can touch the screen to activate computer functions instead of using a pointing device such as a mouse or light pen.

**USB:** Universal Serial Bus. A computer hardware interface connection that facilitates the use of many peripheral devices including keyboards, mice, joysticks, scanners, printers, external storage devices, mobile phones, smart phones, PDAs, and software dongles.

**Virus:** A software program capable of spreading and reproducing itself on connected computers and damaging or corrupting legitimate computer files or applications.

**VoIP:** Voice over Internet Protocol. The technology used to transmit voice conversations over a data network using the Internet protocol. Data network may be the Internet or a corporate Intranet.

**Volatile Memory:** Memory that loses its content when power is turned off or lost.

**WAV:** An abbreviation of WAVEform. A type of audio file. Usually has a .wav file extension.

**Wireless:** Any computing device that can access a network without a wired connection.

**Wireless Modem:** A modem that accesses a wireless telephone system to provide a connection to a network.

**Wireless Router:** A network device that consists of a wireless access point (base station), a wired LAN switch, and a router to connect computers and peripheral devices to an Internet service. Wireless routers are a convenient way to connect a small number of wired and any number of wireless computers to the Internet.

**Write Protection:** Software or hardware that prevents data from being written to a storage device. Write protection ensures that digital evidence is not modified after it is seized.

**Xvid:** An open-source video codec library (video compression software) that follows the MPEG-4 standard.

**Zip®:** A removable 3.5-inch data storage disk drive.

**Zip® File:** A file that has been reduced in size to allow faster transfer between computers or to save storage space. Some compressed files have a .exe file extension, which indicates that the file is self-extracting.

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The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the Community Capacity Development Office; the Office for Victims of Crime; the Office of Juvenile Justice and Delinquency Prevention; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

## FAMILY SERVICES UNIT

STANDARD NO(S): NYSLEAP 50.4, 44.3, 44.1  
NYSSA #

DATE: May 9, 2016

REFER TO: W. Timothy Luce  
John Cleere

### I. POLICY:

It is the Policy of the Seneca County Sheriff's Office to utilize the Family Services Unit to support and assist families involved with domestic violence, missing or abused/neglected persons.

### II. OBJECTIVE:

The Seneca County Sheriff's Office has established a Family Services Unit in order to have an expanded role in the way the Sheriff's Office interacts with families. The Family Services Unit is designated to provide another level of assistance and support to families who are dealing with issues involving the family structure. The Family Services Unit shall, consist of Investigators in the Criminal Investigations Division and be under the direction of the Lieutenant in charge of the Criminal Investigations Division.

### III. DETAILS:

#### A. The following are the responsibilities of the Family Services Unit Personnel.

1. All juvenile related matters as set forth in the Juvenile Operations Policy.
2. Work with youth to promote a positive relationship, with the goal of diverting them away from the criminal justice system and help them transition into positive contributors to the community.
3. Work directly with youth to provide guidance, mentorship, and follow up with juveniles who have been identified as at risk.
4. Be accessible to the Schools and Public of Seneca County. Investigators will make frequent visits to Seneca County Schools and make themselves available to the public for meetings when needed or requested for assistance.

5. Work closely with and keep communication open with School Resource Officers in Seneca County on issues that involve students who attend Seneca County Schools.
6. Review of all domestic incidents and follow up as needed.
7. Conduct the investigation for any runaway or missing person, regardless of age, and be the single point of contact for the family.
8. Conduct the investigation for any abused/neglected person regardless of age. This includes children, senior citizens, and the disabled.
9. Work closely with the Supervisor of Sex Offender Management on investigations as needed and address concerns of families in neighborhoods where a sex offender may be living.
10. Maintain liaison with Community Organizations, Community Outreach Programs, and Homeless/Transient Services information.
11. Provide assistance or contact information of available resources to families who have special needs such as children with autism, family members with dementia or Alzheimer's, or other special needs.
  - a. Oversee the Project Lifesaver Program.
12. Conduct in-service training to officers on subjects to include but not limited to the following:
  - a. Juvenile procedures
  - b. Domestic violence
  - c. Missing and abused/neglected person investigation
  - d. Vulnerable adults and persons with special needs and disabilities awareness
  - e. Sex offense investigations
13. Maintain an updated list with contact phone numbers for all agencies that the Family Services Unit works with for use by other department members.
14. Any other assignments at the discretion of the Criminal Investigations Division Lieutenant.

**B.** Complete a monthly report detailing each members' activity throughout the month to include the following:

1. Referrals to Family Court (JD and PINS)
2. Referrals to Probation (PINS and PINS Diversion)
3. Referrals to Child Protective
4. Referrals to Adult Protective
5. Total remanded to facilities
6. Total of child abuse investigations (designated, sexual, physical or neglect)
7. Total of Missing Persons/Runaway investigations
8. Complaints handled informally with parents/guardians
9. Community events and school functions attended
10. Other cases investigated or assistance provided to families

# **MISSING PERSONS**

STANDARD NO(S): 44.3

DATE: May 24, 2016

REFER TO: John Cleere

## **I. OBJECTIVE:**

The purpose of this policy is to establish and describe policies and procedures for investigating missing, lost or abducted persons, unidentified persons and incidents of custodial interference.

## **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office to immediately accept and investigate reports of missing, lost or abducted persons, unidentified persons and incidents of custodial interference and to promptly transmit all pertinent information to the Division of Criminal Justice Services (DCJS). It is further the policy of this office to investigate these instances in compliance with New York State and Federal statutes pertaining to missing children.

## **III. DEFINITIONS:**

- A. MISSING CHILD:** For purposes of this order, a missing child is defined as "any person **under the age of eighteen (18) years** missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed, or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so". §837-e New York State Executive Law.
- B. MISSING COLLEGE STUDENT:** Any person **under the age of twenty-one (21) years** or a college student of **any age** who is a "student of an institution (college or university) who resides in a facility owned and operated by such institution and who is reported as missing from his or her residence".
- C. MISSING VULNERABLE ADULT:** A person the **age of eighteen (18) or older** who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a credible threat of harm to such a missing individual.
- D. MISSING ADULT:** A person the **age of eighteen (18) or older** and whose absence is contrary to their normal patterns of behavior.

- E. AMBER ALERT SYSTEM:** A cooperative effort between law enforcement and the broadcast media in the event of child abduction. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets. **NYSP COMSEC (518) 457-6811**
- F. MISSING CHILD/COLLEGE STUDENT ALERT:** When a missing child or college student is deemed endangered, but the case does not meet AMBER Alert activation criteria, an alternative alert system is available. Missing Child/College Student Alert is a cooperative effort between law enforcement and the broadcast media in the event of child abduction. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets.

Requests for a Missing Child/College Student Alert are made by contacting the NYS DCJS Missing Persons Clearinghouse at 1-800-346-3543 or at [missingpersons@dcjs.ny.gov](mailto:missingpersons@dcjs.ny.gov)

- G. MISSING VULNERABLE ADULT ALERT:** Modeled after the AMBER Alert program, a Missing Vulnerable Adult Alert is an emergency system in which law enforcement can broadcast regional or statewide alerts for missing adults 18 years and older who have a cognitive disorder, mental disability or brain disorder and law enforcement has deemed there is a credible risk of harm to such missing individual. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets, including activation of highway signs when there is known vehicle information.

Requests for a Missing Vulnerable Adult Alert are made by contacting the NYS DCJS Missing Persons Clearinghouse at 1-800-346-3543 or at [missingpersons@dcjs.ny.gov](mailto:missingpersons@dcjs.ny.gov)

- H. PROJECT LIFESAVER:** Locates and rescues missing persons through proven radio technology and a specially trained search and rescue team. Clients that are enrolled in the Project Lifesaver program wear a personalized wristband that emits a tracking signal. See LEMOI 8-5.

- I. UNRESOLVED MISSING PERSON CASES:** Missing person cases that have been active longer than thirty (30) days.
- J. PROTECT ACT OF 2003:** This Act was modified to include a new requirement that police agencies enter every person **under the age of twenty-one (21)** into the NCIC missing person database.
- K. ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006:** Requires police agencies to enter missing child information **within two (2) hours** of taking a report and prohibits the removal of the information if a child turns 18 years old before being located.
- L. RUNAWAY:** A person **under the age of 18** and absent from legal residence without consent of parents or legal guardian. **NYS Executive Law Section 532-a(1)**

**M. UNIDENTIFIED PERSON:** May be living or dead, adult or juvenile. An unidentified living person example is a walk away from an assisted living facility before the name of the person is obtained.

## **IV. PROCEDURES**

### **A. Legal Requirements:**

1. NYS Executive Law § 838 states: “Notwithstanding any other provision of law, no criminal justice agency shall establish or maintain any policy which requires the observance of a waiting period before accepting and investigating a **missing child report**. Upon receipt of a missing child report, criminal justice agencies shall make entries of such reports to the register in the manner provided by Section 837-e of this Article.” This applies to all types of missing child cases, including stranger abductions, acquaintance abductions, familial abductions, runaways and lost/unknown circumstances
2. NYS Executive Law § 838 states: “Notwithstanding any other provision of law, no criminal justice agency shall establish or maintain any policy that requires the observance of a waiting period before accepting and investigating a report of a **missing vulnerable adult**. Upon receipt of a report of such missing vulnerable adult, criminal justice agencies shall make entries of such report in the manner provided by subdivision eleven of this section.
3. The National Child Search Assistance Act of 1990 (42USC §§5779 and 5780) requires that each missing child report must be “entered immediately in the NCIC computer network and the State Missing Child’s Register.”

### **B. General Investigative Requirements:**

1. Due to the potential complexity and diverse nature of missing and unidentified person investigations, this type of incident demands swift and effective action by this office.
2. The potential for tragedy demands that supervisors continually monitor the progress of these investigations and be ever vigilant to take command of the situation if the need arises.
3. Immediately upon receiving a report of a missing person or unidentified person, a patrol unit shall be assigned and a preliminary investigation shall be conducted.
4. There is no requirement that the reporting person wait for any period of time to report the missing/unidentified person.
5. No missing person report will be denied on the basis that:
  - a. The missing person is an adult;

- b. The circumstances do not indicate foul play;
- c. The circumstances suggest that the disappearance may be voluntary;
- d. The person reporting the missing person does not have the personal knowledge of the facts;
- e. The missing person is a visitor;
- f. The reporting person cannot provide all the information requested;
- g. The reporting person lacks a familial or other relationship to the missing person;

### C. Initial Deputy Responsibilities:

1. Respond to the scene without delay and thoroughly investigate.
2. Verify that the person is, in fact, missing. Depending on the circumstances involved, if the missing subject is a child or mentally incompetent person, deputies shall search the home and immediate vicinity looking in any place the subject might be able to crawl into or hide. Deputies may, with permission of the duty supervisor, request assistance from the Fire Department or a K-9 in conducting search operations.
3. Interview the person(s) making the report and last had contact with the missing person.
4. Identify the circumstances of the disappearance.
5. Based on available information, make an initial determination of the type of incident (e.g., runaway, family or non-family abduction, vulnerable adult, other (lost, unknown) etc.)  
*Note:* If the circumstances indicate that there may be a crime involved, the deputy will immediately secure any location or area that may be a crime scene or that may yield evidence.
6. Complete both a New York State Missing Person and Incident Report and obtain a detailed description of the missing person (e.g., name, date of birth, clothing worn, physical appearance, nickname, etc.), abductor, vehicles, etc.
7. As information is received, broadcast known details on all law enforcement communication systems, including DCJS/NCIC and any other available systems.
8. Cause for an entry to be made into the DCJS/NCIC via the eJustice Portal system as quickly as possible.
9. When applicable, make notifications and request additional personnel if circumstances necessitate.

10. Attempt to obtain permission from the appropriate person to search the subject's bedroom or other areas within the location for leads and signs of violence and/or foul play. If there is an identifiable location that could possibly be classified as a crime scene, or at least a site where the contents should not be disturbed, secure the location to preserve possible items of evidence.
11. Obtain a recent photograph of the subject whenever available. It is not required to obtain written authorization before releasing publicly any photograph that would aid in the investigation or identification of the missing person.
12. Confirm the child's custody status, if relevant.
13. When conducting interviews of the person making the report (e.g., parents, guardian, family, friends, neighbors, or other witnesses), deputies should attempt to determine:
  - a. Who last saw subject;
  - b. Where was the subject last seen;
  - c. When was the subject first noticed to be missing and by whom;
  - d. The names of the subject's friends and their addresses and phone numbers;
  - e. If there are any unusual circumstances surrounding the disappearance;
  - f. If the subject had talked about suicide or running away;
  - g. Places the subject frequented;
  - h. If there were any family problems affecting the subject;
  - i. If the subject uses alcohol or drugs;
  - j. If the subject recently experienced any problems at school or work;
  - k. When and where each person interviewed last saw the subject;
  - l. The name and address or description of anyone last seen with the subject;
  - m. Who has custody of the subject, if the subject is a child;
  - n. If the subject has a history of mental illness, serious medical conditions, handicaps, or other conditions that require medication or treatment; and
  - o. If the subject has recently demonstrated any abnormal behavior.
  - p. On-line screen names;
  - q. Facebook® and other social networking access;
  - r. Access to credit card information;
  - s. Access to vehicles;
  - t. Wireless telephone number(s) and carrier;
  - u. Access to bankbooks, bank account(s)

14. Deputies shall immediately notify the duty supervisor whenever the subject is missing under unusual circumstances that would require immediate action and the mobilization of additional resources. The on-duty supervisor shall notify, or cause notification of the Department Lieutenants, Chief Deputy, Undersheriff and the Sheriff when:
  - a. It appears that the subject is missing under circumstances that suggest foul play.
  - b. Due to the age of the missing person (either young or old), he or she may be unable to properly safeguard or care for himself/herself.
  - c. The individual is a juvenile in the company of adults who could endanger his/her safety and well-being.
  - d. The individual suffers from mental, psychological, and/or medical conditions that are potentially life threatening if left untreated/unattended or indicate the individual may not be able to properly care for himself/herself.
  - e. The individual is a patient of a mental institution and is considered potentially dangerous to himself/herself or others and the circumstances require an immediate response.
  - f. The individual is involved in a boating, swimming or other sporting accident or natural disaster.
15. Deputies should instruct the family to notify all relatives, particularly those living out of state, of the subject's disappearance, providing them with the name of the deputy assigned to the investigation and the phone numbers for contacting the Office.
16. Request additional personnel and resources if circumstances require.
17. Consideration should be given to immediately requesting an investigator to the scene and implementing the Incident Command System.
18. Check the NY State DCJS Public Registry of Sex Offenders to determine if any registered offenders live in close proximity to the missing person's last known location, residence, school, etc.
  - If there is a positive response, investigate including an in person check/interview.
19. Utilize a crime scene entry/exit log, when necessary.
20. Determine if any of the missing person's personal items are known to be missing from the area/scene.
21. Complete all reports and forms prior to reporting off duty.
22. The duty supervisor is responsible to ensure that proper procedures are followed, required notifications are made, required computer entries are made, and required reports are properly completed for all missing person cases.

**D. Search Operations:**

1. Deputies should remain alert to unusual circumstances surrounding the person's disappearance that would require immediate action and the mobilization of additional resources. When unusual circumstances exist, the on-duty supervisor shall contact the Chief Deputy, Undersheriff and Sheriff. A K-9 unit or the Fire Department may be requested if it may be of assistance in the particular circumstances.
2. Efforts may be guided by information contained in the Missing and Abducted Children: "A Law Enforcement Guide to Case Investigation and Program Management" manual published by the National Center for Missing and Exploited Children located in the Deputies Patrol Room.
3. If the person is enrolled in the Project Lifesaver Program, follow procedures set forth in LEMOI 8-5.

**E. Missing Person Reporting Procedures:**

1. If, during the preliminary investigation, the subject reported missing is located and his/her well-being confirmed, the investigating deputy will complete a report detailing all actions taken and the outcome of the investigations. The completed Missing Person Report and any additional reports will be submitted for review following current Sheriff Office procedures.
2. If the subject reported missing has not been located after the completion of the preliminary investigation, the investigating deputy will complete a report detailing the facts and circumstances involved. All personnel assisting in the preliminary investigation will complete supplemental reports to the original report.
3. The Missing Person Report and any associated reports will be forwarded to the duty supervisor for review. The duty supervisor receiving the Report(s) will check them for completeness.

**F. Missing Person Investigations:**

1. The CID Lieutenant shall act as the coordinator for missing person investigations and records. The responsibilities shall include, but are not limited to:
  - a. Establish and maintain liaison with missing person's family and other involved agencies.
  - b. Maintaining a list of all active missing person cases on file with the Office and providing copies of the list to patrol supervisors for assignment of follow-up investigations;
  - c. Reviewing missing person cases on a regular basis and ensuring Missing Person Case Files are kept up-to-date;

- d. Completing and transmitting the “Missing Person Data Collection Guide” (DCJS-1508) to the Division of Criminal Justice Services (DCJS) for missing person cases that have not been closed within thirty (30) days; and
  - e. Cause the cancellation of the missing person entry from the eJustice system when appropriate.
2. Personnel assigned to investigate the case shall conduct a thorough follow-up investigation for a period of thirty (30) days or until the subject is located. When conducting follow-ups, personnel should utilize the following procedures as appropriate:
- a. If the subject is a school aged child, contact school officials to request that they flag the child’s school records and seek permission to search the child’s locker for leads.
  - b. Check office records for prior contacts involving the subject or contacts that have occurred since the subject’s disappearance.
  - c. Check the subject’s school or place of employment regarding his/her attendance.
  - d. Contact local jails, hospitals and the Medical Examiners Office’s and inquire about the subject or unidentified persons matching the subject’s description.
  - e. Check eJustice messages for unidentified persons matching the subject’s description.
  - f. Contact local bus lines and request that they check records for the subject as a passenger.
  - g. Check with Department of Social Services to determine if the subject is receiving benefits.
  - h. When appropriate, contact credit card companies to determine if the subject's credit cards have been used since his/her disappearance.
  - i. File a supplemental report to document new information or actions taken at least weekly, documenting actions taken and the status of the case.
3. Unresolved Missing Person Cases – Missing person cases that have been active longer than 30 days. Personnel assigned to the investigation of an unresolved missing person case shall continue to:
- a. Update new information with DCJS as it surfaces.
  - b. Maintain contact with the person's family, keeping them informed of new developments during the ongoing investigation, unless doing so could compromise the investigation.
  - c. File a Supplemental Report at least weekly documenting actions taken and the status of the case.
  - d. Obtain dental information and x-rays, and an authorization to release dental or skeletal x-rays of the missing person. The resulting profile shall be coded and entered into NCIC by modification of the existing record.
  - e. Obtain any fingerprints of the missing person. The resulting profile shall be coded and entered into NCIC by modification of the existing record.

4. Technical assistance regarding runaway and missing person cases is available through the National Center for Missing and Exploited Children at 1-800-THE-LOST and the National Runaway Switchboard at 1-800-621-4000.
5. Frequently, when dealing with the eJustice entry of a missing person who is a juvenile Person In Need Of Supervision (PINS) case, warrants are issued in addition to the Office taking a missing person report of a runaway. In such cases, it shall be the policy of the Office to keep in effect any eJustice missing person entries upon the receipt of a Family Court warrant. The eJustice missing person entry shall not be cancelled until notification is received of an arrest on such warrant, or withdrawal of the warrant.

#### **G. Missing Person Cancellation Procedures:**

1. Personnel receiving notification of the return or location of a missing person shall, make personal contact with the subject to confirm his/her location and well-being. Personnel will document these contacts on a supplemental report and will notify the E-911 or other designated personnel of the necessary cancellations.
2. If the missing person is located outside of the Sheriff Office's jurisdiction, and it is impractical to make personal contact, the jurisdiction in which the missing person was found will be asked to verify his/her location and well-being.

#### **H. Parental Abduction/Custodial Interference Investigations:**

1. Incidents of parental abduction and custodial interference may originate as a civil matter, but may also escalate into a crime.
2. If there is information or evidence that there may be attempt to remove the child(ren) from the jurisdiction, the responding deputy will immediately notify the duty supervisor. The supervisor will ensure that all appropriate steps are taken to locate the child (ren) before removal from the jurisdiction.
3. In addition to following normal missing person investigation procedures, officers investigating a report of possible parental abduction or custodial interference should:
  - a. Verify the non-abducting parent's custody rights with any visitation provisions for the other parent and obtain a copy of the court document.
  - b. Obtain information about the abducting parent (e.g. name, address, description, employment, social security number, vehicle information and criminal history, if any).
  - c. The CID Lieutenant shall assign responsibility to specific investigators for follow-up investigations of parental abductions or custodial interference cases. The assigned investigator(s), in addition to standard follow-up procedures, shall:
    - 1) 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.
- 2) Utilize, when necessary, the services of the Federal Bureau of Investigation and/or the Federal Parent Locator Service of the United States Department of Health and Human Services at (315) 422 0141.
  - 3) Notify the State Department in Washington, D.C. if the investigation reveals that the child may have been taken out of the country.
  - 4) Obtain a subpoena for the abducting parent's records (e.g. telephone bills, bank records and credit card charges).
  - 5) Obtain a search warrant for the abducting parent's residence and, when appropriate, an arrest warrant for the abducting parent.
  - 6) Refer the non-abducting parent to referral services when necessary.
  - 7) When located, interview the abducted child to determine the circumstances of the abduction, checking for abuse and neglect.

## **I. Runaways:**

1. Upon apprehension of a runaway juvenile, the personnel will contact the child's family to arrange for the child's safe return home. If the deputy reasonably concludes that the child's well-being cannot be reasonably maintained in the home or with another responsible adult approved by the family, then the officer will contact the Probation Department for assistance with detention of the runaway.
2. Juvenile's already receiving probation services are assigned a probation officer. Deputies should contact the juveniles' probation officer.
3. Runaways from other States
  - a. Upon apprehension of a runaway youth from another state, deputies shall promptly contact the Probation Department to arrange the youth's detention at the Youth Care Facility.
  - b. Upon being contacted, the probation officer shall give approval for detention of that runaway or shall assist with scheduling an immediate court appearance if the youth is apprehended during normal business hours. The County Attorney's Office shall be contacted the next business day, and the procedures under the Interstate Compact on Juveniles, § 1801 of the Unconsolidated Laws of the State of New York shall be followed.

**J. New York State Amber Alert:**

1. Can be activated when an investigating law enforcement agency has reasonable cause to believe that:
  - a. An abduction of a child (under the age of 18) has occurred, and
  - b. The child is believed to be in danger of serious bodily harm or death, either due to the actions of another or due to a proven mental or physical condition.
  - c. Even if formal activation criteria have been met, activation may be impractical if available information is not specific enough and/or an extended period of time passed since the disappearance.
  - d. For example, an AMBER Alert specifying involvement of a white van (without a license plate number) could actually hinder an investigation by causing the public to inundate police agencies with possible sightings.
  - e. Note that "Reasonable Cause to Believe" means that from eyewitness accounts, OR by eliminating other possibilities, your investigation leads you to believe that a child has been abducted.
  - f. Familial abductions qualify only if a child is endangered by the actions of the abducting family member.
  - g. Contact the NYSP Communications Section (COMSEC) 518-457-6811 if a case may qualify for an AMBER Alert.
  - h. Whenever an AMBER Alert request does not meet activation criteria, requesting agencies are referred to other NYSP investigative resources and to the NYS DCJS Missing Persons Clearinghouse (MPC) for possible issuance of a Missing Child/College Student Alert.

**K. MISSING VULNERABLE ADULT ALERT:**

1. Each of the following criteria shall be met before a Missing Vulnerable Adult Alert may be issued:
  - a. The missing person must be 18 years of age or older who has a cognitive disorder, mental disability or brain disorder.
  - b. Cognitive disorder, mental disability or brain disorder may include dementia, Alzheimer's, Autism, Down-Syndrome, or a person with Schizophrenia who is suicidal or has another life threatening illness. Suicide risk without the existence of a cognitive disorder, mental disability or brain disorder does not qualify. Depression does not qualify unless the person is suicidal or has another life threatening illness.
  - c. Law enforcement has determined that there is a credible risk of harm to such missing individual.
  - d. The Missing Vulnerable Adult must be entered into DCJS/NCIC as a Vulnerable Adult.

## **DNA BUCCAL SWAB COLLECTION PROTOCOL**

STANDARD NO(S): NYSLEAP# 50.9

DATE: March 29, 2010  
REVISED: 07/25/12

REFER TO: Robert Jensen

### **I. OBJECTIVE:**

To establish a clear, well defined policy, guideline and procedure for the handling and processing of DNA. Buccal Swab Collection in accordance with NYS Executive Law 995-C.

### **II. POLICY:**

The Seneca County Sheriff's Office has developed a comprehensive process, ensuring that the proper D.N.A. collection is acquired from certain designated offenders for inclusion into the D.N.A. Databank, NYS Police Forensic Investigation Center. Furthermore, to comply with all federal, state, and local laws, rules, regulations and standards which may relate to this Directive.

### **III. DETAILS:**

- A.** Effective August 1, 2012 a DNA sample will be collected from all persons convicted of any felony of any state law and Penal Law misdemeanors. This change is not retroactive. D.N.A. Specimens will be obtained from convicted inmates described in NYS Executive Law 995-C (Attached Appendix A) will be followed for all convictions that occurred prior to August 1, 2012.
- B.** D.N.A. Buccal Swab Collection will be administered in a timely manner once the person(s) has been committed to the Seneca County Correctional Facility, or if Court ordered, at anytime a person presents themselves pursuant to the Court Order.
- C.** Only Medical personnel and Correction staff who have received training are to administer DNA Buccal Swab Collection.
- D.** The D.N.A. Collection Coordinator will be responsible to coordinate with the Courts regarding the collection of samples and to ensure that all required samples are collected.

IV. PROCEDURES:

- A. The Booking Officer will during the booking process, or the release process, or if court ordered, effective August 1, 2012 a DNA sample will be collected from all persons convicted of any felony of any state law and Penal Law misdemeanors. This change is not retroactive. D.N.A. Specimens will be obtained from convicted inmates described in NYS Executive Law 995-C (Attached Appendix A) will be followed for all convictions that occurred prior to August 1, 2012. The Booking Officer will notify the Shift Supervisor and Medical personnel that a sample is required. If medical is not available, a trained member of the Corrections staff will administer the collection.
- B. Using the collection kit provided by the New York State DNA Databank, initiate and complete the required documentation, ensuring all of the following elements are completed:
  1. All copies of DNA Submission Form are accurately completed.
  2. Use oral swab to collect specimen.
  3. Fingerprints are taken.
  4. Double check that NYSID # and Barcodes are in the proper place. The Barcode labels must be placed on each; on the submission form (all three copies), on the microcard, and on the 2x4 envelope.
  5. Place submitting agency copy (green) in inmate folder.
- C. When all elements of the DNA collection procedure are completed, the sample and accompanying documentation will be mailed to the DNA Databank, NYS Police Forensic Investigation Center, 1220 Washington Avenue, Building # 30, Albany, New York 12214-0262.
- D. Should a Seneca County Correctional Facility inmate refuse the DNA collection procedure, contact the DCJS DNA Databank, 518-485-0940, for a court order. Physical force will not be used. Refusing to comply with a DNA collection is a violation of facility rules as stated in the Inmate Handbook.
- E. In any case where a Court Ordered collection has not been completed within sixty (60) days of receiving the order the Court issuing the order will be notified in writing by the DNA collection coordinator.

- F. The hard copy of each Court Order and a photo-copy of the DNA DATABANK SPECIMEN SUBMISSION FORM will be maintained in a file in the Correction Lieutenants office. Information specific to: date received, court of record, defendant's name, DOB, address, the requisite conviction, due date for sample collection, date sample was collected and by whom and notification to the appropriate court that the sample has or has not been collected will be compiled on each order received and stored electronically in the provided file.

**NOTE:** The Seneca County Sheriff's Office also collects DNA samples from individuals who are convicted of a qualifying offense, but are not committed to the Correctional Facility or are directed to give a sample as a condition of a conditional discharge or a waiver for DNA sample in connection with a plea agreement. These individuals will be directed to report to the Seneca County Correctional Facility by the sentencing magistrate. Samples will also be taken when an inmates Fingerprint Response indicates that a SAMPLE IS OWED, regardless of why the inmate is committed to this facility. The procedure for DNA collection remains the same.

## New York State DNA Expansion:

Youthful Offenders do not qualify.

Juvenile Offenders are qualifying.

Section 995 (7) of the Executive Law has been amended to require persons convicted of any felony defined in the Penal Law, or an attempt thereof where the attempt is a felony, as well as persons convicted of specified misdemeanor offenses, to provide a DNA specimen for the State DNA Databank (a list of the specified misdemeanors requiring DNA collection is set forth below). This change is effective June 23, 2006 and applies not only to offenders convicted and sentenced for one of the newly designated offenses after the effective date, but also to offenders under sentence on the effective date.

- 120.00 - assault in the 3rd degree
- 110.00/120.12 - attempted aggravated assault upon a person less than 11 years old
- 110.00/120.13 - attempted menacing in the 1st degree
- 120.14 - menacing in the 2nd degree
- 120.15 - menacing in the 3rd degree
- 120.20 - reckless endangerment in the 2nd degree
- 120.45 - stalking in the 4th degree
- 120.50 - stalking in the 3rd degree
- 110.00/120.55 - attempted stalking in the 2nd degree
- **121.11 criminal obstruction of breathing or blood circulation - Effective 11/11/2010**
- 130.20 - sexual misconduct
- 110.00/130.20 - attempted sexual misconduct
- 110.00/130.25 - attempted rape in the 3rd degree
- 110.00/130.40 - attempted criminal sexual act in the 3rd degree
- 130.52 - forcible touching (prior to this law, a person convicted of forcible touching was required to submit a DNA sample only if the victim was less than 18 OR the person was previously convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 110.00/130.52 - attempted forcible touching (where victim is less than 18 OR offender has previously been convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 110.00/130.53 - attempted persistent sexual abuse
- 130.55 - sexual abuse in the 3rd degree (prior to this law, a person convicted of sexual abuse in the 3rd degree was required to submit a DNA sample only if the victim was less than 18 OR the person was previously convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 110.00/130.55 - attempted sexual abuse in the 3rd degree (where victim is less than 18 OR offender has previously been convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 130.60 - sexual abuse in the 2d degree
- 110.00/130.60 - attempted sexual abuse in the 2d degree
- 110.00/130.65-a - attempted aggravated sexual abuse in the 4th degree
- 135.05 - unlawful imprisonment in the 2d degree (prior to this law, a person convicted of unlawful imprisonment in the 2d degree was required to submit a DNA sample only if the victim was less than 17 and the person was not the parent of the victim)
- 110.00/135.05 - attempted unlawful imprisonment 2d (where victim is less than 18 AND offender is not parent)
- 110.00/135.10 - attempted unlawful imprisonment in the 1st (prior to this law, a person convicted of attempted unlawful imprisonment in the 1st degree was required to submit a DNA sample only if the victim was less than 17 and the person was not the parent of the victim)
- 140.15 - criminal trespass in the second degree
- 140.35 - possession of burglar's tools
- 155.25- petit larceny
- 260.10 - endangering the welfare of a child
- 260.25 - endangering the welfare of an incompetent or physically disabled person
- 230.04 - patronizing a prostitute in the 3rd degree (where the person patronized is in fact less than seventeen years of age)
- 110.00/230.04 - attempted patronizing a prostitute in the 3rd degree
- 110.00/230.05 - attempted patronizing a prostitute in the 2d degree
- 110.00/255.25 - attempted incest
- 110.00/263.11- attempted possessing an obscene sexual performance by a child
- 110.00/263.16 - attempted possessing a sexual performance by a child

Under the new law, about 46 % of all persons convicted of a Penal Law offense will be required to submit a DNA sample

## Chapter Six – Training

6-1 Training

6-2 Field Training Officer Program

## **TRAINING – LAW ENFORCEMENT DIVISION**

STANDARD NO(S):

NYSLEAP Chapters 32-35  
NYSSA CS#: 4-5,5-17  
NYSSA CIVIL#: 14-23

DATE:

October 29, 2009  
REVISED: 12/18/2015  
REVIEWED: 09/05/2018

REFER TO:

John Cleere

### **I. OBJECTIVE:**

To provide guidelines for the conduct of training programs to meet the needs of the Seneca County Sheriff's Office, Law Enforcement Division, its employees, as well as to comply with various training requirements as promulgated by the Municipal Police Training Council (MPTC) under the provisions of the New York State Executive Law, Section 840.

### **II. POLICY:**

It will be the policy of the Seneca County Sheriff's Office to provide its employees with timely, complete and relevant training/instruction, thus insuring that each one can perform all assigned tasks with the highest degree of professionalism. It is the goal of the SCSO that no employee be less than thoroughly trained for the job, to the point where one feels confident that one's actions are entirely appropriate. This goal will be achieved by strict adherence to the requirement that personnel must participate in an initial period of formal training, supplemented by on-the-job sessions, and finally, receive continuous supervisory attention to measure progress made, with remedial action to be taken if necessary.

### **III. DETAILS:**

Training has often been described as one of the most important responsibilities of a law enforcement agency. Recognizing that even the most mundane of an officer's tasks can suddenly turn into a critical situation, the SCSO subscribes wholeheartedly to the premise that a well-trained officer is essential to decisive and correct response under pressure. In addition, adequate training results in greater productivity and effectiveness, while fostering cooperation and unity of purpose among employees.

- A. Training activities in the Corrections Division will be overseen by a Corrections Lieutenant with the day to day operation and management of such training

- programs under the authority of the Corrections Training Coordinator. (See “**Training**”), located in the CMOI.
- B. Training activities in the Law Enforcement Division will be overseen by the Chief Deputy.
  - C. Law Enforcement Division training programs will meet all requirements of the New York State Municipal Police Training Council and the Standards for Accreditation of the New York State Law Enforcement Accreditation Program and New York State Sheriff’s Association.

IV. BASIC TRAINING:

- A. **Recruit training (FLLEA) ROAD PATROL DIVISION-** It is the policy of the SCSO that all newly sworn officers shall successfully complete the Basic Training Course for Police Officers as mandated by the Municipal Police Training Council, and be certified as having done so, prior to being given any routine assignment which could result in having to make an arrest.

Formal training afforded SCSO personnel is usually under the auspices of the Finger Lakes Law Enforcement Academy, (FLLEA) Incorporated. FLLEA is a not- for-profit organization formalized on March 28, 1996.

Its’ stated purposes are: "the operation of a law enforcement academy for the counties of Wayne, Ontario, Seneca and Yates to train law enforcement officers employed or to be employed in the various police departments and organizations in the municipalities in those counties; to formulate law enforcement training programs and coordinate efforts of interested parties and agencies engaged in law enforcement training; and to do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof..."

- 1. The membership of FLLEA is made up of the Sheriffs of the four counties mentioned above and of the chiefs of all the municipal police departments in the four county area. At regular meetings, the group discusses the training needs as expressed by the members and, if appropriate, authorizes the Training Director to implement such training.
- 2. The FLLEA Training Director is responsible for providing the staff, instructors and other resources and if a state mandated program, securing approval and reporting results to the New York State Office of Public Safety(OPS) in Albany, NY.
- 3. Financial support for FLLEA programs is provided by the various departments having trainees in a particular program on an at-cost basis.
- 4. Although most of the training programs are held at the Ontario County Training Site in the Town of Hopewell, legal liability for any injuries suffered by any of the attendees is borne by the sponsoring municipality.

- B. **Basic Training – Court Security Division** – Special Patrol Officer's are not authorized, permitted or assigned to perform regular court security duties until they have successfully completed a basic course, designed at a minimum to comply with all New York State mandated training for peace officers. Deputy Sheriff's or Special Patrol Officer transferred, selected or assigned to the Court Security Division will receive a basic course for Court Security Officers consisting of one day, which is a condensed version of the one week program for new officers.
- C. **Basic Training – Civil Division** – All full-time Deputy Sheriff's and Civilian personnel assigned to the Civil Division will successfully complete the Basic Civil School sponsored by the New York State Sheriff's Association within one year of their appointment to the Civil Division.

V. **TRAINING SITES** - Training programs in which members of the SCSO participate, either inter agency, intra-agency, or under the auspices of the FLLEA are held at the following locations utilizing the resources of public and private organizations:

- A. The Ontario County Public Safety Training Facility is located in the Town of Hopewell. This facility is designed to accommodate the training needs of the Ontario County fire services as well as the SCSO.
- B. By an informal agreement between the Wayne County Deputy Sheriff's Association and FLLEA, the latter conducts 40 hours of firearms training at a range located adjacent to the Wayne County Sheriff's Office in Lyons, New York. This training is administered for recruit officers in connection with the Basic Training Course for Police Officers.
- C. A 21 hour course for recruits in emergency vehicle operation is given in two locations; low speed tactics in an area suitable for this purpose on the FLCC campus, and high speed maneuvers at the air strip adjacent to the Seneca Army Depot.
- D. Included in the Basic Training Course for Police Officers is a component on crime scenes and the location and preservation of physical evidence. A practical problem used in this training is conducted at a facility approved by the FLLEA.
- E. SCSO utilizes the John Walters Memorial Training Room, located within the confines of the Seneca County Law Enforcement Center for both in-service training as well as a site for other training sessions sponsored or conducted by outside agencies.

VI. **AFFILIATION WITH COLLEGES** - Two institutions of higher learning have examined the course content of the Basic Training Course for Police Officers as presented by the Finger Lakes Law Enforcement Academy (FLLEA). Following their evaluations, supported by examples of testing materials, the grading system and

the requirements for term paper and notebook preparation, the following agreements were made:

- A. Finger Lakes Community College (FLCC) - For any trainee who is matriculated at FLCC and who has completed the above-mentioned course, sixteen semester hours will be awarded.
- B. Empire State College - For any trainee who is matriculated at Empire State College, Rochester Campus, and who has completed the above-mentioned course, ten semester hours will be awarded.

VII. **TRAINING INTERACTION** - The SCSO, because of its affiliation with the Finger Lakes Law Enforcement Academy, participates with other police agencies in many training activities. FLLEA programs are always attended by personnel from departments both in and outside the four county area.

In addition, when there are insufficient numbers to justify FLLEA sponsorship for a particular program, SCSO members may receive training at either the Monroe County Public Safety Training Center, located in Rochester, New York, the Onondaga County Public Safety Training Center, located in Syracuse, New York or any other training entity recognized as qualified by the SCSO administration.

For maintaining special skills such as are needed by those qualified in K-9 and SCUBA activities, regular training sessions are frequently held jointly with neighboring agencies.

VIII. **FIREARMS** - No SCSO member is authorized or permitted to carry or use any firearm in connection with the performance of their official duties, unless such member has satisfactorily completed that portion of an approved Municipal Police Training Council Program or a program that meets or exceeds those requirements that constitute the basic course of instruction in the use of deadly physical force.(See "**Use of Force**"), this manual.

IX. **LESS-THAN-LETHAL SUBSTANCES** - No member will possess or use in the performance of their official duties any less-than-lethal substances or any other devices until such time as they have had initial basic training in the use of such less-than-lethal substances. Members, who successfully complete the initial basic training in the use of less-than-lethal substances, shall receive periodic training thereafter in such less-than-lethal substances.

X. **IN-SERVICE TRAINING:**

- A. All sworn members assigned to the Law Enforcement Division will complete a minimum of twenty-one (21) hours of in-service training annually.
- B. In-service training will include, but is not limited to: use of force, firearms qualification, defensive tactics, OC Spray, first aid, CPR, and legal updates.

- C. In-service training will be conducted by instructors who have been certified by the NYS Division of Criminal Justice Services or any other accredited and universally accepted program, such as the American Red Cross, for the specific course of instruction.

XI. **SUPERVISORS:**

- A. Newly appointed Sergeants will attend and successfully complete a course in supervision that meets or exceeds Municipal Police Training Council course requirements within one year of promotion. In addition, newly appointed Sergeants assigned to the Civil Division will in addition to attending and successfully completing a Course in Police Supervision will also be required to attend and successfully complete the Advanced Civil School sponsored by the New York State Sheriff's Association within two years of appointment.
- B. First line supervisors and above (including Sergeants, Division Lieutenant's and the Chief Deputy) will receive twenty-one (21) hours of annual training to enhance managerial skills. Private industry, professional seminars, college courses, and video are some of the sources that may be used to accomplish this training.

XII. **SPECIALIZED TRAINING** - In order to provide high quality service to the community, it is necessary for the SCSO to establish and maintain specialized positions within the agency. These positions all require specialized training which may be obtained through various sources and which shall be undertaken prior to assignment, or alternatively, within 30 days of the date of such assignment. Members who successfully complete specialized training are certified as having done so, which certification is recognized as their qualification to act on behalf of the SCSO in that specialty.

- A. Assignments currently within the SCSO for which specialized training is required are:
  1. Accident investigator;
  2. Armorer;
  3. D.A.R.E. instructor;
  4. Drug investigator;
  5. Drug Recognition Expert;
  6. Emergency Response Team member;
  7. Evidence technician;
  8. Field Training Officer

9. Firearms instructor;
  10. General police instructor;
  11. Hostage negotiator;
  12. K-9 handler;
  13. CVSA operator
  14. Breath Test Operator
  15. Defensive Tactics Instructor
  16. Child Safety Seat Technician
  17. Marine Patrol Officer
  18. Taser Instructor
- B. Training designed to qualify a member for the above specialties shall include:
1. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization;
  2. Management, administration, supervision, personnel policies, and support services pertinent to the specialization;
  3. Identification of performance standards required;
  4. Review of SCSO policies, procedures, rules and regulations specifically related to the specialization; and,
  5. Supervised on-the-job training.

### XIII. TRAINING RECORDS:

- A. Up to date training records will be maintained by the Undersheriff.
- B. Copies of training certificates and other supporting documentation for basic, in-service, specialized training and/or outside facility training will be maintained in individual employee training files and in the computerized electronic training database.
- C. Course files and documentation will be maintained in designated individual course files. The course files will include, but not be limited to: lesson plans, course curriculum, rosters, attendance sheets, examinations, handout materials,

instructor names, and other documents created as part of administering the course of instruction. The SCSO maintains accurate records for all training courses that it sponsors which include, but is not limited to, lesson plans, and course curriculum which is maintained indefinitely.

XIV. FIELD TRAINING PROGRAM -

- A. New trainees assigned to the Law Enforcement Division will not be authorized or assigned to perform regular law enforcement officer duties until they have completed training as required in this policy and have successfully completed a Field Training Program. (See “**Field Training Officer Program**”), this manual.

## **FIELD TRAINING OFFICER PROGRAM**

STANDARD NO(S):	NYSLEAP 32.5 NYSSA CD# 15
DATE:	July 12, 2010 REVISED 10/18/2010 REVIEWED 03/19/2018 REVIEWED 10/29/2018
REFER TO:	Richard Reed John Cleere

**I. OBJECTIVE:**

To establish departmental policy governing the Field Training Officer Program (FTO) for SCSO Road Patrol Deputies and members assigned to the Civil Division.

**II. POLICY:**

It is the policy of the Seneca County Office of the Sheriff to train new deputies in department procedures and their implementation.

**III. DETAILS:**

**A. GENERAL -**

1. To provide field training for recruits while under constant observation for the purpose of determining if the recruit is capable of functioning in their assigned capacity.
2. To establish the organizational structure of the program, the duties and responsibilities of personnel in the program, and eligibility standards and procedures for nominating, selecting, and training members to be field training officers (FTO).
3. To establish a system of assigning recruits with a primary and secondary training officer.
4. To establish procedures for the preparation of training performance progress reports of probationary members assigned to training.

**B. ORGANIZATIONAL STRUCTURE -**

1. Each division is responsible for the line supervision of recruits assigned to training.

2. Each division shall be responsible for control and guidance of the training of recruits until they complete their training program.
3. The FTO Supervisor shall be assigned by the Road Patrol Lieutenant, and is directly responsible to him/her. He/She shall maintain a liaison with the trainer as Supervisor of the program.

**C. DUTIES AND RESPONSIBILITIES OF THE FIELD TRAINING SUPERVISOR –**

**1. PROGRAM ADMINISTRATION:**

- a. The FTO Program Supervisor shall be responsible for the administration and operation of the FTO program.
- b. The FTO Program Supervisor will assume the program supervision of all training officers and probationary officers during FTO training period.
- c. The FTO Program Supervisor will be responsible for the preparation, distribution and updating of the field training guide - SCSO-LE-031.
- d. The FTO Program Supervisor will be responsible to evaluate the training officers' performance as trainers, and report performance to the Road Patrol Lieutenant.
- e. The FTO Program Supervisor may recommend to the Road Patrol Lieutenant that the training assignment of a recruit be continued if the need for further training is apparent and a reasonable expectation exists that improved performance will result.

**2. PROGRAM COORDINATION:**

- a. The FTO Program Supervisor is directly responsible for the activities and program supervision of the FTO and will:
  - 1.) Maintain a roster of all training officers and monitor the placement of recruits with training officers.
  - 2.) Conduct evaluation and conferences of the FTO's.
  - 3.) Periodically consult with the FTO's to maintain standards, solicit suggestions and discuss new approaches to problems.
- b. The FTO Program Supervisor will consult with the Road Patrol Lieutenant for planning the activities of the FTO and probationary officers during the duration of the program to include:
  - 1.) Designation of recruit's assignments.

- 2.) Changes in such assignments.
  - 3.) Variation in the length of the assignments.
- c. The FTO Program Supervisor will assume the monitoring of all recruits for the duration of their training and shall:
- 1.) Review each recruits progress during training while having monthly meetings with the Road Patrol Lieutenant to brief him/her on all aspects of the probationers' performance. The Road Patrol Lieutenant will also be advised of all FTO meetings.
  - 2.) Monitor and evaluate the overall development of probationary officers during their training period, to ascertain any deficiencies, and shall attempt to resolve noted deficiencies through additional training.
  - 3.) Be responsible for preparing recommendations to the Road Patrol Lieutenant for continuance or termination of recruits while in the training programs.
  - 4.) Summarize each recruits development in a memo submitted to the Road Patrol Lieutenant at the conclusion of the recruits training.

**D. FIELD TRAINING OFFICER –**

1. **DUTIES AND RESPONSIBILITIES OF FIELD TRAINING OFFICERS:**
  - a. They shall be responsible for the training and the evaluation of the recruit assigned to them.
  - b. They shall attend evaluation meetings scheduled by the FTO Program Supervisor during each two week training period to discuss progress of their recruits. Remedial training to correct a recruit's deficiency will be discussed at this time.
  - c. A recruit will work the same schedule as the assigned FTO. If the FTO is on a planned time off, the recruit will be reassigned to another certified FTO or a senior officer. If the FTO is on an unplanned time off, the recruit will be reassigned to ride with a patrol unit in **observation mode ONLY**.
  - d. Prepare written Daily Observation Reports (SCSO-LE-030). To be turned in to the FTO Supervisor, at the end of each forty (40) hour work week. DOR's will also be accessible for other FTO's for review.
  - e. Maintain FTO training guide (SCSO-LE-031), which will be shared between primary and secondary FTO's.

2. QUALIFICATIONS OF THE FIELD TRAINING OFFICERS (FTO):

- a. Will be a member/employee with permanent status who:
  - 1.) Exhibits a desire to participate in the program.
  - 2.) Possesses the verbal and teaching skills required of a field training officer to include the ability to evaluate others objectively.
  - 3.) Is skilled in interpersonal relationships.
  - 4.) Possesses the technical knowledge necessary for the successful education of the recruit's task, being particularly adept at preliminary investigation and report writing, patrol tactics, knowledgeable of the law and aware of policing responsibilities.

3. NOMINATION OF FIELD TRAINING OFFICERS:

- a. A member who meets the qualification set forth above may be nominated to be a field training officer by his/her Supervisor.
- b. Any member who possesses the qualification may also request to be nominated in a memo to his/her Supervisor.
- c. The FTO Program Supervisor may nominate any member to be a field training officer.
- d. Each Supervisor shall deliver a list of nominated prospective trainers with his/her endorsement to the Road Patrol Lieutenant.

4. SELECTION OF FIELD TRAINING OFFICERS:

- a. A panel comprised of the Undersheriff, Chief Deputy, Road Patrol Lieutenant and FTO Program Supervisor shall be convened to select members for acceptance into the field training program.
- b. The selection panel shall consider each nominee and his/her qualifications, past performance and personal recommendations by the nominee's Supervisor.
- c. A majority vote of the selection panel shall be required before any nominee is recommended.
- d. The names of nominees who have been selected shall be submitted to the Sheriff for final approval.

- e. Any member designated as a field training officer who does not perform adequately shall be subject to removal from the program at the discretion of the Sheriff or his designee.

5. **FIELD TRAINING OFFICER CERTIFICATION:**

- a. Members who are selected and approved by the Sheriff will attend an FTO training course for certification as FTO's sponsored by the Municipal Police Training Council or other approved acceptable FTO training program.
- b. The names of members satisfactorily completing the FTO training course shall be placed on a roster of certified FTO's. Officers who are certified as FTO's shall maintain their status only as long as they perform their responsibilities in a satisfactory manner.
- c. FTO's will attend periodic in-service training.

**E. TRAINING GUIDE –**

- 1. The FTO Program Supervisor will develop, update and disseminate a training guide to each field officer and recruit – (SCSO-LE-031).
  - a. The training guide will provide for use in the training and evaluation of recruits placed in training assignments.
  - b. The training guide shall be utilized by the recruits to record their progress.
  - c. The training guide will be utilized by the training officers and FTO Program Supervisor for review of the recruit's performance during evaluation meetings.
  - d. The training guide will consist of, but not limited to, evaluation guidelines, training check list and Daily Observation Reports (SCSO-LE-030).
- 2. At the conclusion of the training assignment the recruits shall deliver the guide, (SCSO-LE-031) to the FTO Program Supervisor for review, evaluation and retention in department files.

**F. ASSIGNMENT OF RECRUITS –**

- 1. The assignment of particular recruits with particular field training officers shall be made by the Road Patrol Lieutenant.
- 2. Field Training Assignments

- a. Each recruit shall be placed in a field training assignment under the supervision of an FTO for a nine-week period. Minimum length of training will be eight-weeks with a one week evaluation period for a total of nine weeks.
- b. Weeks 1 thru 4 with primary FTO: Recruit may drive patrol vehicle, utilize the radio/radio traffic, moderate handling of complaints, all of which will be determined by the primary FTO. Recruit will assist with all required paperwork, in which the primary FTO will review. Recruit will not sign any paperwork during this first phase. There may be circumstances in which the recruit will be required to sign paperwork including, but not limited to supporting depositions and statements.
- c. Week 5 – 8 with secondary FTO: Recruit will sign all appropriate paperwork; recruit should be progressing to handle high profile/serious cases and should be handling all radio traffic. All of which will be with the guidance of the FTO and to which the recruit abilities will allow.
- d. Week 9 back with Primary FTO for final evaluation: Recruit should be performing all activities with little to no guidance from the FTO.
- e. Upon completion of the final phase of FTO, the primary FTO, secondary FTO, FTO Supervisor and the Road Patrol Lieutenant must unanimously authorize the recruit for solo patrol.
  - 1.) If it is deemed that the recruit is in need of further remedial training, both the primary and the secondary FTO's will meet with the FTO Supervisor. Extended FTO will be extended into two week increments. In certain instances an independent FTO can be utilized to determine the recruits' status.
  - 2.) Maximum length of training will be sixteen (16) weeks (evaluation period included) if deemed not ready and with proper documentation the recruits file will be reviewed by the Road Patrol Lieutenant, Chief Deputy, Undersheriff, and FTO Supervisor for dismissal. Final determination to be made by the Sheriff.
3. The Road Patrol Lieutenant and Chief Deputy will decide on the length of the FTO program for lateral officer transfers. The decision will be based on, but not limited to, the type, size and location of agency the lateral is coming from, the length of time in service, prior training received and proficiency shown by lateral officer

#### **G. EVALUATION PROCEDURES –**

1. During the last week of each training period, a training performance evaluation meeting will be scheduled to discuss the progress of each recruit.

2. The meeting will be attended by the FTO Supervisor and designated field training officers who are, have been, or will be assigned to the progress of each recruit.
3. Using the training guide criteria, the progress of each recruit will be discussed and plans will be designed and implemented to correct deficiencies through additional training.

## **H. RESPONSIBILITIES OF THE ROAD PATROL LIEUTENANT –**

1. The Road Patrol Lieutenant is charged with the responsibility of reviewing the progress of the particular recruit and to provide recommendations for:
  - a. Acceptance
  - b. Remedial training
  - c. Termination
2. At the conclusion of the probationary period, the Road Patrol Lieutenant along with the FTO Supervisor will determine whether or not the recruit has successfully completed said period. If the recruit was successful, the Road Patrol Lieutenant shall notify the Sheriff through the chain of command. If the recruit was not successful and the Road Patrol Lieutenant recommends termination, he/she shall direct written correspondence to the Sheriff, through the chain of command. Correspondence shall consist of all documented justification for the recommendations. The Sheriff then has the final decision whether to terminate the recruit or take some other form of action.

## **I. FTO PROGRAM – CIVIL DIVISION**

1. All full and part time members assigned to the SCSO Civil Division must undergo a field training program lasting a minimum of four weeks within one year of such assignment. Such FTO program will include, but no limited to the following requirements:
  - a. Daily written evaluations, including
    - i. Proper application & completion of civil forms
    - ii. Correspondence with attorneys and creditors
    - iii. Proper use of internal forms, reports and schedules
    - iv. Grammar, spelling, technical terms
  - b. Specific performance criteria, including
    - i. Officer safety
    - ii. Driving skills, routine skills
    - iii. Knowledge of local codes and civil law

- iv. Stress & non-stress situations
  - v. How to levy, evict and conduct sales
  - vi. Radio protocol
  - vii. Acceptance of criticism
  - viii. Proper service methods & record keeping
- c. Observed interaction with,
    - i. FTO
    - ii. Ethnic groups
    - iii. Supervisors & co-workers
    - iv. The public generally

2. During Field Training the Civil Officer will:

- a. Rotate the newly assigned full time member within different operations of the Civil Division. Each newly assigned full time member of the Civil Division will complete a minimum four-week training period, which is comprised of, but not limited to, the following time periods:

Administrative Operations

- Receptionist/Cashier.....3 days
- Processing.....7 days
- Income Executions.....3 days
- Property Executions.....2 days
- Accounting/Bookkeeper..... 2 days
- Field Operations..... 3 days

Total minimum training days-----20 days

Field Operations

- Receptionist/Cashier.....1 day
- Processing.....1 day
- Income Executions.....2 days
- Property Executions.....2 days
- Accounting/Bookkeeper.....1 day

- Field Operations.....13 days

Total minimum training days-----20 days

# **Seneca County Sheriff's Office**



## **Field Training Officer Guide**

**SCSO-LE-031**

Please Print:

Field Training Officers: \_\_\_\_\_ (Phase 1)

\_\_\_\_\_ (Phase 2)

Recruit Officer: \_\_\_\_\_

All items on this checklist should be covered. This ensures that all recruit officers are provided with the basic and fundamental information/skills to perform the standard tasks pertinent to the duties of a Deputy Sheriff in the Seneca County Sheriff's Office.

\*The FTO must initial each task after the recruit officer shows basic competence/understanding in the task.

\*The recruit officer must initial each task to indicate that he/she has been provided with and understands the information regarding the particular task.

Understanding by a recruit officer of a particular task can be determined in many ways:

- 1) In a realistic setting
- 2) Through simulation
- 3) Through formal or informal testing

When completed, this checklist should be submitted to the Field Training Program Sergeant for review. It is encouraged that the FTO makes a copy for their own records.

The checklist is in alphabetic order for easy use and does not imply in any way that it should be covered in this order.

<b>*MEMBERS ASSIGNED TO CIVIL DIVISION</b>	<b>FTO</b>	<b>Recruit</b>
Correspondence with attorneys and creditors		
Grammar, spelling, and technical terms		
Proper application and completion of civil forms		
Proper use of internal forms, reports, and schedules		
<b>ARREST PROCEDURE</b>	<b>FTO</b>	<b>Recruit</b>
Accusatory Instruments		
Applying for an Arrest Warrant		
Arraignments		
Arrests Without a Warrant		
Filing of Paperwork including DA Packet		
Jail Intake including Jail Tour		
Processing Procedure if not committed		
Warrant Arrests		

<b>CHAIN OF COMMAND</b>	<b>FTO</b>	<b>Recruit</b>
Administrative/Supervisory Notifications		
Rank Structure		

<b>COMMUNITY RELATIONS</b>	<b>FTO</b>	<b>Recruit</b>
Impartiality		
Relations with Other Agencies		
Relations with Public		

<b>COMPUTERS/COMPUTER SYSTEMS</b>	<b>FTO</b>	<b>Recruit</b>
County E-Mail		
Department/County Computer Policy		
Department Desktop Computers (basic instructions)		
E-Justice- Criminal History/DMV		
Laptops (basic instructions) including printer		

<b>COURT PROCEDURE</b>	<b>FTO</b>	<b>Recruit</b>
Arraignments		
County Court		
Grand Jury		
Hearings (brief overview – Huntley, Preliminary, etc.)		
Local Criminal Courts		
Testimony Etiquette		

<b>CRIME SCENES</b>	<b>FTO</b>	<b>Recruit</b>
Scene Security		
Securing and Preserving of Evidence		

<b>DEPARTMENT OVERVIEW</b>	<b>FTO</b>	<b>Recruit</b>
Administration		
Civil Division		
Correctional Division		
Court Security Division		
Criminal Investigation Division/Juvenile Aid Bureau		
K-9 Division		
Marine Patrol Division		
Records Division		
Road Patrol Division		

<b>DOMESTIC VIOLENCE</b>	<b>FTO</b>	<b>Recruit</b>
Department Policy		
Domestic Incident Report (DIR)		
Mandatory Arrest Statutes		
Officer Safety Considerations		
Victim Resources		

<b>DWI INVESTIGATIONS</b>	<b>FTO</b>	<b>Recruit</b>
Alco-Sensor Instruction (if available)		
Basic Procedure		
Compulsory Blood Draws		
Mandatory Arraignment Policy		
Overview of Chemical Testing (including refusal)		
Alternate Sobriety Tests		

<b>EVIDENCE HANDLING</b>	<b>FTO</b>	<b>Recruit</b>
Department Policy		
Evidence Procedure		
Evidence Tracking Sheet		
Packaging of Evidence		

<b>FOUND PROPERTY</b>	<b>FTO</b>	<b>Recruit</b>
Destruction of Certain Property		
Explanation of Safekeeping		
Securing of Found Property		

<b>GEOGRAPHY</b>	<b>FTO</b>	<b>Recruit</b>
Business Check Locations		
Homeland Security Check Locations		
Important Locations (courts, other agencies, etc.)		

Property Check Locations		
Town/Village/Post Overview		

<b>INVESTIGATIONS</b>	<b>FTO</b>	<b>Recruit</b>
Assault/Harassment Investigations		
Burglary Investigations		
Burn Investigations		
Child Abuse Investigations (mandatory reporting)		
Death Investigations (Unattended, Suspicious, etc.)		
Drug Investigations		
Fire Investigations		
Interviewing/Interrogation (Miranda, custody, etc.)		
Juvenile Investigations including arrest procedure		
Larceny Investigations		
Missing Person Investigations		
Robbery Investigations		
Sex Offense Investigations		
Stolen Vehicle Investigations		

<b>MENTAL HEALTH</b>	<b>FTO</b>	<b>Recruit</b>
Mental Health Arrest (MHL 9.41)		
Mental Health Community Residences		
Mental Health Resources		
Officer Safety Considerations		
Transport Orders		

<b>OFFICER SAFETY</b>	<b>FTO</b>	<b>Recruit</b>
Active Shooter		
Alarms (EID, Bank, etc.)		
Building Searches		
Barricaded Suspects		
Department Pursuit Policy		
Handling of Suspects		
Hazardous Material Response		
High Risk/Felony Traffic Stops		
Infectious Disease Precautions		
Response to Crimes in Progress		
“Routine” Traffic Stops		
Suspicious Package Handling (Possible Explosive)		

<b>PATROL VEHICLE</b>	<b>FTO</b>	<b>Recruit</b>
Instructions on emergency lighting and siren		
Operation (normal and emergency mode)		
Pre-Shift Inspection		
RADAR		
“Take Home Car” policy if applicable		
Vehicle Equipment		

<b>POLICE PROCEDURES</b>	<b>FTO</b>	<b>Recruit</b>
Basic Case Law Decisions		
Civil Complaints		
Civil Service (Family Court paperwork, civils, etc)		
Landlord/Tenant Problems		
Lawful Detention		
Patrol Techniques		
Pistol Permit Suspensions/Revocations		
Search and Seizure		
Search Warrants		
“Stop and Frisk” Situations		
Taking of Statements/Supporting Depositions		

<b>PRE-SHIFT PROCEDURES</b>	<b>FTO</b>	<b>Recruit</b>
Check E-Mail		
Check Mailbox		
Check for any Outgoing Mail		
Check Prior Shift Activity or any Pertinent Information		
Check in with Sergeant (or Officer in Charge)		
Check Voicemail		
Equipment for Shift (AED, cell phone, etc.)		

<b>RADIO COMMUNICATIONS</b>	<b>FTO</b>	<b>Recruit</b>
Basic Instructions of the Mobile Radio		
“Closest Car” Policy/Spillman Mapping		
Common Errors (Talking fast, mumbling, etc.)		
Overview of the 911 Center including a visit		
Portable Radio		
Ten Codes/Radio Etiquette		

<b>RULES AND REGULATIONS</b>	<b>FTO</b>	<b>Recruit</b>
Abuse of Power		
Ethics		
Overview of the Department Policies		
Personnel Complaint Procedure		
Reporting for Duty (personal appearance, uniform, etc.)		
Department Schedules		
Read Use of Force Policy with FTO		
Read Pursuit Policy with FTO		

<b>SPECTRUM JUSTICE SYSTEM (SJS)</b>	<b>FTO</b>	<b>Recruit</b>
Spillman Approval Procedure		
Spillman Incident Report		
Spillman Search Features		

<b>TRAFFIC AND CRIMINAL SOFTWARE (Tracs)</b>	<b>FTO</b>	<b>Recruit</b>
MV-104A (Police Accident Report)		
Search Feature		
Start Shift/End Shift		
Uniform Traffic Ticket		

<b>VEHICLE AND TRAFFIC</b>	<b>FTO</b>	<b>Recruit</b>
Accident Investigations		
Accident Report (MV-104A)		
Basic Vehicle and Traffic Law Statutes		
Traffic Enforcement Discretion		
Uniform Traffic Ticket (UTT)		
Vehicle and Traffic Court Prosecutions		

<b>USE OF FORCE</b>	<b>FTO</b>	<b>Recruit</b>
Department Use of Force Policy		
Explanation of Defensive Weapons		
Explanation of Use of Force Report		

\*Most of these forms will be discussed in the other categories.

<b>LIST OF DEPARTMENT FORMS</b>	<b>FTO</b>	<b>Recruit</b>
Accident Report (MV-104A)		
Affidavit of Service (Civil)		
Animal Report (Firearm Discharge)		
Appearance Ticket (adult and juvenile)		
Child Abuse Reporting Form		
Confiscated Plates Receipt		
Consent to Search Form		
DMV Driver Review Referral		
DMV Refusal Form		
DMV Lost/Stolen Plate/Driver's License Form		
Dog Bite Card		
Domestic Incident Report		
Fire Investigation Report		
Impounded Vehicle Release Form		
Impound Inventory and Impound Sheet		
Jail Intake Form		
Juvenile Contact Card		
Medical Release Form		
Miranda Warning (adult and juvenile)		
Oral Examination (DWI Arrest)		
Overtime Sheet		
Press Release including procedure		
Property Receipt		
Property Release Notice		
Receipt Form		
Report of Service (civil)		
Refusal Warning Notice		
Spillman Arrest Report		
Spillman Incident Report		
Statement Form		
Supporting Deposition Form		
Time Off Request Form		
Uniform Traffic Ticket (UTT)		
Use of Force Report		
Victim's Affidavit		
VIN Verification Form		
Warrant Control Sheet		

## **To the Recruit Officer:**

By signing this document, the Recruit Officer acknowledges that they have been presented with information pertaining to the listed tasks. The Field Training Program Sergeant and the Field Training Program Administrator understand that you may not retain everything covered during the Field Training Program, but it is your responsibility that you continue to learn as the Field Training Program only gives you a foundation for the start of your career.

## **To the Field Training Officers:**

By signing this document, the FTO acknowledges that they have presented the recruit officer with the basic information with regard to the listed tasks. The recruit officer showed basic competence in each of the tasks at the time. The Field Training Program Sergeant and the Field Training Program Administrator understand that the recruit officer may not retain everything covered during the Field Training Program.

Please sign:

Recruit Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Field Training Officers: \_\_\_\_\_ (Phase 1) Date: \_\_\_\_\_

\_\_\_\_\_ (Phase 2) Date: \_\_\_\_\_

Field Training Sergeant: \_\_\_\_\_ Date: \_\_\_\_\_

Field Training Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

**Seneca County Sheriffs Office Field Training Program**  
**DAILY OBSERVATION REPORT NO.**

PHASE

OIT'S LAST NAME, FIRST INITIAL

EMP#

FTO'S LAST NAME, FIRST INITIAL

EMP#

DATE

RATING INSTRUCTIONS: Rate observed behavior using the scale below. Comment on the satisfactory and unsatisfactory performances of the day. Comment on any behavior you wish, but a specific comment is required for ratings of "1" or "7". Check "N.O." box if not observed. If trainee fails to respond to training, check "N.R.T." box and comment.

<b>RATING SCALE</b>						
BELOW SOLO OFFICER STANDARDS	ACCEPTABLE LEVEL	SUPERIOR BY FTO PROGRAM STANDARDS				
----->	1 2 3 <4> 5 6 7 <-----					

**Reason for no evaluation:**

						<u>Remedial Training Time</u>
APPEARANCE	N.O.	N.R.T.				
1. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	1.	GENERAL APPEARANCE	[ □ ]	
ATTITUDE						
2. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	2.	ACCEPTANCE OF FEEDBACK FTO/FTO PROGRAM	[ □ ]	
3. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	3.	ATTITUDE TOWARD THE JOB	[ □ ]	
KNOWLEDGE - Reflected in Field Performance						
4. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	4.	DEPT. POLICIES/PROCEDURES	[ □ ]	
5. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	5.	CRIMINAL, TRAFFIC, & CITY STATUTES	[ □ ]	
6. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	6.	CODES OF CRIMINAL PROCEDURE	[ □ ]	
PERFORMANCE						
7. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	7.	DRIVING SKILL: normal & stress conditions	[ □ ]	
8. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	8.	ORIENTATION/RESPONSE TIME TO CALLS	[ □ ]	
9. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	9.	ROUTINE FORMS: accuracy/completeness	[ □ ]	
10. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	10.	REPORT WRITING: organization/details	[ □ ]	
11. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	11.	REPORT WRITING: grammar/spelling/heat	[ □ ]	
12. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	12.	REPORT WRITING: appropriate time used	[ □ ]	
13. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	13.	FIELD PERFORMANCE	[ □ ]	
14. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	14.	INVESTIGATIVE SKILL	[ □ ]	
15. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	15.	INTERVIEW/INTERROGATION SKILL	[ □ ]	
16. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	16.	SELF-INITIATED FIELD ACTIVITY	[ □ ]	
17. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	17.	OFFICER SAFETY	[ □ ]	
18. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	18.	CONTROL OF CONFLICT: voice command	[ □ ]	
19. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	19.	CONTROL OF CONFLICT: physical control	[ □ ]	
20. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	20.	DECISION MAKING	[ □ ]	
21. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	21.	RADIO: approp use codes/procedures/listens/comprend	[ □ ]	
22. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	22.	MOBILE COMPUTER: appropriate use and performance	[ □ ]	
COMMUNITY POLICING CATEGORIES						
23. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	23.	COMMUNITY POLICING / PROBLEM SOLVING	[ □ ]	
24. 1□2□3□4□5□6□7□	[ □ ]	[ □ ]	24.	COURTESY / RELATIONSHIPS	[ □ ]	

Total Minutes of Remedial Training Time Today (Note Specific Remedial Plans on Page 2)

**DAILY WRITTEN DOCUMENTATION TO SUPPORT FIELD TRAINER'S  
OBSERVATIONS AND RATINGS FOR THE DAY:**

- |                             |                                    |                           |
|-----------------------------|------------------------------------|---------------------------|
| 1. SET THE STAGE/SCENE      | 4. USE LISTS AS APPROPRIATE        | 7. THINK REMEDIAL         |
| 2. CONSIDER VERBATIM QUOTES | 5. REPORT FACTS, AVOID CONCLUSIONS | 8. CONSIDER YOUR AUDIENCE |
| 3. CRITIQUE PERFORMANCE     | 6. CHECK SPELLING, GRAMMAR, ETC.   | 9. DON'T PREDICT          |
- 

**CATEGORY  
NUMBER/S**

**DOCUMENTATION:** Enter Category Number/s in the left box; enter the associated Documentation in the right box. The boxes expand automatically to accommodate more text. The TAB key moves the cursor to the next box. If another row is needed, place the cursor in the bottom right box and hit the TAB key.


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TRAINEE'S SIGNATURE

DATE

FTO'S SIGNATURE

DATE

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FTO SERGEANT'S SIGNATURE

DATE

**Seneca County Sheriff's Office: Civil Division**  
**Supervised Field Training Daily Observation Report**

Probationary Officer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Field Training Officer's Name: \_\_\_\_\_

Location of Assignment: \_\_\_\_\_ No. of Hours: \_\_\_\_\_

Rating Instructions: Field training officers shall rate observed behavior using a scale of 1 to 7. A rating of 1 indicates that performance in a specific category is unacceptable by program standards. A rating of 4 indicates an acceptable level of performance. A rating of 7 indicates a superior level of performance by program standards. Written comment may be included for any category, but **must** be included for performance levels 1, 2, 6 and 7. N/O must be noted if actions not observed during daily evaluation. A written description of any remedial training shall be noted in comments section at end of report, including amount of time spent and any additional pertinent information.

**NRT:** Not Responding to Training

**N/O:** Not Observed

**Rating Scale**

Poor		Acceptable Level			Excellent	
1	2	3	4	5	6	7

Categories:	N/O	Rating	Remedial	NRT
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**Daily Written Evaluations:**

Proper Application of Civil Forms	_____	_____	_____	_____
Proper Completion of Civil Forms	_____	_____	_____	_____
Correspondence with Attorneys	_____	_____	_____	_____
Correspondence with Creditors	_____	_____	_____	_____
Proper use of Internal Forms	_____	_____	_____	_____
Proper use of Reports	_____	_____	_____	_____
Proper use of Schedules	_____	_____	_____	_____
Grammar & Spelling	_____	_____	_____	_____
Technical Terms	_____	_____	_____	_____

**Specific Performance Criteria:**

Officer Safety	_____	_____	_____	_____
Driving & Routing Skills	_____	_____	_____	_____
Knowledge of Local Codes	_____	_____	_____	_____
Knowledge of Civil Law	_____	_____	_____	_____
Stressful Situations	_____	_____	_____	_____
Non-Stressful Situations	_____	_____	_____	_____
Eviction Procedures	_____	_____	_____	_____
Levy Procedures	_____	_____	_____	_____
Procedures to Conduct a Sale	_____	_____	_____	_____
Radio Protocol	_____	_____	_____	_____
Acceptance of Criticism	_____	_____	_____	_____
Proper Service Methods	_____	_____	_____	_____
Proper Record Keeping	_____	_____	_____	_____

**Observed Interaction with:**

FTO	_____	_____	_____	_____
Ethnic Groups	_____	_____	_____	_____
Supervisors & Co-Workers	_____	_____	_____	_____
The Public Generally	_____	_____	_____	_____

**Documentation of Performance and Comments:**

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**Probationary Officer's Signature**

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FTO's Signature

---

**Supervisor's Signature**

## Chapter Seven - Traffic Operations

- 7-1 Abandoned vehicles
- 7-2 Assistance to motorists
- 7-3 Road block procedure
- 7-4 Traffic Accident Investigation
- 7-5 Vehicle Pursuits
- 7-6 Traffic Administration, Enforcement & Control
- 7-7 Vehicles Seized, Impounded and Towing

## **ABANDONDED VEHICLES**

STANDARD NO(S):

NYSLEAP 47.6

DATE:

March 26, 2009

REVISED 05/28/2019

REFER TO:

John E. Breese

**I. OBJECTIVE:** To establish procedures for the handling of abandoned vehicles.

**II. POLICY:**

It shall be the policy of the SCSO to enforce the New York State laws pertaining to the abandonment and removal of vehicles found on the roadways of Seneca County, recognizing that their presence can be hazardous to the safe movement of vehicular traffic or can invite vandalism.

**III. DETAILS:**

Section 1224 of the New York State Vehicle & Traffic Law reads in part,

"1. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended

(a) with no number plates affixed thereto, for more than six hours on any highway or other public place;

(b) for more than twenty-four hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted;

(c) for more than forty-eight hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted;

(d) for more than ninety-six hours on property of another if left without permission of the owner.

"2. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of seven hundred fifty dollars or less, title shall immediately vest in the local authority having jurisdiction thereof.

"3. (a) Except for vehicles governed by subdivision two, a local authority having custody of an abandoned vehicle shall make an inquiry concerning the last owner of such vehicle as follows:

(i) abandoned vehicle with number plates affixed - to the jurisdiction which issued such number plates;

(ii) abandoned vehicle with no number plate affixed - the department of motor vehicles.

(b) Such local authority shall notify the last owner, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction or by bid after ten days from the date such notice was given... Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle...

"4. For the purposes of this section, a local authority entitled to custody of an abandoned vehicle shall be the town ... city or village in which the vehicle was abandoned ... a county may act as the agent for a local authority for the purpose of removing and disposing of abandoned vehicles."

Section 1204 of the same law reads in part,

"(b) 1. Whenever any police officer ... finds a vehicle unattended where it constitutes an obstruction to traffic, or any place where stopping, standing or parking is prohibited, such officer is hereby authorized to provide for the removal of such vehicle... to a garage, automobile pound or other place of safety.

"(c) The owner or other person lawfully entitled to the possession of such vehicle may be charged with a reasonable cost for removal and storage, payable before the vehicle is released.

"(d) No police officer ... shall release a motor vehicle impounded because of any traffic or parking violation to any person who does not have a currently valid driver's license and an insurance identification card indicating current insurance coverage on such vehicle."

A. The above excerpts define the circumstances under which vehicles are considered to be abandoned. Upon encountering such a vehicle, the member assigned to road patrol duties should:

1. Check vehicle closely for occupants, suspicious circumstances, damage, etc. If an item which appears to be contraband or a weapon is located, vehicle shall be impounded. Impounded vehicles become the responsibility of the Criminal Investigations Division for processing and eventual disposition.

2. Contact the 911 Center and request data to determine if the vehicle is stolen. If so, the procedures outlined in the section entitled "**Collection, Preservation & Disposition of Evidence**", paragraph K, this Manual, should be followed.
3. If registrant can be determined, every effort should be made to contact that person to have the vehicle removed; however, if the vehicle is considered to be an obstruction to safe travel on the roadway, the 911 Center should be requested to notify the appropriate towing service to have it removed and retained in the towing service's custody.
4. Prepare an incident report containing the pertinent facts and any action taken.

B. Upon receipt of a report regarding action taken with respect to an abandoned vehicle, the Shift Sergeant shall review same to insure that the pecuniary interests of any individual or municipality are considered.

## **ASSISTANCE TO MOTORISTS**

STANDARD(S): NYSLEAP 47.6 & .47.8  
DATE: May 1, 2009  
REVIEWED 05/24/2019

REFER TO: John E. Breese

### **I. OBJECTIVE:**

To establish procedures for the rendering of assistance to those requiring help on the roadways of Seneca County.

### **II. POLICY:**

It is the policy of the SCSO to offer reasonable assistance at all times to the motorist who appear to be in need of aid. Generally, this need is identifiable simply by the presence of a vehicle stopped along a roadway. Unless there is an urgent reason for the SCSO road patrol officer to be elsewhere, it is required that the officer stop to determine if assistance is required. In the event of the former, E-911 Center shall be contacted by radio to report the location of the stopped vehicle so that another patrol car can be dispatched for this purpose.

### **III. DETAILS:**

It is expected that each member assigned to road patrol duties will become thoroughly familiar with the travel routes within and adjacent to Seneca County. Members should be aware of the placement of highway safety features and be able to recognize their removal or lack of operation. Members' familiarity with the patrol area should include a knowledge of the location of facilities able to provide medical assistance, fire suppression, vehicle fuel and/or repair, towing, and aid to travelers.

**A. Directions -** SCSO members shall freely and cheerfully provide information and directions upon request.

**B. Disabled vehicles -** Depending upon the location, it may be necessary to arrange for the immediate removal of a disabled vehicle in order to avoid traffic congestion and the possibility of a collision. If, in the officer's judgment, this must be accomplished prior to the arrival of a towing or repair service, the following procedures apply:

1. Provided there is no danger of personal injury, the vehicle may be moved manually to a safe location.
2. Under no circumstances will the patrol vehicle be used to push, tow or electrically jump start a disabled vehicle.
3. If quick removal is impossible, action to minimize the hazard should be

undertaken immediately with the strategic placement of the patrol vehicle with emergency lights flashing, the deployment of flares or traffic cones, and, if deemed necessary, the request for additional units to assist in traffic direction.

**C. Towing or roadside repair** - At the request of the motorist whose vehicle is disabled, a member of the SCSO will serve as a communications link to the 911 Center in order to obtain the needed service.

1. The motorist should be asked to designate a particular towing or repair service, and then notify the E-911 Center to contact that company at the motorist's request.
2. If the motorist has no preference for a service provider, the member should notify the E-911 Center to contact the appropriate service in rotation for that particular geographical location.
3. The member relaying the request for service shall advise the E-911 Center of the vehicle description, plate number, owner's name, operator's name (if different), the exact location of the vehicle, and any other information which will allow the provider to respond appropriately, e.g., wheel off, car in field, etc.
4. A request for towing or roadside repair is handled in the same manner as any other complaint with a "CR" number assigned enabling later coordination with the officer's report. Where no preference for a particular service is specified, the E-911 Center follows a rotational scheme using the computerized "Tow Truck System" that places the most recent provider at the rear of the succession.

**D. Stranded motorists** - An operator of a vehicle which has become disabled on the roadways of Seneca County will not be abandoned if exposed to a hazardous situation, taking into account traffic, location, time of day, weather conditions and other priorities. The SCSO member, at one's discretion, may transport a stranded motorist to the nearest convenient location where assistance may be obtained; however, the member should be certain that assistance is available before departing the scene or leaving the motorist at another location.

**CAUTION:** Members who are about to render assistance to a motorist whose vehicle is apparently disabled should be alert to the following possibilities:

1. The motorist has possession of the vehicle without the owner's authorization;
2. The vehicle is unsafe to operate;
3. The motorist is unlicensed;
4. The motorist is incapable of operating the vehicle safely, or
5. Occupants of the vehicle have engaged in recent criminal activity.

**E. Vehicle fires** - SCSO patrol cars are equipped with dry chemical fire extinguishers for use by members in suppressing small fires; however, upon encountering a vehicle fire along the roadway, the member should:

1. Immediately contact the E-911 Center and request that the appropriate fire service be notified, giving the location, type of vehicle, nature of cargo (if any) and whatever other details would assure an adequate response;
2. Determine if there are any occupants;
3. Insure that any observers are at a safe distance; and then,
4. If it can be done safely, attempt to suppress the fire.

Upon arrival of the fire service, the member shall relinquish control of the scene to the senior fire official but remain until the emergency is resolved satisfactorily or until relieved by competent authority.

#### **F. Medical Assistance**

1. Stranded motorists in need of medical attention should be administered first aid, if possible, consistent with the member's training and experience. If conditions are beyond the capability of the member, the E-911 Center should be requested to have the appropriate emergency medical service respond. The member shall remain at the scene to assist until the emergency has been resolved.

A member encountering a motorist whose vehicle is not disabled, but who is ill or injured, or who is carrying a passenger who is ill or injured, shall offer to summon medical assistance and/or to render first aid consistent with one's training and experience, pending the arrival of medical assistance. A member may also offer, if appropriate, to show or lead the vehicle, without using emergency lights or siren, to the closest emergency medical facility, providing this action appears to be the most expedient under the circumstances.  
**MEMBERS SHALL NOT ESCORT A CIVILIAN VEHICLE IN A MEDICAL EMERGENCY.**

**G. Vehicle lock-outs** -Occasionally members of the SCSO will be asked to assist a motorist who has inadvertently locked his car, leaving the keys inside. Patrol vehicles carry devices which will often open a car door; however, these devices are to be used only in accordance with the following procedure:

1. Upon becoming aware of a lock-out, the member shall first verify ownership of the vehicle and the operator's authority to have possession of it.
2. In the event the operator makes such a request, before any actual attempt is made to open a locked door the purpose to unlock said vehicle must be either for the reason of a child locked in the vehicle or for obtaining medication(s) inside the vehicle or the member may offer to request the assistance of a locksmith. Situations and circumstances may arise which the member deems as an emergency or dangerous condition not outlined in this section. In those instances, the member has the discretion to perform such services in accordance with paragraph 1, 3 and 4 of this section.
3. An SCSO member is not to attempt to open a locked car door unless fully confident that it can be done without causing damage to the locking mechanism or the car's electrical system. Under unfamiliar circumstances, where the member is unsure of one's ability, one may offer to relay a request for a locksmith to be called to the scene.

4. If the SCSO member determines that the request meets with SCSO protocol outlined in subsections 1-3 the SCSO member will prior to executing the unlock, complete and fully execute a “Vehicle Entry Authorization” (SCSO-LE-003), which after completed will be forwarded to the duty Sergeant for filing.
  
5. Also, as a matter of policy, SCSO members may be requested to assist with entry to vehicles within the Villages of Seneca Falls and Waterloo in the event their respective police department personnel are engaged in other matters and not available. The SCSO member will contact the respective agency in attempt to determine the timeframe when they would be able to render assistance to the motorist. If the member is satisfied the entry is authorized per SCSO protocol and the time frame availability of the respective agency is deemed by the member to be too lengthy, the member is authorized to affect such entry by following the procedures set forth in subsection(s) 1 – 4 above.

**EXCEPTIONS:**

1. If the vehicle is legally parked along a Seneca County roadway, or on private property which is generally used for parking by the public and to arrange for the delivery of extra keys would pose an unusual hardship for the operator and at the specific request of the operator, the SCSO member may attempt to assist the operator in gaining entrance to the vehicle provided the member complies with subsections 1, 3 and 4 above.

## **ROADBLOCK PROCEDURES**

STANDARD NO(S): NYSLEAP 43.5 & 47.3  
DATE: March 20, 2009  
REVIEWED: 03/20/2017  
REFER TO: John Fowler

### I. OBJECTIVE:

To establish procedures for the use of roadblocks.

### II. POLICY:

Seneca County has an area of 330 square miles containing 680.24 miles of roadways. It is bordered by five other county jurisdictions available by numerous routes of travel. The prospects for implementing, as a patrol technique, a fixed roadblock for the purpose of intercepting a vehicle containing a fleeing person has been carefully considered and is rejected as impractical on the basis of limited resources. At best, it may be effective as a screening device to enable a visual check of a vehicle's occupants or to conduct a routine traffic inspection.

### III. DETAILS:

A. The purpose of a roadblock is to restrict or stop the flow of normal traffic on a roadway for the express purpose of attempting to identify a wanted person who may be traveling thereon; to perform a traffic check for valid operating documents, equipment violations, or a driver's sobriety ; or in the performance of other official valid law enforcement duties. As stated in "**Vehicle Operation**" in this Manual, roadblocks shall not be used as a means to stop a pursued violator.

1. It is expected that a roadblock operation will be preplanned to the extent possible. Members must be trained in roadblock techniques and be properly equipped to conduct the operation.
2. Factors to be considered in making the decision to set up a roadblock in an attempt to apprehend a wanted person or aiding the investigation of a criminal act are:
  - a. The seriousness of the crime;
  - b. The sufficiency of information concerning the description of the wanted person;
  - c. The elapsed time between the criminal act and its discovery; and,

- d. The availability of manpower and equipment necessary to conduct an effective and safe roadblock.
  
- B. Authorization for the implementation of a roadblock may be given by the shift Sergeant, with the approval of the Road Lieutenant. In any event the 911 Center will be aware that the procedure has been started and when finished.
  
- C. Supervision at the scene of a roadblock will be by the shift Sergeant, unless more than one location is being manned in which case the Sergeant (or Road Lieutenant) may designate an experienced member to assume command at that site. In no case may a roadblock be implemented with less than two officers and two patrol cars.
  
- D. Safety in the conduct of a roadblock is of paramount concern. Patrol vehicles should be placed along the shoulder of the roadway in the direction of travel with flashers and bar lights operating. Depending upon the speed of travel along the roadway, as well as topographical considerations such as curves, hills, bridges, etc., flares should be placed along the roadway sufficiently distant to insure that traffic can be brought to a safe stop. In all instances, there must be adequate warning to oncoming vehicles in either direction. Every SCSO member assigned to a road block or safety check point is required to wear his/her assigned High Visibility Vest during the entire time of such operation.
  
- E. The manning of a roadblock requires extraordinary vigilance on the part of the members so engaged. This means that every vehicle must be approached with extreme care and each member must be aware of the activities of one's fellow officers at all times. Depending upon the reason for the roadblock, special weapons, if appropriate, should be in readiness if needed for self-defense.
  
- F. Members participating in the implementation of a roadblock should realize that, although their actions are fully justified, they represent an impediment to the free travel of the citizenry. For this reason, each member should be aware that a word of explanation to the innocent can do much to gain the public's support and sympathy for the operation.
  
- G. If practical, a written log should be maintained of each vehicle by license number, or if more practical the aid of the License Plate Reader (LPR) should be used, as it is cleared through the roadblock. This information could prove valuable in any subsequent investigation of the subject's movements, and should be included in an S.J.S. entry of the activity together with the date, location, reason, and time of operation.
  
- H. In the event a vehicle attempts to avoid a roadblock, every attempt should be made to obtain the plate number, description, number of passengers and direction of travel. This information should be furnished immediately to the supervisor and, using good judgment, a determination made as to the advisability of initiating pursuit.

## **TRAFFIC ACCIDENT INVESTIGATION**

STANDARD NO(S):

NYSLEAP#: 47.7

DATE:

August 19, 2010

REVIEWED: 03/19/2017

REVISED: 10/29/2018

REFER TO:

Richard Reed

Mike Schell

### I. OBJECTIVE:

To establish guidelines for the investigation of traffic accidents and to ensure that certain of these activities are thoroughly and accurately reported.

### II. POLICY:

It shall be the policy of the SCSO that its members fully understand their duty to investigate accidents promptly, fairly, and accurately, and to report the results in a clear, well written manner. All members having this responsibility shall be familiar with the laws of New York State requiring reporting by police officers. An accident scene is often a place of confusion and high excitement; nevertheless, the investigating officer must project a calm and professional manner if one is to accomplish the objective of determining the facts and returning the scene to normalcy.

### III. DETAILS:

- A. Section 600 of the New York State Vehicle & Traffic Law requires that any person operating a motor vehicle who, knowing or having cause to know that he/she has caused personal injury to another person, shall stop and furnish identifying information to the injured person and to a police officer; or, that if damage has been caused to the real property or personal property of another, due to an incident involving the motor vehicle, the operator shall stop and furnish identifying data to the party sustaining the damage or, if that person is not present the operator shall report same as soon as he is physically able to the nearest police station.
  1. Section 603 of the same law mandates that a police officer to whom a personal injury accident is reported shall immediately investigate and report the matter to the Commissioner forthwith, provided the report is made to the officer within five days after such accident.

**B. ACCIDENTS TO BE INVESTIGATED AND REPORTED –** Although the sections mentioned above form the basis for the investigation of motor vehicle accidents by members of the SCSO, it shall be the policy of the SCSO to respond to, investigate and prepare reports on the following:

1. Any accident involving a motor vehicle, including the all-terrain vehicle (ATV), which occurs on or off a roadway within the County of Seneca and which has resulted in a death or personal injury or damage to the property of another (if appropriate), or which results in a vehicle having to be towed from the accident scene. As noted under paragraph K below, a police accident report form shall be used in reporting these accidents.
2. Any hit-and-run accident reported to the SCSO will be investigated as a criminal complaint. A report will be filed and any follow-up activity will be included in the SJS narrative to be prepared by the investigating member. Consideration should be given to the prompt dissemination of information pertaining to the suspect vehicle by radio and/or teletype. Evidence at the scene shall be preserved in accordance with procedures outlined in this Manual.
3. Any reported accident which appears to involve a drug or alcohol impaired or intoxicated driver shall be investigated, regardless of any injury or the extent of property damage.
4. Any accident reported which involves a vehicle carrying or believed to be carrying a hazardous material, regardless of any injury or the extent of property damage. Refer to "**Hazardous Materials Incident,**" this Manual.
5. Any accident involving a publicly owned vehicle, such as one belonging to the SCSO, State, County, City, Town, Village government, police, fire, ambulance service, or school, regardless of any personal injury or the extent of property damage.
  - a. In these cases, it is also required that photographs be taken and, if a Seneca County vehicle or property is involved, that the Sheriff, Undersheriff, Chief Deputy, Road Patrol Lieutenant, County Attorney and County Risk Manager be notified.
- NOTE:** In the case of windshield damage caused by road stones being thrown up by another vehicle, it is not necessary to stop the operator to obtain insurance information, since an operator is not legally responsible in this circumstance. A Spillman entry should be filed to include a plate number and vehicle description, if available. An operator is responsible for damage caused by an object that falls off or out of the vehicle.
6. Any accident involving a railroad train, regardless of any personal injury or the extent of property damage. In these cases, it is required that photographs

be taken, diagrams prepared, and that the railroad police are notified. The train should not be delayed any longer than is necessary.

7. In the case of a motor vehicle accident in which a fatality or serious physical injury has occurred, other than one car with a single occupant, there is the possibility that criminal charges under the Penal Law sections concerning vehicular manslaughter or vehicular assault may be appropriate (See "**Traffic Administration, Enforcement & Control**", ¶ H.14).
  - a. In these cases, any criminal action should be commenced by the filing of a felony complaint, the District Attorney's Office should be contacted concerning the advisability of issuing a UTIT, and, in either event, all the paper work such as accident reconstruction, chemical test results, etc. should be forwarded to the DA as soon as possible.
8. Any accident, regardless of any personal injury or the extent of property damage, which because of its location or complexity, has resulted in major traffic congestion or a disturbance between those involved, will be investigated to determine if services are needed and with a view toward returning the scene to its normal condition.

**C. MINOR ACCIDENTS -** All accidents will be reported utilizing the TraCS electronic system.

**D. DRIVER'S EXCHANGE SLIP –** Sections 600 (1)(b) and 600 (2)(b) require that a law enforcement officer at the scene of either a property damage or personal injury accident shall request and assist the operators involved in exchanging information pertaining to name, residence and insurance particulars in a reasonable and harmonious manner. The form to facilitate such exchange is the "Driver's Exchange Slip" furnished by the SCSO using the TraCS program. This form may also be used in the case of a minor accident where reporting to the commissioner is not required.

**E. DELAYED REPORTING –** As noted above, the Vehicle & Traffic Law requires that a motorist who is involved in an accident which results in personal injury or damage to the property of another, report the accident to the "nearest police station, or judicial officer" as soon as he is physically able. Notwithstanding this requirement, the SCSO occasionally receives information concerning an accident after the vehicles have been removed from the scene, making an objective and thorough investigation all but impossible. In such cases, it shall be at the discretion of the Shift Sergeant whether an MV\_104A will be completed.

1. The alternative to an investigation, where receipt of the information has been delayed, is to accept the complainant's version of the facts for the record, noting that it has not been corroborated by an investigation. The discretion referred to above shall not be construed to mean that there will be no response to information from one party that an accident has occurred.

2. In all cases, where at least one of the vehicles involved is located within Seneca County, a patrol officer will, consistent with any other duties, contact the operator and obtain and record whatever details of the accident are available.
3. Where there is not enough evidence to support the claims during an investigation, it is at the discretion of the investigating officer to suggest to the motorist who is reporting, to file a civilian accident report through D.M.V. (DMV form MV104)

**F. PROCEDURES** – Upon arrival at the scene of a motor vehicle accident of any severity, the member's first responsibility is to take any necessary steps to keep the situation from getting worse.

1. The patrol vehicle should be located in such a manner so that flashing emergency lights will warn traffic approaching from any direction that there is a hazard. To minimize glare to oncoming traffic, alternating headlights should not be used. If flares and/or traffic cones are necessary to avoid collisions into the scene, they should be set out.
2. Responding member shall immediately request whatever assistance is needed, such as ambulance, rescue or fire equipment, or additional patrol units.
3. Emergency medical assistance consistent with the responding member's first aid training or experience shall be rendered. Upon the arrival of an emergency medical service, victims shall be surrendered to their care, with the member assisting as requested. Under no circumstances will an injured person be transported for medical attention in a patrol car.
4. Once medical emergencies have been handled, member shall attend to the safe and expeditious movement of traffic around the accident scene by the use of additional personnel such as fire police, or by designating and indicating a rerouting of traffic.
5. Request assistance from the appropriate highway superintendent for the removal of snow, ice or debris on the roadway. Also report any damage to roads or signs which may constitute an immediate hazard.
6. Request assistance from appropriate utility company in the event accident has involved downed power lines, water or gas mains. Consider all wires as being dangerous and insure they are not approached until declared to be safe by competent officials.
7. Request tow truck or road service in accordance with the preference, if any, of the motorist involved. If the motorist states no preference, notify the E-911 Center so they may call the next rotational service in accordance with established procedure.

8. As the scene is stabilized, and the injured are attended to, the member on the scene must consider how to protect any fragile evidence such as broken glass, skid marks, blood spots, personal effects, auto parts, or other debris from the accident. Any of this material can be crucial to reconstruction of events and should be photographed, measured and positioned in a diagram of the scene. In the event short-lived evidence must be moved, its location should be preserved with chalk, if possible.
9. Locate and interview witnesses to accommodate any need for detailed statements. If necessary, a request should be made through the Shift Sergeant for an investigator to be called to the scene. Detailed depositions will always be taken in serious or fatal accidents.
10. It is the responsibility of the responding member to continue the investigation at the scene until all the information needed for the required reports has been obtained.
  - a. Once the scene has been secured and it is necessary to obtain additional information from victims who may be hospitalized, or from other witness who are no longer at the accident scene, the responding member is also responsible for this activity.
11. Except for serious accidents where the responding member will probably be occupied by considerations for the injured, the member is responsible to insure that the scene is cleared of broken glass and other debris which may impede safe travel. When tow trucks are called, the operator is required by law to perform any necessary clean-up. If vehicles are driven from the scene, the member should notify the highway superintendent or fire service if material needs to be removed from the roadway.

**G. VICTIMS' PROPERTY** – In the case of serious accidents, victims, injured or deceased, are often found to have been traveling with valuable personal property. It is the responsibility of the responding member to safeguard such property and, unless evidentiary, to handle it in accordance with the procedures set out in “**Collection, Preservation & Disposition of Evidence**,” this Manual.

**H. RESPONSIBLE MEMBER** – As noted above, the member who first arrives at the scene of an accident bears the responsibility for conducting any necessary investigation, preparing the required reports, and returning the scene to normalcy; however in the event a supervisor (Shift Sergeant or above) arrives, that officer will assume command and make whatever assignments are necessary. As a matter of policy, the Shift Sergeant will report to and assume command of the scene of any motor vehicle accident in which there has been a fatality, a serious injury, extensive property damage, or involvement of a public vehicle, public property, a railroad train, or a vehicle carrying any hazardous material. Having responded to any such accident, the Shift Sergeant will be responsible for:

1. Assessing the situation and relaying any significant information through the chain of command.
2. Notification of the District Attorney and or County Attorney will be handled in accordance with "**Administrative Notifications**", this manual.
3. Notification of coroner, if appropriate.
4. Requesting additional personnel as necessary, such as:
  - a. A CID Investigator who will be responsible for:
    - 1) Photographs;
    - 2) Measurements, and the preparation of a diagram, if needed; (Use of the Total Station Equipment, can facilitate the taking of measurements that can be downloaded for a computer generated diagram).
    - 3) Securing physical evidence;
    - 4) Securing victims' property; and
    - 5) Conducting the inventory or examination of any impounded vehicles.
  - b. A criminal investigator who will be responsible for:
    - 1) Detailed statements from witness;
    - 2) Investigation to support any criminal charges affecting the accident itself. In the case of an underage drinker, the source of the alcohol should be explored; and,
    - 3) Insuring that chain of command is kept advised of any unusual circumstance.
  - c. An accident reconstructionist who will be responsible for:
    - 1) Reconstruction of the accident to include positions of the vehicles prior to, during and after impact;
    - 2) Derivation of speed estimates based on skid marks, path of travel and extent of damage;
    - 3) Determination of occupants' positions in the vehicles prior to impact;
    - 4) Inspection of the mechanical and electrical aspects of vehicles See "**Vehicles Seized, Impounded & Towing**", this manual;

- 5) Interpretation of the significance of items of evidence and their locations including car parts, broken glass, vehicle fluids, victims' remains and their personal effects;
- 6) Preparation of field sketches and scaled diagrams for court presentation; and,
- 7) Requesting, with approval through the chain of command, the assistance of experts in the fields of mechanics, engineering, medical or other specialties, if necessary.
  - a) It is highly desirable that, when needed, the accident reconstructionist specialist be present at the scene of a serious accident; however if this is not possible, it will be incumbent on the Shift Sergeant to insure that all steps are taken to diagram the location of and preserve all evidence, including impoundment of vehicles for later reconstruction, if necessary.
- 8) Determining the effect the accident has had on the roadway and recording same in the event data indicates that some remedial action, either short or long term, should be recommended to the appropriate highway superintendent or county traffic engineers.

**I. FOLLOW-UP RESPONSIBILITY** – The member assigned to road patrol duties has primary responsibility to follow-up the case and to perform whatever work is necessary to bring it to an acceptable conclusion. In hit-and-run cases, evidence must be preserved, photographs taken, and all leads followed in an effort to identify and locate the suspect vehicle. SJS follow up narratives shall be prepared which will reflect pertinent activity keeping the case current. Where serious injury or a fatality has occurred as a result of a hit-and-run, assistance of the Criminal Investigation Division will be required.

**J. DELAYED FATAL REPORTS** – In the event that an injured person, removed from the scene and later succumbs, the SCSO receives notification of the fact from the Medical Examiner's Office, usually to either the E-911 Center or to Records. The ME's request may be only for a copy of the report, whereas it is actually the first indication that the case is now a fatal MVA. It is essential that the recipient of such a call either directs the call or immediately relays the information to the Duty Sergeant or higher authority, who will:

1. Obtain detailed information from the ME including cause, place and time of death as well as provide the ME with a copy of the MVA report.
2. Complete the Early Notification of Fatal MVA report and fax to Albany, retaining a copy for SCSO records.
3. Complete an updated press release and disseminate.

4. E-mail notification to SCSO Administration and other Sergeants/Investigator.
5. Notify the reporting officer and insure that the officer completes the needed reports, including updated accident report, state fatal report and incident report, all in a timely manner.
6. Notify the Seneca County District Attorney's Office.

**K. ENFORCEMENT ACTION** – It is the policy of the SCSO to take the appropriate enforcement action whenever a traffic offense is detected during the investigation of an accident. Some guidelines for such actions are:

1. Response to an accident is usually after-the-fact, consequently a traffic offense, which may or may not have been contributory, will have occurred out of the member's presence. If an offense is detected under these circumstances, it will be necessary for the member to rely on physical evidence or the statements of operators or witnesses for the facts on which to base the charge. In such cases, the available facts should go beyond mere suspicion that an offense has occurred. In other words, the member issuing the citation should be convinced there is sufficient evidence of an offense to sustain a successful prosecution of the person charged.
2. A member charging a person with a traffic offense shall cooperate with the District Attorney's Office in the preparation of the case for trial.
3. Roadways have varying degrees of traction, depending upon weather, density of travel, surface, or location, but it is important to be aware that traveling at an unsafe speed for the conditions of the roadway often contributes to an accident.
4. It is also important to be aware that an accident is sometimes just that – an accident, and no amount of speculation or second-guessing will support a contention that the law has been violated. The skilled officer uses all senses and resources, plus **good judgment**, in determining whether an operator involved in an accident has also committed an offense.

**L. REPORTS** – One or more of the appropriate forms MV-104A, MV-104D, and MV-104S are used by police agencies to report an accident. Another form, the MV-104, is for use by operators who are involved in accidents involving personal injury or damage exceeding \$1000, which must be reported to the Commissioner of Motor Vehicles within ten (10) days. Members responding to reportable accidents shall remind operators of the latter requirement and that the form may be obtained through an insurance carrier or online at [WWW.nysdmv.com](http://WWW.nysdmv.com).

1. Members investigating fatal accidents, as well as other serious accidents if so directed, shall prepare an MV-104A and a MV-104D (if fatal) in accordance with the instructions contained in the Police Accident Report Manual and

shall also prepare an SJS report, along with an arrest and/or DWI package, if appropriate.

2. SCSO MVA DURING EMERGENCY OPERATION - §605 (a) (4) of the V & T Law provides that the DMV will omit record of an accident from a police officer's external license abstract if, at the time of the accident, the officer was operating a police vehicle **during an emergency operation** and is not charged with a violation or found to be grossly negligent. In such case, the form MV-104L "Report of Motor Vehicle Accident – Police Line of Duty Accident" should be submitted as an amended report, being sure to check the boxes identifying the report and the officer driver.

**M. ACCIDENTS OTHER THAN TRAFFIC** – Although less frequent than traffic accidents, the following types of accidents may be encountered by the SCSO member within Seneca County:

1. Agricultural accident
2. Aircraft accident including overdue aircraft.
3. Boating accident
4. Car-deer accident
5. Hunting accident
6. Industrial accident.

**N. COOPERATION** – It is the policy of the SCSO to work closely with other services responding to an accident scene. These services include fire, rescue, medical emergency and any other agency which provides a service or renders aid to those in need. It should be remembered that many other agencies are equipped and trained in specialized fields and that the 911 Center has the means to effect their quick contact to aid the injured, prevent or control fire or to protect life and property in the event of the release of a hazardous material. Procedures for handling the latter are set out under "**Hazardous Materials Incidents**," this Manual.

**O. PRESS RELEASES** – Informing the general public through the media is an important part of the SCSO's public service mission (See "**Public information and Community Relations**," this Manual). When an accident is investigated, it is the policy to make a news release, thus informing the public of any enforcement action taken. Details will include the use or failure to use seat belts and any injuries sustained. Following are guidelines for such releases:

1. In fatal accidents, names of the deceased will be withheld until notification of the next-of-kin.

2. Details concerning personal injury accidents, regardless of severity, shall be provided in all cases.
3. Details concerning property damage accidents shall be provided when:
  - a. An arrest is made for driving while intoxicated or another misdemeanor charge,
  - b. There is a hazardous material involved,
  - c. There has been a resultant public inconvenience such as a blocked road or a power interruption from a downed electric cable.

**P. RESPONSE TO INQUIRIES** – Occasionally, a private investigator, working on behalf of a plaintiff, a defendant, or possibly an entity litigating civil damages, will ask to interview a deputy concerning his findings in an accident.

1. For the most part, these inquiries have occurred after the case has been concluded by the SCSO, and details obtained from the accident report may be disseminated without further authority except in the following circumstances:
  - a. Charges against a defendant are pending and the report contains references to matters of evidence such as skid marks, extent of damage, etc.
  - b. The accident is one that may embroil the county in litigation based on the involvement of a county employee, vehicle or some aspect of a county road.
2. Requests for copies of accident reports should be referred to the Records Division, who will handle any appropriate distribution in accordance with the procedures set forth in “**Records & Reports**,” this Manual.
3. Requests for accessing an impounded vehicle for the purpose of examination or photographing should be directed to the CID Lieutenant who is responsible for property while under SCSO’s control.

## **VEHICLE PURSUITS**

STANDARD NO(S):

NYSLEAP#: 43.4

DATE:

August 9, 2010

REVISED: October 22, 2010

REVIEWED: 03/18/2017

REFER TO:

John Cleere  
Michael Schell  
Michael Rhinehart

### **I. OBJECTIVE:**

To establish guidelines for making decisions with regard to vehicular pursuit.

### **II. POLICY:**

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the SCSO to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of the SCSO to regulate the manner in which vehicular pursuits are undertaken and performed.

### **III. DEFINITIONS:**

- A. VEHICULAR PURSUIT** - An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude police.
- B. AUTHORIZED EMERGENCY VEHICLE** - An SCSO vehicle equipped with operable emergency equipment as designated by the New York State Vehicle and Traffic Law section 101
- C. PRIMARY UNIT** - the police unit which initiates a pursuit or any unit which assumes control of the pursuit.
- D. SECONDARY UNIT** - any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- E. PURSUIT INTERVENTION MANEUVERS** - Are one or more authorized techniques designed to terminate a vehicle pursuit in a safe and prudent manner.

1. CHANNELIZATION: is the blocking of egress routes from intersections with vehicles or barricades, leaving only one exit available to the pursued vehicle, in order to direct the vehicle to or away from specific areas.
2. BOXING IN: entails surrounding a pursued vehicle with police vehicles, which synchronize their speed and maneuvers, forcing the pursued vehicle to slow and eventually stop. The technique may also be used to surround a stationary vehicle to prevent its movement.
3. STINGER (Stop Sticks) - A Tire Deflation Device manufactured by Stinger Spike Systems. The STINGER when deployed is ten feet in length and weighs four (4) pounds. The STINGER units are equipped with power point hollow spikes held in a durable nylon base. When the STINGER is run over by a tire, the spiked tip will pierce the tire, causing the power point hollow spike to be inserted into the tire and the tire to deflate. This controlled deflation will cause the target vehicle to slow down. STINGER is the only tire deflation device approved for use by the Seneca County Sheriffs Office. All SCSO marked vehicles assigned to supervisory personnel are equipped with STINGER (Stop Sticks).
4. HIGH CENTER of GRAVITY VEHICLE: A vehicle having a high center of mass and/or a narrow wheel track relative to a high center of mass.

**IV. DETAILS:**

**A. INITIATION OF PURSUIT:**

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
3. At no time will members of the Corrections Division engage in a pursuit.
4. Deputies assigned to the Civil Division, in uniform in an authorized emergency vehicle, may engage in a pursuit pending arrival of other authorized emergency vehicles and then shall relinquish primary unit responsibility.

5. In deciding whether to initiate pursuit, the officer shall take into consideration:
  - a. road, weather and environmental conditions
  - b. population density and vehicular and pedestrian traffic
  - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued
  - d. the seriousness of the offense
6. No member of the SCSO shall become involved in a pursuit if they are transporting a prisoner or if they have a civilian in the vehicle.
7. SCSO unmarked vehicles shall be permitted to become involved in a vehicle pursuit provided they have and display proper emergency warning devices. An unmarked vehicle involved in a pursuit shall immediately stop the pursuit once a marked police car has arrived.
8. SCSO high center of gravity vehicle are permitted to enter into a pursuit. Officers pursuing in a high center of gravity vehicle should be aware of the vehicles limitations and not exceed them. An officer pursuing in a high center of gravity vehicle should disengage the pursuit if another marked vehicle is able to take its place.

## **B. PURSUIT OPERATIONS:**

1. All emergency vehicle operations shall be conducted in strict conformity with all applicable traffic laws including Vehicle and Traffic Law Section 1104.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. Upon engaging in a pursuit, the officer will notify the E-911 Center of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop.
4. The initiating/primary unit will establish a two (2) second following distance to obtain pertinent information regarding the suspect vehicle and occupants. Once this information has been obtained the primary unit will establish and maintain a minimum four (4) second following distance.
5. The primary unit will keep the E-911 Center updated on the pursuit location, speed and subsequent offenses observed.
6. E-911 personnel will notify any available SCSO supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.

7. When engaged in pursuit, officers shall not drive with reckless disregard for the safety of other road users and pedestrians.
8. Upon arrival of a secondary unit, the primary unit will relinquish radio communications responsibilities to the secondary unit. The primary and secondary unit will stagger their patrol vehicles to allow for both units to observe the suspect vehicle. Additionally the secondary unit will establish and maintain a minimum four (4) second following distance to the primary unit.
9. Unless circumstances dictate otherwise (multiple suspects, nature of offense committed) a pursuit will consist of no more than four police vehicles: a primary, secondary back up unit, a third and fourth back up units. Additional assist units will be allowed to remain in close proximity to the pursuit should one of the pursuing units become disabled or otherwise unable to continue in the pursuit and attempt to deploy stop sticks. These assist units will not become actively involved in the pursuit unless directed to do so by a supervisor.
10. The third and fourth back up units will be staggered behind one another and shall maintain a four (4) second following distance from one another. The third and fourth back up units will serve as backup at the conclusion of the pursuit.
11. Unless circumstances dictate otherwise, the pursuing units will not pass one another.
12. The primary pursuit unit will become secondary when the fleeing vehicles comes under air surveillance or when another unit has been assigned primary responsibility.

### **C. SUPERVISORY RESPONSIBILITIES:**

1. When made aware of a vehicular pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and shall have the discretion to terminate the pursuit.
2. Where possible, a supervisor shall respond to the location where a vehicle has been stopped following a pursuit.
3. Whenever possible a supervisor shall not become directly involved in a pursuit.

### **D. PURSUIT TACTICS:**

1. When feasible, available patrol unit having the most prominent markings and emergency lights will be used to pursue, particularly as the

primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit will disengage when a marked unit becomes available.

2. High Center of Gravity Vehicles may be used for pursuits, however they will disengage when support from marked patrol sedans become available. The operators of High Center of Gravity Vehicles must take into account the unique handling characteristics of the vehicle and adjust their operation of the vehicle accordingly.
3. Officers will not follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
4. All intervention tactics short of deadly force such as STINGER (Stop Stick), rolling roadblocks, and channeling (with appropriate advanced warning) will be authorized when it is possible to do so and when Deputies utilizing these tactics have received appropriate training in their deployment or technique. The Sheriff shall deem what training is appropriate to authorize such deployment.
5. Decisions to discharge firearms at or from a moving vehicle, or to use roadblocks, shall be governed by this agency's use of force policy, and are prohibited if they present an unreasonable risk to others. They should first be authorized, whenever possible, by a supervisor.
6. Roadblocks which completely block all lanes of the roadway are authorized so long as the suspect has adequate advance warning, no less than 1700 feet or .3 miles, which allows the suspect adequate distance to stop the suspect vehicle prior to reaching the roadblock.
7. Once the pursued vehicle is stopped, officers shall utilize appropriate High Felony Stop officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

#### **E. TERMINATION OF THE PURSUIT:**

1. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of a pursuit at any time.
4. A pursuit shall be terminated if the suspect's identity has been determined, and immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

## **F. INTERJURISDICTIONAL PURSUITS:**

1. The pursuing officer will notify the E-911 Center communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county line.
2. When a pursuit enters this jurisdiction, the actions of SCSO officers shall be governed by this policy

## **G. MULTI-JURISDICTIONAL PURSUITS:**

1. Since many pursuits become multi-jurisdictional, assisting SCSO units must take into account the total number of police vehicles engaged in a pursuit before deciding to engage as an assist unit. No SCSO member will assist in any pursuit if there are four or more vehicles pursuing the suspect. If any SCSO member is involved in a pursuit initiated by an outside agency and that pursuit leaves Seneca County, SCSO members must disengage unless authorized to continue by a SCSO supervisor.

## **H. AFTER-ACTION REPORTING :**

1. Whenever any officer engages in a pursuit, the officer will file a SCSO Vehicle Pursuit Report (SCSO-LE-010) detailing the circumstances of the pursuit. Each deputy who is involved in the pursuit regardless of the level of involvement will complete the pursuit report form. Examples of minimal involvement that would require a report include but are not limited to: began response to the area of the pursuit to assist, answered up on the radio to assist and were cancelled, attempted to respond to a point of interception to deploy STINGER, arrived after actual pursuit ended and assisted in taking suspect(s) into custody. This report shall be critiqued by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.
2. The department will periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

## **I. TRAINING:**

1. Officers who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

**SENECA COUNTY SHERIFF'S OFFICE**

**Vehicle Pursuit Report**

**Case Number** \_\_\_\_\_

**Date and Time of Pursuit** \_\_\_\_\_

**Patrol Car Number and Initiating Officer** \_\_\_\_\_

**Secondary Officer** \_\_\_\_\_

**Assisting Officer(s)** \_\_\_\_\_

**Outside Agencies Invovled** \_\_\_\_\_

**Reason for Pursuit** \_\_\_\_\_

**Location Pursuit Started** \_\_\_\_\_

**Location Pursuit Ended** \_\_\_\_\_

**Suspect Information:**

**Name** \_\_\_\_\_ **DOB** \_\_\_\_\_

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

**DLIC Info** \_\_\_\_\_

**Vehicle Information:**

**Year/Make/Model/Color** \_\_\_\_\_

**State/Plate Number/Expiration** \_\_\_\_\_

**SCSO-LE-010**

**Charges**

**Filed** \_\_\_\_\_

**Approximate Speed of Suspect Vehicle** \_\_\_\_\_

**Accident Involved** \_\_\_\_\_

**Injuries** \_\_\_\_\_

**Weather** \_\_\_\_\_

**Road Conditions** \_\_\_\_\_

**Road Block(s)** \_\_\_\_\_

**Other Intervention** \_\_\_\_\_

**Additional  
Information** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **TRAFFIC ADMINISTRATION, ENFORCEMENT & CONTROL**

STANDARD NO(S) NYSLEAP 39.1 ,47.1,2,4,5

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REFER TO: Jason Lanphear  
John Cleere  
Michael Schell

## I. OBJECTIVE:

To establish the procedures for supporting and discharging the SCSO's responsibilities relating to the enforcement of state and municipal traffic laws and the control of traffic within Seneca County.

## II. POLICY:

It is the policy of the SCSO to assure safe travel within Seneca County by adhering to a vigorous enforcement program and by intelligently deploying patrol personnel in accordance with regularly obtained and analyzed data. Traffic law enforcement and the delivery of traffic related services will be applied in a consistent and courteous manner designed to foster a positive public attitude and acceptance of such enforcement and control as necessary in the public interest.

## III. DETAILS:

**A. Primary responsibility** - Responsibility for the enforcement of traffic laws within Seneca County and for any administrative and support processes which enable such enforcement shall rest with the SCSO's Road Patrol Division. See ("Road Patrol"), this manual. All members of the road patrol, who share this responsibility, are uniformed and maintain a high degree of visibility upon the roadways, thus contributing to vehicular and pedestrian safety.

**B. Performance** - In order to insure compliance with the policy stated above, traffic enforcement activities will be carried out with consideration for the requirements of the judicial, engineering, educational and administrative agencies involved in promoting highway safety.

1. The SCSO will cooperate with other agencies having responsibilities for highway safety in order to resolve any problems in this area as quickly and efficiently as possible.

2. The SCSO will be represented on the Seneca County Traffic Safety Board.
3. Supervisory personnel, beginning with the Sergeant in charge of the shift, shall review, on a monthly basis, members' performance in carrying out traffic related duties.
4. While there are no specific requirements for the level of activity, performance objectives will be set annually at the member's performance evaluation and each member will be expected to share the work load equitably, with consideration being given to the following factors:
  - a. Member's training and experience;
  - b. Number of days worked during the month;
  - c. Traffic density and history of compliance in the assigned patrol post;
  - d. Time spent on duties not related to traffic; and,
  - e. Other factors, such as complying with requests for selective enforcement.
  - f. Level of traffic enforcement activity of fellow uniformed officers.

In the event it becomes apparent that a member has consistently failed to share in meeting the responsibilities of the SCSO in this or any other activity, the shift Sergeant will recommend remedial action through the chain of command.

**C. Traffic functions** - The following activities are conducted by members assigned to the road patrol, and are necessary for the implementation of the SCSO's policy of promoting the safe and expeditious flow of traffic within Seneca County:

1. Enforcement of traffic laws, including the operation of speed measuring devices and the administration of, or arranging for, chemical tests to determine blood alcohol content following an arrest for driving while intoxicated. Methods to effect enforcement include:
  - a. The visible traffic patrol - This is the preferred method of enforcement by SCSO, making use of readily identifiable patrol cars deployed in member's assigned patrol area, either stationary (overt or covert) or roving; on a specified roadway in compliance with the request of a complainant or as a result of a traffic analysis; or at the direction of the shift Sergeant.
  - b. The unmarked or unconventional vehicle - Shall not be used to effect a traffic stop, unless there is a significant traffic safety issue that needs immediate attention and waiting for a marked unit will put other motorists and the public at risk, or a criminal investigation may be compromised by waiting for a marked unit or other reasonable purpose which can be articulated by the officer. Those in unmarked vehicles who observe a traffic violation shall radio for a marked unit and shall follow the suspect vehicle until the marked unit arrives on scene. The marked unit shall initiate the traffic stop with the unmarked unit as a back up

unit and the complainant. This does not preclude the use of an unmarked or unconventional vehicle to be used as a decoy on traffic details at the direction of the Road Patrol Lieutenant.

2. Investigation of accidents, with the assistance, if necessary, of certain road patrol and CID personnel who are trained in and certified to perform accident reconstruction, and, in the case of serious or fatal accidents, with the assistance of an investigator assigned to the Criminal Investigation Division. See (“**Traffic Accident Investigation**”), this manual
3. Rendering aid to the travelling public in accordance with the procedures set out in “**Assistance to Motorists**”, this manual.
4. Responding to and assuming direction of traffic to relieve congestion or an impediment to safe travel. See “**Road Patrol**”, this manual.
5. Chances for success with each of the above activities can be greatly enhanced provided the member will see oneself as an agent for effecting a change for the betterment of the motorist's driving habits. This will be accomplished by minimizing conflict with the traffic law violator and maintaining a professional relationship at all times. Specific conduct for professionalism includes:
  - a. The member's image as shown by dress, grooming, language, bearing and emotional stability;
  - b. Being certain of one's observations concerning the alleged violation and prepared to express them coherently;
  - c. A courteous greeting using an appropriate title when requesting license, registration and insurance identification;
  - d. Having all necessary forms at hand and being thoroughly knowledgeable in their execution;
  - e. A willingness to listen to violator's excuse, if made, but the firmness to explain that there is no alternative to the action being taken (this procedure can accomplish two things - it provides an opportunity for an assessment of any physical, emotional, alcohol or drug impairment, and it may convince the motorist that his own safety requires an alteration in his driving habits); and always dealing with the motorist in a fair, just and calm manner, and;
  - f. Assisting the violator to re-enter the traffic flow safely, leaving him contrite and appreciative rather than resentful and vindictive.
6. Activities conducted by the Lieutenant assigned to the road patrol:
  - a. Coordination and planning for the deployment of available personnel based upon the review of data collected by the SCSO.

- b. Liaison with the appropriate highway superintendent(s) or with New York State Department of Transportation personnel to effect changes in roadway markings, traffic patterns, etc. when deemed proper.
- c. With input from the road patrol shift Sergeants, make assignments for personnel to attend civic or school functions for the presentation of information relating to highway safety.

**D. Deployment** - Selective enforcement activities are performed in conjunction with routine patrol responsibilities in areas having the greatest numbers of accidents and calls for traffic services. When staffing levels permit, patrol personnel shall be directed by the shift Sergeant or Road Lieutenant, to problem areas within their patrol posts which have been identified as having increased traffic volume, impediments to safe traffic flow, or an increased incidence of traffic violators or motor vehicle accidents. Deployments may also include specific assignments to specialized units, such as the STOP-DWI patrol, or to one or more patrol units to participate in a speed monitoring activity. Information which will lead to the decision for specific deployment is obtained from:

- 1. A review of complaints received from the public that traffic laws are being regularly ignored in a particular area, or,
- 2. A specific request for control at a particular time and place due to an anticipated concentration of vehicular traffic.

**E. Records** - Processing, maintenance, and distribution of traffic records is handled by the Records Division. See ("**Records & Reports**"), this manual. The report review procedure is as follows:

- 1. Traffic reports (consisting of accident reports, citations, etc.) shall be submitted for supervisory review prior to the writer's cessation of duty.
- 2. Reports shall be checked for accuracy and completeness, and, if found deficient, shall be returned to the writer for any necessary additions or corrections. If such action will result in a delay in filing, the Sergeant will note the reason for the delay in email to the Records Division.
- 3. The assigned Road Sergeant shall review the traffic reports, obtain the information required for statistical purposes, he or she shall disseminate the appropriate reports to the Road Lieutenant, Chief Deputy, Undersheriff and Sheriff where they shall be used in making decisions for the proper deployment of personnel. The statistical data to be summarized on a monthly basis include:
  - a. Number of summons issued by each member of the SCSO
  - b. Number of MVA's investigated by each member of the SCSO
  - c. Number of DWI related arrests made by each member.
  - d. Monthly reports are consolidated into a department monthly report and at year-end into a summary report issued by the Chief Deputy.

**F. Enforcement generally** - Traffic law enforcement must allow for the use of officer discretion, within reasonable limits. Good judgment, common sense, an appreciation of community expectations, and the ability to consider the effect a particular event will have on the behavior of those involved, are all factors which may influence an officer's decision to make an arrest, write a citation, or merely to issue a warning. Also, it is expected that the member engaged in road patrol activities will take into account the seriousness of the observed violation, the time of day, weather conditions, traffic density, and the presence or absence of traffic control devices, in determining whether a vehicle should be stopped.

1. Once it has been determined that there is probable cause to believe that an offense has been committed, and that it is of sufficient severity to warrant stopping the vehicle, one of the above actions should be taken without regard for such factors as personal favoritism, community or political influence, attitude or frivolous excuse. The procedures for stopping and approaching a traffic law violator are as follows: See ("**Vehicle Operation**"), this manual
  - a. **CAUTION! - EVERY TRAFFIC STOP, NO MATTER HOW HARMLESS THE VIOLATOR APPEARS, HAS THE POTENTIAL FOR VIOLENCE.**
  - b. Before any attempt is made to stop the violator, the member will contact the Seneca County E-911 Center and announce the intention to stop a vehicle, giving the vehicle plate number, the exact location, and any other information which might indicate the need for assistance. If no license plate is visible, the make, model, color of the vehicle and direction of travel shall be given. This should be done in plain language not "10" codes.
  - c. The violator will be signaled to stop by using the emergency lights. Member may have to resort to horn, headlights, or even siren in order to attract violator's attention.
  - d. It is the member's responsibility to insure that the stop does not create a traffic hazard, and traffic lanes should be kept clear as reasonably possible keeping in mind subsection (e) more fully explained below.
  - e. Member shall position the patrol car about 15 to 20 feet behind the violator, and slightly to the left affording the officer a "safety alley" to approach the stopped vehicle and talk to the operator. Emergency lights shall be left on during the stop.
  - f. If after dark, member shall use the patrol car spotlight and take down lights to illuminate the interior of violator's vehicle.
  - g. Member shall approach the violator's vehicle keeping the driver and passengers in sight at all times while using their personal preference on a driver side or

passenger side approach. The rear compartment, including trunk, should be quickly scanned while approaching the vehicle.

- h. Make a professional contact as set forth under paragraph C (5) above.
  - i. The following procedures are to be used whenever it can be determined that there is an increased chance for violence such as might be the case where the operator or a passenger has been identified as a fleeing felon, or the operator has first refused to stop, or the violation for which the stop is made is serious:
    1. The member may defer the stop, keeping the violator in view until back-up units arrive.
    2. Once the violator has complied with the signal to stop, the member should step out of the patrol car but SHOULD NOT APPROACH THE VIOLATOR. Instead, member take a position behind the open patrol car door and, in a loud, clear voice, or by using the public address system, order the operator to switch off the ignition and drop the key at arm's length out of the window.
    3. With the vehicle immobilized, all occupants shall be ordered to place hands where they can be seen, such as on head, on dashboard, or out a window.
    4. If the stop has to be made without the presence of a back-up unit, keep all occupants inside the car until assistance arrives. Request that the back-up cover the curb side of the vehicle, making sure that the occupants are well aware that there is now more than one officer on the scene.
    5. Remove the occupants from the vehicle one at a time, with handgun at the ready, ordering each to get out, turn completely around, then walk backwards to a position behind his car where he can be handcuffed and searched safely.
    6. A member must never relax one's guard and must be alert for any rapid or suspicious movement. Keep control by forbidding any unordered actions.
  2. Since every traffic charge requires the officer's affirmation under penalty of perjury, it is essential that the member be scrupulous in basing the charge on the facts as they occurred, which means, for example, do not write for a bald tire or for failure to obey a traffic device when the violation is speeding.

It is not the function of the traffic enforcer to amend the charge in order to be lenient to the violator. If the circumstances indicate that leniency is justified, a warning, accompanied by an explanation of the action taken, should be given. Members are not to issue a ticket for some violation which did not occur, merely for the sake of issuing a ticket. [See paragraph 5, below]

3. A physical or custody arrest may be appropriate in the following instances:

- a. When the operator is apparently under the influence of alcohol or drugs, or,
    - b. When a felony has been committed involving a vehicle, or,
  - c. When the operator fails to comply with a lawful direction given by the member, or,
  - d. When the operator cannot produce sufficient identification to enable a citation to be written, or,
  - e. When the operator is to be charged with a moving violation and is not a resident of a state, territory, or possession of the United States, or of a Canadian province having a reciprocal compact or agreement with New York State, as described in Section 517 of the Vehicle & Traffic Law (VTL).
4. A citation or summons should be issued to a violator whose conduct is proscribed by the VTL, which conduct jeopardizes, or has the potential for jeopardizing the safe and efficient flow of vehicular or pedestrian travel, including the operation of unregistered, uninspected, unsafe, or otherwise improperly equipped vehicles. Once a citation is issued, members will not amend or make any recommendation to "reduce" the charge except upon the authority of the District Attorney or one of his staff who is prosecuting that case. It must be anticipated that every citation issued will eventually be tried in court.
  5. A verbal warning may be given to an operator who has committed a minor violation, but which warning, considering the totality of the circumstances, can be effective in impressing the operator with the necessity for safe driving, without the need for a formal charge.
  6. Juveniles - The above actions may be taken in the handling of traffic violations committed by residents or nonresidents (subject to the provisions mentioned), legislators, and military personnel. Certain violators, however, must be handled differently.
    - a. Juveniles (under the age of 16) are not licensed to operate a motor vehicle in the State of New York; however, in the event a juvenile commits a traffic violation he will not be issued a citation, since he cannot be prosecuted in either County or local criminal court. In the event the juvenile violator cannot be released into the custody of his parents or other responsible person, he shall be detained by the member and CPS shall be notified so they can make a determination on suitable placement of the juvenile. In the event that a juvenile has committed a misdemeanor or felony offense contained in the NYS Vehicle and Traffic Law, SCSO procedures will be the same as outlined in "**Juvenile Operations**", this manual. The juvenile and parent/guardian will be issued a standard juvenile appearance ticket (not a UTT). The appearance ticket requires the law violation

along with the NYS V&T section violated be noted on the appearance ticket, for example: If a juvenile were charged with Driving While Intoxicated, the juvenile appearance ticket would be completed as follows – Operating a motor vehicle while under the influence of alcohol under section 1192 of the Vehicle and Traffic Law. The arresting officer is required to complete juvenile information, which closely resembles a standard accusatory instrument. All SCSO generated documents relating to such juvenile V&T misdemeanor or felony arrest is to be forwarded to the Seneca County Probation Department for further processing.

7. Charging a motorist with a violation under the Vehicle & Traffic Law of the State of New York or under a local traffic ordinance is commonly done by issuing a Uniform Traffic Ticket (UTT), through the TRaCS system. The ticket shows the location of the court having jurisdiction, as well as the date and time the violator is to appear. The ticket provides forms for the violator to enter a plea of guilty or not guilty by mail, unless the offense charged is a misdemeanor or felony, in which case the violator is required to appear in person. If the TRaCS system is not operating in the patrol vehicle then a serialized UTT may be issued.
8. While the TraCS system is designed to deliver summonses electronically to each court it is not always the case. Some courts are not tied into the electronic system, other times the system fails to get the summons to the correct court. Since we are the only place the Courts can get a copy of the summons from, in either of the above stated cases it will be the policy of the SCSO that each individual officer is responsible for any summonses he or she issues to deliver to the court, whether or not the court gets them electronically . The issuing officer, upon doing an end shift and completing the transfer of the issued summons to the TraCS server, will print a “Universal Court Copy” of all summonses, on regular plain paper and make sure that it is delivered to the court of jurisdiction before the scheduled court date. A different Officer than the issuing Officer may deliver this court paperwork to the proper Court. However, the ultimate responsibility falls to the issuing Officer to make sure the Court gets all summonses and accompanying paperwork (supporting deposition, Bill of Particular, etc.) in a timely manner.
9. If the Officer has issued one of the old style UTT type summons, the Officer is still responsible to see that the Court gets the proper copies. The “Arrest” copy will be forwarded to the Road Sergeant that is responsible for stats so it can be logged. It will then be forwarded to the Records Division for filing.
10. The TraCS UTT, mentioned above, serves as a Simplified Traffic Information as it is described in Section 100.10 (2) (a) of the New York State Criminal Procedure Law. Since this document can provide the basis for prosecution, it must be legibly, accurately and completely executed by the complainant officer.
  - a. Section 100.25 describes the defendant's right to have the complainant officer prepare a supporting deposition. The extent to which additional detail must be included in the supporting deposition is not stated; however, some guidance may be taken from the Practice Commentary that appears in McKinney's Consolidated Laws of New York and reads, "...(the simplified information) permits a minimum amount of factual information, and, therefore, a defendant

arraigned upon a simplified information is entitled as of right to the supporting deposition..."

It would appear from this that at least some additional information should be in the supporting deposition. This section also requires the officer to serve a copy of the supporting deposition upon the defendant or his attorney, within 30 days of the date requested or at least 5 days before trial, whichever is earlier, and to file the deposition with the court together with proof of service thereof.

- b. An arrest report must be completed when:
  - 1) Under the circumstances and offenses listed in section 160.10 of the NYS Criminal Procedure Law (fingerprintable offenses);
  - 2) An arrest is made for any offense listed in the NYS Penal Law;
  - 3) An arrest is made for any offense under any law and the person is placed in physical custody and either arraigned or released on an appearance ticket.
11. Traffic and Criminal Software (TraCS) - Many SCSO patrol cars are equipped to support the on-site issuance and printing of traffic tickets and accident reports as an alternative to the handwritten UTT. Data from a driver's license and vehicle registration are scanned directly into the system and transmitted electronically to DMV, DOT, and the appropriate court and to DCJS.

A diagram tool can provide a clear depiction of an accident scene. TraCS allows for fast and accurate processing of tickets as well as the subsequent analysis of accident and crime statistics.

The Sheriff, or designee, has assigned members to various security levels of the process to ensure effectiveness and accountability, including the correction of data or that which may need to be voided, e.g. a traffic ticket. The day-to-day oversight of the process is assigned to a patrol sergeant.

**G. Specific enforcement** - The following section will provide guidelines for enforcement of some of the most common traffic law violations. In most cases the general procedures which are given under paragraph F. above, will apply.

1. Driving under the influence of alcohol or drugs - Although enforcement of the DWI laws are not uncommon, SCSO's procedures differ significantly from those used for other traffic violations and are set out under paragraph H below. Members assigned to road patrol duties must be thoroughly familiar with the following sections of the Vehicle & Traffic Law:
  - a. 1192 - Operating a motor vehicle while under the influence of alcohol or drugs (describes proscribed conduct),
  - b. 1193 - Sanctions (defines levels of offenses, penalties, and provisions for revocation or suspension of driving license)

- c. 1194 - Arrest and testing (authorizes warrantless arrest, field testing, and outlines the procedures for chemical testing in its various forms, and the action to be taken upon refusal),
  - d. 1195 - Chemical test evidence (addresses the admissibility and probative value of the determined blood-alcohol content)
2. Speed violations - While speed limits, both posted and statutory are considered to be absolute, practicality suggests that speeding is a matter of degree, therefore, any charge made should be one which is likely to result in a conviction. Factors which justify a member's decision to take enforcement action include location, (e.g., congested area, school zone, known hazard), time of day, weather, safety of others, prior complaints, etc.
- a. As with any other charge, police intervention is justified by the knowledge that an offense has been committed. In the case of speeding, this information can come from the officer's observation, confirmed by the radar equipment and/or by the duly calibrated patrol car speedometer, or, less commonly, from the report of a non-police witness.
  - b. Every SCSO patrol vehicle is equipped with a radar unit which meets the specifications and performance standards of the New York State Division of Criminal Justice (DCJS), Office of Public Safety (OPS). These standards are in accord with those promulgated by the National Highway Traffic Safety Administration.
  - c. Operational procedures, including internal and external calibration checks to be performed at the beginning and end of each shift, shall be in accordance with those recommended by OPS.
  - d. SCSO members receive a programmed course in radar operation and visual speed estimation consisting of 32 hours of classroom and field instruction and a qualifying examination, and are certified as Doppler Radar Operators by OPS.
  - e. A road patrol Sergeant shall be responsible for insuring that all radar units are properly maintained and are periodically calibrated. This officer shall keep accurate records pertaining to each item of equipment by serial number.
  - f. The SCSO also has two LIDAR Laser radar units that can be taken out on patrol by members certified in the use of the LIDAR. The LIDAR should also be considered for use on STEP (Selective Traffic Enforcement Program) details.
3. Other hazardous violations - Any moving violation can be regarded as hazardous or at least potentially hazardous. Since the aim of law enforcement is to achieve voluntary compliance with traffic laws, the member shall be diligent in enforcing those violations which can render our roadways unsafe, thus encouraging a change in behavior on the part of those who would ignore traffic regulations.
4. Equipment violations - Many equipment violations are subject to dismissal upon the submission of proof to the court by the violator that the cited defect was corrected

no later than one-half hour after sunset on the first full business day after issuance of the citation. For qualifying defects, the member should provide the violator with the form entitled "Notice of Correction."

5. Public carrier/commercial vehicle violations -Violations of the traffic laws involving trucks and busses shall be handled in the same manner as are passenger vehicles, except for those laws which are written expressly for trucks and busses.

UTI's issued for "Passing a Stopped School Bus" will include supporting depositions from the bus driver and the officer, and any 710.30 notices. These documents will be furnished to the court of jurisdiction and to the District Attorney.

6. Multiple violations - In cases where a violator is stopped and it later develops that he exhibits signs of intoxication, both the misdemeanor DWI and the lesser violation should be charged, since the latter provides the probable cause necessary to the former. This circumstance differs from one in which the member should consider issuing a citation for a charge whose elements encompass multiple lesser violations e.g., running a stop sign, speeding, and drifting into an oncoming lane of traffic could be cited as reckless driving if the operators actions unreasonably interferes with free use of the roadway or endangers other users of the roadway.
7. Newly enacted laws and/or regulations -Information pertaining to legislative or regulatory actions affecting traffic laws is disseminated electronically to the Road Patrol Lieutenant via the "P" bulletins provided by the Department of Motor Vehicles. These are distributed to the road patrol Sergeants for discussion at roll calls and posted for future reference. New laws always have an effective date so that members will be aware of the appropriate action, be it warning, citation or arrest.

**H. DWI/DWAI** - In recent years there has been unprecedented attention toward police efforts to rid the roadways of the alcohol or drug impaired driver. Law enforcement agencies, including the SCSO, have become more zealous in the detection and apprehension of intoxicated drivers; prosecutors have become less inclined to compromise on convictions; and, numerous penalties and administrative sanctions against driving privileges have become more stringent. The community's expectation is that the laws against drunk driving will be strictly enforced.

The following procedures are set out to guide members in recognizing, arresting, testing, and preparing a case for prosecution of the operator who is under the influence of alcohol or drugs.

1. Detecting the impaired driver - As a result of field studies involving over 4,600 patrol stops in which blood alcohol concentrations were correlated with drivers' operation, the following visual cues were identified as predictors of drunk driving, especially at night. The cues are listed in descending order of probability that the person observed is driving while intoxicated, and may serve as a determinant in deciding whether a stop should be made. Observation of multiple cues should reinforce member's decision to take some enforcement action.
  - a. Turning with wide radius,

- b. Straddling center or lane marker,
  - c. Appearing to be drunk,
  - d. Almost striking object or vehicle,
  - e. Weaving,
  - f. Driving on other than designated roadway,
  - g. Swerving,
  - h. Slow speed (more than 10 mph below limit),
  - i. Stopping (without cause) in traffic lane,
  - j. Following too closely,
  - k. Drifting,
  - l. Tires on center or lane marker,
  - m. Braking erratically,
  - n. Driving into opposing or crossing traffic,
  - o. Signaling inconsistent with driving actions,
  - p. Slow response to traffic signals,
  - q. Stopping inappropriately (other than in lane),
  - r. Turning abruptly or illegally,
  - s. Accelerating or decelerating rapidly,
  - t. Headlights off, and
  - u. Failure to dim headlights for oncoming traffic.
2. Notwithstanding the above, members shall be alert for any indication of impaired driving, day or night, whether encountered as a result of an enforcement stop, in connection with response to an accident involving one or more vehicles, or merely on the occasion of rendering assistance to the motorist.
  3. Members should be aware that behavior alone may not indicate intoxication, therefore it is permissible, in order to resolve the ambiguous situation, for the member to ask a driver whether he has consumed an alcoholic beverage. His answer, if pertinent, should be recorded for subsequent notice to the defendant under the provisions of section 710.30 of the Criminal Procedure Law.

4. Field testing - If intoxication is suspected, but not yet sufficiently convincing to support an arrest, it is next appropriate for the member to administer the field sobriety test. If the officer is trained in the Standardized Field Sobriety Tests (SFSTs) they shall be done in accordance with his training. The SFSTs are the Horizontal Gaze Nystagmus test (HGN), the 9 step walk and turn and the one leg stand. If the Officer is not trained and certified in SFST than the Officer will conduct the field tests in a manner consistent with his or her training, received during "Basic Police" school. Other field tests may include the alphabet, finger to nose, finger count, and Romberg balance test. A PBT such as an Alco-sensor may also be used. The officer shall record the results of such tests in his narrative or on a DWI field note form
5. Arresting the impaired driver - In the event probable cause for the arrest of an intoxicated driver has been established, he should be informed that he is under arrest for driving while intoxicated, handcuffed, searched for dangerous weapons or contraband, then placed in the patrol car. Arrangements should be initiated for the disposition of his vehicle in accordance with procedures set out under III, B and C of "Assistance to Motorists", this manual, or, in the alternative, by having a sober and licensed passenger assume control of the vehicle.

Passengers who are unlicensed, infirm, or children must not be abandoned along the roadway, but rather, all reasonable efforts must be made to insure their safe transportation from the scene. In some cases, where children under the age of 18 are traveling with none other than the arrestee, and no other parent or relative can be located, the member shall, through the E-911 center, contact the Seneca County Department of Social Services (DSS) for immediate assistance. **\*Note that on 12/18/09 it became a felony to operate a vehicle in an intoxicated condition with a passenger under the age of 16 riding in vehicle ("Leandra's Law").**

It will also be necessary for the member to execute form DSS 2221-A and call the Albany child abuse hotline at 1(800)342-3720. All three copies of the form are forwarded to DSS within 48 hours and DSS will perform the follow-up investigation. If appropriate, consideration should be given to charging the driver with endangering the welfare of a child under section 260.10 of the Penal Law.

6. The chemical test - Under the provisions of Section 1194(1) of the V & T Law, any chemical test of the driver's breath, blood, urine or saliva for the purpose of determining the alcoholic and/or drug content of his blood must be administered within two hours after arrest. This test provides the only acceptable evidence to support prosecution for violation of Section 1192(2) which reads, "No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis..."

Since the validity of the chemical test hinges on compliance with the two hour statutory limit, it is important that it be determined early whether a chemical test will be given. If a subject refuses the officer is to then to recite the DWI warning as recommended by the Department of Motor Vehicles:

1. Will you submit to a chemical test for intoxication (drugs) to determine the alcohol (drug) content of your blood?

2. Before you tell me if you will or will not submit to a chemical test for intoxication (drugs), I must warn you and advise you as follows:

YOUR REFUSAL TO SUBMIT TO A CHEMICAL TEST OR ANY PORTION THEREOF, WILL RESULT IN THE IMMEDIATE SUSPENSION AND SUBSEQUENT REVOCATION OF YOUR LICENSE OR DRIVING PRIVILEGE WHETHER OR NOT YOU ARE FOUND GUILTY OF THE CHARGES FOR WHICH YOU WERE ARRESTED, ALSO YOUR REFUSAL TO SUBMIT TO A CHEMICAL TEST OR ANY PORTION THEREOF, CAN BE INTRODUCED AGAINST YOU AT ANY TRIAL OR HEARING RESULTING FROM YOUR ARREST.

3. After warning ask driver:

WILL YOU SUBMIT TO A CHEMICAL TEST FOR INTOXICATION (DRUGS)?

It should be understood that, although the courts have held that a motorist has no constitutional right to refuse a chemical test, the law does not require that the police officer resort to force in order to administer one, therefore the sanctions of suspension and revocation are imposed upon those who do refuse.

Along with the DWI warning as furnished by the Department of Motor Vehicles, the cautions against self-incrimination and the rights to counsel commonly referred to as the "Miranda Warning" should also be read to the arrestee. Although it has been clearly established that Miranda need only be given an arrestee when the subject is in custody AND there will be interrogation (questioning), it is recommended that members recite Miranda to DWI violators. Although "Miranda" doesn't apply to the DWI chemical test or basic pedigree information, it does apply to any other questions after the subject has been placed in custody and for the DWI oral examination.

This is especially true if dealing with an underage DWI, who is in a position to furnish information about the person who provided him with the alcoholic beverage.

- a. If the violator agrees to submit to a chemical test the member shall notify the shift Sergeant that a breath test operator is needed, unless the arresting member is so qualified.
- b. If the violator refuses the chemical test, the warnings should be repeated twice more so that the member can testify that the violator was "given sufficient warning, in clear or unequivocal language" since this is a requirement in support of any subsequent revocation. See paragraph (d)(2) below.
- c. In either of the above circumstances, the arresting officer shall arrange for the violator to be fingerprinted and photographed and for his driving record to be obtained via computer from DMV records. The latter inquiry is for the

purpose of determining whether there are prior alcohol or drug related violations which would elevate the misdemeanor charge to a felony.

- d. Misdemeanors may be charged on the UTT; however, if it is determined that the violator has been convicted of a predicate offense as described in Section 1193 (1)(c), a felony complaint must be executed.

(1) Following administration of the breath test, the violator who has no prior conviction which would require a felony charge, shall be cited for the appropriate violations. They may be released on UTT's if the Officer and Sergeant agree he is not a threat to fail to appear and there is a sober responsible third party the person can be released to. If it is below a .08% level a charge of DWAI would be written and unless the driver is from out of state or there is a question as to them returning to the court they may be released, however, it remains the member's responsibility to insure that the violator has a safe means of transportation away from the SCSO.

(2) The circumstances under which an immediate arraignment shall be done are:

- (a) The violator is charged with a felony, or
- (b) The violator resides and/or is licensed outside of New York State, or
- (c) The violator has a history of failure to appear to court, failure to pay fine, or bail jumping.
- (d) The violator has refused to submit to a chemical test. A report of his refusal will be prepared for the court having jurisdiction by the arresting officer.
- (e) Violation of "Leandra's Law" , which covers operating a vehicle while intoxicated and having a minor child in the vehicle at the time and violations of the sections pertaining to the mandatory "ignition interlock device", its use and/or misuse.

(3) Effective November 1, 1994, the Vehicle and Traffic Law was amended to mandate the suspension of a driver's license pending prosecution for the charge of §1192(2), driving with .08% BAC, or more.

"The suspension shall occur no later than at the conclusion of all proceedings required for arraignment; provided, however, that if the results of any test administered are not available within such time period, the complainant police officer...shall transmit such results to the court at the time they become available..."

The above change emphasizes the need for promptly furnishing the court with any additional charge under §1192(2), made on the basis of a subsequent laboratory test as well as the test results supporting the charge.

Note that the sanction of suspension here is not the same as that which might be imposed for a test refusal. The latter, after a hearing, can lead to revocation; whereas a violator appearing for arraignment and charged with §1192(2) can have his license suspended for at least 30 days and then may be issued a conditional license, unless he has convinced the court that he has an "extreme hardship," in which case his driving privilege may be continued conditionally.

7. Datamaster DMT - Breath tests are administered by the SCSO by an operator holding a New York State Department of Health certification, renewable every two years. Training for such certification is under the auspices of the Office of Public Safety (OPS) must undergo periodic calibration and certification by BMP.
  - a. There are two Datamasters DMTs, One is located in the LEC in Romulus in the Pre-Booking area just off the sally port for the Correctional Facility and the second is located in the Waterloo Substation in the Deputies Office.
  - b. The instrument is tested for radio frequency interference (RFI) semiannually and whenever it is moved from its location for repair or calibration. All RFI tests shall be documented in records kept for this purpose. The Uniform Road Patrol Sergeant assigned to maintain DWI records and equipment is responsible for the testing and documentation of same.
  - c. No portable transmitters are permitted in the room while the Datamaster is being operated, and under no circumstances will a transmitter be brought within six feet of the instrument.
8. Datamaster DMT procedures - Having arranged for the administration of a Datamaster DMT test by a certified operator, the violator must be kept under close observation for a period of at least 20 minutes prior to the test. The arresting officer must be able to testify that the violator was observed closely, carefully and without interruption for the entire 20 minutes. During this time the violator shall not be permitted to place anything in his mouth. If, during the waiting period, the violator asks to call his attorney, he shall be permitted to do so, provided that any delay incurred thereby does not delay the test beyond the statutory two hour period. The violator must be told that his delay for this or any other reason will be interpreted as a refusal to submit to a chemical test.
  - a. The Datamaster DMT Operational Checklist will be followed as written.
  - b. The operator will check the spaces indicating completion of each step as it is performed.
  - c. The percentage of blood alcohol, as determined by the test, will be entered on the checklist.

9. Blood test - Section 1194(2) of the V & T Law provides that while the breath, urine, or saliva tests are made either by or at the direction of a police officer, the blood test is made only at the officer's direction.
  - a. If a DWI arrest is contemplated following a motor vehicle accident and the driver has been taken to a hospital, the member, upon completion of the investigation at the scene, and, with the approval of the shift Sergeant, shall proceed to the hospital. Here, the member shall formally place the violator under arrest, read him the DWI Warning, and determine whether he will submit to a blood test.

Note that regardless of violator's incapacity from injuries sustained, it is essential that he be placed under arrest AND that any drawing of blood is accomplished within two hours of the TIME OF ARREST. These pertinent events must be carefully documented. It should be noted that current law does allow a test result obtained from an unconscious defendant in Vehicle & Traffic Law cases. (People v. Moselle, 1982)

- b. If the violator agrees to submit to the blood test, the member must arrange for blood to be drawn. The following persons are authorized by statute to withdraw blood: for the purpose of determining the alcoholic or drug content therein: physician, a registered professional nurse, a registered physician assistant, a certified nurse practitioner, or an advanced emergency medical technician as certified by the Department of Health; or under the supervision and at the direction of a physician, registered physician assistant or certified nurse practitioner acting within his or her lawful scope of practice.

The blood sample shall be taken in the presence of a witness and shall be obtained in an SCSO supplied vacutainer used expressly for this purpose. After use, the vacutainer is to be sealed, marked as evidence by the member, and identified by the person drawing the sample. In this regard, it is preferable that the physician who is actively treating the violator not be the person securing the sample.

The reason for this is that the violator, at trial, may claim that a doctor-patient relationship existed, thus precluding the doctor from testifying to any information he obtained therefrom.

- c. The blood sample shall be placed in an approved container, upon which will be entered the required information. The container, along with the property sheets, shall be taken to the LEC and storage under refrigeration. The refrigerator is located in the patrol office at the LEC in Romulus. In this circumstance, the property sheets shall be left in the evidence custodian's mailbox. See ("Collection & Preservation of Evidence"), this manual.
  - d. If the violator refuses to submit to a blood test, and the aforementioned accident resulted in the death or serious physical injury of another person, the provisions allowing for application to a court for an order to compel a blood test, as set out in § 1194(3) shall be carefully followed.

- e. Transmittal of blood samples for analysis is the responsibility of the Evidence Coordinator or designee, as set out in ¶ H, "**Collection and Preservation of Evidence**," this manual. A written report of the findings will be sent to SCSO's Evidence Coordinator, who will retain the original written report of findings in the appropriate evidence case file, and will forward copies to the District Attorney's Office, arresting officer and the SCSO records division for filing in the appropriate case file.

The Evidence Coordinator will send a copy of the report to the arresting officer who must generate the appropriate accusatory instrument (long form Information or Felony Complaint) charging violation of 1192(2), provided the sample showed a level of .08% BAC, or more.

The time for preparation of the new accusatory is no later than the end of the officer's next scheduled work day, after receipt of the lab report. The original of the accusatory (UTT, Information or Felony Complaint) along with the lab report must be delivered to the appropriate court.

In the case of the latter, a copy should also go to the District Attorney's Office. In either event copies of the new accusatory shall be provided to Records for inclusion in the DWI packet. The reason for this change is to enable the arraigning magistrate to perform his duty to suspend a violator's license pending prosecution as noted in ¶ 6(3) above.

10. "Common law" DWI - § 1192(3) of the V&T reads, "No person shall operate a motor vehicle while in an intoxicated condition", and is a misdemeanor. § 1192(1) reads, "No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol" and is a traffic infraction.

- a. It is important that a member making an arrest in a suspected DWI case be particularly observant and meticulous in gathering evidence. It is the practice in the SCSO to arrest for violation of 1192(3), without regard for the outcome of any subsequent chemical test. A member must be thoroughly prepared to give testimony in support of any action, even though the chemical test fails to enable a charge under 1192(2).

A 1988 court case noted that a defendant could be convicted of 1192(1) if his ability to operate his vehicle was impaired "to any extent", but could not be convicted of 1192(3) unless his ability to operate was impaired to the extent that he was "incapable" of employing those physical and mental abilities which he is expected to possess in order to operate a vehicle as a reasonable and prudent driver.

- b. The practical effect of the above is that absent a chemical test showing a blood alcohol content of at least .08%, the case is likely to be reduced to a driving while impaired, making the member's observation even more critical; however, it remains the responsibility of the District Attorney's Office to make such a determination.

11. Drug test -

- a. In the case of an arrest for DWI, supported by all the necessary probable cause, and a subsequent Datamaster test shows low blood alcohol content which is inconsistent with the arrestee's behavior, it should be suspected that the intoxication may be due to the arrestee's use of drugs. (See ¶ 12 below)
  - b. Encountering the above, member should ask the violator to submit to a blood test. If he agrees, immediate arrangements should be made to transport him to a facility where the necessary two vials of blood can be drawn. Even though the two hour period may be exceeded, this procedure should be carried out, since apparently there has been no court review of the time limit under these circumstances.
  - c. A refusal to take a second chemical test should be treated as any other refusal and the required report generated for presentation to the appropriate court at arraignment.
  - d. Blood rather than urine tests for drugs are preferred since the latter test will show positive for up to thirty days after drug use.
12. Drug Recognition – The Office of Public Safety, DCJS, has provided training that enables the evaluation of a person who, after having been arrested for DWI and having undergone the Datamaster test, exhibits behavior that is inconsistent with the BAC found. An officer so trained is designated and certified a Drug Recognition Expert (DRE).
- a. When the conduct of an arrestee suggests impairment not consistent with the BAC score, that is, the BAC is unusually low; the DRE shall be notified and will conduct an evaluation to determine whether the cause may be drugs or some other reason such as a medical condition.
  - b. For safety and for documenting the evaluation a second officer shall be present during the DRE's evaluation.
  - c. The DRE will assist the Arresting officer with submitting any urine or blood sample and will be notified with a copy of the lab analysis upon the Evidence coordinator getting the results. A copy of the results shall be forwarded to the Records Division (with CR number on it) and the District Attorney's Office
  - d. If a urine sample is to be taken from a female offender, a female officer will be present. Female Corrections staff may be used to assist for this purpose.
  - e. The DRE may also be of assistance in cases of fatal or serious personal injury accidents.
  - f. The DRE may serve as an expert witness at trial upon qualification by the court.

13. DWI packet - The packet is prepared in duplicate. One copy is maintained in the Records Division, the other, containing some originals, is furnished to the District Attorney's Office within 48 hours. The packet consists of the following documents:
  - a. The original DWI check off list;
  - b. Copy, Refusal Report, if appropriate;
  - c. Copy, Arrest Report;
  - d. Copy, Incident Report;
  - e. Copy, Accident Report, if appropriate;
  - f. Original teletype records showing inquiries for criminal history and prior convictions,
  - g. Copy, request for DMV abstract of operating record;
  - h. Copy, Datamaster DMT and/or blood test report,
  - i. Photocopies of any UTTS issued,
  - j. Copy, all accusatory instruments, along with any supporting depositions;
  - k. Original signed statements, if any, (including 710.30 Notices) and,
  - l. DWI packet receipt form for DA to acknowledge receipt

The packet, containing as much information as is then available, is assembled by the arresting member and left in the mail receptacle outside of the Sergeants' office, prior to cessation of duty. The duty Sergeant, after review for completeness, shall ensure its delivery of the District Attorney's packet to the DA's Office where it is initialed by a DA's representative, the pertinent documents extracted for the prosecutor's use, and the original packet is submitted to the Records Division for filing.

As replies to requests for various records are received, it is the responsibility of the arresting officer to file them with the proper case in the Records Division and send copies to the District Attorney, when appropriate.

14. Vehicular assault and vehicular manslaughter -

Special attention must be given to these offenses which are mentioned in Section 1193 (1)(c) of the V & T Law but are to be handled differently from an ordinary felony DWI (see paragraph 6 (d) above). Vehicular assault and vehicular manslaughter are described in Sections 120.03-4 and 125.12-13, of the New York State Penal Law respectively.

It is required that the defendant act with criminal negligence and cause serious physical injury (for assault) or death (for manslaughter) by operation of a vehicle

while intoxicated by alcohol or drugs. With an ordinary felony DWI, it is permissible to accompany the required felony complaint charging DWI (noting the predicate charge) with the appropriate UTT's citing any other misdemeanors or infractions.

In the case of a motor vehicle accident involving a fatality or serious physical injury, and when there appears to be any possibility that the above charges will be filed, either because the defendant was intoxicated or impaired at the time, or because his driving was grossly reckless or negligent, **only the felony complaint shall be filed.**

This document must charge the appropriate felony and may include any other lesser charges as well. All of these charges will then be presented to the Grand Jury.

The reason for not providing the defendant with a UTT charging a misdemeanor DWI, or any other infraction, is that in a recent case a defendant pled guilty in local criminal court to the misdemeanor before felony charges had been filed. The Court of Appeals ruled that prosecution for the felony would constitute double jeopardy, since the underlying conduct for both charges was the same.

It is important that members thoroughly understand this distinction. Since the local criminal court has only preliminary jurisdiction in felony cases and since any subsequent charges can be filed after Grand Jury action, there is no need to risk having felony prosecution barred by hasty action. The felony complaint will provide the basis for the arrest without a warrant, thus enabling an admissible chemical test.

15. Countermeasures - New York State's program to reduce alcohol and drug related traffic offenses is known by the acronym STOP-DWI (Special Traffic Options Program-Driving While Intoxicated). When in effect, one or more full-time members, with vehicles and other equipment, are assigned to this function. Their efforts are supplemented by other members who volunteer to work extra shifts and are paid from STOP-DWI funds. SCSO's program is supervised by the Road Lieutenant or designee and the Sheriff or his designee shall also serve on the Seneca County Traffic Safety Board and the STOP-DWI Advisory Board.
  - a. The STOP-DWI patrol shall be responsible for completing a STOP-DWI Activity Report at the conclusion of the tour of duty. This report shows the citation number, the defendant, the offense, (including blood alcohol content), and the location by town and highway, as well as the total time spent and number of citations written in that jurisdiction. This information enables an evaluation of the various roadways according to their incidences of alcohol-related violations.
  - b. STOP-DWI patrols are expected to take an aggressive approach in the enforcement of DWI laws. It shall be the goal of each member to detect and apprehend the impaired driver before he can become involved in an accident.
  - c. Members engaged in STOP-DWI patrols receive special training in detection, sobriety testing, arrest procedures, report preparation and courtroom testimony, all designed to enhance their efficiency in alcohol enforcement. All members, beginning with basic training, and continuing through supervised field training

and in-service sessions, are regularly urged to improve their skills toward an effective deterrence of impaired driving.

**I. Suspended or revoked –**

1. The offenses of vehicle operation after one's driving privilege has been revoked or suspended are described in Section 511 of the Vehicle & Traffic Law, and range from an infraction to a Class E felony. As noted above, infractions and misdemeanors may be cited using the UIT, while the felonies require a felony complaint. Regardless of the type of accusatory instrument filed, a physical arrest may be appropriate under the circumstances noted under Paragraph F (3) above.
  2. VTL § 340 provides for the return of DMV property, namely license plates when suspended or revoked. If member determines that this property should be seized for return to DMV, the member shall issue a “Confiscated Plate Receipt form” and issue it to the owner/operator of the vehicle. This form should be signed by the owner/operator and a second form identical form should also be signed. The second form along with a copy of the DMV data showing the suspension should be attached to the plate(s) and all placed in the proper receptacle in the Sergeant’s Office. The confiscated plate receipt form is forwarded to the Records Division for filing after the plates are destroyed.
- J. Seizure of unlawfully operated vehicles -** Section 511-b of the V & T Law provides for the seizure of certain vehicles being operated in violation of the misdemeanor and felony offenses under Section 511. Members shall be particularly attentive to these provisions since any deprivation of a violator's property actually occurs prior to judgment.

Care must be taken to authenticate the violator's suspended or revoked status and to verify his or another's ownership of the vehicle being operated. If the conditions described under 511-b (1) are met, arrangements shall be made to have the unlawfully operated vehicle removed to a SCSO designated impound facility for impoundment pending compliance with the provisions described under 511-b (2). See (“**Vehicles Towed/Impounded & Seized**”), this manual.

- K. Recommendation for reexamination -** Occasionally, through investigation of an accident, issuance of a citation, rendering assistance to a motorist, or by the report of a family member or other individual, a licensed driver is suspected of having lost the skills or judgment necessary to the safe operation of a motor vehicle. In this circumstance, it is appropriate for the member to report any suspicion to the Department of Motor Vehicles, Driver Improvement Bureau, Empire State Plaza, Albany, New York 12226. The medium for such reporting is the Driver Improvement Request for Review.

- L. Pedestrians and cyclists** - Members of the SCSO shall be governed by Articles 27 and 34 of the Vehicle & Traffic Law which deal with the application of the traffic laws and regulations affecting pedestrians and the operators of bicycles or play vehicles. Effective compliance with such regulations can frequently be achieved by the members' contact with and education of the public.
- M. Off-road vehicles** - Members of the SCSO shall be governed by Articles 47, 48-A and 48-B New York State Parks and Recreation law for the enforcement activities which are to be applied to snowmobiles, limited use vehicles and all terrain vehicles. These articles deal specifically with the requirements affecting their registration, insurance and operation, and violations described shall be handled in the same manner as any traffic offense, using the Uniform Traffic Ticket or the Parks and Recreation citation, depending upon the law violated.
- N. Parking enforcement** - Except in the Villages of Waterloo and Seneca Falls, the SCSO is responsible for enforcing regulations pertaining to stopping, standing and parking as they are defined in Article 32 of the Vehicle & Traffic Law. In addition, SCSO members will issue citations for vehicles found to be in violation of town and village ordinances, when such laws are made a matter of record with the SCSO. Particular attention will be given to vehicles left to obstruct public highways, fire zones, and those occupying space reserved for handicapped persons without proper identification. Enforcement actions will usually consist of issuing a Uniform Traffic Ticket; however in the case of a vehicle causing an impediment to the safe movement of traffic, a member may resort to towing and impoundment.
- O. Traffic direction and control** - The SCSO's traffic direction and control functions are performed in cooperation with the state, county and town highway superintendents [see Traffic Engineering, this Manual]. Each member of the SCSO shall consider it a duty to report areas or specific locations where an apparatus, marking or control is needed to promote and insure the safe and efficient movement of vehicles and pedestrians.
1. The reference work for the establishment of unmanned traffic control devices is the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the Federal Highway Administration.
  2. In connection with member's normal patrol activities and as a result of familiarity with the assigned patrol post, member shall make appropriate recommendations for the temporary performance of manual traffic direction. For this purpose, the SCSO will not utilize non-sworn personnel, since the public expects all uniformed SCSO members to provide full police services at all times. As noted above, the need for the installation of unmanned devices will be made known immediately to the highway superintendent having jurisdiction. With the approval of the shift Sergeant, manual traffic control may be conducted in instances of:
    - a. Inoperative or missing traffic control devices,
    - b. An accident or other emergency scene,
    - c. A special event having serious traffic congestion,

- d. Roadway construction until a flag person can be made available,
  - e. Adverse weather conditions resulting in electric lines down or debris in roadway,
  - f. A special assignment requiring priority traffic or vehicle movement.
3. In compliance with the 2008 Federal Worker Visibility Act (23 CFR Part 634), except for traffic stops, where the patrol car provides increased visibility and protection, officers are required to wear high visibility safety apparel while performing any functions on any highway right of way such as directing traffic, investigating accidents, conducting traffic checks, etc..
  4. When a special event or heavy traffic flow is anticipated, traffic cones and/or special signs may be used for the purpose of insuring a more efficient flow. It shall be the responsibility of road patrol personnel assigned to the scene to place and remove any such traffic regulators.
  5. In the event it is determined that an unsafe condition has developed due to vehicles being regularly parked in a particular location, this information should be reported to the shift Sergeant for referral to the appropriate state, county or town highway authority for possible remedial action. These incidents are handled on an as needed basis.
  6. As noted in the Road Patrol section of this Manual, members are dispatched to fire scenes throughout the county. Members' primary responsibility shall be to assist duly appointed fire police, who serve with an authorized fire service, in the control or diversion of traffic, maintaining access to and egress from the scene by fire and emergency vehicles, and keeping unauthorized persons from entering the affected area.

SCSO members should not request the use of fire police unless the situation is clearly fire-related or when fire department equipment is at the scene.

The SCSO has a close working relationship with the various fire services and a representative of the SCSO shall be assigned to conduct liaison with fire police on a regular basis. Training in the handling of traffic at a fire scene is provided and includes the placement of automobiles belonging to volunteer firefighters so that emergency operations will not be obstructed.

7. SCSO members shall be alert for those conditions which affect the safe and efficient movement of traffic adversely, such as, accident hazard, debris from highway cargo, downed trees, utility poles or power lines, fog, rain, snow, ice, or flooded areas. Members encountering these or similar conditions shall advise the shift Sergeant who will determine if the appropriate highway superintendent should be notified, and, if so, shall instruct the E-911 Center to make such notification. See (“**Road Patrol**” III (A)(6)(a) ),this manual.
8. Escorts - Under certain circumstances it may be appropriate for a member of the SCSO, in a marked patrol car, to provide an non emergency escort for another vehicle. See (“**Vehicle Operation**”), this manual. In all cases of a request for a non-

emergency SCSO escort, prior approval must be obtained from the Road Patrol Lieutenant.

**P. Foreign Diplomats/Consular Officials –**

The United States extends diplomatic immunity to diplomatic agents of foreign missions, Consulates and the United Nations, as well as to their family and staff. Immunity does not mean total release from responsibility to comply with the law. Rather, it is a legal barrier which precludes courts in the United States from exercising jurisdiction over persons who have diplomatic immunity.

There are different levels of immunity. The extent of a particular individual's immunity depends upon their status and duties in the foreign mission.

1. In 1987, the U.S. Department of State began issuing new identification cards to all persons entitled to diplomatic privileges and immunities. While this form of identification is generally to be relied upon, a member should immediately contact a SCSO Supervisor and request that the Supervisor contact the U.S. Department of State for verification of any person claiming to have immunity during the course of your investigation of any incident including driving while intoxicated or if there is any doubt as to the validity of an identification card. Possession of a foreign diplomatic passport, even if it contains a U.S. diplomatic visa, is also not conclusive indication the bearer possesses immunity.
  - a. There are three types of identification cards:
    - Diplomatic (blue border for Diplomats).
    - Official (green border for employees).
    - Consular (red border for Consular personnel).
  - b. This 3 ¾ x 2 ½ inch card will bear a brief statement of the bearer's immunity, their name, signature, title, mission, city and state, date of birth, identification number, expiration date, and a U.S. Department of State seal on the front of the card.
  - c. While this form of identification is generally to be relied upon, law enforcement authorities are nonetheless urged immediately to 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.
2. The U.S Department of State also issues automobile registrations, license plates and drivers licenses to persons entitled to immunities. Neither the registration card nor the driver's license should be relied upon as conclusive indications of the status or immunity of the bearer.

REMEMBER – a person with immunity may not always be driving a vehicle with federal license plates. On occasion, the person may be using a rented or borrowed

vehicle. Similarly, a person operating a vehicle bearing a federal diplomatic license plate is not necessarily entitled to immunity.

3. Verification of identity and the current status of diplomatic license plates, registrations, driver permits, or reporting traffic incidents, citations, etc., may be accomplished on a 24 hour basis as follows:
  - a. For diplomatic and consular personnel and international organizations other than the UN call the Command Center of the Bureau of Diplomatic Security, Department of State at (202)647-7277;
  - b. For United Nations personnel call the U.S. Mission to the United Nations at (212) 415-4444.
4. Diplomatic immunity is a concept frequently misunderstood by law enforcement officers who are reluctant to grant special privileges or concessions to individuals who break the law. Conversely, the officer may feel that because of a diplomat's status, any attempt at enforcement is futile and so the violation is not charged. Privileges accorded foreign diplomats vary with rank and circumstances, but even at the highest level, diplomatic immunity does not exempt diplomatic officers from the obligation to conform to national and local laws and regulations. It is not intended to serve as a license for such persons to flout the law and purposely avoid liability for their actions. When proper identification is available, an individual's immunity should be fully respected to the degree to which the individual is entitled. Nevertheless, when dealing with a person who is entitled to full immunity, the police still have authority to:
  - a. Protect public safety
  - b. Prevent a serious crime from being committed; and
  - c. Defend themselves from possible personal harm pursuant to law.
5. Diplomatic agent is the term for ambassadors and other diplomatic officers who generally have the function of dealing with the host country officials and enjoy the highest degree of privileges and immunities. They may not be arrested or detained; they are owed a special measure of respect and protection; and, neither their property nor residences may be entered or searched. They cannot be prosecuted no matter how serious the offense, and cannot be required to testify even if they have themselves been the victim of a crime.

Family members, as well as members of the diplomatic agent's administrative and technical staff are also immune from criminal jurisdiction; however, their private servants have no such protection.

6. Consular officers perform a variety of functions of interest to their sending countries (e.g. issuance of travel documents, assisting their countrymen who are present in the U.S., promoting their country's commerce). They, along with their administrative and technical employees, have only *official acts* or *functional* immunity from prosecution. Consular officials may be arrested pending trial provided the underlying 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).

The question of whether the proscribed conduct does or does not fall within the performance of an official act is one that may be presented to the court for resolution. Without a bilateral agreement to the contrary, the family members of consular officials enjoy no personal inviolability and no jurisdictional immunity of any kind.

7. Personnel of international organizations such as the United Nations, generally have only official acts immunity, except for the most senior executives (e.g. U.N. Secretary-General and all Assistant Secretaries-General) who are afforded the status of diplomatic agents.
8. Traffic Enforcement Procedures –
  - a. Stopping a vehicle operated by a person with diplomatic immunity, full or otherwise, and issuing that person a Uniform Traffic Ticket does not constitute arrest or detention and is permissible.
  - b. If an individual possesses immunity from arrest:

Do not handcuff unless the individual is or may become violent;

Do not take the individual into custody

Do not require bail to be posted
  - c. If you suspect that an individual possesses immunity from arrest is driving while intoxicated, you may request submission to field sobriety tests. The individual, like anyone else, may refuse and may not be forced to comply.
  - d. A member should never hesitate to follow normal procedures to intervene in a traffic violation. Even if immunity ultimately bars any further action at the scene a violator should be stopped, if appropriate a citation issued, and the incident reported. If on the basis of observation alone, the violator is believed to be intoxicated, the individual should not be permitted to continue to drive, even in the case of a diplomatic agent.
  - e. In this circumstance, the options available to the member are to take the violator to a place where the time necessary for recovery may be spent, allow another driver to be summoned, or to arrange for other transportation to be provided.
  - f. The property of a person with full immunity, including the vehicle, may not be searched or seized.
  - g. Vehicles will not be impounded; however the vehicle may be towed the distance necessary to remove it from obstructing traffic or endangering public safety.
9. Other Criminal Investigations

- a. It can never be ascertained with certainty at the investigation stage whether a person will continue to enjoy immunity when their government is confronted with the alleged criminal actions of such person. Additionally, there are diplomatic remedies available to deal with such persons even if immunity bars prosecution and conviction.
- b. Fully investigate all serious offenses even if the suspect may possess immunity. A high standard of police investigation, record keeping and reporting of diplomatic incident cases is essential to permit the U.S. Department of State to exercise available diplomatic tools. The District Attorney will be consulted on any and all cases in which an accusatory instrument will be filed.

10. Administrative Notification –

- a. In all cases in which a member of the SCSO comes into contact with a foreign diplomat or consular official for any violation of law, the member will follow the procedures and protocol identified in "**Administrative Notification**" this manual.

## **VEHICLES SEIZED, IMPOUNDED AND TOWING**

STANDARD NO(S):	NYSLEAP 47.8
DATE:	Effective Date: January 4, 1991 Revised Date: May 3, 2006 Revised Date: September 2, 2010 Revised Date: February 18, 2015
REFER TO:	Douglas Dickenson

### I. OBJECTIVE:

To establish procedures for the removal, towing and legal retention of vehicles from the roadways or private property within Seneca County.

### II. POLICY:

In consideration of the legal duty and responsibility which befalls the SCSO when assuming control over a vehicle belonging to another, and recognizing that the impoundment of such vehicle is a temporary custodial measure, it shall be the policy of the SCSO that vehicles so obtained be towed and/or impounded in a manner which insures the security and least deterioration until lawful disposition is made.

### III. DETAILS:

**A. CUSTODY** – The New York State Laws provide some specific guidance to law enforcement agencies regarding those situations in which a police officer may take custody of and remove a motor vehicle. A vehicle may be towed and/or impounded when it is pertinent to:

1. A civil action which has directed its seizure in satisfaction of:
  - a. A property execution after judgment by a court of competent jurisdiction, or;
  - b. An Order of Seizure (Replevin) by a court (used to test the right to possess specific property) or;
  - c. An Order of Attachment by a court (used to hold property to answer any possible money judgment).
2. Evidence, as the fruit or instrumentality of a crime. See “**Collection, Preservation & Disposition of Evidence**”, this manual.

3. An on-going investigation, such as a motor vehicle accident which has resulted in a fatality or an incapacitating injury to its sole occupant; or an investigation into the cause and origin of a vehicle fire.
4. Enforcement of any of the provisions of the Vehicle & Traffic Law as they pertain to:
  - a. Section 511-b, "Seizure and Redemption of Unlawfully Operated Vehicles",
  - b. Section 1192, "Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs", or,
  - c. Section 1224, "Abandoned Vehicles".
5. The lawful arrest of a person who is in possession of such vehicle for which no other provision can be made.
6. An incident requiring its safekeeping under special circumstances, such as the natural death of the operator in a public place.

## **B. NOTIFICATIONS –**

1. In addition to those sections of the Vehicle & Traffic Law mentioned above, Section 424, "Stolen Motor Vehicles", provides for the notification of an owner in accordance with 15 NYCRR (Codes, Rules and Regulations of the State of New York) Section 18.4(d)(1). Section 18.4(d) (1) provides for the notification of any lien holder.
  - a. Notwithstanding these provisions, it shall be the responsibility of the member who has investigated the matter, or who has undertaken to assume control of a vehicle, to use all expeditious means to insure that the rightful owner is not deprived of his property any longer than is absolutely necessary. Efforts taken in this regard shall be documented and made part of the case file.
2. If circumstances indicate that impoundment is not appropriate, and the owner or other interest holder can be contacted, that person (or institution) should be given the opportunity to determine the method of recovery.
  - a. If the vehicle is drivable, the owner or other interest holder may wish to respond, in which case the vehicle may be released after processing and inventory.
  - b. If the vehicle is not drivable, the owner or other interest holder may request a specific towing service or repair service, or may make other arrangements if the vehicle does not need to be removed immediately.

SCSO members must refrain from making any recommendations for the use of a particular towing/repair service.

### C. TOWING –

1. The procedures for arranging for a vehicle to be towed are the same as those set out under “**Assistance to Motorists**”, this manual, except that the motorist has not participated in the decision to remove the vehicle. Therefore, once the member has determined that a vehicle must be towed, contact will be made with the E-911 to contact the next rotational towing service.
2. The officer handling the matter will note in his SJS report the following information whenever a vehicle is towed and/or impounded:
  - a. Date and complaint number;
  - b. Name and address of owner;
  - c. Vehicle year, make, VIN # and plate registration;
  - d. Location where secured (towing service name);
  - e. Was the owner the operator;
  - f. Officer seizing vehicle;
  - g. The reason for the tow or impoundment and any special instructions or holds placed on the vehicle by the member.
3. When, upon the order of a member, a vehicle is towed for reasons of highway safety or because of a violation which renders it illegal for use on the road (such as registration, insurance, or license plates), but it is not impounded as a seizure or for further investigation, the vehicle will remain in the custody of the towing service.
  - a. In the above circumstance, to regain possession of his vehicle, the owner must prove that his vehicle is in compliance with the law and must satisfy any obligation he has incurred for towing costs. To insure compliance, the member shall instruct the towing agency not to release the vehicle until proof of compliance on the reason for the tow is produced or unless the owner plans on moving the vehicle by towing it legally to another location and towing charges have been taken care of.

#### **D. PRIVATE PROPERTY –**

1. Officers are not authorized to call a tow truck to tow a vehicle off of private property, unless there are special circumstances involved, such as the vehicle was involved in a crime or other valid reason.
2. Without special circumstances the property owner will be advised that they can call for a tow truck to tow any vehicle from their property if they haven't authorized it to be there

#### **E. IMPOUNDED VEHICLES – MEMBER RESPONSIBILITES -**

1. As with any personal property found in the possession of an arrested person at the time of his arrest, the SCSO incurs a special duty for the safe-keeping and disposition of an arrestee's vehicle when impounded by the SCSO.

At the scene of the impound the member ordering the impound will:

- a. Conduct a complete inventory of the contents of an impounded vehicle utilizing the "**Inventory of Impounded Vehicle**" form (SCSO-LE-032). Members are urged to use extreme diligence when conducting an impounded vehicle inventory to prevent any claims against themselves or the SCSO. This form, when completed, will be submitted to the tow truck operator for review and signature and will serve as notice that the tow service has received the contents of the vehicle as indicated on the Inventory of Impounded Vehicle form. Any property seized as evidence from the vehicle to be impounded will be noted on the Property Receipt/Evidence Log & Tracking Form and not listed on the Impound Inventory Form.
  - b. Complete a "**TOWED/IMPOUNDED VEHICLE TAG**", the original of which will be placed on the inside of the windshield showing the complaint report number, date vehicle impounded and/or towed, reason for impounding and/or towing, license plate and VIN number, brief description of the vehicle, location of vehicle and conditions of release which will remain with the vehicle while impounded.
2. Notify the E-911 Center of impound –

Anytime a vehicle has been impounded by the SCSO, an entry must be made into the appropriate file in the New York State Police Information Network (NYSPIN), an on-line system which will permit an inquiry concerning the location of an impounded vehicle from any police agency in New York State. The member ordering the vehicle impound, in addition to the requirements in subsections (a) and (b) of this section, will:

- a. Immediately notify the E-911 center of the impound by radio or phone, noting the date, time and E-911 Center dispatcher receiving such notification
  - b. The impounding officer will deliver or fax a copy of the "Towed/Impounded Vehicle Tag" to the Seneca County E-911 Center and retain the facsimile receipt as evidence of such impound notification to the E-911 Center, if applicable.
  - c. The impounding officer will request from the E-911 Center a copy of the NYSPIN teletype entry concerning the impounded vehicle.
3. SJS REPORTING REQUIREMENTS – The member ordering such impound will complete all appropriate sections of the SJS Vehicle Screen identifying the vehicle as being impounded by the member and will note in the case narrative section that:
  - a. The reason for the vehicle impoundment
  - b. That an Inventory of Impounded Vehicle form was completed and signed by the tow truck operator.
  - c. That a Towed/Impound tag was placed in the vehicle
  - d. That the E-911 Center was notified – noting the date, time and dispatcher so notified.
  - e. That a copy of the Towed/Impound Tag was delivered or faxed to the E-911 Center
  - f. That a copy of the NYSPIN teletype entry has been attached to the Impounded Vehicle Inventory Form and Towed/Impounded Tag and filed in the folder marked "ACTIVE SCSO IMPOUNDS" located in the file drawer marked "SCSO IMPOUNDED VEHICLES" located in the Sergeants Office.
  - g. Any special instructions governing the release of such impound.
4. DOCUMENT TRACKING & QUALITY CONTROL – The member ordering such impound will place the following documents stapled together in the file folder marked "ACTIVE SCSO IMPOUNDS" located in the file cabinet marked "SCSO IMPOUNDED VEHICLES" in the Road Patrol Sergeants Office at the LEC.
  - a. Original completed Impounded Vehicle Inventory Form
  - b. Copy of Towed/Impound Tag

- c. Copy of facsimile receipt of E-911 Center notification, if applicable.
- d. Copy of NYSPIN teletype entry of impounded vehicle

**F. RESPONSIBILITES OF SCSO IMPOUND OFFICER – ACTIVE IMPOUNDS -**

1. During each tour of duty, the SCSO Impound Officer will review for completeness and quality control all records relating to active current vehicle impounds of the SCSO until such vehicle is lawfully released from impound. Such review should include ensuring that all required documents relating to such impound identified in Section(s) III,E,(4)(a-d) are included.
2. Review the SJS case file entry associated with such impound to ensure that all requirements identified in Section III, E (3) (a-g) are complied with.

**G. RELEASE OF IMPOUNDED VEHICLES - MEMBER RESPONSIBILITIES -**

1. Before any vehicle is released from any SCSO authorized impound, the SJS case report will be queried for any special instructions concerning holds or conditions of release. If no such holds or conditions exist, such release must be approved by a supervisor. The members releasing such vehicle from an SCSO impound will:
  - a. Fully complete a “Release of Impounded Vehicle” form (SCSO-LE-033.).
  - b. Contact the impound towing service to advise of the imminent release of such impound and note the date, time and impound towing service employee advised of such release in the space provided on the “Release of Impounded Vehicle” form.
  - c. Fax a copy of the Release of Impounded Vehicle form to the impound towing service and retain a copy of the facsimile receipt and attach such receipt to the Release of Impounded Vehicle Form as evidence of such notification.
  - d. Fax a copy of the Release of Impounded Vehicle form to the E-911 Center for cancellation of the Vehicle Impound from the NYSPIN system. The releasing member will retain a copy of the facsimile receipt and request the E-911 Center forward a copy of such impound vehicle cancellation teletype to be attached to the Release of Impounded Vehicle Form.

2. DOCUMENT TRACKING & QUALITY CONTROL – The member ordering the RELEASE OF such impound will place the following documents stapled together in the file folder marked “RELEASED SCSO IMPOUNDS” located in the file cabinet marked SCSO IMPOUNDED VEHICLES in the Road Patrol Sergeants Office at the LEC.
  - a. Release of Impounded Vehicle Form
  - b. Facsimile receipt(s) of release notification to:
    - i. E-911 Center, if applicable
    - ii. Impounded towing service
  - c. Copy of E-911 Center NYSPIN cancellation teletype

#### **H. RESPONSIBILITES OF SCSO IMPOUND OFFICER – RELEASED IMPOUNDS -**

1. During each tour of duty, review for completeness and quality control all records relating to released vehicle impounds. Such review will include ensuring that all required documents relating to such released impounds identified in Section(s) III,G,(2)(a-c) are included.
2. The SCSO Impound Officer will report the following in the SJS case file narrative (do not report in case notes) in connection with the impound.
  - a. That the impounded vehicle was released from impound
  - b. Upon whose authority was such release authorized
  - c. That a Release of Impounded Vehicle form was completed and the impound towing service was notified citing the date, time and employee receiving such notification
  - d. That the E-911 center was notified to cancel such NYSPIN impound and that a copy of such cancellation notice is attached to the impound documents.
3. The impound officer will submit to the Records Division all records associated with the initial impound and release of such impound to be filed with the official case file.

#### **I. IMPOUNDMENT – SCSO secured impound lot**

Once a determination has been made to take custody and hold a vehicle, it must be removed to an assigned impound lot. A vehicle may be impounded at the SCSO impound area located at the Seneca County Law Enforcement Center for

any reason including processing for evidence. The rotational impound agency will deliver the vehicle to SCSO, where it will be secured in the SCSO impound lot and processed in a timely fashion.

1. The procedures surrounding an impound at the SCSO will be the same as outlined in the aforementioned sections of this policy, UNLESS the required inventory of the impounded vehicle would destroy or alter valuable evidence prior to processing in which case the required inventory will not be performed until after the impounded vehicle has been processed. If the required inventory is not completed prior to processing, the member will note same in the SJS entry in connection with the impound.
2. In all cases where a vehicle is impounded at the LEC, it must be logged on the Vehicle Impound Lot Log located in the CID File/Copy Room. All vehicles in secured in the SCSO impound lot must be noted on this log.
3. Vehicles stored on a long time basis, which are impounded in connection with major crimes or cases under investigation at the LEC will not have a storage fee assessed by the SCSO, in most cases, however the SCSO will be responsible for the towing fee. The vehicle should also be removed from the SCSO impound storage area as soon as possible.
4. Before any release is authorized from the SCSO Impound Yard, any tow bills must be paid and a copy of such paid receipt must be presented to the releasing officer. A copy of which will be attached to the Release of Impounded Vehicle form.
5. When the SCSO impound lot is used by another agency – the agency is to furnish a copy of their report and any impound/inventory paperwork and include a contact number for the investigating officer to the CID Lieutenant. This vehicle will also be logged on the vehicle impound lot log in the CID copy/file room.

#### **J. IMPOUND AREAS – (Private impound lots) GENERAL & SPECIFICATIONS**

1. Any garage/tow service that wants to be an impound area for the SCSO shall make their request to the Sheriff by December 10th of each year.
2. Each impound service shall have an area that can be secured from the general public which remains locked and secure at all times.
3. Each impound area shall be inspected annually by the person in charge of impounds or Sheriff's designee of the SCSO for compliance.
4. Impound territories shall be determined annually by the Sheriff after receipt of all applications to be an impound area.

5. Shall be large enough to hold at least three to four standard size vehicles.
6. The provisions outlined in Sections J do not pertain to tractor trailers or large vehicle impounded by the SCSO. Due to their large size, special provisions will be made in connection with their impoundment.

**K. SEIZURE PROCEDURE –**

1. Vehicle Seizures will be determined by the district attorney's office.

## Unmanned Aerial Vehicle

STANDARD NO(S): **NYSLEAP 42.4**  
**NYSSA #**

DATE: **August 22, 2018**

REFER TO: **W. Timothy Luce  
Daniel Dressing**

### **I. OBJECTIVE:**

To establish guidelines for personnel who are assigned responsibilities associated with the deployment and use of unmanned aerial vehicles owned by the Seneca County Sheriff's Office.

### **II. POLICY:**

The Seneca County Sheriff's Office has established guidelines on the deployment of unmanned aerial vehicles when such deployment is appropriate in the performance of their official duties.

### **III. DETAILS:**

#### **A. Definitions:**

1. Unmanned Aerial Vehicle (UAV) or Unmanned Aircraft (UA) - An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.
2. Unmanned Aircraft System (UAS) – A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.
3. Authorized Agency Personnel - Personnel assigned by the Sheriff or his designee to operate UAVs or any portion of a UAS who have shown competency in the operation of UAVs and who meets all the requirements of the COA issued by the FAA.
4. Certificate of Authorization (COA) or Certificate of Waiver (COW) – Prior to usage of a UAV, all government agencies, including law enforcement, must register the specific UAV and all intended uses with the FAA if the UAV weighs more than .55 pounds and obtain a Certificate of Authorization (COA) permitting them to use a UAV within a certain area of space, to be determined by the FAA in consultation with the applying agency.

5. Emergency COA – An agency can request that the FAA issue an Emergency COA when:
  - a. A situation exists in which there is distress or urgency and there is an extreme possibility of a loss of life;
  - b. The requesting agency has determined that manned flight operations cannot be conducted efficiently;
  - c. The proposed UAS is operating under a current, approved COA for a different purpose or location.
6. Defined Incident Perimeter – A location with a defined perimeter to be determined based on the scope of the operation with a defined operational ceiling at or below 400 feet above ground level (AGL) or 400 feet above a feature/structure that is within the scope of the UAV operations.
7. Digital Multimedia Evidence (DME) – Digital recording of images, sounds, and associated data captured by a UAV or UAS.
8. Remote Pilot in Command (PIC) – a person who holds a remote pilot certificate with a sUAS rating and who has the final authority and responsibility for flight operations, equipment, the person manipulating the controls, and all other flight operations personnel.
9. Aeronautical Decision Making (ADM) - A systematic approach to the mental process used by pilots to consistently determine the best course of action in response to a given set of circumstances.
10. Crew Resource Management (CRM) – A component of ADM where the pilot of a sUAS makes effective use of all available resources, including human resources, hardware, and information.
11. Person Manipulating the Controls (PMC) – A person who is controlling the flight of a UAS under the supervision of the PIC and safety of an operation conducted under part 107.

#### **IV. PROCEDURE:**

- A. Administration – No deployment of a Sheriff Office’s UAS will be conducted without prior authorization from the Sheriff or his designee and all such deployments must conform to a COA and the policy and procedures defined herein. UAVs may be used for, but are not limited to, the following purposes:

1. Situational Awareness – To assist decision makers in understanding the nature, scale or scope of an incident and for planning/coordinating an effective purpose.
2. Search and Rescue – To assist missing person investigations, AMBER alerts, missing child alerts, missing college student alerts, vulnerable adult alerts, and other search and rescue missions.
3. Tactical Deployment – To support the tactical deployment of officers and equipment in emergency situations.
4. Visual Perspective – To provide an aerial perspective to assist officers with directing crowd control, traffic, special circumstances, and temporary perimeter security.
5. Scene Documentation – To document a crime scene, accident scene, or other major incident scene.
6. Agency Assistance – To assist another agency with any of the five purposes listed above.

B. **Procedures for use of an Unmanned Aerial Vehicle** – All deployments of UAVs should incorporate procedures to assure authorized usage, safe operations, secure storage, and documentation of usage of UAVs. Procedures for the use of UAVs shall include, but are not limited to, the following:

1. Prior to and during deployment of UAVs, the Seneca County Sheriff's Office will obtain and maintain:
  - a. registration and authorization from the FAA
  - b. permit(s) from the controlling agency, if necessary
  - c. a COA or emergency COA, if necessary
2. UAVs will only be operated by Seneca County Sheriff's personnel who have shown competency in the operation of a UAS.
3. Authorized personnel will inspect and test UAVs prior to each deployment to verify maintenance, proper functionality, general airworthiness, mission specific airworthiness, and proper radio frequency.
4. Prior to each flight operation, the PIC will perform the following inspections:
  - a. Crew Fitness: The PIC will ensure that personnel involved with flight operations are not under the influence of drugs or alcohol, are not using any medication that affects their physical dexterity or mental faculties, and are not suffering from any physical or

mental condition that could interfere with safe operations of the UAS or otherwise affect ADM. The PIC will also ensure that such personnel participate in any preflight briefing where they will review the mission, goals, methods, and procedures for the flight, including, but not limited to:

- 1) UAV malfunction/failure procedures
  - 2) Reasons for flight termination
  - 3) Flight diversion and lost link procedures
  - 4) Radio frequency to be used
  - 5) Personnel communication procedures
  - 6) Take-off and landing site, including alternates
  - 7) Defined incident and flight perimeters
  - 8) Contents of the COA
- b. Aircraft Fitness: The PIC will ensure that all equipment that comprises the UAS is functional and ready for safe use, including:
- 1) All batteries, controllers, display devices, and other peripheral equipment (MiFi, battery pack, etc.) have been charged
  - 2) The global positioning system (GPS) is functioning and has good signal strength
  - 3) The physical components of the aircraft (props, camera, landing gear, safety lighting, etc.) are properly attached, free from defect/damage, and functional
- c. Lighting: Authorized personnel will only deploy UAVs in accordance with a COA or emergency COA which will outline the necessary requirements and UAV capabilities needed for safe operation as well as specifically denote whether day and/or night flight is permitted.
- d. Line-of-sight: All flights will be conducted under Visual Flight Rules which require that the PMC keep line-of-sight with the UA throughout the entire flight, including with the use of a visual observer or observers. Authorized personnel will review the incident and flight perimeters to identify potential hazards present within such perimeters prior to each deployment.

- e. Altitude: All UAV flights shall be conducted at less than 400 feet above ground level unless otherwise noted in the COA or approved by FAA in an emergency COA.
- f. Weather: The PIC will check and record the following weather information prior to each deployment of a UA:
  - 1) Temperature : Authorized personnel will only deploy UAVs when the temperature is within the parameters set forth by the operational guidelines of the UAV being deployed. Authorized personnel will adjust UAV battery and flight length as necessary according to temperature.
  - 2) Wind: Authorized personnel will measure wind velocity prior to each deployment and will only deploy UAVs when the wind velocity is within the parameters set forth by the operational guidelines of the UAV being deployed.
  - 3) Precipitation and Other Weather Phenomenon: Prior to deployment of a UAV, authorized personnel will assess the level of risk that precipitation such as rain, snow, and sleet, or other weather phenomenon such as fog, will have on flight operations, including, but not limited to, visibility and overall safety. Authorized personnel may deploy UAVs if precipitation and/or other weather phenomenon do not prevent personnel from adhering to line-of-sight, minimum weather requirements, and the UA's manufacturer's guidelines.
- 5. Authorized personnel will store, maintain, and operate each sUAS in a secure, proper, and careful manner. If any sUAS equipment malfunctions, cease deployment in the safest manner possible, remove the malfunctioning equipment from the sUAS, document the nature of the malfunction on the flight log, and report such malfunction to the Sheriff or his designee as soon as practicable. The Sheriff or his designee may require that a written report documenting the equipment malfunction be completed and submitted.
- 6. Authorized personnel will coordinate maintenance, repairs, and updates of each UAS on an as needed basis and/or per manufacturer's guidelines. Authorized personnel will coordinate with IT on an as needed basis to resolve programmatic/technical issues with any UAS equipment.
- 7. Authorized personnel shall inform local Air Traffic Control upon the issuance of any applicable COA.

8. DME captured or recorded by UAVs shall be the sole property of the Seneca County Sheriff's Office unless otherwise agreed to by the Sheriff or his designee.
9. All UAV flights shall be documented and contain the following information:
  - a. The reason for the flight, as set forth above in Section IV.A.
  - b. Date, time, duration, weather and location of the flight.
  - c. Name of supervisor approving flight.
  - d. List of staff assigned to flight.
  - e. Summary of actions taken, activities, and outcomes from deployment.
  - f. Brief description of captured DME and the storage location of same.

10. The Seneca County Sheriff's Office will work closely with the Seneca County District Attorney's Office regarding DME. The handling of DME will be in accordance with Seneca County Sheriff's Office evidence collection policy and procedures, including the placement of original DME into evidence. Upon proper request, the Investigating Officer can obtain a working copy of DME in evidence.

In the event of an arrest, relevant captured DME will be provided to the Seneca County District Attorney's Office at the time of arrest or as soon as possible thereafter.

11. Authorized personnel shall obtain a search warrant when there is reasonable belief that the flight pattern of a UAV or the collection of DME may intrude upon a place and time when a person has a reasonable expectation of privacy, as defined by New York State Penal Law Section 250.40 Sub. 1.

### **C. Restricted Use of an Unmanned Aerial Vehicle.**

1. Authorized personnel will only deploy UAVs for a public safety purpose as set forth in this policy.
2. Authorized personnel shall not deploy UAVs in an unsafe manner or in violation of FAA rules governing the use of UAVs by governmental agencies.
3. Weapons shall not be affixed to UAVs.

4. Authorized personnel shall not deploy UAVs without permission from the Sheriff or his designee.

**D. Digital Multimedia Evidence Storage and Retention.**

1. Storage
  - a. Authorized personnel shall handle and store captured DME in accordance with existing SCSO procedures for storing digital files and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL). Any requests for DME disclosure should be reviewed by the Sheriff or his designee and in consultation with the Seneca County Attorney.
2. Downloading Procedures
  - a. Authorized personnel shall securely download all captured DME at the completion of each mission. Each DME file shall be given a unique number created in SPILLMAN, including but not limited to , date, time, location, involved personnel and other mission identifiers.
3. Permitted Review of DME
  - a. Access to captured DME must be approved by authorized personnel and documented.
  - b. Review of DME will be authorized under the following terms:
    - 1) The Sheriff or his designee will be permitted to review a copy of the captured DME when:
      - a) investigating alleged misconduct reports or meritorious conduct
      - b) such DME would be beneficial in reviewing the performance of the personnel who captured the DME or who were involved with the incident depicted
      - c) determining whether DME is of value as a training tool
    - 2) The Sheriff and other members of the SCSO will be permitted to review a copy of the captured DME for purposes of:

- a) conducting a criminal investigation
    - b) preparing for courtroom testimony or courtroom presentation
  - c) providing testimony pursuant to an administrative inquiry
  - d) assisting the officer in professional development
  - e) conveying strategy related to the administration of the UAS as set forth in this policy
- 3) When a third party is authorized by the SCSO to capture DME pursuant to a current COA or emergency COA, as an agent of the SCSO, the agent will not be permitted to independently access, edit, alter, erase, duplicate, share, or otherwise distribute a copy of the captured DME without the express written consent of the Sheriff or his designee.
4. The Seneca County District Attorney's Office will be notified of DME as set forth in Section IV.B.10 and will be permitted to review a copy of the captured DME as it pertains to their investigation.
- a. Retaining DME will be stored in accordance with the minimum standards required by the New York State Archives. If records are related to a criminal investigation, they will be retained for a minimum of 6 months. If a determination is made that DME has evidentiary value in an on-going investigation, court proceeding, or appeals process, the data will be retained through the pendency of the case and until directed to do otherwise by the Sheriff or his designee. The established retention schedule can be extended beyond the 6 month minimum as necessary.
  - b. Non-Evidentiary DME not relevant to a criminal investigation, emergency management, or mapping will be retained for a minimum of 6 months.
  - c. If no extension of DME retention is required, the DME and copies thereof may be destroyed in accordance with the SCSO retention procedures.
  - d. If DME is deemed to be useful as a training tool by authorized personnel, DME can be retained for as long as practicable.
5. All retained DME, unless exempted, will be open for public inspection. Any and all public disclosure of DME must be consistent

with, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL).

- a. The Sheriff or his designee, along with the Seneca County Attorney, will review any request for such data and, where there exists a related criminal investigation or prosecution, will jointly conduct the review in consultation with the Seneca County District Attorney's Office before any such data is shared.
- b. Authorized personnel will not edit, alter, erase, duplicate, share, or otherwise distribute captured DME in any manner externally, without prior written authorization and approval from the Sheriff or his designee.

#### **E. Unmanned Aerial Vehicle Audit Protocol**

1. Authorized personnel will regularly audit UAV flight documentation and DME access records and produce a quarterly audit report detailing the results of said audit and any charges or corrections made to the flight time counter, captured DME, and/or DME access records.
2. Authorized personnel will regularly audit the policy and procedures contained herein and make recommendations for any necessary amendments thereto.
3. The Sheriff or his designee is encouraged to consider the regular issuance of a public report detailing the SCSO usage of UAVs when such issuance is practicable and consistent with the SCSO records release policy and applicable statutes regarding, but not limited to, evidence, discovery, and disclosure pursuant to the Freedom of Information Law (FOIL).

#### **F. Training of Authorized Agency Personnel**

1. Authorized personnel assigned to operate SCSO owned UAVs must complete an agency approved training program and meet all conditions of the COA issued by the FAA. Authorized personnel assigned to operate UAVs should also receive additional training at regular intervals to ensure continued effective usage, operation, calibration, and performance of each UAS as well as to incorporate changes, updates, revisions, and advances in policies and procedures in the deployment and use of UAVs.
2. All personnel with responsibilities related to the Unmanned Aerial System (UAS) shall be trained in applicable local and federal laws,

regulations, and the policies and procedures defined herein which govern the deployment of UAVs.

## Chapter Eight - Special Operations

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- 8-2 Canine Unit
- 8-3 Underwater Search & Recovery Team
- 8-4 Hazardous Materials Incident
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## **CANINE UNIT**

STANDARD NO(S)

NYSLEAP 33.3 and 43.6

DATE:

August, 10, 2010

REVIEWED: 03/20/2017

REFER TO:

John Fowler  
Michael Rhinehart

### I. OBJECTIVE

To establish procedures for the operation and use of the canine teams by the Seneca County Office of Sheriff (SCSO), which teams will hereinafter be known as a "K-9 Unit".

### II. POLICY

The SCSO K-9 Unit's are intended to serve as a supplement to the patrol and investigatory functions of the SCSO. As with any unusual or special technique, it should be deployed using good judgment. Prior approval of the Sheriff or a designated representative is required for participation of the K-9 Unit's in demonstrations or civic functions.

### III. DETAILS

A. **ADMINISTRATION** – The SCSO K-9 Unit is comprised of two canines are their full time Road Patrol Division member handlers. The K-9 Unit is under the command of the Road Patrol Lieutenant who oversees matters such as training, procurement of equipment, data collection and analysis and will have the following additional responsibilities:

1. Ensure all K-9's and their handlers attend monthly maintenance in service training.

### **B. UTILIZATION -**

1. **TRACKING** – In those cases involving flight from a crime scene on foot, or persons who are missing or lost and believed to be on foot, the member investigating the incident should evaluate the likely effectiveness of using a K-9 Unit. The duty Sergeant will be notified and it will be at the duty Sergeant's discretion to request the team to respond to the scene. The on-duty Sergeant will contact the Road Patrol Lieutenant for authorization to activate an off-duty K-9 Unit. When the services of a K-9 Unit are expected, every effort should be made to avoid contamination of the area with human scent.

All persons not necessary to the scene, including other members, should be excluded from the area to be searched. If possible, a search perimeter should be established and appropriate scent material obtained.

- a. NARCOTICS DETECTION – A Narcotics detection K-9 unit can be used to locate the following controlled substances in buildings, packages, vehicles or in open areas:
  1. Heroin
  2. Cocaine
  3. Marijuana
  4. Methamphetamine
  5. Any derivatives of the above

The narcotics detection canine is an aggressive “alert dog,” which means that the dog works to the source of the target and scratches at that source. The dog must not be used to search a person for the purpose of locating a controlled substance because injury of the suspect is not justified. This does not exclude the use of the dog to search areas that have been occupied by a suspect to detect the presence of any residual scent that may have been left by narcotics carried by the suspect.

No narcotics detection canine will be used to search areas where there are obvious hazardous substances such as spilled narcotics, broken glass, etc.

- b. BOMB DETECTION – A Bomb Detector K-9 Unit can be used to locate the following bomb precursors in buildings, packages, vehicles or in open areas:
  - 1 Trinitrotoluene (TNT)
  - 2 Pentaerythritol tetranitrate (PETN)
  - 3 Ammonium Chlorate
  - 4 Nitroglycerin
  - 5 Composition 4 (C4)
  - 6 Detonation Cord (Det Cord)
  - 7 Safety Fuse

The bomb detection canine is a passive “alert dog,” which means that the dog works to the source of the target and then “sits” at that source. The dog will not be used to search a person for the purpose of locating a bomb component or precursor because injury of the suspect is not justified. This does not exclude the use of the dog to search areas that have been occupied by a suspect to detect the presence of any residual scent that may have been left by a bomb, bomb component or precursor carried by the suspect.

2. Buildings searches - All SCSO K-9 Units are cross trained and certified as a "patrol dog", one that is under the control of the officer handler for the purpose of assisting in the location and apprehension of a wanted person. The patrol dog may be used to search a building where a possible break-in is indicated or an area in which a suspect may be hiding, provided the place to be searched is believed to be clear of all other persons.
3. Muzzle apprehensions - The canine may be used in muzzle where there is reasonable cause to believe that a misdemeanor or violation is about to be committed, is in progress, or has been committed.
4. Off muzzle apprehensions - The canine may be used without muzzle where there is reasonable cause to believe that a felony is about to be committed, is in progress, or has been committed, as well as protection of the handler or to a police officer or a third person.

#### **C. REQUESTS FOR SERVICE -**

1. Any member may request, through the duty Sergeant or in the absence of duty Sergeant, the Road Patrol Lieutenant, the deployment of a SCSO K-9 unit if circumstances indicate that deployment is warranted. The K-9 call-out will be authorized by the Road Patrol Lieutenant if circumstances warrant the services of an SCSO K-9 unit.
2. It shall be the decision of the commanding officer at the scene to make use of the K-9 Unit. This officer will take into account all aspects of the situation as well as the handler's information about the canine's capabilities before using the K-9 Unit.
3. The K-9 handlers will be always alert to the conditions to which both the handler and the dog are to be exposed. At no time will a K-9 be used under circumstances that present an obvious hazard to the health of the dog.

#### **D. SPECIAL REQUESTS FOR SERVICE -**

1. Requests for deployment of the K-9 Unit outside of Seneca County requires the authorization of the Chief Deputy, Undersheriff or Sheriff.
2. Requests to activate an off-duty K-9 team shall be authorized by the Road Patrol Lieutenant, or the duty Sergeant.

#### **E. INJURIES CAUSED BY SCSO CANINES -**

1. In the event that a dog bites, scratches, or otherwise injures any person, or causes damage to any person's property, the handler shall notify the duty Sergeant, or in the absence of such duty Sergeant, the Road Patrol Lieutenant. See ("Administrative Notifications"), this manual.

2. A complete report of the incident shall be prepared by the handler and submitted to the Road Patrol Lieutenant within 24 hours. In the event that an SCSO K-9 was used in a “Use of Force Incident” the handler will prepare a Use of Force Report consist with the policies and procedures outline in “**Use of Force**”, this manual.
3. A follow-up investigation into the circumstances will be conducted by the Road Patrol Lieutenant and a written report will be filed with the Chief Deputy. The Professional Conduct Unit (PCU) may depending on the facts and circumstances initiate a PCU investigation. See (“**Professional Conduct Unit**”), this manual.

## **F. SPECIAL REGULATIONS AFFECTING MEMBERS ASSIGNED**

**TO K-9 UNIT** - All personnel assigned to the SCSO K-9 Unit will, in addition to the regulations herein set forth, be governed and guided by other agency rules and regulations that apply to them.

1. It shall be the duty and responsibility of canine handlers when on active duty to cooperate with and assist SCSO members in every possible way. They shall make themselves and their dogs available in any instance in which their services may be of value in preventing or investigating a crime or apprehending an offender.
2. Having assumed charge and responsibility for the care, training and handling of the SCSO canine, the handler will bear in mind that one is entrusted with the future health and welfare of the animal, and shall be governed accordingly.
3. Care of dogs -
  - a. The quarters of a dog which is kept at a handler's home must be cleaned regularly and be kept sanitary and presentable. Dogs and their quarters shall be subject to inspection by supervisory personnel.
  - b. Dogs must be groomed on a regular basis. During the grooming process, handler shall inspect for skin eruptions, injuries, insects, etc., and if found, the K-9 veterinarian shall be advised. Handler shall be guided by the veterinarian's instructions.
4. In order for the K-9 handlers to meet the requirements of ¶ 3 a and b above, each handler will be granted one half hour overtime per day (total 3 ½ hours per week) at a scale as determined in the AGREEMENT by and between SENECA COUNTY and the SENECA COUNTY DEPUTY SHERIFF'S PBA
5. If a dog appears ill, acts sluggish, refuses to eat or fails to respond to normal commands or routine training, the handler will notify the Road Patrol Lieutenant and K-9 veterinarian and be guided by his instructions.

6. Should a dog be injured, either on or off duty, the K-9 veterinarian will be contacted immediately and the Sheriff shall be notified through the chain of command.
7. Dogs will not be taken into taverns, restaurants, theaters, or other places of public assembly except in the line of duty when their presence is necessary.
8. SCSO Dogs will not be entrusted to the care of any unauthorized person. In an extreme emergency or under such circumstances that a handler is unable to care for one's dog, another member of the K-9 Unit may temporarily take charge of the dog for delivery to the K-9 veterinarian who will harbor the dog.
9. Under circumstances not considered an extreme emergency, but under which the handler cannot care for one's dog, the handler will obtain permission from the Road Patrol Lieutenant before taking the dog to an authorized kennel for temporary harboring.
10. Dogs will be fed at the discretion of the handler following procedures recommended by the K-9 veterinarian. Handlers will not permit any person other than oneself or a family member to feed the dog.
11. At the handler's discretion, one may prohibit all persons, except one's immediate family or others who reside in the handler's home, from petting, touching or handling one's dog. The handler should be particularly alert in public to avoid familiarity.
12. At no time, under no circumstances whatsoever, shall a handler strike, kick, whip or otherwise punish one's dog by any inhumane method. Any act of this nature will result in immediate dismissal from the K-9 Unit.
13. Dogs shall be kept under complete control at all times. They shall be kept on a leash at all times, except when circumstances direct otherwise. While off duty, dogs will likewise be kept under complete control and supervision. They will not be permitted to run at large and not be kept in such a place where they may annoy or interfere with neighbors or passers-by. They must not be left unattended in a vehicle for unreasonably long periods.
14. All K-9 Unit equipment issued to handlers must be kept in good condition and readily accounted for when requested by supervisory personnel. No replacement shall be made without approval.
15. A handler will train the dog only in accordance with instructions given in police training sessions. No attempt shall be made to train the dog contrary to the established police program.
16. When on active street duty, a handler shall wear the SCSO regulation uniform with the "K-9" collar insignia.

17. Handlers will not engage their dogs in any training classes other than those authorized by the SCSO.
18. Handlers will not, under any circumstances, lend or rent their dogs to any private individual or corporation for use as watchdogs, nor will they permit their dogs to be used for any purpose other than that which is included in regular duties or authorized activities.
19. SCSO K-9 Handlers must have a telephone and an assigned SCSO vehicle at one's disposal during any call-out period. Handlers must be prepared to respond, with one's dog, to emergency duty whenever one's services are needed.
20. SCSO K-9 handlers and their dogs will be assigned to work a Road Patrol schedule and will perform duties as a member of the Road Patrol. The handler will submit a report of all activity to the Road Patrol Lieutenant within 24 hours, and, in addition will prepare a monthly report no later than the fifth of each month following the K-9 activities.
21. Except in emergencies, handler shall not leave the dog in a parked vehicle for an unreasonable length of time, whether it is an SCSO vehicle or one's private automobile. Should it become necessary to leave the dog in a vehicle, handler shall be sure that the dog is properly secured and that the vehicle is sufficiently ventilated. Windows of the vehicle should not be open far enough to permit the dog to annoy or attack passers-by.
22. It is incumbent upon each canine handler to promote the success, efficiency and good public relations of the K-9 Unit by exercising sound judgment in one's own actions and in the proper and safe handling and control of one's dog.

**G. TRAINING** – All SCSO K-9's and their handlers will undergo an initial training course in the specific area of expertise of the canine, such as narcotics and bomb detection. Such training will encompass all required training modules necessary as a foundation to achieve certification in the canine's area of expertise.

1. Monthly maintenance training –
  - a. All SCSO canines and their handlers will receive monthly in service training conducted by the Onondaga County Sheriff's Office
  - b. All handlers will prepare and submit to the Road Patrol Lieutenant a written report of monthly maintenance training activities.

## **UNDERWATER SEARCH & RECOVERY TEAM**

STANDARD NO(S):

NYSLEAP: 43.6

DATE:

October 4, 2011

REFER TO:

Michael Rhinehart  
Roger Ward

- I. OBJECTIVE: To establish policy and procedures for the participation in and operation of the Seneca County Sheriff's Office Underwater Search and Recovery Team.
- II. POLICY: Due to the number of lakes, canals and waterways located within Seneca County, the Office of Sheriff maintains a special operations component known as the Underwater Search and Recovery Team (USRT). The purpose of this specialized component are to recover the bodies of submerged victims and to search and recover articles which may be considered to be contraband, evidence or hazards to navigation.

### **III. DETAILS:**

- A. The USRT is under the general command of the Sheriff, assisted by the Undersheriff and Chief Deputy, but is operationally under the command of the Dive Coordinator.
- B. The USRT will be comprised of -
  1. Dive Coordinator
  2. Dive Master/Assistant Team Leader
  3. Appropriate number of divers as authorized by the Sheriff, drawn from the Sheriff's Office and Seneca County Fire Service
  4. Appropriate number of surface support personnel necessary for the safe execution of dive operations.
  5. Navigation Officers – when the dive operation requires the participation of members assigned to navigation duties. These members and Sheriff's watercraft will be under the operational command of the Dive Coordinator.
- C. Selection process of USRT members -
  1. Interested member must volunteer/self nominate to Sheriff in writing.
  2. Receive the endorsement from SCSO Division Commander or Fire Chief
  3. Undergo interview with Dive Coordinator and Dive Master.
  4. Successfully complete the Water Skills Test
  5. Complete a Recreation Scuba Training Council medical questionnaire.

D. Equipment –

1. USRT equipment will only be used for training and dive operations.
2. SCSO divers will only use SCSO issued equipment or that which has been approved by the Dive Coordinator.
3. All USRT equipment will be kept secure at the Sheriff's Office or in the "dive trailer."
4. All dive team equipment will be maintained in accordance with the manufacturer's specifications or as required by law.
5. When dive operations have been concluded for the day all dive team equipment will be properly cleaned and stored.
6. Once the dive operations have fully concluded, all equipment will be thoroughly and properly cleaned and returned to the dive trailer.
7. USRT equipment is owned by Seneca County and will only be used for county sanctioned training and dive operations.

E. Designated person- in-charge –

1. The Dive Coordinator or Team Leader shall be at the dive location and will remain in operational command of all aspects of the diving operation affecting the safety and health of dive team members.
2. The Dive Coordinator and Team Leader will have experience and training in the conduct of assigned diving operations.

F. Training –

1. Each dive team member will have the experience or training necessary to perform the assigned tasks in a safe manner.
2. Each dive team member will have experience and training in the following:
3. The use of tools, equipment and systems relevant to assigned tasks.
4. Techniques of the assigned diving mode, and
5. Diving operations and emergency procedures.
6. All dive team members shall be trained in cardiopulmonary resuscitation and first aid (American Red Cross standard or equivalent)
7. Dive team members who are exposed to or control the exposure of others to hyperbaric conditions will be trained in diving related physics and physiology.
8. The USRT will train once monthly, and will consist of classroom training, open water and pool dives or any combination of thereof.
9. A training plan will be prepared by the Dive Coordinator or Team Leader for each training session and will be kept on file in accordance with SCSO policy and procedures.

G. Dive Operations –

1. Activation – The USRT will only be activated by the Sheriff, Undersheriff or Chief Deputy. A request for activation may come from any SCSO supervisor through any source.
2. The USRT will conduct search, rescue and recovery operations.
3. Risk/Benefit will be considered in the planning of all dive operations.
4. Prior to the commencement of any dive operations, a written plan will be formulated to cover all aspects of the operation.
5. The Dive Coordinator or Team Leader will have operational command authority to commence or terminate any dive operation.
6. Any ranking command officer from the Sheriff's Office will have the authority/responsibility to terminate dive operations if the safety of those involved in the operation becomes and issue.
7. No dive team member will be authorized to dive or otherwise be exposed to hyperbaric conditions for the duration of any temporary physical impairment or condition which is known to the employer and is likely to affect adversely the safety and health of a dive team member. Divers have the responsibility to report any known issues related to diving to the Dive Coordinator or Team Leader before any dive operation commences and immediately if any issues develop during a dive operation.
8. Standard operational depth limit will be no deeper than 100 feet.
9. Exception to Standard operational depth – In the event that there is a benefit that outweighs the perceivable risks, a dive to depths greater than 100 feet be no greater than 120 feet will be permitted only after a thorough and complete planning session and with approval of the Dive Coordinator and with approval from the Chief Deputy, Undersheriff or Sheriff.
10. Standard operational dives will not involve planned decompression stops.
11. Exception to Standard Operational dives – In the event that there is a benefit that outweighs the perceivable risks, dives involving planned decompression stops will be permitted only after a thorough and complete planning session and with approval of the Dive Coordinator and with approval from the Chief Deputy, Undersheriff or Sheriff.
12. Each dive team member will be assigned tasks in accordance with their expertise or training, except that limited additional tasks may be assigned to a diver undergoing training provided these tasks are performed under the direct supervision of an experienced dive team member.

H. Deployment outside of Seneca County – The USRT will only be deployed outside of Seneca County with the approval of the Sheriff, Undersheriff or Chief Deputy.

I. The Dive Coordinator will prepare an SJS report encompassing all aspects of the dive operation upon its conclusion.

## **HAZARDOUS MATERIALS INCIDENTS**

STANDARD NO(S)	NYSLEAP 47.7
DATE:	August 9, 2010 REVIEWED: 12/12/2019
REFER TO:	John P Cleere Michael Madziarz

### **I. OBJECTIVE:**

To establish procedures for the control and removal of hazardous materials accidentally or intentionally released, especially when such materials are linked to an actual or suspected terrorist act.

### **II. POLICY:**

It shall be the policy of the SCSO to take all possible action to protect life and property when encountering the release of a hazardous material (HAZMAT) within Seneca County; and, to participate fully with designated federal, state or local agencies in the responses demanded when the use or threatened use of hazardous materials is suspected to be connected to terrorism.

### **III. DETAILS:**

- A.** Hazardous materials are used by a number of businesses in Seneca County. In addition, hazardous materials are regularly transported throughout our area by rail, tank truck, common carrier and air. Chemical spills resulting from traffic accidents or other mishaps present a serious threat to the health and safety of the general public, and especially to the member who is first responder to the scene.
- B.** Hazardous materials include any substance in a quantity or form which may be injurious to people, domestic animals, wild life, crops or property when released into the environment. Substances may be any element, compound, or combination thereof which is flammable, corrosive, detonable, toxic, radioactive, oxidative, or highly reactive, and which, because of handling, storing, processing, and packaging, may present a threat to the above.
- C. Procedures** - An important responsibility of members responding to accidents or spills involving hazardous materials is to keep the situation from becoming worse.

Members will continually be aware of the fact that any traffic accident involving a cargo vehicle is a potential hazardous material incident. Members must be cautious and observant for any indication of hazardous materials before approaching a cargo vehicle involved in an accident.

1. Members should isolate the area immediately and evacuate non-essential personnel, if necessary. **DO NOT ATTEMPT TO RESCUE INJURED PERSONS UNTIL FULLY AWARE OF HAZARDS INVOLVED. AVOID ANY CONTACT WITH THE HAZARDOUS MATERIAL.**
2. **EMERGENCY RECOGNITION & PREVENTION PROCEDURES**
  - a. The first arriving public safety personnel discovering an incident involving the release or potential release of a hazardous material shall exercise extreme caution and discretion prior to entering an exposed area. Should conditions be such that members would be exposed to the extent their personal safety would be jeopardized, members shall not enter the area. They will await the arrival of a properly equipped haz-mat unit.
  - b. Stay upwind and at least 600 feet from the spill, if possible.
  - c. All incident responses will follow National Incident Management System procedures.

**D. Responsibilities** - Whether a hazardous materials incident occurs on a roadway or within a facility within the boundaries of Seneca County, if it is determined that hazardous materials were or may be released as a result of the incident, primary responsibility for response and control lies with a designated Incident Commander.

1. According to the Seneca County Comprehensive Emergency Management Plan which includes as Appendix "A" the Seneca County Hazardous Material/Weapons of Mass Destruction (WMD) Response Plan the Incident Commander is the Chief of the Fire Department in whose jurisdiction the incident occurs. The responsibilities of the Incident Commander are:
  - a. Identify the product
  - b. Classify the Hazmat Incident as to Level of Response
    - 1). Type 0 – small incident, few resources needed.
    - 2.) Type 1 – several resources, only one operational period.
    - 3.) Type 2 – significant number of resources, multiple operational periods, multi-jurisdictional, out of area resources (regional or national),
    - 4.) Type 3 – expected to go into multiple operational periods, event of national significance.
  - c. Make notification to E-911 Center.
  - d. Establish an on-scene command post, at a safe distance from the disaster or accident scene, from which field operations will be directed and controlled, and staff as needed to handle the operation.

- e. Be responsible for coordinating all field operations through support agency representatives, who will retain control of their respective forces, and command the on-scene response force.
  - f. Contact owners of buildings, which may be used as a command post.
  - g. Delineate the area encompassed by the disaster, and establish this as the disaster area.
  - h. Control the disaster area.
  - i. Make arrangements to obtain radio, telephone and emergency power for the command post.
  - j. Select an area suitable for use as a staging area to receive resources and supplies for the field operations.
  - k. Be responsible to establish and control the emergency routes to and from the scene, establish the location of blocked roadways, control traffic on routes within the disaster area and provide security and crowd control.
  - l. Establish communications with the county Emergency Operations Center (EOC) or designated off-scene command post.
  - m. Make a recommendation to the chief executive if evacuation is necessary and to what extent the disaster area should be evacuated.
  - n. Direct the evacuation operations within the disaster area.
  - o. Make arrangements to obtain protective clothing for emergency personnel as required by the situation.
  - p. Keep county EOC updated with on-scene situation reports according to a regular reporting schedule.
2. SCSO members will be aware of these plans and of their effect on their responsibilities in the event of a hazardous materials emergency. Specifically, the SCSO responsibilities in a hazardous material or WMD incident are to perform Site Security and maintain control, by;
- 1. Coordinating with the fire department for the isolation of the area and denial of entry to the general public.
  - 2. Coordinating with the fire department for the orderly evacuation of the general public when circumstances warrant.
  - 3. Maintaining security in the evacuated areas.
  - 4. Maintaining a smooth traffic flow around the affected area.
  - 5. Issuing of summons for any violation of the law that occurs.
3. Copies of the Seneca County plans mentioned above shall be kept in a current condition in the Administration Division of the Seneca County Sheriff's Office. Other copies may be maintained in other SCSO components.

**E. Training** - As mandated by 29 CFR 1910 (Code of Federal Regulations) instruction in hazardous materials at the "first responder awareness level," will be conducted at least annually, in connection with in-service training.



# **PROJECT LIFESAVER**

STANDARD NO(S):

NYSLEAP: 29.2

DATE:

June 17,2015  
Revised 05/28/2019

REFER TO:

Tim Thompson  
John P. Cleere

## **I. POLICY:**

It is the Policy of the Seneca County Sheriff's Office to utilize Project Lifesaver to provide comfort to the families of those who wander due to illness or disability, without compromising the safety or dignity of their loved one.

## **II. OBJECTIVE:**

To provide guidelines for the utilization of Project Lifesaver, creating a partnership between the community, the families of those affected and the Public Safety personnel, in an effort to identify and locate individuals who become lost.

## **III. PROCEDURE:**

- A.** Project Lifesaver emphasizes relationships between specially trained Sheriff's personnel and the people who may wander, before the need may arise for a rescue. A Deputy assigned to Project Lifesaver Team will conduct an initial interview at Seneca County Sheriff's Office Headquarters or at the client's home to enroll the client by completing Agreement for Project Lifesaver (SCSO-LE-016) and, either a Autism/Downs Syndrome/Under age 18 Client Worksheet (SCSO-LE-017), or Alzheimer/Dementia Client Worksheet (SCSO-LE-018). At that time the personalized wristband will be applied and family members and caregivers will be provided a comprehensive overview of the program. Deputies assigned to the Project Lifesaver Team shall be trained in communicating with a person who has Alzheimer's, Autism, or a similar disease, and will schedule bi-monthly home visits, or as needed to inspect and maintain the equipment and ensure its operability.
  
- B.** If an individual enrolled in the Project Lifesaver program wanders off, the family or care provider will notify the 911 Center, who will dispatch the closest available patrol unit to the scene, and notify the Seneca County Sheriff's Office Project Lifesaver Search Team On-Call personnel.

- C.** The Sheriff's Office Search Team shall respond and commence a search utilizing the Project Lifesaver search equipment. The Sheriff's Office can deploy two receivers and a helicopter if needed, which are capable of identifying and locating lost individuals who are wearing the wristband transmitter.
- D.** The Project Lifesaver Search Team shall be responsible for coordinating the rescue efforts with responding Public Safety personnel, and requesting additional resources should they be required ( i.e. Fire Department(s), EMS, Aviation, etc.).
- E.** The enrolled person's biographical, medical and historical data will be available to the responding units through the Project Lifesaver website which is available to the Seneca County E-911 Center and all Seneca County Law Enforcement agencies.
- F.** The initial responding police unit, regardless of agency, shall be responsible for completing an incident report. Responding SCSO Project Lifesaver Team Deputies shall complete supplemental reports
- G.** A notification shall be made by the SCSO duty Sergeant to the Road Patrol Lieutenant who will then follow the procedures outlined in Administrative Notifications policy anytime the Project Lifesaver Team is utilized.
- H.** Notification of any Project Lifesaver search will be made to Project Lifesaver International by a member of the SCSO Project Lifesaver Team.

#### **IV. TRAINING:**

- A.** In-service training for SCSO Project Lifesaver Team members shall be conducted quarterly to maintain familiarity with Project Lifesaver equipment and procedures.

## **UNUSUAL OCCURRENCES**

STANDARD NO(S) NYSLEAP 58.1-2, & 58.4

DATE: August 19, 2010

REVIEWED: 12/09/2019

REFER TO: John P Cleere

**I. OBJECTIVE:**

To provide guidelines for the response to and handling of unusual occurrences, such as natural disasters or civil disturbances.

**II. POLICY:**

It shall be the policy of the SCSO to plan for and to provide high quality law enforcement services whenever required, even during unusual emergencies. Such emergencies, which by their very nature tend to disrupt the public order, include natural or man-made disasters, and civil disturbances affecting, or having the potential to affect, adversely, the safety of the people of Seneca County.

**III. DETAILS:**

For the immediate purpose, an unusual occurrence is any situation that threatens the safety of numerous persons; that involves extensive property damage; that presents a serious hazard to public health; that requires the protracted services of a majority of on-duty personnel (to the extent that normal law enforcement activities would be impaired); or that requires field supervision by a Lieutenant or above. Such situations could include major fires or explosions, chemical spills, nuclear or radiological accidents, aircraft accidents, civil disorders, weather related emergencies, or other incidents requiring full implementation of SCSO's resources in the public interest.

The responsibility of government to provide order in the protection of life, public health, and property is not diminished in time of crisis. Rather, the public is entitled to expect that their police agencies will set an example for prompt and decisive action in returning to normalcy, regardless of any impediments to such accomplishment.

Unlike an occupying military force, the SCSO must handle any emergency and restore the public order without resorting to martial law and in full compliance with established procedures affecting legality of arrests, processing of prisoners and juveniles, and the collection and preservation of evidence. This responsibility can only be met after careful and thoughtful planning.

**A. Authority for Emergency Action** -In any incident or disaster within the unincorporated areas of Seneca County, governmental responsibility for the overall control of such situation is vested in the Seneca County Director of Emergency Management, until such time that the Chairman of the County Board of Supervisors assumes command and/or responsibility for decisions. Procedures governing such action are set forth in the "**Seneca County Comprehensive Emergency Management Plan**," a copy of which is maintained in the Administration Division of the Seneca County Sheriff's Office & Law Enforcement Center.

The Sheriff retains responsibility for planning, organizing, and directing all law enforcement activity during an emergency in Seneca County. Authority for such responsibility is found in New York State Executive Law Section 29-b (2)(g) and in New York State General Municipal Law Section 209-f.

1. Plans shall be reviewed and updated annually by the Director of Emergency Management in consultation with the Sheriff and other key stakeholders. Plans for natural and/or man-made disasters are developed in accordance with the "**Seneca County Comprehensive Emergency Management Plan**." Coordination with the Seneca County Office of Emergency Management (Fire Coordinator) will be maintained as appropriate for the circumstances. Such coordination shall consist of, but not limited to, planning, paper and field exercises, risk assessment, and analysis.
2. Intelligence gathering operations may contribute information that could impact on such plans. The management of a crisis situation often begins prior to an event by evaluating an existing problem that has the potential for developing into an unusual occurrence. This appraisal requires an appreciation of the physical, environmental, cultural, as well as the socio-economic characteristics of the SCSO's service area.
3. The need for assistance from other law enforcement agencies or other outside agencies should be determined as soon as possible and the request made immediately. Any unusual occurrence may develop into an emergency situation when time is of the essence, and all members of SCSO shall be cognizant of the need for immediate and decisive action.

**B. Support Functions** -Dependent upon the extent and severity of the emergency, the SCSO will have exclusive or concurrent responsibilities for the following tasks:

1. **Communications** - The Seneca County Emergency Communications Center (E-911), an independent County Department, has the capability to act as the central dispatch point for all emergency communications in Seneca County. This includes police, fire ambulance and disaster communications. All SCSO vehicles and portable radios are similarly equipped. See "**Seneca County Comprehensive Emergency Management Plan**."
2. **Field Command Posts** - If required a temporary location will be used as the on-scene command center to coordinate the activities of all operational personnel.

The Field Command Post will be placed outside the inner perimeter, preferably inside the outer perimeter, and will include the actual command post and a controlled area for the staging of personnel and equipment. See "**Bomb Threats & Disposal**" and "**Hazardous Materials Incidents**," in the LEMOI.

3. **Casualty Information and Public Information** - Information on casualties will be dependent upon the scale of the occurrence. Procedures for public information are contained in "**Public Information and Community Relations**," this manual and in the "**Seneca County Comprehensive Emergency Management Plan**."
4. **Inter-agency Support** -If the nature of the unusual occurrence necessitates the utilization of resources outside of SCSO, such as other law enforcement agencies, federal assistance, or military support, procedures are contained in "**Liaison with Other Agencies**" and "**Jurisdiction**," in the LEMOI.
5. **Traffic Control** - Control of traffic in a disaster situation is a primary responsibility of SCSO. The orderly flow in and around a disaster site will help to lessen the severity of problems with evacuations, notifications, security, and emergency assistance. See "**Traffic Administration, Enforcement, and Control**," in the LEMOI, "**Seneca County Comprehensive Emergency Management Plan**" and "**Seneca County Hazardous Material/WMD Response Plan**."
6. **Public facilities** -In an unusual occurrence where vital public facilities are threatened, an assessment of security needs shall be made and implemented as soon as practical.
7. **Equipment and transportation** -It is important that all equipment and supplies intended for use in emergencies be serviceable, well-maintained and readily accessible. If necessary to protect life and property, the Sheriff may hire any equipment or apparatus together with an operator, including means of transportation for responding personnel or for evacuation of the general public. Authority for such action is contained in New York State County Law, Article 17, Section 656.
8. **De-escalation** -As soon as the situation will allow, de-escalation procedures should begin. Manpower and equipment resources should be released when no longer needed; however, command personnel must be alert for any indication that the situation might worsen and be prepared to recall resources. In the event of a civil disturbance, emphasis should be placed on communication with the community and organization leaders in an effort to defuse the situation.
9. **Rumor Control** -Rumors and inaccurate information can exacerbate a situation. Efforts should be made to counteract all rumors as soon as possible.
10. **Post-occurrence action** -Dependent upon the circumstances of the unusual occurrence, the Sheriff or a designee shall request post occurrence reports from command personnel and commence preparation of a critical assessment within two weeks.

11. The performance of individual members, their components, equipment, the organization as a whole, as well as the effectiveness of interaction with any cooperating agencies shall be reviewed. Steps to initiate needed corrective measures, new or revised procedures shall be taken as soon as practical.
12. **After Action Reports** - After an incident has required the deployment of significant SCSO resources an after action report shall be filed with the Sheriff. The form of the report may be a written memorandum, or, if a brief account will suffice, through the computerized message system.

**C. Initial Response** - In the event an SCSO member is first at the scene of an unusual occurrence that member will be the Incident Commander until relieved by competent authority. It is incumbent upon responding personnel to bear in mind the tenets of contain, control, and communicate in dealing with the situation. Upon arrival, the first member will notify the E-911 Center of the following:

1. Nature of the occurrence.
2. Exact location and extent of damage or potential danger.
3. Immediate assistance required.
4. Necessary Command Staff to be notified.
5. Advisability of initiating one of the emergency levels of response.

**D. Manpower Mobilization Plan** -The following guidelines are established to provide SCSO personnel with procedures for an organized, timely, and appropriate response to situations that exceed response capabilities of on-duty personnel, either in expertise or manpower requirements.

1. **Level I Response** -

- a. A Level I Response is the primary stage of mobilization for unusual occurrences. It is implemented whenever an incident generates response demands that exceed the capabilities of on-duty personnel. This response is appropriate when a specialized operation, such as K-9, Emergency Response Team (ERT), Navigation, CID, etc., is needed, rather than additional personnel.
- b. A level I Response may be initiated by the on- duty Sergeant or above, who will notify the E-911 Center of the requirements. Command personnel will be notified as outlined in “**Administrative Notification**”, this Manual.

2. **Level II Response** -

- a. A Level II Response is an extension of a Level I Response where there is a need for additional manpower, not necessarily specialized personnel. Implementation of a Level II Response may include activation of off-duty personnel.

- b. A Level II Response will be initiated by a Lieutenant or above, and may commence without issuing a Level I Response.

3. **Level III Response** -

- a. A Level III Response is an extension of a Level II and would normally be preceded by a Level II Response. Level III utilizes personnel and expertise from outside agencies when demands exceed the capabilities of SCSO.
  - b. The Sheriff or a designee may request assistance of other county, municipal, State, or Federal agencies, pursuant to mutual aid legislation. See "**Jurisdiction**" in the LEMOI and "**Administrative Notifications**," this Manual.
4. **Implementation** - To implement a Level I, II, or III Response, or any other situation that exceeds the capability of on-duty personnel, a commanding officer may take emergency action to provide manpower to cope with the situation. Under such circumstances, the commanding officer may:
    - a. Order on-duty personnel to remain on duty beyond their normal shift;
    - b. Stand-by/mobilize off-duty personnel;
    - c. Request additional resources in the form of specialized teams or individuals; or,
    - d. Request a higher level of mobilization.

**E. Mobilization exercises** -At the direction of the Sheriff, periodic rehearsals of mobilization plans will take place, including distribution of manpower and equipment resources, and may also include other agencies that might be utilized in an unusual occurrence.

**F. Departmental Responsibilities** -The responsibilities of the SCSO during a disaster or emergency situation shall be as follows:

1. Protection of life and property, to include:
  - a. Safeguarding scene against further injury or loss of life;
  - b. Providing service and first aid until others arrive; and,
  - c. Assisting in the evacuation of unsafe buildings, when appropriate.
2. Take immediate charge of the scene by insuring:
  - a. Maintenance of order in and around the emergency area;

- b. Prevention of unauthorized entry into the area;
  - c. Control of traffic in and around the area; and,
  - d. Unimpeded access to and egress from the area by authorized personnel.
3. Care of the deceased victims, to include:
    - a. Safeguarding the scene;
    - b. Arranging for photographic record of event;
    - c. Arranging for removal of bodies; and,
    - d. Notification of next-of-kin (see "**Notifications**,") this manual.
  4. Safeguard property:
    - a. Of the dead and injured;
    - b. In evacuated buildings;
    - c. Abandoned at the scene;
    - d. By prevention of vandalism and looting; and,
    - e. By protection of public buildings and facilities.
  5. Investigation of crimes, to include:
    - a. Arrest and detention of violators;
    - b. Collection and preservation of evidence;
    - c. Interviewing witnesses; and,
    - d. Interrogating suspects.
  6. Aiding and assisting civilians by:
    - a. Rendering aid to persons protecting their own property;
    - b. Assisting persons in locating lost relatives; and,
    - c. Referring persons to appropriate agencies.
  7. Cooperation and liaison with other agencies:

- a. Assess need for outside assistance;
  - b. Assess need for special equipment and/or specially trained personnel; and,
  - c. Request assistance from and maintain contact with other agencies.
8. As a function of de-escalation:
    - a. Insure that all participating department and outside personnel are aware of incident status;
    - b. Account for all department equipment;
    - c. Release department personnel to normal duties; and,
    - d. Debrief personnel involved.

**G. Field Command** - If an emergency level of response is requested, the ranking on-duty supervisor will immediately respond to the scene and assume command as the Incident Commander. This person will direct the performance of all necessary law enforcement functions, including rescues, first aid, evacuations, traffic control, arrests, etc., until the situation is resolved or until relieved by competent authority.

1. When a Level I response is activated and a tactical situation exists, an officer of the rank of Lieutenant (or designee) or above will respond to the scene and assume command as Incident Commander.

If a situation other than a tactical situation exists, such as a natural disaster, the Seneca County Office of Emergency Management will be alerted as necessary. The Incident Commander will retain such status throughout the duration of the incident until relieved by competent authority.

2. It shall be the responsibility of the ranking on-duty supervisor to:
  - a. Make a rapid survey of the scene and estimate the seriousness of the occurrence;
  - b. Request additional personnel for assignment to the scene:
    - 1) from on-duty personnel,
    - 2) through initiation of Level I, II, or III Response levels, and
    - 3) specify a protected area adjacent to the scene for use as a staging area. A secondary staging area should be identified if needed. The ranking on duty supervisor will also;
  - c. Establish a Command Post at the scene.
  - d. Notify the E-911 Center of:

- 1) The location of the staging area and the Command Post;
  - 2) The availability of communication facilities, including telephones;
  - 3) The current status of the situation; and,
  - 4) The specific type of equipment needed, if known at the time.
- e. Establish security lines isolating the area.
  - f. Establish an emergency response route and specify connecting routes from the scene to such route.
  - g. In cooperation with other agencies at the scene, appropriately provide for the following, if necessary:
    - 1) Casualty clearing area;
    - 2) Prisoner processing and detention center;
    - 3) Temporary shelter area;
    - 4) Press information area;
    - 5) Evacuations; and,
    - 6) Any other contingency as the situation develops.

**H. Mass Arrests** - The necessity to execute mass arrests is usually associated with civil disturbances, such as riots, protests, demonstrations, or even labor disputes; however, a need for this technique could also arise in a natural disaster, where, for instance, looters try to take advantage of police diversion. In the former cases, such as concerts, demonstrations, and the like, significant lead time of the event will often allow for preparation, including defusing the situation.

In other situations, the need for processing of mass arrests will probably not be identified until the illegal activity is underway. Members of the SCSO are required to be familiar with procedures, so that processing of mass arrests may be done efficiently and without unnecessary delay.

**I. Preparation of Detention Site** - Dependent upon lead time and expected workload, the following locations may be considered for use as detention sites:

1. Seneca County Correctional Facility.
2. Other indoor or outdoor locations where a reasonable degree of security can be maintained.

**J. Booking facilities** - Booking facilities shall be located at each detention site and be manned by both Corrections Officers and Road Patrol Officers. If necessary, requests for assistance from other agencies may be made pursuant to mutual aid legislation. See "Jurisdiction," in the LEMOI.

- K. Security** - Detention and security services at any detention site shall be provided by certified Corrections Officers; however, other certified police officers may be used to provide security.
- L. Judicial Process** - When mass arrests are undertaken, the Sheriff or a designee shall notify the Seventh Judicial District and request that additional magistrates be assigned, if necessary. The District Attorney and the Assigned Counsel Administrator will also be notified.
- M. Services** - It shall be the responsibility of the Corrections Chief Administrative Officer or designee to insure that proper food, water, sanitation, and medical facilities are provided at the site.
- O. Media relations** - Information on the mass arrests will be released to the media according to the procedures contained in "**Public Information and Community Relations**," this manual.
- P. Transportation of arrestees** -If the capacity of the SCSO is exceeded by the number of prisoners that must be detained, and their transportation to other facilities becomes necessary, arrangements for prisoner removal and detention shall be handled in accordance with the procedures set out in "**Jurisdiction**" in the LEMOI.

# **Seneca County Comprehensive Emergency Management Plan**



**2003**

**Prepared for:**  
**County of Seneca**

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- Sheriff's Department Emergency Plan
- Damage Assessment Plan
- Multiple Casualty Plan
- Post-event Smallpox Plan
- Bioterrorism Response Plan

\* On file with the Office of Emergency Management.



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# **L**ist of Abbreviations and Acronyms

ANRC or ARC	American National Red Cross
ASCS	(USDA) Agricultural Stabilization and Conservation Service
BOCES	Board of Cooperative Educational Services
CAP	Civil Air Patrol
CBRNE	Chemical, Biological, Radiological, Nuclear, Explosive
CEDAR	Code Enforcement Disaster Assistance Response Program
CEMP	Comprehensive Emergency Management Plan
CES	(USDA) Comprehensive Extension Service
CHEMTREC	Chemical Transportation Emergency Center
COE	(U.S. Army) Corps of Engineers
COOG	Continuity of Government Plan
COOP	Continuity of Operations Plan
DAC	Disaster Assistance Center
DCJS	(New York State) Division of Criminal Justice Services
DEA	(New York State) Defense Emergency Act
DEM	Department of Emergency Management
DMNA	(New York State) Department of Military and Naval Affairs
DPC	(New York State) Disaster Preparedness Commission
DRT	Disaster Response Team
DSR	Damage Survey Report

## **List of Abbreviations and Acronyms (cont.)**

EAS	Emergency Alert System
EHTR	Emergency Highway Traffic Regulations
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EPA	(United States) Environmental Protection Agency
ERDA	(United States) Energy Research and Development Administration
ESCS	(USDA) Economics, Statistics, and Cooperative Services
FBI	Federal Bureau of Investigation
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FHA	(USDA) Farmer's Home Administration
FHWA	Federal Highway Administration
FIRESCOPE	Firefighting Resources of California Organized for Potential Emergencies
FMHA	(USDA) Farmer's Home Administration
FNS	(USDA) Food and Nutrition Service
FS	(USDA) Forest Service
FSQS	(USDA) Food Safety and Quality Service
GAR	Governor's Authorized Representative
HAZMAT	Hazardous Materials
HAZNY	Hazards New York (computer software)
IC	Incident Commander
ICS	Incident Command System
IFGP	Individual and Family Grant Program
IJC	International Joint Committee Agreement

## **List of Abbreviations and Acronyms (cont.)**

IM	Incident Manager
JIC	Joint Information Center
LEPC	(Seneca County) Local Emergency Planning Committee
MAST	Military Assistance to Safety and Traffic
MERS	Medical Emergency Radio System
MYDP	Multi-year Development Plan
NAWAS	National Warning System
NDMS	National Disaster Medical Systems
NFIP	National Food Insurance Program
NHTSA	National Highway Traffic Safety Administration
NIMS	National Incident Management System
NOAA	National Oceanic and Atmospheric Administration
NSS	National Shelter Survey
NWS	National Weather Service
ODP	Office of Disaster Preparedness
OFPC	New York State Office of Fire Prevention and Control
PF	Protective Factor
PIA	Post Incident Analysis
PIC	Public Information Center
PIO	Public Information Officer
POD	Point of Distribution
PPD	Presidential Decision Directive
PPE	Personal Protective Equipment
REA	(USDA) Rural Electrification Administration

## **List of Abbreviations and Acronyms (cont.)**

RRTs	Regional Response Teams
SARA	Superfund Amendments and Reauthorization Act
SBA	Small Business Administration
SCBA	Self-Contained Breathing Apparatus
SCO	State Coordinating Officer
SCS	Soil Conservation Service
SEMO	(New York) State Emergency Management Office
SEQR	State Environmental Quality Review Act
SOG	Standard Operating Guide
SOP	Standard Operating Procedure
SUNY	State University of New York
USDA	Department of Agriculture
WMD	Weapons of Mass Destruction

This Comprehensive Emergency Management Plan is prepared and hereby supported under the executive authority of the undersigned:

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Robert N. Favreau  
Chairman of the Board of Supervisors

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Steven Getman  
County Attorney

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Charlie McCann  
Director of the Office of Emergency Management

Hold place for copy of the resolution by the County Board of Supervisors adopting the plan.

# **Executive Summary**

Seneca County, New York, situated in the Finger Lakes region of New York State, is bordered by the two largest Finger Lakes, Cayuga and Seneca. The county covers 330 square miles of land, with 66% devoted to agricultural use. Major commercial and industrial centers are located in the towns of Seneca Falls and Waterloo. Seneca County is vulnerable to a wide variety of emergencies, both natural and manmade, that can result in loss of life, property, and income and that can disrupt the normal functions of community, government, and industry. County government must be able to provide leadership and direction to prevent, mitigate, respond to, and recover from emergencies arising anywhere within the county. To meet this responsibility, the county has developed this Comprehensive Emergency Management Plan (CEMP). This plan results from the recognition on the part of local government and state officials that a comprehensive plan is needed to enhance Seneca County's ability to manage emergency situations, whether the result of the forces of nature or of technological or human origin.

The need for a comprehensive emergency management system at the local, state, and federal levels of government to deal effectively before, during, and after an emergency occurs is apparent. Following the simultaneous attacks upon the World Trade Center and the Pentagon on September 11, 2001, greater attention has been focused upon governmental ability to understand emergency management problems, plan for unexpected emergencies, rapidly and adequately respond to them to minimize injury and damage, and provide the mechanisms for coordinating effective responses to countywide or even regional events.

## **General Considerations and Planning Guidelines**

The CEMP was prepared by county officials working cooperatively with state, federal, and private agencies in a planning effort coordinated by the New York State Emergency Management Office (SEMO). The Seneca County CEMP is an integral part of a statewide emergency management program. Both Article 2-B of



## **Executive Summary**

the State Executive Law and the New York State Defense Emergency Act (DEA) authorizes its preparation. The purpose of the plan is to minimize or prevent the effects of emergencies and to enhance the efficiency of response and recovery operations within Seneca County. The plan outlines the actions to be taken by the county before, during, and after emergencies and comprises the three major components of emergency management: emergency prevention and mitigation, emergency response, and emergency recovery.

**Emergency Prevention and Mitigation.** The CEMP includes the results of a systematic investigation and analysis of potential hazards that could affect the county, an assessment of the capabilities existing in the county to deal with potential problems and, finally, the development of necessary actions to achieve the mitigation goals and objectives of this plan. By implementing risk-reduction measures before an emergency occurs, lives can be saved and damage to property and the environment avoided or minimized.

**Emergency Response.** The CEMP defines the county's emergency management organization and structure. The plan assigns responsibility for emergency response functions to county departments and agencies within the framework of the county's present capabilities and existing organizational responsibilities. The county is responsible for assisting local levels of government in the event that they have fully committed their resources and are still unable to cope with any emergency.

**Emergency Recovery.** The responsibility for emergency recovery and damage assessment lies with the local jurisdictions where the damage was experienced. The county is responsible for assessing all damage to county infrastructure and property and is responsible for coordinating and aiding the local jurisdictions in their own damage assessment programs. The CEMP describes the county's responsibilities and processes by which the county will assist with emergency recovery.

## **Conclusion**

This CEMP provides a framework for addressing potentially disastrous emergency scenarios confronting Seneca County. The plan is intended to provide general all-hazards management guidance, using existing organizations and lines of authority, to allow the county to meet its responsibilities before, during, and after an



## ***Executive Summary***

emergency occurs. It is a document that clearly outlines the policies, procedures, and assets necessary for the county to be prepared for probable and potential threats to life, health, property, and general well being. However, the CEMP is not just a document or plan but an ongoing *process*. The county will annually review and revise the CEMP in order to better protect its citizens.

# 1

## Introduction

### Comprehensive Emergency Management Plan (CEMP)

The purpose of the CEMP is to minimize or prevent the effects of emergencies and to enhance the efficiency of response and recovery operations.

### 1.1 Purpose and Policy of the CEMP

This plan is intended to set forth the basic information required by persons involved in an emergency due to the occurrence of a natural, manmade, or technological emergency in Seneca County. The purpose of this plan is to minimize the effects of emergencies by:

- Identifying and prioritizing likely hazards as well as response resources that are at risk and the appropriate measures to take to prevent or mitigate emergencies;
- Stipulating effective processes and policies for responding to potential emergencies through the use and coordination of all of the county's response capabilities; and
- Providing processes and policies for recovery and redevelopment after emergencies, including the use of state and federal programs for emergency recovery.

### 1.2 Legal Authority

In accordance with New York State Executive Law, Article 2-B, Seneca County has been authorized to prepare a CEMP in order to enhance the county's ability to manage emergency situations (see Appendix A). The Seneca County CEMP is part of a statewide emergency management program promulgated under the auspices of SEMO and is being developed in accordance with New York State Executive Law, Article 2-B; the New York State Defense Emergency Act, as amended; the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and the Federal Civil Defense Act of 1950, as amended. County ordinances that govern the preparation and adoption of this plan include the County Board of Supervisor's Resolution #185 of 1981. Emergency management responsibilities for county departments and agencies are outlined in this plan. Emergency management assignments have been made within the framework of current department and agency capabilities and existing organizational responsibilities.

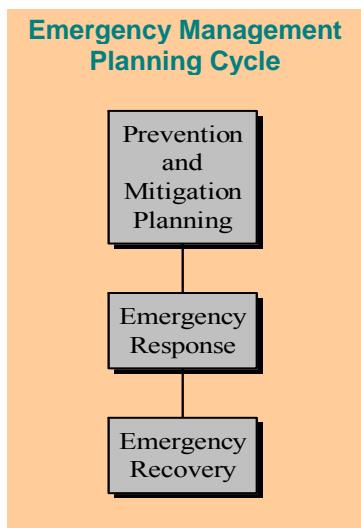


## 1. Introduction

The Seneca County Board of Supervisors adopted this CEMP on December 10, 2003 pursuant to Resolution #222-03.

The information contained in this document is confidential. No information from this document or its appendices and annexes will be released when such release would jeopardize efforts to prepare for an emergency and thereby endanger the life or safety of the people of Seneca County.

### 1.3 Elements of the CEMP



#### Emergency Prevention and Mitigation

Prevention refers to those short- or long-term activities that eliminate or reduce the number of emergency occurrences. Hazard mitigation is any action taken to reduce the risk to human life, property, and the environment posed by a hazard. Seneca County is continually identifying potential emergencies and emergency sites and recommending emergency prevention projects, policies, priorities, and programs, with suggested implementation schedules. The mitigation and prevention projects identified are aimed at strengthening Seneca County's ability to prevent emergencies, protect citizens, preserve structures, and provide emergency services, as well as increase public awareness. Federal, New York State, and other municipalities will occasionally play roles in these activities.

#### Emergency Response

Response operations can start before an emergency materializes (e.g., on receipt of advisories about floods, blizzards, or ice storms). The increased readiness response phase can include such pre-impact operations as:

- Detecting, monitoring, and assessing the hazard;
- Alerting and warning endangered populations;
- Taking protective actions; and
- Allocating/distributing equipment/resources.

Most response activities follow immediately upon notification of an emergency. These activities are designed to minimize casual-



## 1. *Introduction*

ties and protect property through confinement, containment, and resolution of the emergency situation. Response operations may reduce the probability of secondary damage and thus speed recovery operations.

Response operations are initially the responsibility of and controlled by local government departments and agencies having jurisdiction. Local response operations may be supported and coordinated by Seneca County Emergency Management, as necessary. When local governments are unable to adequately respond, Seneca County Emergency Management may be asked to assume a leadership role.

Activities coordinating the use of resources and manpower during and after emergencies and methods of ensuring that the public receives the necessary information and services include:

- **Identifying materials, facilities, and services that may be required in time of emergency.** The county continuously updates lists of all available resources within the county. The location and procedures for procuring these materials or facilities and/or their construction, processing, transportation, storing, maintenance, renovation, distribution, and use have been planned.
- **Centralizing coordination of resources, manpower, and services.** Systems for coordinating resources now in place have been evaluated and updated. Seneca County Emergency Management is currently working to coordinate resources through the Emergency Operations Center (EOC) using existing organizations and lines of authority and to develop a system for obtaining and disseminating emergency information, including the centralized assessment of local emergency effects and resultant needs. A specific plan for rapid and efficient communication and for the integration of county communication facilities during an emergency, including the assignment of responsibilities and the establishment of communication priorities and liaison with municipal, private, New York State, and federal communication facilities, is being developed.
- **Communicating with the public during an emergency.** A warning system has been developed that will facilitate the dissemination of emergency warnings and other pertinent infor-



## 1. *Introduction*

mation to the public. Public requests for assistance in the event of an emergency will be directed to a central authority. The authority will depend upon the nature of the emergency. For example, the public may be directed to dial a number connecting them to the police department or a separate toll-free hot-line.

- **Providing care for the injured and needy.** Plans to provide care for the injured and needy as well as programs to assist victims of emergencies, with particular attention to the needs of the poor, the elderly, the handicapped, and other groups that may be especially affected by an emergency, have been developed.
- **Activating county and volunteer forces.** Arrangements for activating county and volunteer forces make use of normal chains of command to the maximum extent practical. Protocols for continued communication and reporting have been implemented. Procedures under which county and emergency service personnel and resources will be used in the event of an emergency have been established. Provisions for training county government personnel and volunteers in emergency response operations and arrangements to administer New York State and federal emergency assistance are being made.
- **Implementing emergency procedures.** Established emergency procedures include controlling ingress and egress to and from an emergency area, coordinating evacuation procedures, and establishing temporary housing and other necessary facilities.
- **Developing criteria for establishing priorities with respect to the restoration of vital services and debris removal.** Criteria are developed on an incident-specific basis for restoring and/or providing temporary repairs to critical county facilities damaged during emergencies.
- **Planning a system for continued operation of county government and essential services.** Continuity of government (COOG) plans will be prepared by individual departments to reflect the department's structure and responsibilities. Departmental COOG plans will be submitted to the County Legislature for adoption upon completion.



## 1. *Introduction*

### **Emergency Recovery**

Recovery activities are intended to restore the community to its pre-emergency state, to correct adverse conditions that may have led to the damage, and to protect and improve the quality of life in the community.

Seneca County's process for recovery and redevelopment after emergencies includes the following.

- Cooperating with local communities, New York State, and federal agencies in recovery efforts.
- Training and educating emergency officials and organizations to prepare applications for federal and New York State emergency recovery assistance.
- Recommending economic development and community development initiatives that minimize the impact of potential future emergencies on the community.
- Recommending replacement, reconstruction, removal, or relocation of damaged or destroyed public or private facilities.
- Supporting revisions to zoning, subdivision, building, sanitary, and fire prevention regulations that prevent or limit future events and occurrences.
- Addressing the future prevention and mitigation of the specific emergency situation experienced. Plans for the regular, formal discussion of lessons learned and the identification of specific mitigation and prevention activities are included in the comprehensive recovery effort.

### **1.4 Concept of Operations: A Tiered Response**

The primary responsibility for responding to emergencies rests with the local government of towns and incorporated villages and with its chief executives such as the town supervisor and mayor. Local governments and their emergency services organizations play an essential role as the first line of defense. In responding to an emergency, the local jurisdiction is required to make full use of its own facilities, equipment, supplies, personnel, and the resources of private entities. Table 1 below shows the local jurisdictions

### Tiered Emergency Response Operations

When local resources are inadequate, the chief executive of a town or village may obtain assistance from other political subdivisions and the county government.



## 1. Introduction

within Seneca County and the population and land area of each. The local chief executive has the authority to direct and coordinate emergency operations and may delegate this authority to a coordinator. When local resources are inadequate, the chief executive of a town or village may obtain assistance from other political subdivisions and the county government.

**Table 1 Seneca County Census Data: 2000**

Total Population: 33,342 Total Land Area: 332.67 sq. miles

Municipality	Population	Land Area (sq. miles)
Town of Cover	2,227	31.50
Town of Fayette	3,643	55.19
Village of Interlaken	674	0.26
Town of Junius	1,362	26.74
Village of Lodi	338	0.57
Town of Lodi	1,476	34.29
Village of Ovid	612	0.42
Town of Ovid	2,757	30.99
Town of Romulus	2,036	37.80
Village of Seneca Falls	6,861	4.43
Town of Seneca Falls	9,342	24.24
Town of Tyre	899	30.15
Town of Varick	1,729	32.29
Village of Waterloo	5,111	2.10
Town of Waterloo	7,866	21.70

This plan describes how to request assistance and reflects the understanding that the governmental jurisdiction most affected by an emergency is required to address the emergency before requesting assistance. Seneca County Emergency Management has been designated as the coordinating office for all emergency management activities within the county and is responsible for assisting individual towns and villages within Seneca County if they have fully committed their resources and are still unable to cope with an emergency. Seneca County may request assistance from the State of New York after county resources have been exhausted and they are unable to cope with the emergency. A request for assistance to the state will be submitted through the New York State Emergency Management Office 24-hour Warning Point in Albany, New York.



## 1. *Introduction*

If the severity of an emergency is clearly beyond the management capability and emergency resources of state and local governments, the governor may find that federal assistance is required and may request such assistance from the President under the provisions of the Disaster Relief Act of 1974 and Public Law 93-288.

### 1.5 Plan Review and Updates

Seneca County Emergency Management is responsible for maintaining and updating this CEMP with input from the Chairman of the Board of Supervisors, the county attorney, other county government officials, the New York State Disaster Preparedness Commission, other appropriate department heads, and the citizenry of Seneca County.

Seneca County Emergency Management, in coordination with other key county departments and agencies, will review the Seneca County CEMP at least annually. As part of this review, the Director of Emergency Management will require departments and agencies maintaining annexes that are part of the CEMP to perform independent reviews and updates of their annexes. A report of this review and written documentation of any changes in plans or policies must be submitted to the Director of Emergency Management for inclusion in the county's CEMP (see Appendix B). The Seneca County CEMP will be submitted to the New York State Emergency Management Office by December 31 of each year in order to facilitate coordination of emergency operations with the State of New York. The plan for distributing CEMP updates is contained in Appendix C.

### 1.6 Conclusion

The CEMP is an all-hazards management guidance document that meets the concerns as stated and that uses existing organizations to allow the county to meet its responsibilities before, during, and after an emergency. The plan specifically:

- Identifies, assesses, and prioritizes local vulnerabilities to emergencies and the resources available to prevent or mitigate, respond to, and recover from them;
- Outlines short-, medium-, and long-range measures to improve the county's ability to manage hazards;



## **1. *Introduction***

- Provides that county government will take appropriate actions to prevent or mitigate effects of hazards and be prepared to respond to and recover from them when an emergency occurs;
- Provides for the efficient use of all available resources while responding to an emergency;
- Provides for the use and coordination of county, state, and federal programs to assist emergency victims and prioritizes responses to the needs of the elderly, disabled, low income, and other groups that may be inordinately affected; and
- Provides for the use and coordination of state and federal programs for recovery from a disaster, with a focus on developing mitigative programs.

# 2

## Emergency Prevention and Mitigation

### 2.1 Identification and Analysis of Potential Hazards

#### 2.1.1 Seneca County All-Hazards Mitigation Coordinator

The Seneca County Director of Emergency Management has been designated as the All-Hazards Mitigation Coordinator (Coordinator). The Coordinator is responsible for managing county efforts to reduce potential hazards in Seneca County. The Coordinator is also responsible for:

- Identifying the sources of potential danger in the county that may cause accidents and emergencies;
- Determining the probable impact each of those emergencies could have on people and property; and
- Delineating the areas affected by potential emergencies, plotting them on maps, and designating them as risk areas.

#### 2.1.2 Seneca County All-Hazards Mitigation Steering Committee

The Seneca County All-Hazards Mitigation Steering Committee (Committee) is responsible for assisting the County Hazard Mitigation Coordinator in identifying and analyzing potential hazards. The duties of the Committee also include:

- Preparing policies, programs, and regulations to prevent and mitigate emergencies in their area of responsibility;
- Developing compliance and enforcement programs, including designating officials who will implement the policies;
- Complying with federal and state regulations to maximize prevention and mitigation of potential hazards;



## **2. Emergency Prevention and Mitigation**

- Participating in state agency programs that have a direct effect on preventing and mitigating emergencies in the county; and
- Reporting to the Director of Emergency Management each year on the status of planned, ongoing, and recently completed actions and programs being pursued to help prevent and mitigate emergencies in their area of responsibility.

Committee membership includes representatives from the following county departments, agencies, and organizations.

- Seneca County Emergency Management
- Seneca County Sheriff's Department
- Seneca County Fire Service
- Seneca County Health Department
- Red Cross of the Finger Lakes
- Seneca County Local Emergency Planning Committee
- County Soil and Water Conservation Office
- Seneca County Highway Department
- Seneca County Planning and Development Office
- Federal Emergency Management Agency
- New York State Police
- Seneca County Historian
- New York State Department of Environmental Conservation
- New York State Emergency Management Office



## 2. Emergency Prevention and Mitigation

### 2.1.3 The Multi-jurisdictional Planning Process

Seneca County and the towns and villages located within the county are part of a multi-jurisdictional all-hazards mitigation planning process. They are responsible for participating in risk-reduction activities with the Seneca County All-Hazard Mitigation Coordinator and the County All-Hazards Mitigation Steering Committee.

The Seneca County All-Hazards Mitigation Plan, Response Actions for Incidents of Terrorism, was developed in accordance with the Disaster Mitigation Act of 2000, Public Law 106-390. The plan documents the four phases of mitigation planning undertaken by Seneca County, including organization of resources, assessment of risks, development of plans, and implementation/monitoring progress. The All-Hazards Mitigation Plan contains specific risk-reduction actions for the hazards determined to be most significant within Seneca County.

The Seneca County All-Hazards Mitigation plan is reviewed and updated by the All-Hazards Mitigation Coordinator and the All-Hazards Mitigation Steering Committee throughout the year with annual revisions being sent to the SEMO Mitigation Branch for review. After approval by SEMO, the plan is sent on to the Federal Emergency Management Agency (FEMA) and to each of the towns and villages within the county for formal adoption.

### 2.1.4 Risk Assessment

**HAZNY Analysis**  
Seneca County completed a hazards analysis using the HAZNY program on May 7, 2003. The highest-ranking potential hazards for Seneca County included flooding, ice storms, and transportation accidents. For more information on the HAZNY program visit:  
<http://www.nysemo.state.ny.us/Planning/planning.htm>!

One of the key components of successful hazard mitigation is the identification and analysis of the potential emergencies and hazard incidents that could occur within a given geographic area. Seneca County frequently uses various methods and tools, including the software program HAZNY, to determine which significant hazards pose a potential threat to Seneca County. The HAZNY analysis provides a basic method for analyzing and ranking the identified hazards and establishes planning priorities for those hazards receiving a high ranking of significance. The county reviews and updates the hazard analysis annually. Potential hazards include natural, technological, and manmade emergencies. The HAZNY program is most effectively used when input is solicited from county emergency management officials, local experts, industry representatives, and all relevant public and private organizations, as a team, in accordance with FEMA guidelines and SEMO directives.



## **2. Emergency Prevention and Mitigation**

The most recent HAZNY analysis workshop for Seneca County was conducted on May 7, 2003 at the Seneca County Emergency Management office (see Appendix D). The priorities for mitigation and prevention planning are established according to the results of the HAZNY analysis and local knowledge. The highest-ranking potential hazards identified become the planning focus. Those hazards that received a moderately high hazard designation included:

1. Flood
2. Ice storm
3. Transportation accident
4. Fire
5. Earthquake
6. HAZMAT (in transit)
7. Winter storm (severe)

Maps identifying the zones of impact for various hazards and the potential populations that could be impacted are found in the office of Seneca County Emergency Management and within the All-Hazards Mitigation Plan (Annex 1).

### **2.2 Risk Reduction Policies, Programs, and Reports**

Seneca County may effectuate risk reduction in two distinct ways.

- Identifying, developing, and implementing policies, programs, and projects for county-owned resources and assets, i.e., those resources and assets under its direct control; and
- Advising and supporting local jurisdictions, as directed by general municipal law or as requested by local jurisdictions or private entities.

Examples of risk-reduction activities include:



## **2. Emergency Prevention and Mitigation**

- Complying with local land use regulations when siting new county facilities to ensure that future developments are not vulnerable to the impact of natural, technological, and man-made emergencies;
- Adhering to state (i.e., life safety codes) and federal regulations (i.e., floodplain and wetland regulations) when constructing new county facilities;
- Advising and assisting local jurisdictions in the county with preparation of comprehensive development plans, local waterfront revitalization plans, subdivision ordinances, and zoning ordinances;
- Reducing the impact of flooding on currently developed property, especially residential, commercial, and critical public facilities that are near the lake shores and canal corridor;
- Improving the stability of creek banks and the water flow of creek beds to lessen flooding events and the impact of flooding on roads.

Many county departments and agencies are authorized to promote policies, programs, and activities to reduce hazards and risks in their area of responsibility. Examples of these include:

- Adopting a land use management policy to promote at the local levels of government the control of private development in flood plains and to assure that county construction activities comply with FEMA flood plain management policies;
- Encouraging lending institutions to withhold funding of projects in areas prone to emergencies;
- Promoting the placement of underground utility lines in new subdivisions to prevent power outages due to destruction of lines during storms;
- Promoting the development of building regulations at the local levels of government to ensure the health and safety of residents of the county, including regulations and codes for flood proofing and anti-earthquake building techniques; and



## **2. Emergency Prevention and Mitigation**

- Developing compliance and enforcement programs, including designating officials who will implement policies.

The County Planning Board is responsible for land-use management within the county. Land-use management is a preventive and mitigative activity and includes:

- Directing land use management programs;
- Advising and assisting local jurisdictions in developing and adopting comprehensive master plans for community development, zoning ordinances, subdivision regulations, and building codes;
- Assisting and advising the Seneca County Planning Board in the county review process of local zoning and subdivision actions;
- Assisting local jurisdictions in the preparation of recovery and redevelopment plans after a disaster; and
- Coordinating local recovery planning activities with the Federal-State Planning Team.

The County Planning Board must consider the significant hazards and risk-reduction actions identified by the County All-Hazards Mitigation Steering Committee when authorizing land use management programs.

### **2.3 Capability Assessment: Measuring the Ability to Prevent, Respond, and Recover**

A periodic assessment of the county's ability to manage the emergencies that could be caused by the identified hazards is a critical part of risk reduction. The Director of Emergency Management, with the assistance of key county departments, is responsible for developing a capability assessment that estimates the county's current capability for dealing with hazards and emergencies. The capabilities assessment also reflects the county's capability for monitoring identified risk areas in order to detect the onset of a hazardous situation and warning and protecting the population at risk. The county undertook a capability self-assessment in September 2003 (see Appendix E).



## **2. Emergency Prevention and Mitigation**

Each year, the Director of Emergency Management, in conjunction with county agencies and departments, is responsible for:

- Identifying and inventorying all available county resources, including personnel, equipment, and supplies that are under the control of, or available to the county, to be marshaled when an emergency threatens or strikes. The inventory will include classification, quantity, location of resources, and names, addresses, and phone numbers of persons to be contacted in the event that resources are required for support during an emergency;
- Assisting in the identification of resource requirements for staffing/personnel, equipment and supplies, and training and exercises; and
- Coordinating resource identification with private sector organizations and volunteers in order to maintain adequate reserves in key resource classifications.

### **2.4 Monitoring Identified Hazard Areas**

The Director of Emergency Management, with the assistance of key county departments, will develop the capability for monitoring identified risk areas in order to detect a hazardous situation and protect the population at risk.

As a hazard or emergency situation develops, specific information will be obtained by monitoring the effects of the emergency. Where appropriate, monitoring stations will be established as part of other existing facilities for this purpose. Individuals will be designated by the responsible responding county departments to perform the monitoring tasks and man the stations. Monitoring tasks include the detection of potential hazards as well as measurements or observations of a known hazard. Examples of such hazards are rising water levels, radiation exposure levels, toxic exposure levels, seismic activities, the formation and breakup of ice jams, erosion, and dam conditions. County departments responsible for monitoring specific hazardous conditions will coordinate this activity with private industry and utility companies as situations warrant.



## **2. Emergency Prevention and Mitigation**

### **2.5 Training Emergency Personnel**

The Director of Emergency Management is responsible for arranging and providing, with the assistance of SEMO, training programs for public officials, emergency management staff, key county personnel, local key personnel from towns and villages, emergency support services personnel, and volunteers providing assistance to local government. These programs will train and exercise emergency personnel in:

- General knowledge of emergencies and their consequences;
- Implementation of emergency management programs, including protective measures, notification procedures, available support and resources, and technical skills required for emergency management;
- Skills necessary to help reduce or eliminate hazards or emergencies;
- Skills to increase personnel effectiveness in responding to and recovering from emergencies of all types;
- General knowledge of the CEMP;
- General knowledge of the Incident Command System (ICS); and
- The latest techniques from state and federal sources.

All county departments and agencies assigned emergency functions are responsible for developing training capability so that they may train their employees in their emergency management duties and responsibilities.

Volunteers participating in emergency services such as fire and rescue operations, ambulance services, and other emergency medical services will be trained in accordance with established procedures and standards.

### **2.6 Public Awareness**

The Seneca County Director of Emergency Management is responsible for providing public education and awareness activities. Public education activities will focus on:



## **2. Emergency Prevention and Mitigation**

- Emergency preparedness for the youth and adult populations in the county;
- Public awareness of existing hazards in their communities; and
- Public awareness of protective measures developed by the county to respond to potential emergencies.

FEMA pamphlets, books, and kits dealing with all aspects of emergency management and materials developed by SEMO and other state departments will be made available for use during training.

# 3

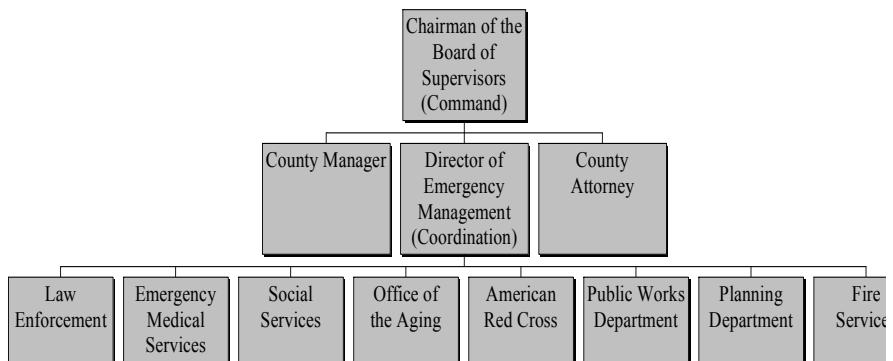
## Emergency Response

### 3.1 Responsibilities

#### 3.1.1 Municipal Home Rule

An emergency may originate at the village or town level. New York State Consolidated Laws, Chapter 36-A, provides that each level of government has the first line of responsibility for responding to such an emergency within its locality as well as the obligation to use all available resources to protect its citizens.

Should an emergency situation escalate beyond the capability of the affected local government, a request may be made of county government to provide assistance. In such instances, county response operations will be continuous throughout the emergency to maximize effectiveness. County response operations may start before the emergency takes place (i.e., emergencies that may be anticipated such as floods, blizzards, ice storms). The Seneca County emergency management organization is illustrated in the figure below.



**Figure 1 Seneca County Emergency Management Organization**



### 3. Emergency Response

#### 3.1.2 Chairman of the Board of Supervisors

The Chairman of the Board of Supervisors is the Chief Executive Officer of Seneca County. During a disaster response scenario, the Chairman has the following authority and responsibilities:

- The chairman will assume command of the emergency response organization as soon as the Director of Emergency Management has alerted the chairman that the scope and magnitude of the emergency necessitates the chairman's personal management and direction of response and recovery operations.
- According to New York State Executive Law, Article 2-B, Section 25, the chairman may:
  - Command and control the use of county-owned resources and facilities for emergency response;
  - Request and accept assistance from other counties and political subdivisions whenever the emergency response exceeds the capabilities of the county;
  - Provide assistance to other requesting counties and political subdivisions that have exceeded their own emergency response capacities; and
  - Request assistance from the state in the event that county emergency response capacity has been exceeded.
- According to New York State Executive Law, Article 2-B, Section 24, the Chairman may:
  - Declare a local state of emergency in consultation with the Director of Emergency Management for all or part of the county in the event of an emergency or in the event of a reasonable threat of immediate danger to the public.
- In consultation with the Director of Emergency Management, the chairman may designate a Public Information Officer (PIO) for the purpose of communicating emergency information to the public and media.

#### 3.1.3 Seneca County Director of Emergency Management

The Director of Emergency Management must fulfill several duties during emergency response efforts. The director will:



### **3. Emergency Response**

- Serve as the Chief of Staff to the Chairman of the Board of Supervisors or the chairman's designee to coordinate emergency response operations;
- Activate and deactivate the Emergency Operations Center, as warranted by the emergency situation;
- Recommend to the chairman when to declare a local state of emergency based on the severity of the situation and the necessity to use additional executive powers as described above and prescribed by New York State Executive Law, Article 2-B. The Director of Emergency Management will base this recommendation on emergency situation reports received through the National Warning System, the National Weather Service, or information provided by on-scene emergency service agencies;
- Notify and brief county departments, agencies, and other organizations involved in emergency response activities; and
- Coordinate public and private emergency support organizations brought together to perform response and recovery actions required to manage and respond to all natural, human-origin, and technological emergencies.

#### **3.1.4 County Departments**

Key county departments and agencies will play central roles in county emergency response activities. The involvement of the various departments and agencies will in most cases depend on the type of emergency. Appendix F provides a description of emergency support functions and county department and agency roles related to those functions.

## **3.2 Emergency Response Organization**

### **3.2.1 General**

If an emergency situation escalates beyond the capability of the local government involved, that local government will notify the Seneca County Emergency Management Office of the emergency situation for which they need assistance. In instances where the local government does not or is not able to contact the Seneca County Office of Emergency Management, on-scene emergency service agencies will make the contact by phone or radio. The local jurisdiction should notify the Director of Emergency Management immediately of an emergency situation so that the potential



### 3. Emergency Response

for county assistance can be identified, monitored, and placed on stand-by for immediate deployment. This advance notification will also allow the county to advise SEMO of the potential need for assistance.

#### 3.2.2 The Incident Command System

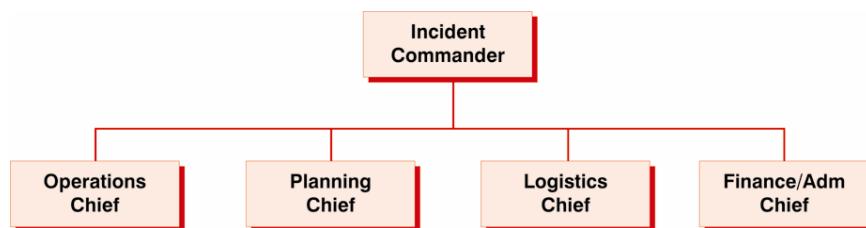
When conducting emergency response activities that require a multi-agency county response, Seneca County uses the Incident Command System (ICS). The ICS was developed by an inter-agency task force working in a cooperative local, state, and federal interagency effort called FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies) and formally adopted by the State of New York. The ICS allows flexibility in its implementation so that its structure can be tailored to the specific emergency situation at hand. The emergency forces first responding to an incident are responsible for initiating the use of the ICS.

Seneca Co

The ICS is organized by five functions:

- Command;
- Operations;
- Planning;
- Logistics; and
- Finance.

An ICS with all five functions organized as sections is depicted as follows:



**Figure 2 The Five Functions of the Incident Command System**



### **3. Emergency Response**

Under the ICS, the Incident Commander (IC) has the overall responsibility for the effective on-scene management of the incident. The Incident Commander must ensure that an adequate organization is in place to carry out all emergency functions. The Incident Commander is selected due to his or her position as the highest-ranking responding officer at the scene. As an incident grows in size or becomes more complex, a more highly qualified person may be assigned by the responsible jurisdiction. The Incident Commander directs emergency operations from an Incident Command Post. One command post is established at the emergency scene. In minor incidents, the five ICS functions may be assumed directly by the Incident Commander. Larger incidents usually require that one or more of the functions be set up as separate sections under the Incident Commander. Safety, information, and liaison functions are additional responsibilities of the Incident Commander. These activities can be assigned to staff under the direction of the Incident Commander.

During an emergency, Seneca County response personnel must be cognizant of the ICS in place and their role in it. Some personnel may be responders to the scene and have functional or staff roles in the on-scene ICS structure. Other personnel may be assigned to the EOC or other locations where they will provide support to the responders at the scene. County response personnel operating at the EOC are organized by ICS function and interact with their on-scene counterparts, as appropriate.

A major emergency encompassing a large geographic area may have more than one emergency scene. In this situation, separate Incident Commanders may set up command posts at multiple locations and an Area Command may be established. The Area Command structure is similar to a normal Incident Command Post except that the Incident Commander is called the Incident Manager (IM) to whom all Incident Commanders report. A county official could be designated as Incident Manager and numerous county response personnel assigned to the Area Command Post.

Whenever the ICS is established, county response forces should be assigned to specific ICS functions wherever they are needed, including at the scene, at the EOC in a support role, or at an Area Command, if established.



### 3. Emergency Response

## 3.3 Managing Emergency Response

### 3.3.1 Emergency Operations Center

#### Location

The county's EOC is located at the County Office Building, 1 DiPronio Drive, in Waterloo, New York. If an emergency situation renders the EOC inoperable, an alternative EOC will be established at the County Fire Training Facility at the Seneca Army Depot. The county also has a mobile EOC unit designed for on-scene command and control of emergency operations. Standard operating procedures for the EOC are found in Annex D.

#### Activation and Deactivation of the EOC

The EOC will be mobilized to one of the following three levels, depending upon the purpose of the mobilization:

- Exercise Operations – The EOC's internal operation and communications field elements are improved through scheduled training events.
- Advisory Operations – The Director of Emergency Management may invite selected agency representatives to the EOC to facilitate the resolution of unconventional events.
- Full Emergency Command and Control Operations – The Director of Emergency Management or the Director's designee will initiate a full mobilization of the EOC for response to an emergency event.

The Seneca County Director of Emergency Management is responsible for activating and managing the EOC or alternate EOC during emergencies. Participating agencies will be notified using the emergency notification network in place (see Appendix H) and also by email. Each county organization or agency is responsible for identifying a representative who will report to the EOC when it is activated. County department representatives will provide decision-makers with vital information and coordinate the agency's response effort with other responding organizations and agencies.

Each department head and agency will maintain and share with the Director of Emergency Management a 24-hour emergency contact information list containing contact information for a primary contact and two alternate contacts.



### 3. Emergency Response

#### Continuous Operations

The EOC will be staffed to operate continuously on a 24-hour-a-day basis, if required. In the event of a prolonged emergency situation, the EOC command structure will be organized into two teams. Each team will be assigned to 12-hour shifts to be designated by the Director of Emergency Management.

#### 3.3.2 Emergency Communications

The Seneca County Director of Emergency Management is responsible for the review, analysis, and recommendation of enhancements for overall communications capability among emergency service, emergency management, and other systems available for emergency operations. Emergency communications systems currently used by fire, law enforcement, emergency medical service providers, and the Highway Department are designed to fulfill the following functions.

- Dispatch and information exchange among stations and vehicles routinely providing emergency services as a function of their daily operations;
- Direction and control of personnel and resources within a specific emergency service agency (i.e., a local police department or fire company); and
- Direction and control among agencies providing similar emergency services in a mutual aid operation (e.g., among several law enforcement agencies or among a group of fire companies).

Emergency communications networks for fire, law enforcement, emergency medical services, and the Highway Department are controlled by the communications center at the sheriff's office on a 24-hour basis. Backup communications systems are provided by the Public Works Department and related agencies with communications systems designed for daily internal operations.

#### Warning and Alerting Emergency Personnel

Upon initial notification of the onset of an emergency through the County Warning Point, staff at the Seneca County Sheriff Department Communications Control Center activates the alert notification roster. The Director of Emergency Management, the Sheriff,



### **3. Emergency Response**

and all other key emergency officials as designated are alerted to report immediately for duty. Other emergency response personnel are alerted on a priority basis according to the type of emergency that is experienced.

The County Warning Point is located in the County 911 Center and is continually staffed. The Director of Emergency Management and the sheriff maintain the alert notification roster.

Appendix H shows a diagram of the alert notification procedures.

#### **Hazards Safety Tips**

The public can read hazards safety tips and other key information regarding emergency management within Seneca County on the Emergency Management and Fire Coordinator's website:

<http://www.co.seneca.ny.us/emo/index.html>

#### **Warning Endangered Populations**

The Incident Commander is responsible for ensuring that the public receives adequate and timely information during emergencies within Seneca County. The Incident Commander will work with the Public Information Officer to inform vulnerable populations about the emergencies that will impact their area.

#### **Communication Systems for Warning the Public**

Warnings and emergency information is disseminated to the public over the Emergency Alert System (EAS). The Chairman of the Board of Supervisors or the Director of Emergency Management requests activation of the EAS. The primary program control stations serving Seneca County are WNYR and WGVA. The County Watch System, Emergency Management web page, public address systems mounted on local law enforcement and fire vehicles, and/or door-to-door notification may also be used.

#### **Public Information Officer**

In consultation with the Director of Emergency Management, the Chairman of the Board of Supervisors will designate a county PIO. The PIO is responsible for the following.

- Establishing a Public Information Center (PIC) from which responses to inquiries from the general public and news media will be handled. All official announcements, statements, and briefings will also be coordinated from this location.
- Making arrangements with the Emergency Broadcast System to broadcast the location of the PIC and designating a telephone number for the public to use to obtain information during the emergency.



### **3. Emergency Response**

- Managing the PIC and assuming overall responsibility for obtaining essential information for accurate and consistent reports to the broadcast media and press.
- Providing essential information and instructions, including the appropriate protective actions to be taken by the public.
- Coordinating the release of official announcements concerning public safety with key county departments and agencies.
- Providing emergency public information materials.

#### **3.3.3 Protective Actions**

##### **In-Place Sheltering of Humans**

Seneca County residents living in or near a hazard area may be directed by the Incident Commander or the Director of Emergency Management to take protective actions against potential dangerous exposure generated at the hazard area. Protective actions may involve taking shelter in a person's own home or other designated buildings. The American Red Cross will determine which buildings are suitable for sheltering and provide information about sheltering activities to the Director of Emergency Management. The American Red Cross will provide primary emergency reception and care services for individuals and families taking shelter in other designated buildings. The County In-Place Shelter Annex provides additional basic information and procedures.

##### **Evacuation of Humans**

The County Director of Emergency Management may, based upon the recommendation of the Incident Commander, designate specific zones of the emergency area within which the occupancy and use of buildings and the access and egress of vehicles and persons may be prohibited or regulated. The Director of Emergency Management also has site-specific authority to issue an evacuation order.

In the event that an evacuation order is issued, the Director of Emergency Management will:

- Notify SEMO Region IV and the American Red Cross of the evacuation order;



### **3. Emergency Response**

- Direct and coordinate the evacuation operation procedures, including notification of the public, establishment of evacuation routes, evacuation of special need populations, and provision of security and law enforcement during evacuation; and
- Direct and coordinate the initiation of general return to evacuated areas.

#### **Quarantine of Humans**

Seneca County Emergency Management will coordinate with the Seneca County Health Department in the event that it is necessary to quarantine citizens who have been or may have been exposed to highly contagious or infectious diseases. The Health Department is developing detailed responses and procedures that will be used to address the complex logistical issues that might arise during quarantine, including locations for confinement, confirmation of exposure, and health care for quarantined individuals.

#### **Emergency Procedures for Agriculture and Livestock**

Recent outbreaks of animal diseases abroad have raised issues of food supply contamination with respect to emergency planning. Seneca County has procedures in place for the protection of livestock, crops, and food products and the prevention of animal disease outbreaks and other agricultural emergencies. The Seneca County Emergency Management will coordinate with the Cornell Cooperative Extension during any emergency to manage the evacuation or in-place sheltering of livestock. These two agencies will also coordinate in order to accomplish the quarantine of livestock in the event of an animal epidemic. Quarantine procedures might also be required for agricultural products and supplies not including livestock. Additional actions taken by the two agencies in the event of an emergency affecting livestock or agricultural production could include disease response and dead animal disposal.

#### **3.3.4 Emergency Medical Assistance and Public Health**

A tragic and large-scale emergency could be accompanied by injury to and death of large numbers of people, which would quickly overwhelm the ability of local medical resources to quickly deliver adequate responses to all victims. Seneca County Emergency Management will coordinate with the state and county health departments as well as the hospitals and coroners operating within the surrounding area to address the logistical issues attending any in-



### **3. Emergency Response**

cidents resulting in mass human casualties. This coordination of efforts will ensure that the capabilities of all hospitals and medical service providers are integrated, allowing for the fastest response to medical emergencies and incidents involving mass casualties.

#### **3.3.5 Meeting Human Needs**

Emergency situations can destroy citizens' ability to access the resources they require in order to meet basic human needs. Seneca County Emergency Management will work with the county departments of human services, mental health, the Office for the Aging, and the Red Cross in order to find ways to provide the following resources during an emergency:

- Temporary shelter, medical care, or other basic human needs with an emphasis on space, supplies, and access;
- Short-term assistance toward mortgage or rental payments to prevent families with children from becoming homeless; and
- Support for operations of organizations that have experienced sudden, significant increases in client demand or sudden, significant declines in operating support.

#### **3.3.6 Restoring Public Services**

Damage to and destruction of homes, special facilities, and vital utilities during an emergency may place the public at substantial risk of food and water contamination, communicable diseases, and exposure to extreme temperatures. For this reason, the efficient restoration of public services is an important aspect of emergency response. In the event that local jurisdictions require assistance to restore public services, Seneca County Emergency Management, in coordination with the Department of Public Works and with each of the public utility operators, will work to:

- Restore emergency public services and assess damage to the infrastructure;
- Develop a strategy to reconstruct and restore critical infrastructure; and
- Transfer responsibility for operation and maintenance back to local authorities after services are restored.



### **3. Emergency Response**

#### **3.3.7 Resources Management**

The Director of Emergency Management maintains an inventory of fire, Emergency Medical Service (EMS), and public works resources, and may request resources from other agencies as necessary. Seneca County Emergency Management, SEMO, and the New York State Office of Fire Prevention and Control (OFPC) identify and manage the use and return of loaned resources.

#### **3.3.8 Standard Operating Guidelines and Supporting Plans**

Each county department that has emergency response functions is required to have its own standard operating guidelines (SOGs). The SOGs may address activation of personnel, shift assignments at the EOC, assignment to the field—including the Incident Command Post (if applicable)—and coordination with other agencies, drills, exercises, and ICS training.

- Each department SOG is updated at least annually or as changes occur and reviewed at a joint department planning meeting held each fall. Appendix I contains a list of the plans and supporting documents retained by Seneca County Emergency Management.

# 4

## Emergency Recovery

### 4.1 Responsibility for Damage Assessment

While local governments are responsible for damage assessment within individual towns and villages, Seneca County will often participate in emergency recovery, including pre-emergency, emergency, and post-emergency activities. Note that support for emergency assessment and documentation will be provided at the direction of the Chairman of the Board of Supervisors on an as-needed basis by the county departments and outside agencies listed below. All other county departments and agencies identified in this plan will be on stand-by to provide assistance in the damage assessment and documentation process. Departments and agencies on stand-by are:

- Highway;
- Health;
- Human Services; and
- Economic Development and Planning.

#### 4.1.1 Seneca County Director of Emergency Management

The Seneca County Director of Emergency Management is responsible for:

- Coordinating damage assessment for county facilities during emergency conditions and coordinating with other affected counties and local municipalities;
- Designating a Damage Assessment Officer who will direct and control coordination from the EOC;



## 4. Emergency Recovery

- Requesting, through SEMO Region IV, the early assignment of a FEMA liaison officer to observe the local damage assessment activities; and
- Requesting assistance from the New York State Code Enforcement Disaster Assistance Response (CEDAR) program and from Regional Response Teams (RRTs) to assist local emergency officials in analyzing and assessing the impact of the event, providing technical assistance to local officials as necessary, and advising the governor through his emergency management office as to a proper course of action for state government.

### 4.1.2 Damage Assessment Officer

The Damage Assessment Officer is responsible for three phases of damage assessment activities: pre-emergency activities, emergency activities, and post-emergency activities.

The Damage Assessment Officer will carry out the following *pre-emergency activities*.

- Identify and maintain lists of county agencies, personnel, and resources to assist and support damage assessment activities;
- Identify and maintain lists of non-government groups such as non-profit organizations, trade organizations, and area professionals that could provide assistance;
- Develop memoranda of understanding or agreement between local government and the private organizations for technical support; and
- Arrange for annual training of selected personnel in damage assessment survey techniques.

The Damage Assessment Officer will carry out the following *emergency activities*.

- Prepare and maintain documents, maps, photos, and videotapes of damage;
- Review procedures and forms for reporting damage to higher levels of government;



## 4. Emergency Recovery

- Determine, with the assistance of SEMO Region IV, the types of available damage assessment assistance and procedures for obtaining them;
- Inform the SEMO Region IV Director if state and/or federal support is required to assist locals in the damage assessment process; and
- Record the use of non-government personnel to perform damage assessment functions.

The Damage Assessment Officer will carry out the following *post-emergency activities* through coordination with the Chairman of the County Board of Supervisors and other county department and agency heads.

- Select personnel to participate in damage assessment survey teams;
- Complete Damage Assessment Survey Reports and maintain records of the reports;
- Submit damage assessment reports to the Director of Emergency Management;
- Coordinate damage assessment activities with the jurisdiction's authorized agent; and
- Assist the authorized agent in preparing documentation needed for emergency assistance application to state and federal government, including a Notice of Interest, a Damage Assessment Survey Report, and a Project Application.

### 4.1.3 Damage Assessment Team

At the time of the declaration of a County State of Emergency the Director of Emergency Management will organize and activate the damage assessment team. Damage assessment teams will be organized and deployed to emergency locations to collect and report information on the type, extent, and impact of damage using a standard assessment and reporting form. This form is included in Appendix J. Damage assessment teams will consist primarily of local government employees such as Public Works employees,



## 4. Emergency Recovery

building inspectors, assessors, and members of nonprofit organizations such as the American Red Cross and the Salvation Army. When necessary, non-government personnel from the fields of engineering, construction, insurance, property evaluation, and related fields may supplement the teams.

Each damage assessment team will have a designated team leader who will report to the Damage Assessment Officer in the EOC. Personnel from county departments with assigned damage assessment responsibilities will remain under the control of their own departments but will function under the technical supervision of the Department of Emergency Management during emergency conditions. The Communications Officer in the EOC will provide mobile communication equipment for damage survey teams, if available. All assessment activities in the emergency area will be coordinated with the Incident Commander and the Damage Assessment Officer appointed for that emergency.

### 4.2 Damage Assessment Report

The Director of Emergency Management will submit to SEMO Region IV:

- An assessment of the social and economic impact of the emergency on the local community in terms of human needs;
- A Damage Assessment Report based on a local survey and assessment of damage in dollar value not covered by insurance; and
- A description of the specific types of aid required from other levels of government and an estimate of the approximate length of time for which it is needed.

The Damage Assessment Report will contain information on damaged or destroyed property to the extent not covered by insurance in the following categories:

- Damage to private property (i.e., homes, real estate, businesses, public works, industries, tax finance office, utilities, hospitals, institutions, and public and private schools);
- Damage to public property (i.e., road systems, public works, sewer and water systems, parks, bridges, forestry, water control



## 4. Emergency Recovery

facilities such as dikes, levees, channels, public buildings, equipment and vehicles, publicly owned utilities, parks, and recreational facilities);

- Damage to agriculture (i.e., farm buildings, machinery and equipment, crop losses, and livestock);
- Individual assistance in the areas of mass care, housing, and individual family grants;
- Community services provided beyond normal needs;
- Debris clearance and protective measures taken such as pumping, sandbagging, construction of warning signs and barricades, emergency levees; and
- Financing of personnel costs required for emergency operations.

### 4.3 Request for Recovery Assistance

It is essential that from the outset of the initiation of emergency response actions, county response personnel keep detailed records of expenditures for:

- Labor used for the emergency;
- Use of government-owned equipment;
- Use of borrowed or rented equipment;
- Use of materials from existing stock; and
- Contracted services for emergency response.

The Director of Emergency Management or the designee will advise the Chief Executive Officers of the local political subdivisions within the county to maintain similar detailed records of emergency expenditures and supply them with standard documentation forms in compliance with the FEMA Handbook for Applicants (DR and R-1) and the Documenting Disaster Damage Handbook (DR and R-7). The Chairman of the Board of Supervisors in consultation with the Director of Emergency Management or the designee will delegate a person to be the county's authorized agent in



## 4. Emergency Recovery

emergency assistance applications to the state and federal governments. The county's authorized agent will:

- Attend public assistance briefings conducted by federal and state emergency officials;
- Review SEMO's Public Assistance Handbook of Policies and Guidelines for Applicants;
- Obtain from the Damage Assessment Officer maps showing emergency damage locations, documented with photographs and video tapes;
- Prepare and submit applications for public assistance;
- Assign local representatives who will work with federal representatives; and
- Coordinate with county departments and agencies and complete the application in accordance with the guidelines in the Public Assistance Handbook.

### 4.4 Planning for Recovery

Emergency recovery activities focus on the development and redevelopment of the community after emergency response efforts have ended. Community development is based on a comprehensive development plan prepared under the direction of local planning departments and/ or boards. Comprehensive community development plans are adopted by local government as the official policy for development of the community. Localities with public and political support for land-use planning and the corresponding plan implementation tools such as zoning ordinances, subdivision regulations, building codes, and site plan review have pre-emergency prevention and mitigation capability by applying these techniques successfully after an emergency.

#### 4.4.1 Recovery Task Force

The Chairman of the Board of Supervisors is responsible for deciding whether emergency recovery will be managed through existing organizations with planning and coordinating skills or by a Recovery Task Force created exclusively for this purpose. The Recovery Task Force, whether an existing organization or a special task force, directs the recovery activities with the assistance of county departments and agencies coordinated by the Director of Emer-



#### **4. Emergency Recovery**

gency Management and prepares a county recovery and redevelopment plan, unless deemed unnecessary, pursuant to Section 28-A of the State Executive Law.

Responsibilities for recovery assigned to the local governments under the State Executive Law, Article 2-B, depend on whether or not a gubernatorial emergency declaration was issued for a specific emergency. If the governor declares a state emergency, then under Section 28-A the county will have the following responsibilities:

- The county shall prepare a local Recovery and Redevelopment Plan, unless the legislative body of the county determines such a plan to be unnecessary or impractical.
- Within 15 days after the State Disaster Emergency Declaration, the county will report to the New York State Disaster Preparedness Commission (DPC) whether the preparation of a Recovery and Redevelopment Plan has been begun and, if not, the reasons for not preparing such a plan.
- Proposed plans shall be presented at a public hearing upon five days notice published in a newspaper of general circulation in the area affected and transmitted to the radio and television media for publications and broadcast.
- The local Recovery and Redevelopment Plan shall be prepared within 45 days after the State Disaster Emergency Declaration and shall be transmitted to the DPC. The DPC shall provide its comments on the plan within ten days after receiving such plan.
- The plan shall be adopted by the county within 10 days after receiving the comments of the DPC.
- The adopted plan may be amended at anytime in the same manner as originally prepared and adopted. Once revised, the amended plan shall be the official policy for recovery and redevelopment within the County.

##### **4.4.2 Recovery and Redevelopment Plan**

The Recovery and Redevelopment Plan developed by the Recovery Task Force shall include but need not be limited to proposals for:



#### 4. Emergency Recovery

- Replacement, reconstruction, removal, or relocation of damaged or destroyed public facilities and infrastructures;
- Establishment of priorities for emergency repairs to community facilities, buildings, and infrastructures;
- Economic recovery and community development; and
- New or amended zoning ordinances, subdivision regulations, building and sanitary codes, and other land-use management regulations as appropriate.

The Recovery and Redevelopment Plan will take into account and incorporate, to the extent practical, relevant existing plans and policies. Prevention and mitigation measures should be incorporated into all recovery planning whenever possible and would include:

- Engineering solutions to reduce vulnerability to certain emergency types;
- Land-use management strategies; and
- Local ordinances that mitigate against emergencies from natural, technological, and human-origin hazards.

#### 4.5 Reconstruction

Reconstruction consists of two phases. Phase 1 consists of short-term reconstruction to return vital life support systems to minimum operating standards. Phase 2 includes long-term reconstruction and redevelopment, which may continue for years after a disaster and will implement the plans, policies, and programs for county facilities adopted for redevelopment. Long-term reconstruction and recovery includes activities such as:

- Planning for redevelopment;
- Analyzing existing state and federal programs to determine how they may be modified or applied to reconstruction;
- Conducting public meetings and hearings;



#### 4. Emergency Recovery

- Providing temporary housing and public facilities;
- Securing public assistance;
- Coordinating state and federal recovery assistance;
- Monitoring reconstruction progress; and
- Preparing periodic progress reports to be submitted to SEMO.

Reconstruction operations must conform to state and federal laws and regulations concerning environmental impact. Reconstruction operations in and around designated historic sites must conform to state and FEMA standards and guidelines.

#### 4.6 Public Information on Recovery Assistance

The Department of Emergency Management is responsible through the PIO for making arrangements with the broadcast media and press to obtain their cooperation in adequately reporting to the public on:

- What kind of emergency assistance is available to the public and private sector;
- Who provides the assistance;
- Who is eligible for the assistance;
- What kinds of records are needed for documentation of items that have been damaged or destroyed by the emergency;
- What action to take to apply for assistance; and
- Where to apply for assistance.

All the above information will be prepared by the Director of Emergency Management and furnished through the PIO to the media for reporting to the public. The Director of Emergency Management or the designee, in consultation with officials from SEMO and FEMA, will select a suitable county, state, or federal building in an appropriate location to serve as a Disaster Assistance Center (DAC). The DAC will serve as a “One Stop” center, where federal, state, and county agency programs and private organizations



#### **4. Emergency Recovery**

will register emergency victims for available assistance and provide assistance with completing application forms. Representatives from each assisting agency will interview emergency victims.

# A

## **Specific Powers and Authorities**

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**A. Specific Powers and Authority**

## A. Specific Powers and Authorities

### A. DECLARATION OF A STATE OF EMERGENCY

(Executive Law 2-B, Section 24)

1. This section of the Executive Law authorizes the Chairman of the Board of Supervisors to proclaim a local state of emergency within all or part of the territorial limits of Seneca County in the event of a disaster or emergency, or in the event of a reasonable threat of immediate danger where the public is imperiled.

Following such proclamation and during the continuance of a local state of emergency, the Chairman of the County Board of Supervisors may promulgate local emergency orders to protect life and property and bring the emergency situation under control. Such orders may, within part or all the territorial limits of the County, provide for:

- a. The establishment of a curfew and the prohibition and control of pedestrian and vehicular traffic;
- b. The designation of specific zones where the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
- c. The regulation and closing of places of amusement and assembly;
- d. The suspension or limitation of the sale, dispensing, use, or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
- e. The prohibition and control of persons on public streets and places;
- f. The suspension of parts or all of local laws, ordinances and regulations (within the limitations of federal and state constitutional, statutory, and regulatory laws) which may prevent, hinder, or delay necessary action in coping with a disaster or recovery whenever:
  - (1) a request has been made pursuant to subdivision 7 of this section, or
  - (2) whenever the Governor has declared a state disaster emergency pursuant to section 28 of this article. Suspension of any local law, ordinance, or regulation pursuant to this paragraph shall be subject to the following standards and limits:
    - (i) no suspension shall be made for a period in excess of five days. Upon reconsideration of all the relevant facts and circumstances, a suspension may be extended for additional periods not to exceed five (5) days each while the state of emergency is in effect;
    - (ii) no suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;
    - (iii) any such suspension order shall specify the local law, ordinance or regulation, or part thereof suspended and the terms and conditions of the suspension;
    - (iv) the order may provide for such suspension only under particular circumstances, and may provide for the alteration of modification

## A. Specific Powers and Authorities

- of the requirements of such local law, ordinance or regulation suspended, and may include other terms and conditions;
- (v) any such suspension order shall provide for minimum deviation from the requirements of the local law, ordinance or regulation suspended consistent with the disaster action deemed necessary;
  - (vi) when practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension.
2. A local emergency order shall be effective from the time and in the manner prescribed in the order, and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order, and transmitted to the radio and television media for broadcast. Such order may be amended, modified, and rescinded by the Chairman of the County Board of Supervisors during the state of emergency. Such order shall cease to be in effect five (5) days after promulgation or upon declaration by the Chairman of the County that the state of emergency no longer exists, whichever occurs first. The Chairman of the County Board of Supervisors may extend such order for additional periods not to exceed five (5) days each while the local state of emergency is in effect.
  3. The local emergency orders of the Chairman of the County Board of Supervisors shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the Clerk of the Seneca County Board of Supervisors, the office of the Seneca County Clerk and the office of the Secretary of State. The local emergency orders of a chief executive of a town or village shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of such municipal corporation, the office of the Seneca County Clerk and the office of the Secretary of State.
  4. Nothing in this Section shall be deemed to limit the power of any local government to confer upon its chief executive any additional duties or responsibilities deemed appropriate.
  5. Any person who knowingly violates any local emergency order of a chief executive promulgated pursuant to this section is guilty of a Class B misdemeanor.
  6. Whenever a local state of emergency has been declared pursuant to this section, the Mayor or Supervisor may request the Governor to provide assistance under this chapter, provided the Chairman of the County Board of Supervisors determines the disaster is beyond the capacity of the County to adequately meet, and state assistance is necessary to supplement local efforts to save lives, protect property, ensure public health and safety, or to avert or lessen the threat of a disaster.
  7. The County Board of Supervisors may terminate, by concurrent resolution, such emergency orders at any time.

## B. UTILIZATION OF LOCAL RESOURCES

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#### A. Specific Powers and Authorities

(Executive Law 2-B, Section 25)

1. Upon the threat or occurrence of a disaster, the chief executive of any political subdivision is authorized and empowered to use any and all facilities, equipment, supplies, personnel, and other resources of his political subdivision in such manner as may be necessary or appropriate to cope with the disaster or emergency.
2. A chief executive may also request and accept assistance from any other political subdivision and may receive and utilize any real or personal property, or the service of any personnel, on such terms and conditions as may be mutually agreed to by the chief executive of the requesting and assisting political subdivisions.
3. Upon the receipt of a request for assistance made pursuant to Subdivision 2 or 3 of this section, the chief executive of any political subdivision may give, lend, or lease, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of such political subdivision, any services, equipment, facilities, supplies, or other resources of his political subdivision. Any lease or loan of real or personal property pursuant to this subdivision, or any transfer of personnel pursuant hereto, shall be only for the purpose of assisting a political subdivision in emergency relief, reconstruction, or rehabilitation made necessary by the disaster.
4. Upon the threat or occurrence of a disaster, a chief executive may request and accept assistance (County, State, Federal) which is coordinated and directed by the Chairman of the County Board of Supervisors.
5. A political subdivision shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of any officer or employee in carrying out the provisions of this section.
6. The chief executive, when requesting assistance pursuant to this section, may request assistance from the civil defense and disaster preparedness forces of any other political subdivision, but only if the civil defense and disaster preparedness forces of the type being requested have already been activated within the political subdivision requesting assistance.
7. Any power or authority conferred upon any political subdivision by this section shall be in addition to, and not in substitution or as a limitation of any powers or authority otherwise vested in such subdivision or any of its officers.

#### C. COORDINATION OF DISASTER PREPAREDNESS & LOCAL CIVIL DEFENSE FORCES (Executive Law 2-B, Section 26)

1. Upon the threat or occurrence of a disaster, the Chairman of the County Board of Supervisors may coordinate responses for requests for assistance made by the chief executive of any political subdivision within the County.
2. Coordination of assistance shall utilize existing organizations and lines of authority and shall utilize any disaster preparedness or civil defense plans prepared by the affected municipality.

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**A. Specific Powers and Authorities**

3. A chief executive or any elected or appointed county, town, or village official shall not be held responsible for acts of omissions of disaster preparedness forces or civil defense forces when performing disaster assistance.

**D. CONTINUITY OF LOCAL GOVERNMENTS**

(Executive Law 2-B, Section 27)

1. Every county, town, and village shall have power to provide for its continuity and that of its elective and appointive officers in the event disaster and emergency conditions prevent them from discharging the powers and duties of their office, or if they are absent from the political subdivision.

# B

## **Seneca County CEMP Review and Update**

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**B. Seneca County CEMP Review and Update**

## **B. Seneca County CEMP Review and Update**

The Director of Emergency Management shall review this plan at least annually. As part of this review, the Director will seek input and recommendations from county departments and local agencies participating in this plan as well as from the New York State Emergency Management Office. If necessary, the Director will also conduct appropriate meetings to assure critical issues are addressed, and that changes are appropriately implemented.

Departments and agencies maintaining annexes that are part of this plan shall also perform independent reviews of their policies, procedures, and documents on an annual basis. Any department or agency making changes to an annex will submit those changes to the Director using the form below.

# C

## **Seneca County CEMP Distribution Plan**

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**C. Seneca County CEMP Distribution Plan**

### C. Seneca County CEMP Distribution Plan

#### Seneca County CEMP Distribution

Department or Agency	Office or Official	Number of Copies
County Board of Supervisors	Chairman of the Board of Supervisors	1
	Public Safety	5
	County Attorney	1
	County Manager	2
	County Clerk	1
Emergency Management Office	Director	2
	Deputy Director	10
Police	Sheriff	2
	Village Police Chiefs	5
	Fire Chiefs	13
Public Health	Director	2
Highway	Director	2
Human Services	Commissioner	2
Mental Health	Commissioner	2
Office of Aging	Director	1
Economic Development and Planning	Director	2
Red Cross		2
New York State	SEMO Planning - Albany	2
	SEMO Region IV Office	2
	State Police	1
Schools		4

# D

## Hazard Analysis Conclusions



**Seneca County  
HAZNY Workshop Results  
May 7, 2003**

Overall Hazards Ranking		
Hazard	Rating Score	Rating Category
Flood	298.5	Moderately High
Ice Storm	282.5	Moderately High
Transportation Accident	282.0	Moderately High
Fire	280.5	Moderately High
Earthquake	265.0	Moderately High
HAZMAT (In Transit)	251.2	Moderately High
Winter Storm (Severe)	243.2	Moderately High
Utility Failure	224.2	Moderately Low
Terrorism	216.7	Moderately Low
Severe Storm	215.2	Moderately Low
Explosion	211.8	Moderately Low
HAZMAT (Fixed Site)	203.5	Moderately Low
Dam Failure	203.2	Moderately Low
Tornado	193.8	Moderately Low
Ice Jam	179.8	Moderately Low
Civil Unrest	170.2	Moderately Low
Structural Collapse	168.2	Moderately Low
Wildfire	159.8	Low
Oil Spill	155.8	Low
Water Supply Contamination	144.2	Low
Radiological (In Transit)	142.5	Low
Extreme Temperature	137.8	Low
Drought	137.2	Low
Epidemic	132.2	Low
Radiological Fixed Site	117.2	Low

**Results of the analysis:**

- The analysis showed that the following hazards are the **most frequent** hazards in Seneca County:
  - Fire
  - Flood
  - Winter Storm (Severe)
- The analysis showed that the following hazards could cause the **greatest loss of life** in Seneca County:
  - Earthquake
  - Epidemic
  - Explosion
  - Terrorism

#### **D. Hazard Analysis Conclusions**

- Transportation Accident
- The analysis showed that the following hazards could strike Seneca County with **little or no warning**:
  - Civil Unrest
  - Explosion
  - Flood
  - Radiological (Fixed Site)
  - Structural Collapse
  - Tornado
  - Transportation Accident
  - Winter Storm (Severe)

# E

## Capability Self-Assessment Results



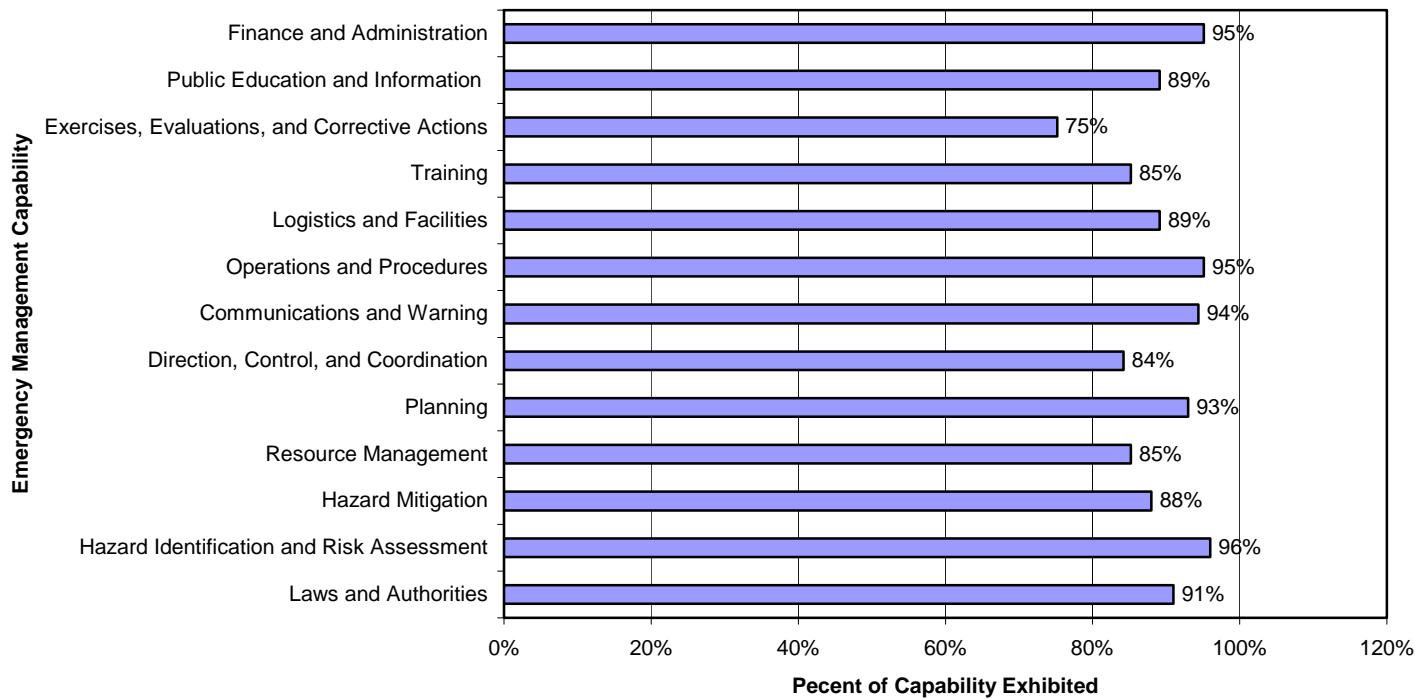
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## **E. Capability Self-Assessment Results**

An assessment of Seneca County's ability to manage emergencies is necessary in order to facilitate effective emergency prevention and mitigation planning and emergency response and recovery and to set priorities for future emergency capability enhancements. A comprehensive analysis of emergency planning, response, and recovery capabilities existing within Seneca County was undertaken in September 2003. The assessment was accomplished by focusing on county-wide capabilities to address three phases of emergency management: mitigation or prevention, response and recovery.

The assessment provides a picture of Seneca County's level of readiness to respond to disasters and emergency situations. The assessment is intended to be a tool that Seneca County emergency managers can use to identify planning needs and set priorities for the future regarding emergency prevention, response, and recovery in Seneca County. The assessment highlights both the strengths and weaknesses of the county's emergency management capabilities. Graphic representations of the results of this capabilities assessment have been compiled. The table below illustrates that some emergency response sectors appear to be more effective than others. It is important to note that this assessment considers the full continuum of response services, from local government to county. The success of the county in improving preparedness will depend upon the strength of its cooperation with local mutual aid partners and the region as a whole.

**Seneca County, New York**  
**Comprehensive Emergency Management Plan**  
*Capabilities Self -assessment*  
November 2003



# F

## **Emergency Response Functions for County Departments**

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***F. Emergency Response Functions for County Departments***

## ***F. Emergency Response Functions for County Departments***

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
County Chairman of the Board of Supervisors	Activates Policy Group	Director of Emergency Management, Sheriff, Fire Coordinator, Health, Highway, County Attorney
	Designates Public Information Officer	Emergency Management Office
	Directs emergency operations and the use of resources and manpower during and after	Emergency Management Office
	Declares emergency and/or requests assistance from state government as required	SEMO and Emergency Management Office
	Waives restrictions and codes, establishes a line of succession as required	Local Chief Executive and Legislative Body
	Orders evacuation of endangered population and opening of emergency shelters	Emergency Management Office; Sheriff; Office for Aging; Red Cross; Health Department; Mental Health Services
Public Information Officer	Designates authorized representative to administer state and federal recovery assistance	Emergency Management Office and SEMO
	Initiates the appropriate public information procedures to inform the general public of the existence and nature of the emergency over local TV and radio stations and actions to be taken if necessary	County Board of Supervisors, County EOC; Emergency Management Office
	Opens Public Information Center, which is the single official point of contact for the media	Emergency Management Office
	Updates information periodically	County Board of Supervisors; Emergency Management Office
Emergency Management Office	Checks and controls the spreading of rumors	News Media
	Maintains emergency alert list for alerting key county officials as required by emergency	All Agencies

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
	Coordinates the alerting of government and private response agencies	Emergency Communications and Warning
	Coordinates the warning of the public	Public Information Officer - NAWAS - Broadcasting Media – Press; Emergency Management Office
	Establishes information contact and coordinates requests for assistance	Local government, SEMO, Emergency Management Office
	Coordinates multi-organizational mitigation, response and recovery operations	All Agencies
	Identifies and coordinates government and private resources available for emergency operations including donations and services of individual citizens and volunteer groups	Coordinator of Resources and Supply
	Advises Chairman of the Board on evacuation or in-place shelter as protective action response	On-Scene Commander
	Notifies Red Cross that facilities planned for use as congregate care centers will be needed	Sheriff, Fire Coordinator's Office, Medical Examiner, Social Services, Office for the Aging
	Coordinates evacuation operation procedures	Sheriff, On-Scene Commander, Transportation Coordinator, Red Cross, Hospitals, Special Facilities, EMS, Health
	Coordinates damage assessment activities and the documentation of these	Highway, Health, Social Services, Planning, State Regional Response Teams, SEMO, Red Cross
Emergency Management Office (cont.)	Coordinates preparation of disaster assistance request and the management of recovery and disaster assistance programs	SEMO

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
Emergency Management Office (cont.)	Coordinates radiological instrument distribution	Sheriff, Fire Coordinator, Highway, Health Department
	Supervises the training of assigned response staff and volunteers in performance of emergency functions	SEMO
	Deploys and coordinates fire, search, rescue, and emergency medical services performed by local fire departments	Deputy Fire Coordinators, Sheriff's Department
	Prepares and supervises the implementation of the county Fire Mutual Aid Plan	Local fire companies and services
	Identifies available resources and additional resources required by the fire services	Coordinator of Resources and Supply, local fire services
	Notifies area fire houses in disaster area to move to a safe distance or proceed in normal fire protection rescue where required (implement Fire Coordination Plan)	Deputy Fire Coordinators and Sheriff's Department
	Issues equipment and materials for oil spills, HAZMAT accidents, and radiological incidents	Deputy Fire Coordinators, Sheriff's Department, federal and state spill hotlines, NYSDEC (questions on environmental aspects) through SEMO
	Provides fire protection in the evacuated area; provides fire protection in shelters	Fire personnel, Sheriff's Department
	Identifies evacuation routes that may affect fire companies or EMS (road closings, bridges under repair, or other obstacles)	Fire agencies, Sheriff's Department, Highway Department
Emergency Management Office (cont.)	Arranges for Fire Police to assist the Sheriff's Department	Deputy Fire Coordinators, Sheriff's Department
	Alerts other fire departments to standby	Deputy Fire Coordinators, Emergency Services Radio Control
	Assists Sheriff's Department in public notification	Sheriff's Department

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
Emergency Medical Services	Coordinates ambulance, search, and rescue activities	EMS Coordinator
	Directs selective decontamination	Deputy Fire Coordinator
	Provides emergency service communications support	Emergency Management Office's Communications Officer
	Coordinates appropriate status and assessment information flow to EOC during emergency operations	Director of Emergency Management
	Assists in the evacuation of disaster areas	County Sheriff
	Provides advice to decision-makers and emergency support services regarding hazardous materials incidents	Deputy Fire Coordinator for Special Operations
	Coordinates fire response personnel, maintenance of dose records and dosimeter readings during emergency operations	Radiological Officer
Emergency Medical Services (cont.)	Provides emergency medical treatment	EMS Coordinator
	Provides medical transportation	EMS Coordinator
	Sorts out and allocates treatment to emergency victims according to a system of priorities designed to maximize the number of survivors; reports causalities to EOC	EMS Coordinator
	Coordinates dose record and dosimeter readings	Radiological Officer
Sheriff's Office	Maintains law and order at disaster area and at reception centers, lodging and feeding facilities, and emergency shelters	Red Cross, Fire Police, and law enforcement agencies

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
Sheriff's Department	Maintains public security and protects public and private property at disaster area and evacuation shelters	Red Cross, Fire Police, and law enforcement agencies
	Controls traffic and evacuation movement	Local police, Fire Police
	Controls access to disaster area	On-Scene Commander
	Provides emergency service communications support	Emergency Management Office's Communications Officer
	Provides support for notifying population as to what kind of action to take	On-Scene Commander, Fire Coordinator's Office
	Identifies available resources and additional resources required by the Sheriff's Department	Coordinator of Resources and Supply, local police departments
	Maintains a continuous effective operation of criminal justice system and incarceration	Chairman of the Board of Supervisors, local police, District Attorney
	Provides security for critical facilities and resources	Local police
	Status and assessment information	
	Dose records and dosimeter reading	Radiological Officer
	Assists in the evacuation of disaster areas	County Sheriff and law enforcement agencies
Highway Department	Administers public works, highway, and engineering activities for the county during emergencies	
	Provides emergency repair and maintenance to county facilities/critical facilities, potable water, sanitation, electricity	
	Clears emergency debris in county-maintained right-of-ways or systems	Local Highway Department

## ***F. Emergency Response Functions for County Departments***

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
Highway Department	Constructs emergency protective systems for county-maintained facilities - generators	County Maintenance Department
	Obtains and manages the activities of private contractors or other resources used to assist the county in disaster operations related to public works projects	
	Identifies available resources and additional resources required by public works activities	Coordinator of Resources and Supply
	Assists in the assessment and documentation of disaster impact and effects on county facilities and systems	Planning Department
	Maintains county facilities required to support and manage local disaster operations	
	Provides emergency service communications support	Emergency Management Office's Communications Officer
	AscERTAINS structural integrity of buildings, bridges, roads and evacuation routes — designates and demolishes hazardous structures	Code Enforcement Officer
	Dose records and dosimeter reading	Radiological Officer
Highway Department (cont.)	Provides traffic capacity estimates during evacuations	EMO Sheriff
	Provides backup electrical power to the EOC as needed	
	Drains flooded areas as needed	Department of Transportation
	Upgrades shelters as requested	
Health Department	Enforces New York Public Health Law New York Sanitary Code, New York Environmental Conservation Law, Seneca County Sanitary Code	NYS Health Department, NYSDEC

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
	Issues public health advisories and orders	Public Information Officer
	Provides technical assistance for health and environmental evaluation and monitoring in the areas of potable water supply, sewage control, hazardous materials, decontamination, disease and pest control, food sanitation	Red Cross, Highway Department, Fire Coordinator's Office, Sheriff
	Waives and restricts codes, laws, and regulations related to health and environmental matters	Chairman of the Board of Supervisors
	Assesses and documents disaster impact, effects, and the need for additional assistance related to health and environmental problems	Emergency Management Office Planning Department
	Supervises identification and disposition of dead	Sheriff, Coroner
	Identifies available resources and additional resources required by the Health Department	Coordinator of Resources and Supply
	Determines radiation levels of exposed individuals, methods for decontamination, treatment, and care	EMS, Sheriff
Health Department (cont.)	Provides inoculations, as necessary, during emergency situation	County Health Department
	Obtains emergency medical support and hospital care	EMS Coordinator
	Coordinates the evacuation of patients, equipment, and personnel from any health-related facility in the evacuation zone(s), including nursing home evacuations, through the nursing home coordinator	County EMS Coordinator

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
	Identifies hospital nursing homes and other facilities that could be expanded into emergency treatment centers  Obtains crisis augmentation of health and medical personnel and necessary sources of supply	County EMS Coordinator  EMS Coordinator
Department of Social Services	Administers applicable public assistance programs related to income maintenance, medical services, and food resources  Coordinates individual and family assistance programs with the American Red Cross and other community groups  Identifies available resources and additional resources required by the Department of Social Services  Provides assessment and documentation regarding the effect and social impact of the disaster on the county's disaster victims, including the need for resources and services	SEMO to contact appropriate federal and state counterpart agencies such as NYSDSS, NYSDOL, NYSDOH  Red Cross  Coordinator of Resources and Supply  Planning Department, Office for the Aging
Office for the Aging	Provides services to the elderly through contact agencies, information and referral services, and other community programs established for the elderly. These programs may include nutrition, transportation, and other services.  Secures resources and maintains coordination with other community service and social service agencies to ensure programs address the emergency	Social Services, Health Department, Red Cross

## **F. Emergency Response Functions for County Departments**

Emergency Response Functions for County Departments		
Agency/Department	Response Activities	Coordinating
	Provides assessment and documentation regarding the effect and impact of the disaster on the county's elderly, including the need for resources and services.	Planning Department, Department of Social Security
	Identifies available resources and additional resources required by the Office for the Aging	Coordinator of Resources and Supply
	Assists in movement of handicapped by provision of vehicles that have handicapped accessibility	EMS Coordinator
Mental Health Services	Crisis counseling and referral service	Red Cross
	Coordination of temporary housing and transportation services for the mentally ill, mentally retarded, developmentally disabled, and alcohol/drug abusers	NYS Mental Hygiene Department, through SEMO Transportation Coordinator
	Identifies available resources and additional resources required by the Mental Health Services	Coordinator of Resources and Supply
American Red Cross	Management of temporary Red Cross shelters	Superintendent of Schools
	Food service for disaster victims and emergency workers	Director of Emergency Management
	Nursing, medical and health services	EMS Coordinator
	Emergency assistance to families and individuals for clothing, food, housing, household needs, transportation, and occupational supplies	Social Services
	Community information and referral services	Public Information Officer
	Recruitment of volunteers	Employment and Training Department
	Disaster assessment	Planning Department

#### **F. Emergency Response Functions for County Departments**

<b>Emergency Response Functions for County Departments</b>		
<b>Agency/Department</b>	<b>Response Activities</b>	<b>Coordinating</b>
Planning Department	Prepares documentation related to county demographics or other population characteristics that can be used to support requests for state and federal assistance	Emergency Management Office
	Provides assessment and documentation regarding the effect and economic impact of the disaster on the county's commerce and industry, including the need for resources and services	Emergency Management Office



## **Seneca County Command and Succession**

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**G. Seneca County Command and Succession**

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**G. Seneca County Command and Succession**

### **Chief Elected Official**

If the Chairman of the Board of Supervisors is not available, the following line of command and succession is established to ensure continuity of local government and direction of emergency operations:

1. The Majority Leader
2. The Minority Leader
3. The County Manager

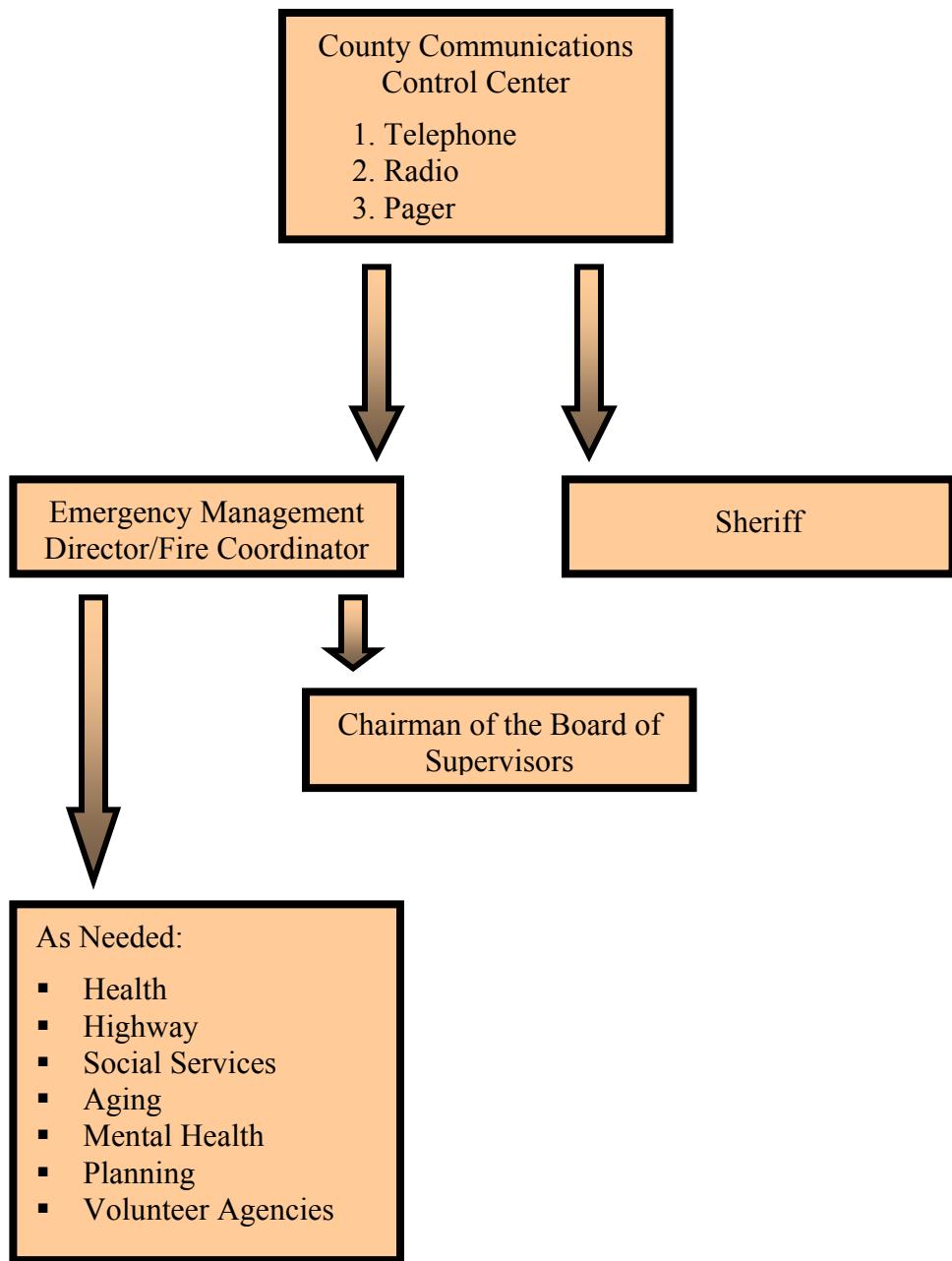
# H

## **Seneca County Alert-Notification Procedures**

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**H. Seneca County Alert-Notification Procedures**

## H. Seneca County Alert-Notification Procedures





# **Operational Procedures and Guidelines**

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***I. Operational Procedures and Guidelines***

## ***I. Operational Procedures and Guidelines***

### **Seneca County Operational Procedures and Guidelines**

Document	Responsible Agency or Department	Date of Current Revision
Seneca County All-Hazards Mitigation Plan	Emergency Management	Plan in Draft
Medical Disaster Plan for Mass Casualty Incidents	Emergency Medical Services	2004
Seneca County Mass Evacuation Management Annex	All County Departments Contribute	2003
Seneca County In-Place Shelter Annex	Emergency Management and Red Cross	2004
Seneca County Highway Emergency Preparedness Plan	County Highway Department	2004
Department of Social Services Standard Operating Procedure for Emergency Operations	Department of Social Services	11/04
Office for the Aging Disaster and Emergency Plan	Office for the Aging	2003
County HAZMAT Plan	Fire Coordinator	2008
Fire Department Mutual Aid Plan	Fire Coordinator	2005
SOG for Damage Assessment	Emergency Management	2003
SOG for Sheriff's Department	Sheriff's Department	2003

J

# **Damage Assessment Form**



## **Annex: Response Actions for Incidents of Terrorism**

EM 24 Hour Phone No.: (###) ###-#####

### **INITIAL DAMAGE ASSESSMENT REPORT**

1) DATE \_\_\_\_\_ 2) POLITICAL SUBDIVISION \_\_\_\_\_  
3) REPORTING OFFICIAL \_\_\_\_\_ 4) PHONE NUMBER \_\_\_\_\_

#### **SUMMARY OF CASUALTIES**

NUMBER OF:

5) DEAD \_\_\_\_\_ 6) EVACUATED \_\_\_\_\_  
7) MISSING \_\_\_\_\_ 8) SHELTERED \_\_\_\_\_  
9) HOSPITALIZED \_\_\_\_\_ 10) Families Requiring Temporary Housing \_\_\_\_\_

#### **RESIDENCES**

11) DESTROYED \_\_\_\_\_ 12) \_\_\_\_\_ 13) DAMAGED \_\_\_\_\_

#### **NUMBER OF HOSPITALS**

14) DAMAGED BUT USABLE \_\_\_\_\_ 15) NOT SERVICEABLE \_\_\_\_\_

#### **UTILITIES**

16) WATER SYSTEMS \_\_\_\_\_ 17) ELECTRICAL SYSTEMS \_\_\_\_\_  
18) SEWER SYSTEMS \_\_\_\_\_ 19) NATURAL GAS SYSTEMS \_\_\_\_\_

#### **DAMS AND LEVEES**

20) DESTROYED \_\_\_\_\_ 21) DAMAGED \_\_\_\_\_ 22) THREATENED \_\_\_\_\_

#### **PUBLIC BUILDINGS**

23) DAMAGED \_\_\_\_\_ 24) DESTROYED \_\_\_\_\_

#### **ROADS AND BRIDGES**

25) ROADS/STREETS DAMAGED \_\_\_\_\_ 26) ROADS/ STREETS BLOCKED \_\_\_\_\_  
27) BRIDGES DAMAGES/USABLE \_\_\_\_\_ 28) BRIDGES DAMAGED/UNUSABLE \_\_\_\_\_  
29) IMMINENT THREATS OR HAZARDS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **GENERAL SITUATION**

#### **INSTRUCTIONS ON BACK**

## **INSTRUCTIONS**

The purpose of this form is to expedite procedures for County and local government in reporting damages due to natural, accidental and intentional disasters.

- Block 1: Date – Enter current date.
- Block 2: Political Subdivision - Give name of the County, towns and villages covered in the report.
- Block 3: Reporting Official - Name of person calling in report. Should be the County Executive, EM Director or Damage Assessment Team Leader.
- Block 4: Phone Number - Number at which the person making the report can be reached if further information is needed.
- Block 5: Dead - Number of confirmed dead due to the disaster or emergency.
- Block 6: Evacuated - Number of persons evacuated from the affected area.
- Block 7: Missing - Number of persons who cannot be accounted for due to the disaster or emergency.
- Block 8: Sheltered - Number of persons being fed and sheltered in group shelters.
- Block 9: Hospitalized - Number of persons hospitalized by injury or sickness caused by the specific disaster or emergency.
- Block 10: Individuals and families requiring temporary housing - Estimated number of individuals and families needing temporary housing due to damages caused by the disaster or emergency.
- Block 11: Residences Destroyed - Number of homes/mobile homes that are beyond repair.
- Block 12: Residence uninhabitable - Number of homes/mobile homes which are damaged and not usable at present time, but can be repaired.
- Block 13: Residences Damaged (Habitable) - Number of homes/mobile homes damaged but livable by occupants while being repaired.
- Block 14: Hospitals Damaged - Number of hospitals which sustained damage but can still render services to patients.
- Block 15: Hospitals Not Serviceable - Number of hospitals which can no longer provide services to patients due to damages.
- Block 16: Water Systems - Number of those systems receiving damages or destroyed. (If possible, include estimated number of people affected.)
- Block 17: Electrical Systems - Number of those systems damaged or destroyed. (If possible, include estimated number of people affected.)
- Block 18: Sewer Systems - Number of those systems damaged or destroyed. (If possible, include estimated number of people affected.)
- Block 19: Natural Gas Systems - Number of those systems damaged or destroyed. (If possible, include number of people affected.)
- Block 20: Dams Destroyed - Number of dams/levees that have been breached due to the disaster. (Give location if possible.)
- Block 21: Dams Damaged - Number of dams/levees that have received damage but are still stable. (Give location if possible.)
- Block 22: Dams Threatened - Number of dams/levees that have been topped, have cracks or are close to being breached. (Give location if possible.)
- Block 23: Public Buildings Damaged - Courthouses, Schools, etc. that received damage to building and/or contents.

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**Annex: Response Actions for Incidents of Terrorism**

- Block 24: List all public buildings that are completely destroyed.
- Block 25: State the number (and miles if possible) of roads damaged but passable.
- Block 26: Number of roads that are impassable due to damage or debris.
- Block 27: Bridges Damaged/Usable - Number of bridges damaged but usable with caution.
- Block 28: Number of bridges that are destroyed or determined unsafe for use.
- Block 29: Imminent Threats or Hazards - Any information about existing or developing situations that could pose a threat or hazard to the public.

General Situation: Provide any additional information deemed necessary specifying:

1. What is the situation?
2. What are you doing to respond to the situation?
3. What assistance from state resources is needed?
4. What are priority problems?

# Seneca County



## Mass Fatality Response Plan

**DRAFT**

*"The information contained in this document is CONFIDENTIAL. No information from this document shall be released when such release would jeopardize the efforts to prepare for a public health emergency, and thereby endanger the life of the people of Seneca County".*

## **MASS FATALITY PLAN**

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## **1.0 Introduction**

This plan outlines the Seneca County Coroner's strategy for responding to incidents involving mass fatalities, including those caused by natural and/or technological hazards, which exceeds local resources and capabilities. The purpose is to outline guidelines that the Seneca County will follow to take charge of human remains at a disaster site. The Coroner(s), in collaboration with the Seneca County Office of Emergency Services (), Law Enforcement and affiliated agencies will coordinate the evaluation and identification of remains, as well as assisting with the notification of families of deceased victims. The Coroner will prepare death certificates and facilitate ways for preparing, processing and releasing human remains to the next-of-kin under emergency conditions.

## **2.0 Prevention/Mitigation**

## 2.1 Planning and Plan Maintenance

- 2.1.1 This plan will be routinely updated and supplemented as Federal, State and County disaster preparedness guidance continues to evolve. Plan changes will be made based on experience and lessons learned.

## 2.2 Training & Exercises

- 2.2.1 Seneca County agencies and personnel with the responsibility of activating the Mass Fatality Response Plan will receive initial and ongoing training as needed.
- 2.2.2 The plan will be reviewed annually by the Seneca County Office of Emergency Services. Exercises will be planned and executed as needed in association with other Seneca County agencies.

## 2.3 Command and Control

- 2.3.1 The Seneca County Coroner, in collaboration with local law enforcement, Seneca County Public Health (SCPH), , and emergency response agencies, will coordinate all efforts involving the evaluation, collection, identification, storage, and final disposition of all human remains. All operations will be conducted utilizing the National Incident Management System (NIMS) in accordance with the Seneca County Comprehensive Emergency Management Plan (CEMP). The Coroner, through the applicable Section Chief or Incident Commander, will make all requests for resources (local, state, or federal) necessary to respond to the incident.
- 2.3.2 Incidents involving terrorist or “man-made” disasters would be considered crime scenes and would most likely result in the declaration of a Local State of Emergency (Article 2-B), by local government officials. All state and federal mortuary response resources available during a declared state of emergency would be utilized and coordinated by the .

In the event of the activation and response of state and/or federal mortuary response teams, the basic concepts of this plan would apply and be utilized in response to a mass fatality disaster.

- 2.3.3 The scene will be assessed, in collaboration with first response personnel, the likelihood of biological, chemical, or nuclear release and/or exposure as it pertains to evaluation of the

deceased/remains, and accordingly activate the County HAZMAT Team

## 3.0 Response

### 3.1 Concept of Operations

- 3.1.1 The County Coroner will be requested by the on-scene commander(s) through Seneca County E-911 Center. The Incident Commander will notify of the approximate number of fatalities or confirmed dead. This information will be provided to the Coroner(s) at the time of dispatch.
- 3.1.2 The Coroner and/or designee will respond to the scene to assess the situation, and may establish an incident morgue site and determine the need for additional assistance. The Coroner will communicate the location of the temporary morgue site to the Incident Commander. Remains will be recovered and evacuated to the temporary morgue site (in collaboration with law enforcement) for identification purposes and safeguarding of personal effects found on the victims.
  - 3.1.2.1 The Coroner will utilize local funeral directors to assist with the transportation and processing of remains. Surge assistance will be provided through requests to contiguous county Funeral Homes (see Attachment 1).
  - 3.1.2.2 Throughout the evaluation, processing, and transportation of all remains, personal protective equipment (PPE) will be utilized by all involved personnel as necessary. Surge PPE, over and above what will routinely be provided for by individual agencies to their responders, will be requested through the IC.
  - 3.1.2.3 The Coroner will assess the scene and will determine the number of individuals and vehicles needed to accomplish the task of recovering and evacuating remains to the morgue or temporary morgue site. The Coroner will notify the Incident Commander of the needed resources. The Incident Commander will request that the EOC contact the ***Director of the local Funeral Directors Association*** and request that he/she contact the local funeral directors and request that they respond. All funeral directors will report to the incident staging area for credentialing and to sign in. The EOC will provide the location of the staging area.

3.1.2.4 The EOC will identify refrigeration-trucking companies or other services that could provide refrigeration capabilities for the storage of human remains if needed (see attachment 2, Refrigerated Trucking Companies, et al).

3.1.3 Incidents resulting in greater than ten (10) fatalities may require the assistance of State/Federal resources. The following steps will be taken by the to request these resources:

3.1.3.1 The Coroner will request through the Incident Command System the dispatch of the New York State (NYS) Funeral Directors Response Team. The Coroner will provide the Incident Commander the estimated number of fatalities involved. The Incident Commander will forward this request to the. The SCOES will contact the New York State Emergency Management Office (SEMO), advise of the incident, and will request the dispatch of the NYS Funeral Directors Response Team. The SCOES will provide SEMO with the nature of the incident and number of fatalities.

3.1.3.2 The New York State Funeral Directors Response Team will work in collaboration with the County Coroner to provide appropriate guidance and response efforts. Local funeral directors are available to assist with response efforts (see mobilization sequence outlined above).

3.1.3.3 The Disaster Mortuary Operational Response Team (DMORT) will coordinate all mortuary response efforts with the County Coroner's Office.

## 3.2 Initial Response and Recovery

- 3.2.1 The Coroner, in collaboration with local law enforcement will utilize suitable markings, photography, GPS positioning, "Total Station", etc. that will be placed at the location and/or used to identify each body at the disaster scene.
- 3.2.2 Remains or remain parts, will be tagged and records kept as to the location and/or surroundings in which the remains were found.

- 3.2.3 Unattached personal effects found on or near the body will be placed in a container, tagged with the above-identified corresponding number, which should reflect the location, and/or surroundings where the item was found. The Coroner is responsible to ensure these effects are secured.
- 3.2.4 When practical, remains and/or remain parts will be containerized, most probably in a body bag, and tagged with a corresponding number on each pouch.
- 3.2.5 Valuables, such as wallets or jewelry that are attached to the body shall not be removed. Such valuables found on or near the body have a potential identification value and should be placed in a container and charted as to the exact location they were recovered.
- 3.2.6 Remains will then be removed, as authorized, from the initial discovery site to the assigned morgue location as determined by the Coroner. This initial movement will require outside resources (vehicles, litters, stretchers and personnel), which will be requested by the Coroner through the Incident Command System and the EOC.

### 3.3 Evacuation to the Temporary Morgue

- 3.3.1 Prior to the evacuation of any remains, the County Coroner will brief the Funeral Directors and Operations Chief on the situation, number of fatalities to be transported, pick up area, and route of travel to the morgue, or temporary morgue site.
- 3.3.2 Temporary morgue requirements/considerations:
  - Convenient to scene
  - Adequate capacity
  - Completely secure – law enforcement to maintain security
  - Easy access for vehicular transport
  - Ventilation
  - Hot/cold running water
  - Drainage
  - Sufficient electrical capabilities, lighting, utilities, etc.
  - Communications
  - Office space
  - Rest/debriefing area
  - Refreshment area
  - Restrooms
  - Climate control
- 3.3.3 Evacuation operations from the disaster site will be coordinated by the Coroner and Operations Chief, with assistance from law enforcement personnel.

- Surge storage will be coordinated through refrigerated trucking arrangements or other refrigeration considerations (see attachment 2). On-scene storage of body bags in refrigerated trucks is recommended up until and during time of transport.
- Prior to transport, open each body bag, ensuring that both body and bag numbers coincide.
- Log:
  - Signature of Funeral Director authorizing transport (“Transport of remains authorized by:”)
  - Bag number(s)
  - Vehicle number/ID
  - Transporting personnel
  - Time and date of transport
  - Driver signature
  - Signature of Funeral Director accepting delivery of remains

3.3.4 Funeral Directors in collaboration with the Operations Chief (using ancillary fire and EMS personnel) will be utilized to transport all remains. For vehicle decontamination procedures, see Section 4.0.

3.3.5 The Coroner (or designee) will direct further processing of remains at Medical Facility designated by the Coroner or the temporary morgue location. The temporary morgue shall be according to the guidelines outlined within the State Emergency Management Office (SEMO) Mass Fatalities Plan.

Temporary morgue stations include:

- **Morgue Reception Station**
- **Remains Examination Station**
- **Postmortem Data Collection Station**
- **Identification Station**
- **Release Station**

### 3.4 Notifying Next-of-Kin/Identification of Remains

3.4.1 Law Enforcement personnel, in collaboration with the Coroner, will notify all next-of-kin by a direct face to face meeting if time and situation permits. In cases of mass fatalities where resources do not exist to allow for a face-to-face meeting, Law Enforcement will identify the methods that will be followed to notify next-of-kin.

- 3.4.2 Operations Chief to interact with the American Red Cross (ARC) for purposes of establishing a Family Assistance Center (FAC), whose job it will be to:
- Provide information and access to services
  - Provide news and the sharing of information to those within the FAC, while at the same time protecting relatives from the media.
  - Allow investigators access to the family
  - Register and gather ante-mortem data
  - Provide counseling/clergy services with assistance from the County mental-health services.
  - Provide transportation and food services
  - Assign each family, if at all possible, a personal ARC representative
- 3.4.3 Law Enforcement will ensure security at entrances to the FAC, determining the process for identifying legal next-of-kin. Legal next-of-kin (for purposes of official notification and release of bodies) shall be defined within Attachment 4, and will advance level-wise until “next-of-kin” have been identified. All FAC staff should attempt to use an alternate secured-entrance to the FAC while entering and exiting the FAC, where credentialing will be verified. A note will be added to the Coroner’s Investigative Report identifying the Next-of-Kin to be notified.
- 3.4.4 Families will be requested to provide physical identification of the remains. The Coroner will make arrangements for identification to be made, to include an appropriate location and time. If identification cannot be made, families will be requested to provide forensic items (hairbrush, toothbrush) or to provide the name and phone number of the victims’ dentist. The Coroner will coordinate with appropriate agencies any assistance necessary to identify remains above and beyond physical identification by family members (e.g. DNA, dental exams). Remains will not be released until positive identification is made.
- 3.4.5 Disposition of unidentified remains and/or “common tissue” is the responsibility of the Coroner. The guidelines to handle such situations are as follows:
  - Under no circumstances should unidentified or unassociated remains or tissue be co-mingled with identified remains.
- 3.4.6 The Coroner, in collaboration with the Funeral Directors, will complete the required Death Certificates according to law.

**3.5     Return body to Next-of-Kin**

- 3.5.1** Once the remains have been positively identified and all processing has been completed, the Coroner will coordinate the release of the remains and personal effects to the next-of-kin or their representative.
- 3.5.2** Release of remains will be authorized by the Coroner with technical guidance after assessment regarding nuclear, biological, and chemical factors, and will be handled in a culturally sensitive manner.

**4.0     Recovery**

**4.1     Decontamination**

The decontamination of refrigerated trucks that have been used to preserve human remains needs to be carried out by a contractor qualified to provide such services. Supervision of the decontamination process will be overseen by SCDH's Environmental Health staff. All vehicles used for this purpose will be decontaminated whether being placed back in service to transport food, used for other purposes, or decommissioned and placed in salvage.

- Attention should be given to decontamination of refrigeration units (e.g. ductwork and coils). Assure that filters are decontaminated and/or replaced (if equipped).
- Decontamination procedures for handling medical and/or infectious waste and antimicrobial pesticides (disinfectants and sanitizers) must adhere to all applicable requirements established by the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), and the Department of Transportation (DOT). This includes adherence to procedures designed to both sanitize and provide for worker protection.
- Applicable state and local standards must be met.
- The decontamination must be accomplished in a manner which destroys or inactivates any human pathogen that may be present, and removes chemical and/or any other incidental environmental contaminant. The decontamination must remove all offensive odors.
- Upon completion of decontamination written documentation should be provided to the owner of the vehicle identifying the procedure used and giving assurance that effective decontamination has been carried

out. Several types of disinfectant agents may be used (e.g., chlorine, iodine, phenolic and quaternary ammonium compounds, aldehydes). At concentrations known to be effective for proper disinfection some disinfectants may also react with the inner surfaces of the vehicles.

- Use of refrigerated vehicles, as well as decontamination procedures and guidelines, will follow the standards set forth by the NYS DOH in their 6/27/05 memo, "***Directions for Decontamination of Refrigerated Vehicles***" (see attachment 6). Documentation listing the properties of different disinfectants may be found at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5404a2.htm>.

## Attachment 1 - Local Funeral Homes

### **Coe-Genung Funeral Home**

Funeral Director: Roderick Coe  
46 West Main St.  
Waterloo, NY 13165

**315-539-2931**

### **Covert Funeral Home**

Funeral Director: Paul McPherson  
7199 South Main Street  
Ovid, NY 14521

**607-869-3411**

### **Doran Funeral Home Inc.**

Funeral Director: Michael J. Kelly  
30 Center Street  
Waterloo, NY 13165  
Also  
4 East Bayard St.  
Seneca Falls, NY 13148

**315-539-2211**  
**Fax: 315-568-8171**

**315-568-5700**

### **Hurlbut Funeral Home**

Funeral Director: Keith Jay  
8306 Main Street  
Interlaken, NY 14847

**607-532-4211**

### **Mull Funeral Home**

Funeral Director: William Mull  
113 Virginia St.  
Waterloo, NY 13165

**315-539-2496**

### **Sanderson-Moore Funeral Home**

Funeral Director: Duane D. Moore  
32 State Street  
Seneca Falls, NY 13148

**315-568-5866**

Refrigeration Capabilities at:	Local Funeral Homes:	0 Bodies
	Geneva General Hosp:	? Bodies

Transport Vehicles available within Seneca County at any given time:

Available Funeral Directors at any given time:

Embalming Machines available:

Heavy Body Bags:

Light Body Bags:

Supplies available to embalm the  
following number of bodies:

Attachment 2

## **Refrigerated Trucking Companies**

\*

\*

- \*\* Require **Trailers to Be Covered** with tarps to hide supermarket logo. **Decon Prior To Return** is the responsibility of the County.
- \*\*\* **Metal Floors within all truck storage areas are mandatory for use as a transport medium.** “Typical” 50-foot trailers can accommodate 25 bodies. A row of free-standing shelving (plywood and 2x4’s) can double this number.

## **Other Refrigeration Considerations**

Attachment 3  
**Emergency Contact Numbers**

Geneva General Hosp. (315) 787-4500

DMORT Emergency Contact Number **(800) 872-6367**

Attachment 4  
Legal Next-of-Kin Table

**Level One\*:**

Spouse of deceased

OR

Child of deceased

OR

Grandchild, Great Grandchild, etc. of deceased

**Level Two:**

Parent of Deceased

OR

Sibling of deceased

OR

Niece, Nephew, or Great Niece or Great Nephew of deceased

**Level Three:**

Grandmother or Grandfather of deceased (either maternal or paternal)

**Level Four:**

Aunt or Uncle of deceased (either maternal or paternal)

**Level Five:**

First Cousin of deceased (either maternal or paternal)

**Level Six:**

If no kin within the above levels can be located, contact the NY State Attorney General's office

- Level One includes any lineal descendants from child or grandchild of the deceased. A lineal descendant is any person in the direct line of descendant such as a child or grandchild as contrasted with a collateral descendant such as a niece or nephew.

Attachment 6

### **Disinfectants and Their Properties**

All surfaces should be cleaned thoroughly before disinfection. For basic disinfection, a 1:100 dilution of household bleach (i.e., 2.5 tablespoons/gallon) or a 1:1,000 dilution of quaternary ammonium compounds (e.g., Roccal-Zephiran®) may be used. This appendix includes instructions for disinfection when a particular organism has been identified. All compounds require a contact time of ≥10 minutes. Local or state environmental health officers have recommendations for appropriate disinfectant selection and precautions for environmental effect. Additional information is available from the Purdue University National Biosecurity Resource Center for Animal Health Emergencies.\*

\* National Biosecurity Resource Center for Animal Emergencies. West Lafayette, IN: Purdue University; 2004. Available at <http://www.biosecuritycenter.org/dismixchrt.htm>.

## Table

TABLE. Chemical compounds used for disinfection, effectiveness of chemical disinfectants and selected products against certain organisms, and selected properties of chemical disinfectants that should be considered when used for cleaning and disinfection

Chemical compounds	Chlorine*	Iodine iodophor 0.5%-5%	Chlorhexidine 0.05%-0.5%	Alcohol† 70%	Oxidizing agents 0.2%-3%	Phenol 0.2%-3%	Quaternary ammonium 0.1%
Selected products	Clorox®	Tincture/ Provodine	Nolvasan®	Rubbing alcohol	Virkon-S®	pHisoHex®	Ro-
<b>Effectiveness of chemical disinfectants against certain organisms§</b>							
Bactericidal	Good	Good	Good	Good	Good	Good	Good
Bacterial spores	Good¶	Poor	Poor	Poor¶	Fair to good	Poor	Poor
Virucidal	Good	Good	Poor	Fair	Good	Poor**	Poor
Envelope viruses	Yes	Yes	Limited	Yes	Yes	Limited	Limited
Nonenvelope viruses	Yes	Limited	No	No	Yes	No	No
Fungicidal	Good	Fair	Fair to good	Good	Fair	Fair	Fair
Protozoal parasites	Fair	Poor	Poor	Poor	Poor	Poor	Poor
(concentrated)							
<b>Properties of chemical disinfectants††</b>							
Effectiveness							
in organic matter	Poor	Poor	Fair	Poor	Poor	Good	Good
Inactivated by soap	No	Yes	No	No	No	No	No
Effective in hard water	Yes	No	Yes	Yes	Yes	Yes	Yes
Residual activity	Poor	Poor	Good	Fair	Poor	Poor	Poor

Source: Adapted from the Nebraska Cooperative Extension and the U.S. Department of Agriculture, 2003.

\* Bleach should be mixed fresh daily and replaced whenever contaminated with organic matter (1:32 dilution of 5.75% solution provides >1,500 ppm chlorine).

† Rubbing alcohol is flammable.

§ Effectiveness as a bactericidal, virucidal, or fungicidal agent and effectiveness in eliminating bacterial spores and protozoal parasites: good = effective; fair = moderate effect; and poor = inferior effect. Effectiveness in eliminating envelope and nonenvelope viruses: yes = effective; limited = moderate effect; no = not effective.

¶ Alcohol synergistically potentiates the sporicidal effect of hypochlorites (chlorine). Mix 5.75% solution of hypochlorite 1:1 with 50% ethyl alcohol/water and apply to spores immediately. Store in a cool, dry place and use within 1 week. Use within 1 hour of application. Use only on dry surfaces.

\*\* The effectiveness of 2-phenylphenol (ortho-phenylphenol) is fair.

†† Effectiveness in organic matter: good = effective; fair = moderate effect; and poor = inferior effect. Inactivated by soap and effective in hard water: chemical compound has this property; no = chemical compound does not have this property. Residual activity: good = chemical compound has residual activity; fair = moderate residual activity; and poor = inferior residual activity.

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\*\*Questions or messages regarding errors in formatting should be addressed to [mmwrq@cdc.gov](mailto:mmwrq@cdc.gov).



New York State  
Disaster Preparedness Commission

Comprehensive Emergency Management  
Plan

**Off-Site Air Disaster Annex**

# **State Comprehensive Emergency Management Plan**

## **Off-Site Air Disaster Annex**

### **A. Introduction**

The crash of TWA Flight 800 off the coast of Long Island in July of 1996 and other recent air disasters have caused all levels of government to take a closer look at airline disasters and the effect that these events have on local, county, State and Federal response capabilities. This Annex to the New York State Comprehensive Emergency Management Plan provides an overview of the local and Federal response to air disasters and the State's role in support of the response.

### **B. Purpose**

The purpose of this plan is to protect lives, property, and the environment by:

- Providing for an effective and efficient multi-agency response to air disasters in New York State;
- Establishing a concept of operations for response to an air disaster that can be supplemented with specific procedures; and
- Linking existing county and municipal authorities to State and Federal authorities, and the respective plans and capabilities that would be implemented in response to an air disaster in accordance with the New York State Comprehensive Emergency Management Plan.

### **C. Scope**

This annex applies to those off-site (off airport) air disasters involving commercial, corporate, military or private aircraft that involve the joint response efforts of local, county, State and Federal government agencies in New York State.

## **D. Situation**

New York State's response to an air disaster will be determined by the size and manner of the aircraft involved, the ability of local resources to effectively deal with response to the incident, and by the authorities, plans and operations that are triggered as the result of the crash.

## **E. Assumptions**

1. Air crashes will most often occur with little or no warning.
2. Off-site (off airport) air crashes have the potential of occurring anywhere in the State or its coastal waters.
3. Initial reports of an air disaster will have limited information and may contain contradictory information concerning the scope of the event.
4. Local, county and State emergency response agencies will implement fire, rescue, emergency medical services, law enforcement, public information, coroner/medical examiner operations, hazard and biohazard identification and protective measures, and site control and security operations.
5. Some intermediate and long-term required actions may include maintaining scene security and control, victim recovery and identification, victim family assistance, aircraft accident investigation, and mitigation of environmental damage.
6. Local mutual aid, State and Federal assistance may be required/requested to support the initial response, recovery and investigation of the air disaster.
7. Significant demands will be placed on local, county, State, and Federal officials by the media and others seeking crash and victim information.
8. Air crash scenes also have the potential to be crime scenes. All responders should keep this in mind upon arrival and treat the scene as such. No articles of personal property or parts of the aircraft should be unnecessarily disturbed or removed from the scene until authorized to do so by the National Transportation Safety Board (NTSB) (civilian aircraft) or military authorities (military aircraft).
9. Air disaster impacts can cross municipal boundaries or take place in marine environments resulting in responses that can involve multiple jurisdictions and levels of governments.
10. Some airports have plans and resources to assist in the response to an air crash whereas other non-commercial airports will have limited or no response capabilities.

## **F. Concept of Operations**

The response to a large-scale air disaster can involve dozens of local, county, State, Federal, volunteer, and private agencies. This plan recommends the development of one response organizational structure that will include all responding agencies. The air disaster response for State agencies will be organized under the framework of the National Interagency Incident Management System (NIIMS) Incident Command System (ICS) as required by Executive Order 13690.

## **G. Authorities**

This section reviews existing laws, regulations, and agency responsibilities and capabilities as they relate to air disaster response.

### **1. Airport Management**

Commercial airports, which serve commercial air traffic, are required by the Federal Aviation Administration (FAA) to have emergency plans that deal with emergency situations, including air crashes, which occur at the airport. Those plans typically provide for coordination with off-site authorities. On-site response resources obviously differ from one airport to the next. On-site plans and response resources may not be available at non-commercial airports. Airport resources, per local plans, may be utilized in off-site responses.

### **2. Airlines**

The airline has the responsibility to notify the National Transportation Safety Board (NTSB) immediately upon knowledge that a crash has occurred. The airline also has a number of responsibilities relating to family assistance matters which are outlined in Section J of this Annex.

### **3. Local Authorities**

#### **a. Fire Service**

Local fire service units are responsible for controlling the fire resulting from an air crash, dealing with hazardous materials associated with the crash, and conducting the search for and rescue of survivors. In many instances the senior fire officer on scene may be the Incident Commander for the emergency response phase of the incident, including activities such as fire suppression and victim search and rescue operations.

#### **b. Police**

Local/county police, the county sheriff department, the State Police, and federal law enforcement agencies, depending upon the location of the crash, may all have a role

in the police function. During the initial response to an air crash, law enforcement is responsible for isolating and securing the site as a possible crime scene and assisting the establishment of security perimeters and traffic control plans. Police will also identify witnesses, conduct interviews, and support the federally mandated investigation into the cause of the crash.

Upon the arrival of the FAA and NTSB (civilian aircraft), or the appropriate military authorities (military aircraft), local police authorities may assist in the investigation in conjunction with, and in support of, Federal authorities.

**c. Emergency Medical Service (EMS)**

Local EMS agencies (fire, independent volunteer, municipal and commercial) are responsible for the triage, treatment, and transportation of injured survivors. This may involve activation of local mass casualty plans. These plans typically include Department of Health EMS and Regional EMS Program Agency coordination. EMS agencies also provide medical support for emergency responders.

**d. Coroner/Medical Examiner**

Under NYS County Law §673, the Coroner/Medical Examiner has the jurisdiction and authority to investigate the following deaths within the county:

- Violent death;
- Unlawful act or criminal neglect;
- Suspicious, unusual or unexplained manner; and
- Unattended by a physician.

Under §674, the Coroner/Medical Examiner:

- Once notified of a death under the circumstances in §673 shall go to where the body is and take charge of it;
- Has the authority to remove the body to the extent required for investigation;
- Shall investigate essential facts concerning the death, taking the names and addresses of witnesses, and before leaving the site, reducing the facts to writing;

- Shall take possession of all portable objects, which in his/her opinion may be useful in establishing the cause of death;
- Has the authority to perform an autopsy;
- Has power to subpoena and question witnesses under oath as a magistrate holds a court of special session; and
- Has the authority to order and conduct an inquest.

**e. Local/County Health Department**

The local or county health department may have jurisdiction over resulting crash conditions that pose a hazard to public health. In those counties which do not have health departments, or whose Health Department does not assume responsibility for some functions, the State Department of Health may have the leading role.

**f. Local/County Emergency Management**

Each county, and many local governments, have a comprehensive emergency management plan, which provides the framework for the jurisdiction's response to emergencies and disasters. County and local emergency managers:

- Coordinate county and local resources in support of the air disaster response and serve as the conduit for the request of State assistance;
- Activate the jurisdiction's Emergency Operations Center (EOC);
- Provide communications support for the incident; and
- Provide briefings for the chief elected official regarding the incident.

**g. Chief Elected Officials**

Article 2-B of the Executive Law provides local chief elected officials with the

authority to declare a State of Emergency and issue emergency orders as required by the needs of the incident.

#### **4. Governor and State Agencies**

##### **a. Governor**

The Governor can declare a State Disaster Emergency. Upon the declaration of a State Disaster Emergency, the Governor may direct any and all agencies of State government to provide assistance under the coordination of the Disaster Preparedness Commission.

##### **b. Disaster Preparedness Commission (DPC)**

The Disaster Preparedness Commission (DPC) is comprised of 22 State agency officials, the American Red Cross and local representatives. Following a declaration of a State Disaster Emergency, the DPC coordinates State assistance including:

- Utilizing, lending, or giving to political subdivisions, with or without compensation therefore, equipment, supplies, facilities, services of State personnel, and other resources, other than the extension of credit;
- Distributing medicine, medical supplies, food and other consumable supplies through any public or private agency authorized to distribute the same;
- Performing on public or private lands temporary emergency work essential for the protection of public health and safety, clearing debris and wreckage, and making emergency repairs to and temporary replacements of public facilities of political subdivisions damaged or destroyed as a result of such disaster; and
- Making such other use of State agency facilities, equipment, supplies and personnel as may be necessary to assist in coping with the disaster or any emergency resulting therefrom.

##### **c. State Emergency Management Office (SEMO)**

The State Emergency Management Office activates and operates the State Emergency Operations Center in Albany, provides liaisons to affected jurisdictions, prepares situation reports for the Governor, and receives and acts on requests for assistance from county emergency managers. SEMO assists in the coordination of disaster-related public information. SEMO provides staff support for and coordination of DPC activities. SEMO provides emergency communications capabilities including

satellite communications equipment and the ability to provide video-conferencing. SEMO also has an emergency coordination vehicle that can be moved to the scene of an emergency.

**d. Division of State Police (DSP)**

Upon the request of local law enforcement agencies having jurisdiction, or as a local emergency responder, the State Police may provide investigative and operational activities at the air crash scene, and provide scene isolation and security until the arrival of Federal investigative agencies. Upon the arrival of the FAA and NTSB (civilian aircraft), or the appropriate military authorities (military aircraft), State Police members may conduct an investigation in conjunction with, and in support of, Federal authorities. The State Police have a number of specialized assets including aviation support, marine units and an underwater search, rescue, and recovery team; and forensic investigative units to assist with victim recovery and identification. The State Police Forensic Laboratory in Albany can conduct victim identification including fingerprinting and DNA analysis.

**e. Department of Environmental Conservation (DEC)**

The Department of Environmental Conservation (DEC) has missions in wilderness search and rescue coordination, wildfire control, hazardous substance identification, environmental situation assessment, and pollution response. The DEC has numerous additional support capabilities as defined in the State Comprehensive Emergency Management Plan. Anticipated areas of air disaster support would be:

- Specialized access vehicles including four wheel drive radio equipped vehicles, snowmobiles, ATVs, and air boats;
- Specialized equipment for supporting interior search and rescue operations, including field deployable command posts, portable radio repeaters, and specialized rescue equipment;
- Emergency responders trained and equipped to function in wilderness environments in a variety of environmental conditions;
- Marine response capability including a number of deployable radio equipped vessels dispersed throughout the State;
- Personnel with advanced ICS skills and experience in providing incident management overhead technical support;

- Personnel with specialized skills for establishing and maintaining a situation status unit. Included are technical abilities of creating and producing a wide variety of technical maps, nautical charts, and other work products necessary to support wide area emergency management. DEC site gridding and mapping capabilities include the interface of DEC licensed land surveyors;
- Resource lists of private sector pollution contractors capable of supporting a wide variety of emergency responses. This capability includes heavy construction equipment, communications, mapping, technical support, etc.;
- Ability to directly order resources from the National Incident Coordination Center and the National Fire Cache; and
- An incident planning section including an incident meteorologist from the DEC Division of Air.

**f. Department of Health (DOH)**

The Department of Health provides technical assistance to EMS and hospital providers in dealing with mass casualty problems. In some areas of the State, DOH also provides oversight of environmental health problems.

**g. Division of Military and Naval Affairs (DMNA)**

The Division of Military and Naval Affairs can provide Army and Air National Guard resources (personnel and equipment) upon activation by the Governor.

**h. Office of Mental Health (OMH)**

The Office of Mental Health coordinates State and local mental health assets in support of the Family Assistance Center and Critical Incident Stress Management (CISM) requirements for emergency responders.

The Office of Mental Health also operates a meal cook/chill facility which can produce bulk meals.

**i. Office of Fire Prevention and Control (OFP&C)**

The Office of Fire Prevention and Control administers the State Fire Mobilization

and Mutual Aid Plan, and provides technical assistance to the county Fire Coordinator and local Fire Chief. OFP&C also provides hazardous materials experts, arson investigators and canine fire investigators. In addition, areas of air disaster support would be:

- Specialized access vehicles including four wheel drive, radio equipped vehicles;
- Mobile command post and radio communications van;
- Personnel with advanced ICS skills and experience in providing incident management and providing a supporting element for an overhead team;
- Resource inventory of specialized fire department equipment such as boats, snowmobiles, hovercraft, and other equipment used for emergency response equipment;
- State owned fire and aerial apparatus;
- State owned rescue, cutting, and lifting equipment; and
- Specialized Urban Search and Rescue team with specialized lifting, cutting, shoring, listening devices, remote interior camera, and infrared heat detection cameras.

#### **j. Department of Transportation (DOT)**

The Department of Transportation provides guidance for long-term re-routing of traffic around a disaster area. The Department may be able to provide assistance with traffic control issues and/or needs. In the event of a State declaration of disaster emergency, DOT may be able to:

- Provide assistance to local government; and
- Identify potential sources of outside assistance, i.e., contractors, equipment sources, etc.

DOT also maintains a database of airport information for commercial service and general aviation airports.

## **k. Office of General Services (OGS)**

The Office of General Services provides identification of and access to State facilities that could be used to support an air disaster response.

### **I. State Air Disaster Response Team (SADRT)**

The State Air Disaster Response Team will support the local incident commander and the incident management system in place at the scene. The SADRT is comprised of personnel from various State, county, local and private agencies who can provide advice and expertise to established Incident Command System (ICS) functions, or can establish and staff various ICS functions.

## **5. Federal Agencies**

### **a. National Transportation Safety Board (NTSB)**

The National Transportation Safety Board is the lead Federal agency responsible for investigating all civil aviation accidents in the U.S. The NTSB is responsible for coordinating Federal assistance to families and integrating local and Federal government officials and airline staff to form the Joint Family Support Operations Center (JFSOC).

The NTSB coordinates response and recovery efforts with local and State authorities, including the coroner/medical examiner, local law enforcement, emergency management, hospitals and other emergency support personnel. The NTSB also conducts daily coordination meetings.

### **b. Federal Aviation Administration (FAA)**

The Federal Aviation Administration is responsible for air traffic control and notification of appropriate agencies in the event of lost aircraft or known crash. The FAA promulgates regulations regarding airport emergency plan requirements. The State Emergency Coordination Center is included in the FAA automatic callout alert system.

### **c. Federal Bureau of Investigation (FBI)**

If an air crash is determined to be the result of criminal activity, the FBI becomes the lead Federal agency for the investigation.

### **d. Coast Guard**

The Coast Guard coordinates surface search and rescue efforts for air crashes in

near-coastal and off-shore marine environments. The Coast Guard has oversight responsibility for hazardous materials incidents in a marine environment.

**e. Department of Health and Human Services (HHS)**

The Department of Health and Human Services (HHS), Public Health Service, Office of Emergency Preparedness (OEP) develops and administers a program to assure the efficient management and effective organization of the Department to act promptly and effectively to fulfill its responsibilities under the conditions of technological, natural, biological and/or chemical incidents and other disasters. OEP is responsible under the Federal Response Plan, Emergency Support Function #8 (ESF #8), for coordinating the health and medical response and recovery activities. In addition, OEP works closely with the Federal Emergency Management Agency (FEMA), National Transportation Safety Board (NTSB) and other Federal departments and agencies to develop plans and maintain operational readiness required for timely and effective response to Federal, State, and local government requests for health and medical assistance.

OEP is responsible under the National Disaster Medical System (NDMS) for developing Disaster Medical Assistance Teams (DMATs) and Disaster Mortuary Operational Response Teams (DMORTs) capable of dealing with the health, medical, and mortuary/forensic consequences of an emergency.

**a. Federal Emergency Management Agency (FEMA)**

The Federal Emergency Management Agency (FEMA) coordinates implementation of the Federal Response Plan and supports operations at the Family Assistance Center as needed.

**g. United States Navy**

Upon request the Navy may provide diving and recovery resources in support of the crash investigation.

**h. Department of Defense (DOD)**

Components of the Department of Defense will coordinate the investigation of crashes and the recovery of aircraft when military aircraft are involved.

**6. Voluntary Agencies**

**a. American Red Cross (ARC)**

The American Red Cross is the National Transportation Safety Board designated agency for providing family care and mental health assistance to victims, their families, and support personnel. ARC also provides incident support including mass feeding for the response organization.

**b. New York State Funeral Directors Association (NYSFDA)**

Members of the New York State Funeral Directors Association upon SEMO request may provide support for victim processing and next of kin interviews. The Funeral Directors Association can be extremely helpful in disposition of remains and will work very closely with third parties handling remains under contract with the air carrier.

**c. New York State Bar Association (NYSBA)**

The New York State Bar Association Disaster Response Team can provide legal information and answer legal questions families may have and assist in preventing unethical solicitation. The State Bar Association can also assist with the process of obtaining death certificates.

**d. Civil Air Patrol (CAP)**

The Civil Air Patrol can provide air assets for use in the search for lost aircraft.

**e. Salvation Army**

The Salvation Army provides pastoral care for survivors and victims' families, counseling logistics, material assistance and long-term case management. The Salvation Army can provide meal services for the emergency operations.

**f. Voluntary Organizations Active in Disasters (VOAD)**

Member VOAD agencies can provide support for the crash response and recovery efforts. VOAD is an umbrella organization of voluntary groups that provide disaster assistance. VOAD coordinates the disaster response activities of VOAD agencies.

## **H. On-Scene Operations**

### **1. On-site/Airport Plans**

Airport authorities have responsibility for coordinating the air crash response on their property. Plans are in place at FAA certified airports for the notification and coordination of local response resources. Plans may not be in place for non-FAA certified airports.

## **2. Off-Airport, On-Scene Incident Command System and Response**

Local emergency response agencies (fire, police, EMS) will be first on the scene of an off-airport air crash and will create the initial response organization in accordance with local plans and procedures. Most local response agencies utilize an incident management system to organize the response to this type of event. Initial response organization actions should include:

- Size up of the incident including a determination of the scope, location, conditions, aircraft identification, and approximate number of victims;
- Search, rescue and emergency care of victims;
- Fire suppression;
- Notification of all affected local, county, State and Federal agencies;
- Organization of the initial response; and
- Site perimeter and scene access and egress control.

### **a. Incident Command Post (ICP)**

One Incident Command Post should be established for the incident by the Incident Commander as designated by local plans and procedures. State, Federal, county, local and volunteer agencies which respond should report to the ICP or other designated location.

The location of the ICP will depend on the location of the crash and the facilities available. The initial ICP may moved or upgraded to support the crash response. An available State facility may be utilized for the ICP if determined to be the best available facility.

### **b. Transfer of Command**

The command function must be clearly identified from the beginning of incident operations and must provide continuous command presence until responders are demobilized. A Multi-Agency Coordination (MAC) Group will most likely be implemented to support the Incident Commander given the complexities of the operations and the number of agencies and jurisdictions that are involved.

Upon the completion of initial response actions, discussions may be held regarding the transfer of command of the incident to an appropriate local, county, State or Federal Incident Commander. State Agency Representatives should participate in the transfer of command discussions and provide support and/or leadership as requested and authorized. When command is transferred, the process must include a briefing that captures all essential information for continuing effective command.

### **3. Site Isolation and Security**

The early isolation of the crash site should be a priority objective of the Incident Commander. Initial responding State agencies may be asked to assist with this effort. In some instances the State Police may be the primary resource available locally to implement site security and control, and initiate preliminary investigative procedures.

An initial safety perimeter should be established and secured around the crash site, with a single point of entry. The ICP should be located upwind of the crash site. Additional security zones may be established at further distances away from the crash site (including control of air space and necessary flight restrictions) to provide additional isolation of the crash scene. State Police and State Department of Transportation will work with local officials as requested to implement traffic control, access control and detours.

If the crash takes place in a marine environment, locally based agencies (local, county, State, Federal) will need to coordinate the designation of appropriate safety and security perimeters around the crash site.

Initial steps may be taken to insure that only authorized personnel are granted access to the crash site or ICP. State agency personnel should carry appropriate identification (official agency ID), if requested to respond to the incident. State agency personnel will cooperate and/or assist with ad hoc identification measures established at the scene.

## **4. Injured Victim Rescue and Treatment**

### **a. Local EMS Mass-Casualty Plans**

The location of the crash scene will determine the number of EMS personnel and equipment available to respond. Local EMS mass-casualty plans may need to be implemented. These plans may involve movement of EMS resources from neighboring communities and/or counties.

State Department of Health EMS staff may be asked to provide technical assistance to local or county EMS coordinators. State Police helicopters may also be requested to provide transportation of patients to hospitals.

### **b. Hospital Disaster Plans**

Hospitals in New York State are required to develop, maintain and exercise plans to deal with community disasters. Local hospital disaster plans will be implemented as necessary to deal with injured crash survivors.

The State Department of Health may be asked to provide assistance in coordinating patient distribution and disposition when local hospital capabilities are exceeded. The State Department of Health may also be requested to assist in identifying out-of-area trauma care and burn care facilities.

## **5. Fatalities - Initial Actions**

If it is determined that there are fatalities as a result of the air crash, victim remains should not be removed or disturbed unless it is necessary to reach a survivor. The local Coroner/Medical Examiner and police officials determine appropriate strategy and tactics to accomplish this task. In many areas of the State, the State Police may need to take a lead role in these discussions.

## **6. Crash Recovery**

The National Transportation Safety Board (NTSB) will coordinate the preservation, recovery and removal of the aircraft wreckage and debris. State agencies may be requested to provide logistical assistance with this effort.

State agencies will assist with the identification of safety hazards, including the presence of chemical, radiological, or biological hazardous materials, and insure that agency response personnel have appropriate personal protective equipment for recovery operations. State agencies can assist with the development of site operational procedures to deal with hazmat/recovery issues.

## **7. Investigation**

The lead law enforcement agency will coordinate crash investigation efforts with the NTSB, FAA, or FBI, and local police agencies. State agencies with specific investigative expertise (DSP, OFP&C, DEC) may be asked to be a party to the investigation.

## **8. Joint News Center/Public Information**

SEMO will provide logistical support in establishing a Joint News Center (JNC), which will serve as the sole source of official information regarding all incident activities (Federal, State, county, local). The JNC will provide a forum for the coordinated release of all information. The lead investigative agency, in conjunction with the Coroner/Medical Examiner, will determine when and what information is released to the media regarding all investigative activities. The Coroner/Medical Examiner, in conjunction with the lead investigative agency, will determine when and what is released regarding victim information. No information regarding State agency activities will be released unless done so in conjunction with the lead investigative agency and the Coroner/Medical Examiner office of the affected jurisdiction.

The NTSB is responsible for the release of information regarding the crash investigation. The local Coroner/Medical Examiner or his/her designee is responsible for the release of all information to victims' families regarding the cause and manner of death and disposition of remains. Control and coordination of the release of the names of the victims must be addressed by the investigating agencies and the Coroner/Medical Examiner.

## **9. Communications**

State agency communications resources may be needed at the request of local authorities to support the air disaster response organization.

## **10. Worker Critical Incident Stress Management/Mental Health/Physical Health Requirements**

Critical Incident Stress Management (CISM) and mental health support for incident personnel, including State agency personnel, will be provided. The State Office of Mental Health will assist in the coordination of CISM resources if local capabilities are exceeded. Follow-up mental health and physical health issues will be addressed as necessary.

## **I. Mass Fatalities Operations**

### **1. Coroner/Medical Examiner Roles and Responsibilities**

New York State County and General Municipal Laws authorize duly elected Coroners, Medical Examiners, and their duly designated assistants, jurisdiction and authority to investigate deaths resulting from an air crash within their county. The Coroner/Medical Examiner shall respond to the crash site, in conjunction with investigative authorities, and will take charge of the bodies upon their release from the scene by investigative authorities. The Coroner/Medical Examiner may allow the Federal and State governments to provide assistance in completing their essential responsibilities to include:

- Removal of the bodies to a temporary morgue or other facility required for investigation;
- Investigation of the essential facts concerning the deaths;
- Taking possession of all portable objects necessary in establishing the cause of death;
- Conducting an autopsy, if necessary;
- Subpoenaing and questioning witnesses as necessary;
- Identification of the bodies and notification of the decedents' families; and
- Immediately releasing associated personal effects not being held as evidence to the NTSB/airline as soon as possible after identification of the body has occurred.

As part of the identification process, the Coroner/Medical Examiner must decide whether to utilize DNA testing for victim identification purposes. As part of that decision process, consideration must be given to the following:

- Under what conditions will DNA testing be used;
- To what extent will DNA testing be used;

- Who will pay for the testing of samples; and
- Will parallel processing against a computer database be performed.

The NTSB will coordinate DNA efforts with local and State authorities. Costs associated with DNA analysis will be covered by the air carrier.

As part of the NTSB Federal Family Assistance Plan, a representative of the Coroner/Medical Examiner needs to be present at the designated Family Assistance Center to collect ante mortem information from families who have located there or elsewhere. Additionally, this representative will coordinate the transportation of the victims' remains and other logistical considerations after identification has been made.

## **2. Temporary Morgue Needs**

A decision needs to be made prior to the removal of the first body from the air crash site whether the regular morgue in the community is sufficient to handle the number of victims from the crash and the associated additional number of workers. Consideration needs to be given to the routine workload of the regular morgue prior to charging that facility with the added responsibilities of the crash victims. If a temporary incident morgue is to be established, the following requirements must be considered:

- It must be convenient to the scene but isolated enough to be secure;
- It must have adequate capacity to process the number of bodies expected and the number of workers associated with the morgue's tasks;
- Vehicles must have easy access to the facility; and
- It must have the following physical properties: heating, ventilation and air conditioning, hot and cold water, drainage/septic/sanitary sewer, electrical capacity for the equipment needed, communications (phone/fax lines, CATV, Internet capabilities), office space removed from the morgue operational area, a rest and eating area also removed from the morgue operational area, and restrooms preferably with showers.

Available State facilities may be utilized for the temporary morgue if determined to be the best available facility. NYS Office of General Services can provide a listing of potential sites in the area. Other facilities to consider should include:

- Airport hangars;

- Armories;
- Warehouses; and
- County fairground buildings.

Schools, colleges, religious facilities and public safety facilities should only be utilized as a last resort.

The Department of Health and Human Services (HHS)/United States Public Health Service (USPHS) Office of Emergency Preparedness (OEP)/National Disaster Medical System (NDMS), in support of the DMORT program, maintains a Disaster Portable Morgue Unit (DPMU) at the OEP warehouse located in Gaithersburg, Maryland. The DPMU is a depository of equipment and supplies for deployment to a disaster site. It contains a complete morgue with designated workstations for each processing element and prepackaged equipment and supplies.

### **3. State Forensic Support**

For an air crash disaster, State forensic support is primarily provided by the New York State Police. The New York State Funeral Director's Association (NYSFDA) has response personnel to provide assistance at the incident scene, at the temporary morgue and at the Family Assistance Center, all in support of the local Coroner/Medical Examiner.

Similarly, the New York State Police may have an identified role at the crash scene, in the morgue, in the Family Assistance Center, and at their laboratory facilities. Crash scene support by NYSFDA and DSP include:

- Search and recovery activities of documentation using still, digital and video photography;
- Gridding using computerized electronic systems utilizing Global Positioning System (GPS), Laser survey and manual methods;
- Recovery of bodies, body parts and fragments, personal effects and wreckage at the direction of the NTSB must be effectively accomplished to initiate the identification process after thorough documentation;
- Transportation/Chain of Custody of these items to the temporary morgue should be

proceduralized as necessary;

- Fingerprinting of the deceased for use in comparison for identification; and
- Family interviews to collect ante mortem information.

The New York State Police Laboratory System can be utilized to provide DNA identification services or more traditional ID services such as fingerprinting or dental x-ray identification.

#### **4. DMORT Resources**

Disaster Mortuary Operation Response Teams (DMORT) provide local authorities with technical assistance and personnel to recover, identify and process deceased victims. The DMORTs are comprised of private citizens who are pre-registered Federal employees. There are ten teams positioned across the country consisting of medical examiners, coroners, pathologists, anthropologists and other professionals. The team may be dispatched in whole or in part.

NTSB may request to the Public Health Service that DMORT resources be activated. The affected county may also request DMORT assistance through the county emergency manager who will make the request to SEMO, which will forward the request through FEMA Region II.

#### **J. Family Assistance Operations**

The NTSB has developed the Federal Family Assistance Plan for Aviation Disasters as required by Public Law 104-264, Title VII, Aviation Disaster Family Assistance Act of 1996. This plan assigns responsibilities and describes the airline and Federal response to an aviation crash involving a significant number of passenger fatalities and/or injuries. Organizations which have responsibilities under the Federal Family Assistance Plan, will develop supporting agency plans and procedures consistent with the Plan.

In the aftermath of an air disaster with fatalities, there are a number of tasks that need to be undertaken as outlined in the Federal Family Assistance Plan for Aviation Disasters. They include:

- Make initial notification to family members of victims involved in the aviation crash based on manifest documents and other available information;

- Monitor search and recovery operations conducted by the local jurisdiction and offer assistance where needed;
- Determine the status and location of victims;
- Obtain approval of the local Coroner/Medical Examiner to provide Federal assistance;
- Assist the local Coroner/Medical Examiner in the identification of fatalities and the notification of their families;
- Provide psychological and logistical support and services to victims and their family members;
- Provide daily briefings to families on the progress of recovery efforts, identification of victims, the investigation, and other areas of concern;
- Arrange for a memorial service for the fatalities and their family members;
- Provide for the return of personal effects; and
- Maintain contact with victims and their families to provide updates on the progress of the investigation and other related matters.

## **1. Federal Family Assistance Plan for Aviation Disasters Overview**

The following are extracts from the Federal Family Assistance Plan for Aviation Disasters.

“The role of the NTSB can generally be described as a coordinator to integrate the resources of the Federal government and other organizations to support the efforts of the local and State government and the airline to meet the needs of aviation disaster victims and their families. The NTSB assists in coordinating Federal resources to local authorities and the airlines. Family counseling, victim identification and forensic services, communicating with foreign governments, and translation services are among the services with which the Federal government can help local authorities and the airlines deal with a major aviation disaster. It is recommended that the local government emergency services provide a representative to the Joint Family Support Operations Center (JFSOC) to

participate in the local, airline, and Federal response. It is recognized that the JFSOC layout is dependent on the facilities and rooms available at the time.”

“The airline continues to have a fundamental responsibility to the victims and their families affected by an aviation crash. The airline is primarily responsible for family notification and all aspects of victim and family logistical support. Although their major responsibilities have not changed, the ‘Aviation Disaster Family Assistance Act of 1996’ and the ‘Foreign Air Carrier Family Support Act’ places the airline, as well as other support organizations, in a more collaborative relationship with families.”

“All personnel involved in providing services to assist the victims and their family members should be trained in crisis response and must demonstrate compassion, sympathy, technical expertise, and professionalism. Information provided by family members and victims through discussions, interviews, counseling, and any other form of exchange of personal information must remain confidential and shall not be used for future litigation purposes.”

Under the Plan, the NTSB is required to:

- Integrate local, county, State, and Federal government officials and airline staff to form a Joint Family Support Operations Center (JFSOC);
- Coordinate assistance efforts with local, county and State authorities, including Coroner/Medical Examiner, State and local law enforcement, emergency management, hospitals and other emergency support personnel;
- Conduct a daily coordination meeting;
- Designate and publicize the name and number of a Director of Family Support Services;
- Designate a non-profit organization (American Red Cross) primary responsibility for emotional care and support of families;
- Assume primary Federal responsibility for facilitating the recovery and identification of fatally injured passengers;
- Insure that the Director of Family Support Services shall request a passenger list from the air carrier based upon the best available information;
- Not release passenger information to anyone except to the family of a passenger to the extent the Director of Family Support Services considers appropriate;

- Brief the families of passengers prior to any public briefings; and
- Inform the families of any public hearings or meetings of the Board (NTSB).

The American Red Cross as the designated organization for delivering mental health services is required to:

- Coordinate mental health services with disaster response teams of the air carrier;
- Provide a private grieving area;
- Meet with families who have come to the crash site, contact families unable to come, and contact all families periodically;
- Communicate with families about the roles and responsibilities of all agencies involved in recovery activities;
- Arrange a memorial service in consultation with the families;
- Request a passenger list; and
- Coordinate its activities with the air carrier so resources of the air carrier can be used to the greatest extent possible.

The airlines are required to submit a plan to the NTSB with a minimum of the following:

- Publication of a toll free number and trained staff to handle the calls;
- Notification to the families of passengers prior to any public release. The information will be provided as soon as verification is made that the passenger was aboard. (Does not have to wait until all passengers are verified.);
- Provide a passenger list to NTSB and the American Red Cross which is based upon best available data at the time of request;

- Assurance that families of victims will be consulted as to disposition of remains;
- Possessions, regardless of condition, will be returned to families unless needed for a criminal investigation;
- Any unclaimed property that the airline has control over will be retained for 18 months;
- If the air carrier builds a monument, then the families will be consulted;
- Assurances that families of non-revenue passengers will be treated the same as revenue passengers;
- The air carrier will work with the American Red Cross on an ongoing basis to ensure families receive an appropriate level of services;
- The air carrier will provide a reasonable level of compensation to the designated organization (American Red Cross) for services rendered;
- Assist families of passengers in traveling to the location of the crash; and
- The air carrier will commit sufficient resources to carry out their responsibilities under the plan.

## **2. Local/State Support**

State agencies (OMH, SEMO, DSP) will work with the NTSB and the American Red Cross as well as appropriate local agencies to meet the needs of the families of the air disaster victims. This assistance will include:

- Providing a liaison(s) to the Joint Family Support Operations Center (JFSOC);
- Assisting in identifying and securing facilities for use as the JFSOC and Family Assistance Center;

- Providing mental health professionals to support family assistance operations;
- Assisting in the coordination of memorial service(s); and
- Providing other logistical support as necessary.

### **3. County/Local Tasks**

- County and local agencies and resources may be called upon to:
- Coordinate local assistance and serve as liaison between community victims and family members;
  - Provide a method (toll-free number, radio, etc.) to enable family members of community victims to obtain information on the recovery and identification effort, accident investigation, and other concerns;
  - Determine identification of affected individuals on the ground (hotel guests, school population, street residents, office workers, etc.);
  - Identify family support logistics with special consideration toward security, quality of rooms and facilities, and privacy for family members;
  - Integrate local, county, State and Federal government officials to form a Community Support Operations Center to facilitate close coordination of services and activities;
  - Coordinate assistance effort with local, county, State and Federal authorities, to include the Coroner/Medical Examiner, local law enforcement, emergency management, hospitals, and other emergency support personnel;
  - Maintain communications with the responsible agency to receive frequent updates on the status of notification to community victims' families;
  - Attend daily coordination meetings with the airline;

- Provide and coordinate family briefings to those at the site and those who decide not to be at the site;
- Coordinate with the investigator in charge for a possible visit to the crash site for family members;
- Provide information releases to the media through the Joint News Center (JNC) pertaining to the types of support that have been brought in to assist community family members;
- Maintain contact with family members to keep them informed about the progress of the investigation and continue to meet their future needs; and
- Consolidate and review after-action reports to resolve problem areas and update operating plans and procedures.

#### **4. Intermediate and Long-term Mental Health Issues**

Needs have been identified pertaining for both immediate (crash site), and later (aftermath) time periods. While immediate needs are well addressed, an opportunity to better support family needs on the longer term, when families return alone to their communities, has been identified.

Often when families return home from the crash site, the disabling impact of the tragedy is only beginning. This is also true for families who are so overcome by the disaster that they cannot bring themselves to visit the crash site. For all these Family members they are only beginning to understand the implications of what has happened, and must somehow cope with the unique and torturous circumstances accompanying airline disasters, including identification and return of human remains, the identification and return of personal effects, the legal processes of Death Certificates, repeated burial and funeral arrangements, uncertainty about what happened, the lengthy investigation process, sometimes including separate criminal investigations, insatiable media coverage and speculation, and the long term emotional and financial implications of their loss. These inescapable consequences often entrap family members for several years!

The cumulative impact of this stress and these emotional demands on individuals often causes a destructive downward spiral that revictimizes those whose lives are already shattered by an unthinkable disaster. Surviving families of air disaster victims

experience completely disrupted family life, and resulting inordinate rates of marital problems and divorce. The ability to continue gainful employment is severely impacted often for continued periods of time. Children lose motivation and the ability to concentrate on school. Alcohol and drug abuse problems result. Depression, insomnia, and attention deficit add to the dysfunctionality. And all this is exacerbated by the additional stress of financial crisis. In short, these survivors do not return to their normal lives, but rather begin to experience crisis and chaos as a lifestyle. These often overwhelming forces represent a kind of "collateral damage" directly resulting from the air crash, and in many cases keep individuals from resuming their lives as productive members of their communities for years. This additional "loss of life" is tragic, particularly since it may very well be avoidable.

Since the TWA FLT 800 disaster substantial strides have been made in recognizing and addressing Family Assistance issues. However, there is still opportunity to avoid additional destructive impacts. To address these longer term needs it is recommended that we explore the development of a post crash site Continued Care Model that utilizes the traditionally effective Case Management approach to identify family needs, provide assistance, intervention, and coordination of needed services within the family's community. A trained professional familiar with the Family needs and community resources, and familiar with the post crash processes and impacts could be instrumental in preventative actions that would greatly reduce the destructive forces that assail families during this period of ongoing crises. This approach would complement the Family Liaison function performed by airline employees, providing a structured transition for them, and still ensure a continuity of care for families. This Care Model could also include the concept of healing family retreats in therapeutic settings with professional guidance attended by Families of air disasters. This would represent a refinement of a process that has already occurred spontaneously, put together by families themselves, similar to the support group approach used successfully in other areas.

Exploration and development of this Continued Care Model represents the opportunity to assist in the effort to help rebuild those lives shattered by the devastating impact and aftermath of airline disasters.

## **5. Legal Assistance**

The New York State Bar Association's (NYSBA) Mass Disaster Response Plan sets forth guidelines for the volunteer members of the State Bar Association Disaster Response Team to follow in responding to the needs of victims and their families, as well as the needs of the public and the media, immediately after a disaster. The plan outlines the procedures to be followed in determining whether the Response Plan should be implemented, taking into account the nature of the particular disaster and the types of legal questions that the victims and their families may have in its immediate aftermath.

The Response Plan is not intended to provide victims, or families of victims, with long-term pro bono legal representation.

The principal goals of the Response Plan are:

- To make victims of a disaster, their families, and the public aware that personal solicitation of clients by attorneys at the site of a disaster is unethical;
- To monitor conduct of attorneys at a disaster site, receive reports of illegal or unethical conduct by attorneys, and to report attorney misconduct to the appropriate prosecutor or attorney grievance committees;
- To inform victims of a disaster and their families how the legal system functions to resolve disputes that arise out of a mass disaster;
- To advise those who require legal assistance how to make an informed selection of an attorney; and
- When requested by responsible governmental authorities, to conduct a legal clinic and respond to specific legal questions posed by disaster victims and their families, subject to the understanding that no attorney-client relationship is being created thereby.

The Bar Association can also provide assistance in resolving problems concerning the issuance of death certificates.

Not every event that meets the definition of a mass disaster will warrant the invocation of the Response Plan and its delivery of immediate, short-term pro bono legal services. Certain catastrophes may occur that will not give rise to immediate legal needs and likewise do not create a risk of improper solicitation. For such disasters, traditional pro bono legal services provided through local bar associations may be the appropriate response.

State Bar Association assistance can be accessed through SEMO.

## **6. Foreign Language Assistance**

State agencies may be asked to identify agency personnel or other experts who have foreign language capabilities and have been trained to work in a Family Assistance Center type operation. The following State agencies are identified as having resources available for this effort:

- Department of Labor (DOL);

- Division of Military and Naval Affairs (DMNA);
- State University of New York (SUNY);
- Office of Court Administration (OCA); and the
- Office of Mental Health (OMH).

The U.S. Department of State and foreign consulates may also be able to provide support.

## **K. Fiscal Issues**

Upon the arrival of the NTSB, airline and other cognizant Federal, State, county and local agencies, a meeting should be held to determine how the financial obligations of the response and recovery efforts will be addressed. This effort should result in a financial plan that addresses airline and Federal government reimbursement to State, county and local agencies for their efforts which support the recovery and investigation.

All responding agencies should begin tracking and documenting costs as early as possible in the incident.

**SENECA COUNTY**  
**HAZARDOUS MATERIAL / WMD**  
**RESPONSE PLAN**

**SARA TITLE III**

**29 CFR 1910.120**

**NYS GML 204 F**



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## **INTRODUCTION**

### **WARNING**

**THE HANDLING OF HAZARDOUS MATERIALS & WMD INCIDENTS CANNOT BE PARALLELED TO FIREFIGHTING OPERATIONS.**

**QUICK AGGRESSIVE, UNPLANNED ACTION SHOULD NOT BE EMPLOYED.**

**ALL DECISIONS AND ACTIONS MUST BE PLANNED AND DELIBERATELY TAKEN ONLY BY PROPERLY EQUIPPED AND KNOWLEDGEABLE PERSONNEL AFTER RESEARCHING THE HAZARDOUS MATERIAL INVOLVED.**

### **GENERAL**

The potential for accidents involving hazardous materials is a reality. County government has a responsibility to prepare a response to such hazards for the protection of the public health, welfare and safety. It is both prudent and appropriate to plan for such a contingency.

Effective response to any hazardous materials incident requires the coordination and cooperation of many agencies and resources. This emergency management plan is intended to be a useful operating guide to the procedures and practices to be implemented for a coordinated response to such an incident.

### **Purpose**

This Hazardous Materials / WMD Response Annex of the Comprehensive Emergency Management Plan (CEMP) for Seneca County has been prepared to meet statutory planning requirements of the Federal Superfund Amendments and Reauthorization Act of 1986, SARA, Title III, NYS GML 204f, and OSHA requirements 1910.120. The purpose of this Annex is to provide for a higher degree of preparedness when dealing with incidents involving extremely hazardous and hazardous substances. Every effort has been made to integrate the Hazardous Material Annex with the CEMP. In that regard, the Plan is consistent with existing authorities, planning assumptions, systems and procedures.

The contents of the plan provide information and references to assist the officer-in-charge and other individuals involved with a hazardous materials emergency incident whether it be at a stationary facility or the result of a transportation accident.

## **Objectives**

The objectives of the Annex are to:

1. Set forth a course of action, which will minimize hazards to life and property and adverse impacts upon the environment from the release of a hazardous material.
2. Establish procedures to provide for a coordinated effort on the part of the County, its communities, and industry in response to a hazardous materials emergency.
3. Identify emergency response organizations, equipment and other resources, which can be employed during such a response.

## **Scope**

This plan is intended to cover hazardous material and/or WMD incidents:

1. An incident which results in potential danger to lives and property of the general public.
2. An incident which poses a threat to the natural environment.

It is recognized that both of the aforementioned hazards may exist in any incident. The main sources of hazardous materials release are the following:

1. Mobile or transportation accidents which result in actual or potential spill or leakage of a hazardous material from its container into the environment.
2. Stationary private or public sites or facility accidents resulting in actual or potential escape of hazardous materials beyond the boundaries of the site or facility.
3. Intentional act of terrorism.

With regards to radioactive hazards, this plan is limited to radiation incidents within Seneca County that may affect the general public. Examples of such incidents include, but are not limited to:

1. Highway mishaps involving vehicles carrying radioactive materials or waste.
2. The crash of an aircraft carrying radioactive materials.
3. Intentional acts of terrorism.

## **Overview of the Plan**

1. Upon receipt of a call or notification to 911 the dispatch center will dispatch the nearest police unit and or Fire Agency if necessary.
2. The Fire Agency will perform an initial assessment, classify the incident and start the Alerting and Warning process of the hazmat response based on the classification.
3. The Fire Agency will establish Incident Command or Unified Command and implement the Hazardous Materials Plan.
4. The IC will perform ongoing incident Assessment and Evaluation, and Containment.
5. The IC will determine the need for Protective Actions
6. The Fire Response Agency will be the lead agency in accordance with NIMS Incident Type.
7. The Fire Response Agency will expand the ICS system based on Incident Type.

## **Plan Review and Updates**

Seneca County Office of Emergency Services, with assistance from the Seneca County L.E.P.C. is responsible for maintaining and updating this plan.

Seneca County Office of Emergency Services in coordination with other key County departments and agencies will review this plan at least annually. A report of any changes in plans or policies must be submitted to the LEPC for approval. The updated plan will be included in the County's CEMP (See Appendix B). The Seneca County Plan will be submitted to appropriate New York State Agencies as requested each year in order to facilitate coordination of emergency operations with the State of New York.

## **Legal Authority**

Public Law 99-499 - "Superfund Amendments & Reauthorization Act of 1986 (SARA)"

Title III - "Emergency Planning & Community Right to Know Act of 1986"

New York State Executive Law, Article 2-B, AS AMENDED

New York State Defense Emergency Act, as amended

County Executive Order #1, and as amended

## **COUNTY LAWS AND ORDINANCES**

Disaster Relief Act of 1974, Public Law 93-288

Federal Civil Defense Act of 1950

Presidential Executive Order 11490

The chief executive or administrative head of a county, city, town, village or district is responsible for Public Safety under STATE EXECUTIVE LAW ARTICLE 2-B. The chief executive may proclaim a state of emergency within any part of or all the territorial limits of that local government and is authorized and empowered to use any and all facilities, equipment, supplies, personnel and other resources of his political sub-division to cope with the disaster or any emergency resulting there from.

## **Direction and Control**

Direction and Control of the Incident and the Emergency Operations Center (EOC)

### **PURPOSE**

To provide for effective leadership, coordination and unified on-scene command of emergency response forces in the event of a hazardous material emergency.

### **SITUATION**

A hazardous material emergency may require a broad range of on-scene response organizations including emergency services personnel from all levels of government; industry representatives; private contractors; and the media. The need for specialized equipment and technical knowledge during response may also be extensive, as are the number of critical decisions that must be made in areas of release containment, emergency worker safety, public protective actions, and environmental protection.

It is recognized that response organizations are typically trained to operate within their agency command structure, but they are rarely called upon to perform their duties as part of a unified and integrated multi-organizational response, such as that required for a major hazardous materials emergency. Therefore, this plan calls for implementation of a strong system of direction and control. **All emergencies operations will be conducted using the Incident Command System and the National Incident Management System.**

Direction and Control begins with the initial local response, but is expanded as the emergency escalates to a larger response directed by the County, or possibly the State.

The determination that a situation is beyond the capabilities of the Department will be made by the Incident Commander. As is determined that a situation exceeds county capability to respond the Chairperson will immediately be notified.

## **DECLARATION OF STATE OF EMERGENCY**

A disaster threat may initiate at the County, Village or Town level. Each government has the first line of responsibility to respond to the emergency.

In responding to an emergency, the local jurisdiction is required to make use of its own facilities, equipment, supplies, personnel and other resources of private agencies. The local jurisdiction should notify the Emergency Manager immediately of any emergency situation so that:

1. The potential need for County assistance can be monitored and identified.
2. Potential sources of assistance can be notified.
3. Limited sources for immediate assistance can be summoned.
4. The State Emergency Management Office can be notified.

The Chief Elected Official Officer of the County, Town, or Village may issue a declaration of a "Local State of Emergency".

Should the emergency escalate beyond the capability of the government involved, authority exists under State Elected Official Law Article 2B, for local jurisdictions to obtain aid from other political subdivisions.

If assistance beyond local capability is needed, the CEO of the local jurisdiction may request aid from the County.

The County coordinates local requests for assistance within the County through the Emergency Manager.

When seeking and accepting assistance from another subdivision, the terms and conditions of such assistance are mutually agreed to by the CEO's of the requesting and assisting subdivisions.

A subdivision offering assistance may provide any services, equipment, facilities, supplies, personnel, or other resources of the subdivision on terms and conditions mutually agreed to by the CEO's of the participating jurisdictions.

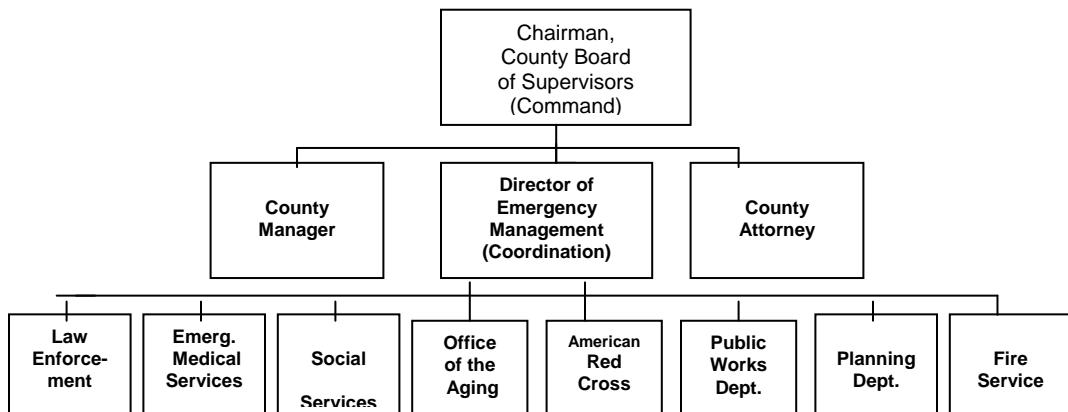
The CEO may issue a declaration of a "Local State of Emergency". The following levels are to be used as an expression of the impact that any particular hazardous materials incident has upon the community:

If the Chairman of the Board of Supervisors is not available the following line of command and

succession is established to ensure continuity of local government and direction of emergency operations:

1. The Majority Leader
2. The Minority Leader
3. The County Manager

## COUNTY EMERGENCY MANAGEMENT ORGANIZATION



## ASSIGNMENT OF RESPONSIBILITIES

**The Fire Department will be the lead agency for all hazardous materials incidents. Fire Operations responsibilities will include:**

- Coordination with police for the isolation of the area and denial of entry to the general public.
- Identification of the material(s) involved.
- Evaluation of the hazards and risk present.
- Activation of the County Haz Mat Response Team.
- Coordination with the police for the control of shelter in place or evacuation of the general public when circumstances warrant.
- Coordination of all available information, technical resources, and responding agencies.
- Control and confinement of the problem/material when safely possible.

- Decontamination of personnel, property, and the general public as necessary.
- Safe termination and full documentation of the incident.

**Law Enforcement Operations Responsibilities (Site Security & Control):**

**WMD incidents are crime scenes**

- Coordination with fire department for the isolation of the area and denial of entry to the general public.
- Coordination with the fire department for the orderly evacuation of the general public when circumstances warrant.
- Maintain security in the evacuated areas.
- Maintain a smooth traffic flow around the affected area.
- Issuance of summons for any violation of the law that occurs.

**EMS Operations Responsibilities are:**

- Care for and treat all involved persons.
- Coordinate with the fire department and the area hospitals on the identification of the hazardous material.
- Coordinate with the fire department on the location of a triage and treatment area.
- Coordinate with the police and fire departments on the location of a transportation area.
- Establish a triage area for on-scene personnel.
- Coordinate with the fire and police departments on the location of an ambulance staging area.
- In the event of a WMD Incident N. Seneca & S. Seneca Ambulance has been issued Tier I Respiratory Devices (3 per each ambulance).

**EMERGENCY RECOGNITION & PREVENTION PROCEDURES**

The first arriving public safety personnel discovering an incident involving the release or potential release of a hazardous material shall exercise extreme caution and discretion prior to entering an exposed area. Should conditions be such that members would be exposed to the extent their personal safety would be jeopardized, members shall not enter the area. They will await the arrival of a properly equipped haz-mat unit.

Stay upwind and at least 600 feet from the spill, if possible, or as directed by the Emergency Response Guidebook.

All incident response will follow NIMS procedures.

The most qualified senior fire official, from the initial responding fire department shall become the individual in charge (Incident Commander) of a site-specific Incident Command System (ICS). All emergency responders and their communications shall be coordinated and controlled through the Incident Commander, assisted by the senior official present for each agency.

Upon arriving at the scene, observe the area prior to entering and comply with the following precautions:

Never approach the container that is holding the chemical until you have seen the shipping papers or placard that shows exactly what you are dealing with. If it is necessary to approach the container, do so from the side - stay away from the ends of the tanks.

### **The Director of Emergency Services:**

- a. Serves as an advisor to the I.C. and the Chief Elected Official or his/her alternate to coordinate emergency response operations.
- b. Establishes an Emergency Operations Center if required.
- c. Recommends the CEO declare a local State of Emergency based on the severity of the situation and the need to use additional Elected Official power as prescribed in Article 2B of the State Elected Official Law to respond effectively to the emergency.
- d. Notifies and briefs County Departments, agencies and other organizations involved in an emergency response.
- e. Facilitates coordination among the public and private emergency support organizations, that are brought together to perform the mitigation, response, and recovery actions required to manage the emergency.

Primary Participants in the County Response Organization are:

#### **County Response:**

- Office of Emergency Services

- Sheriff's Office
- Public Health Department
- Highway Department
- Social Services
- Office of the Aging

**Private/Semi-Private and Volunteers:**

- Emergency Medical Services/EMS
- American Red Cross
- Other agencies as required Public and/or Private

**Incident Commander:**

1. Identify the product
2. Classify the Hazmat Incident as to Level of Response  
Type 0 – small incident, few resources needed.  
Type 1 – several resources, only one operational period.  
Type 2 – significant number of resources, multiple operational periods, multi-jurisdictional, out of area resources (regional or national),  
Type 3 – expected to go into multiple operational periods, event of national significance.
3. Make notification to 911 Center.
4. Establish an on-scene command post, at a safe distance from the disaster or accident scene, from which field operations will be directed and controlled, and staff as needed to handle the operation.
5. Be responsible for coordinating all field operations through support agency representatives, who will retain control of their respective forces, and command the on-scene response force.
6. Contact owners of buildings, which may be used as a command post.
7. Delineate the area encompassed by the disaster, and establish this as the disaster area.
8. Control the disaster area.
9. Make arrangements to obtain radio, telephone and emergency power for the command post.
10. Select an area suitable for use as a staging area to receive resources and supplies for the field operations.
11. Be responsible to establish and control the emergency routes to and from the scene, establish the location of blocked roadways, control traffic on routes within the disaster area and provide security and crowd control.
12. Establish communications with the county EOC or designated off-scene command post.
13. Make a recommendation to the chief executive if evacuation is necessary and to what extent the disaster area should be evacuated.
14. Direct the evacuation operations within the disaster area.

15. Make arrangements to obtain protective clothing for emergency personnel as required by the situation.
16. Keep county EOC updated with on-scene situation reports according to a regular reporting schedule.

**Hazardous Materials Safety Officer:**

1. Inform each emergency worker of all hazards present.
2. Ensure that emergency workers are properly protected and given instructions on how to use appropriate protective equipment that meets OSHA standards.
3. Record, initiate and maintain records on exposure to emergency workers.
4. If an emergency worker is exposed, decision must be made to isolate, decontaminate, or transport for treatment.
5. Establish exclusive zones for emergency workers.
6. Provide for on-scene medical supervision and treatment capability.
7. Determine the need for additional exposure control resources.

## **Action Required under Response Levels**

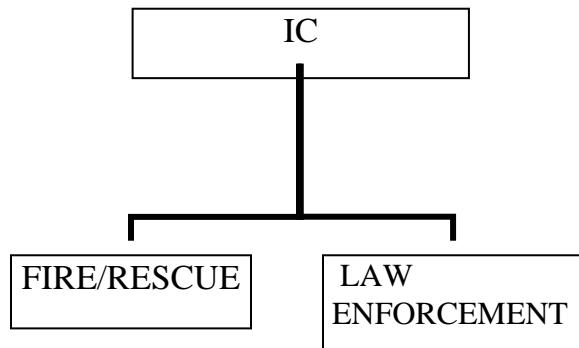
### **INCIDENT TYPE: LEVEL 0 CRITERIA**

1. Incident that can be controlled by the primary first response agencies of a local jurisdiction
2. Single jurisdiction and limited agency involvement.
3. Several resources required for mitigation
4. Does not require evacuation, except for the structure or affected facility
5. Confined geographic area
6. No immediate threat to life, health or property

### **RESPONSE: LEVEL 0 (CONTROLLED EMERGENCY CONDITION)**

1. Ranking officer of the local fire department serves as Incident Commander
2. It will be the responsibility of the Incident Commander to obtain information on products or materials involved and report immediately to 911 Center.
3. Command Post established, if required
4. Command Staff and General Staff functions are activated if needed.
5. Incident Commander evaluates the need to declare a higher level, if appropriate.

### **Level 0 Hazmat-Typical Staffing**



#### **INCIDENT TYPE: LEVEL 1 CRITERIA**

1. Potential threat to life, health or property
2. Expanded geographic scope
3. Limited evacuation of nearby residents or facilities
4. Involvement of two or three jurisdictions
5. Limited participation or mutual aid from agencies that do not routinely respond to emergency incidents in the area
6. Specialist or technical team is called to the scene
7. Combined emergency operations such as fire fighting and evacuation, or containment and emergency medical care

#### **RESPONSE LEVEL 1 (FULL EMERGENCY CONDITION)**

1. Unified command established
2. Command Post established and Incident Commander Assumes Coordinating duties. This person will be an individual trained in Incident Command procedures. Incident Commander evaluates the need for a Deputy or other on-scene assistants such as Operations Section Chief, Branch and or Division officers.
3. Incident Commander designates a Hazardous Materials Safety Officer
4. Director, Emergency Management notifies and briefs the local and county chief executive
5. Director, Emergency Management briefs the Public Information Officer, and activates the PIO if necessary
6. Director, Emergency Management and Chief Executive evaluate the need to declare a local state of emergency under NYS Executive Law, Article 2B
7. Director, Emergency Management determines the need for activation of the Emergency Operations Center or special staff
8. Director, Emergency Management notifies the State Emergency Management Office at the 24-hr State Warning Point at: 518-457-2200
9. Incident Commander, Fire Coordinator, Director, Emergency Management, and State Health Rep. evaluate the need to declare higher or lower Response Level
10. Incident Commander, Fire Coordinator, Director, Emergency Management, and Health Commissioner evaluate the existing designation of the Incident Commander. They make a recommendation to the Chief Executive who will decide to retain the existing Incident Commander or designate a new Incident Commander based on the scope and technical complexity of the emergency.

## **Level 1 Hazmat-Typical Staffing**

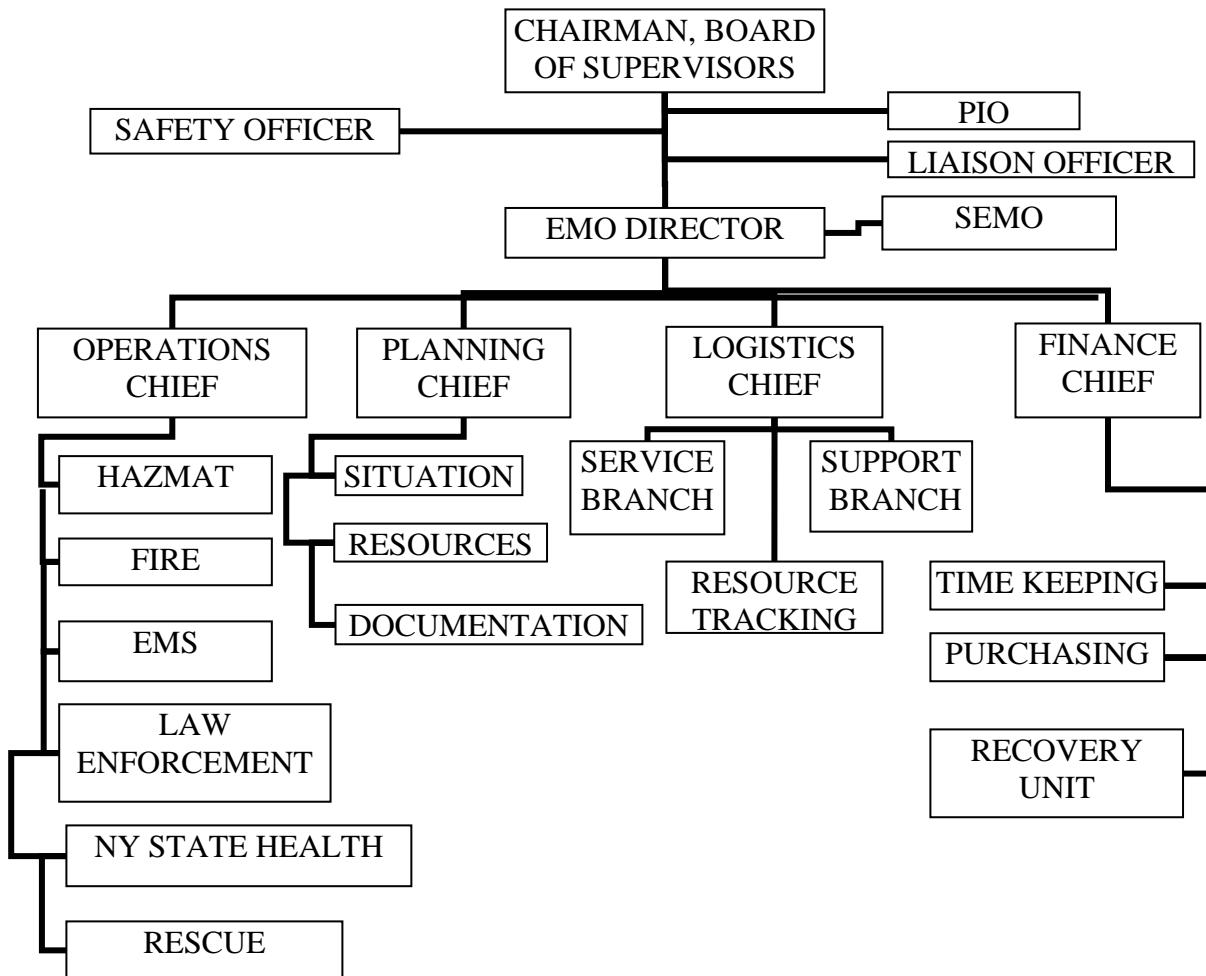
### **INCIDENT TYPE: LEVEL 2 CRITERIA**

1. Serious hazard or severe threat to life, health and property
2. Large geographic impact
3. Multi-jurisdictional involvement
4. State and Federal involvement
5. Specialist and technical teams deployed
6. Extensive resource management and allocation
7. Multiple emergency operations

### **RESPONSE: LEVEL 2 (MAJOR EMERGENCY CONDITION)**

1. Designation of the Incident Commander should be re-evaluated at this level based on the scope and technical complexity of the emergency. The Chief Executive will make an appropriate designation after consulting with the existing Incident Commander, Director, Emergency Management, Fire Coordinator, and State Health Representative.
2. Unified Command required Incident Commander will designate a Deputy and key assistants as required. They may include; Operations, Logistics, Planning and Finance Resources, Communications, Health and Medical, Transportation, Assessment and Evaluation, Containment, and Evaluation Officers.
3. Hazardous Materials Safety Officer required
4. Chief Executive declares a local State of Emergency under NYS Executive Law, Article 2B, if appropriate
5. Director, Emergency Management activates the Emergency Operations Center
6. Public Information Officer activated Response Level 2 could be of the magnitude that requires resources for New York State. The State Emergency Management Office (SEMO) coordinates the application of the state's resources in an emergency. At this response level, unified command would likely include State and possibly, Federal resources. Local, county and State officials should re-examine response requirements and the designation of the Incident Commander at this time.

## Level 2 Hazmat-Typical Staffing



**INCIDENT TYPE: LEVEL 3 CRITERIA**

1. Expected to go into multiple operational periods, event of national significance.

**RESPONSE LEVEL 3 (NATIONAL EVENT)**

1. NIMS and ICS system will be utilized
- 2.

**PUBLIC INFORMATION RELEASE**

**Procedure:**

Gather current, consistent and accurate information regarding the emergency situation and emergency response activities.

Consolidate protective action recommendations made by town officials.

Coordinate with all participating organizations on all instructions that should be addressed in either an EAS message or new release.

Develop familiar landmarks, sectors and boundaries to identify the affected areas.

Compose and disseminate clear instructions based on all available information and disseminate to the general public through news releases or if necessary to the County Emergency Operations Plan, (EOP), for EAS message broadcast.

Consider the following public information areas:

- a. Provide instructions on how to maximize protections when sheltering.
- b. Provide instructions for transients without shelter.
- c. Provide instructions on what supplies to take and items to be left behind if an evacuation is ordered.
- d. Provide information and instructions for parents of students who are being sheltered, dismissed early or evacuated.
- e. Provide instructions for recovery and re-entry.
- f. Inform the public how to request information about missing persons.

## **EMERGENCY MEDICAL SERVICES (EMS)**

### **Purpose**

To coordinate on-scene emergency medical care, transportation and hospital treatment for victims of a hazardous materials / WMD incident. To ensure that mutual aid plans for both the Emergency Medical Service and hospitals be implemented.

### **Situation**

A release of a hazardous material into the environment could result in multiple casualties. Emergency medical assistance will be needed to provide medical care to employees of the facility, emergency workers, and the affected area.

The Hazard Analysis of Seneca County identifies vulnerable zones surrounding facilities which have extremely hazardous substances. Section I of this annex, Site Specific Procedures identifies ambulance services and hospitals providing emergency care and transportation for each vulnerable zone.

Hazardous materials emergencies commonly require mutual aid assistance among ambulance services and hospitals. There should be written agreements in place between each organization to ensure an effective response.

Emergency Medical Services are typically provided by local agencies and area hospitals. The role of the EMS Coordinator is to coordinate medical resources responding to the scene.

### **Participating Agencies:**

Ambulance Services  
Area Hospitals  
Health Department  
County Coroners

## **EMS ACTION REQUIRED UNDER RESPONSE LEVELS**

### **Response Level O and I**

No county action should be required for these response levels. Local EMS response would manage the situation, if required. The initial responding ambulance crew will contact I.C. using the Fire Command Frequency (UHF).

### **Response Level II**

The Deputy EMS Coordinator will monitor the situation and begin coordination with the On-Scene Command, area hospitals, and the County Health Department.

The Deputy EMS Coordinator will evaluate the need for mutual aid and coordinate any required assistance.

Hospital Administrators will take initial steps to prepare for treatment of chemical exposure victims and shall evaluate the need to implement the hospital disaster plan.

### **Response Level III**

The Deputy EMS Coordinator will:

- A. Implement County Mass Casualty Incident Plan (MCI), if appropriate.
- B. Coordinate EMS activities with On-Scene Command, Emergency Manager, and Director of Public Health.
- C. Assign transportation and triage officers, if required.

If multiple victims are expected, area hospitals may have to implement their disaster plan.

The County Health Department will provide manpower support upon request.

## **ASSESSMENT AND EVALUATION**

## Purpose

To obtain and analyze hazardous material release information in order to determine the threats and impact of the emergency on people and the environment and to recommend protective actions to decision makers.

## Situation

A release or threatened release of hazardous material or WMD could result in a serious and quickly escalating threats to the public. The physical or chemical characteristics of these materials may include toxicity, flammability or reactivity. These factors require technical analysis by specialists in order to determine existing hazards, the anticipated course of the incident, and any new hazards if things go wrong. Because the situation may be changing quite rapidly, it is important that this analysis be done thoroughly by specialists in order to ensure public safety.

Responders arriving at the scene without knowledge of the hazardous materials involved will attempt to determine at a distance what material is involved, ensuring utmost regard for personal safety and staying upwind of the incident scene. Binoculars should be used to read placard identification numbers and responders should then contact their **Emergency Response Guidebook, (ERG)**, for information on hazards from the material involved, responders will cautiously determine if any victims require rescue and take appropriate action.

Few communities in Seneca County have the extent of expertise to analyze the wide range of hazardous material emergencies that can occur and would need to request technical assistance for many types of emergencies.

The process of assessment and evaluation takes place at several levels. At the emergency site, the On-Scene Command must have expertise available that can provide technical guidance. Determination of the type of hazard involves knowing what hazardous material is involved and its potential impact and its containment status.

Assessment priorities may include:

- Identifying the material involved
- Determining its hazard potential
- Measuring the magnitude release of material into the environment
- Assessing health impact of the release on emergency workers, the public, and environmental resources

As the incident continues, it may be appropriate for an in-depth analysis to be performed at a location where experts can assemble collectively in the proper analytical environment, such as the On-Scene Command Post or the EOC. In this situation, all appropriate information from the scene is provided to the assessment and evaluation specialists.

Sources of information that may be used include:

Emergency Response Guidebook

Chemtrec (800-424-9300)  
County Health Department  
Fire Department  
Facility Emergency Coordinators  
Industry Specialists  
State Department of Environmental Conservation  
State Health Department  
Cameo Program

In order to perform the assessment & evaluation at a hazardous materials or WMD site, the Seneca County Hazardous Materials Response Team would be utilized. The team is trained to a Level A response in accordance with all applicable regulations & guides. The team would also provide containment and decontamination.

## **NOTIFICATION AND ALERTING**

### **Purpose**

To provide for the initial notification to the County Communication Center and local fire department of a hazardous material / WMD incident and the subsequent alerting of other response personnel.

The Seneca County E-911 Center provides for the centralized emergency communications center for emergency response agencies (Police, Fire, EMS).

## **Situation**

Timely, informative and accurate notification of a hazardous material /WMD incident is critical for an effective emergency response operation. Section 304 of SARA Title III requires the immediate notification of the Community Emergency Coordinator and the State when a release of an extremely hazardous substance or hazardous chemical in a quantity above the Reportable Quantity (RQ) occurs. Specific information is required by the notification such as chemical name, method of release, health effects, medical attention and protective actions. **In Seneca County, the Community Emergency Coordinator is the Director of Emergency Services.**

Upon notification of an incident, the County Dispatch Center will notify the Local Fire Department of the incident and provide as much detail of the material involved as possible. Attached is a copy of a notification form that should be used by the dispatcher.

In addition to statutorily required notification, these procedures are applicable to all hazardous material emergency notifications.

These procedure details the notification information required from the emergency site to the local fire department and County Communications Center and the subsequent alerting of County Response Personnel.

The organizational structure reflects the requirement that both local and county response personnel must be immediately notified of a release.

## **Procedures:**

Upon initial notification of an emergency or classification of Incident Type, the 911 Center will activate the alert notification for emergency response personnel on a priority basis according to the type of emergency.

The emergency staff members who arrive first will initiate the County Emergency Response EOC security procedures will be implemented, if needed.

The Director of Emergency Services will notify and brief the Chief Executive and the appropriate department head on the status and situation of a major disaster situation.

The emergency response staff will implement the emergency plan directives and provide advice to the Chief Executive for decision making on coordinated response actions.

The Director of Emergency Services will confirm the activation and availability of resources to the on-scene commander.

## **Emergency Communications**

1. Communications for emergencies in Seneca County will be based on the County Emergency Communications Plan with associated SOPs on file at the EOC.
2. Demand for communications in disasters and emergencies is of three primary types:
  - a. Dispatch - Systems for reporting emergency events and assigning personnel, services, and equipment to emergency sites.
  - b. Information Exchange - Systems for sending or reporting data, messages, and other routine but critical information regarding emergency events and response activities.
  - c. Direction and Control - Systems for exchanging information and analysis regarding the status, priorities, and evaluation of emergency actions among decision makers and key officials managing response operations.
3. Communications systems available for emergency management and response operations in Seneca County include:
  - a. Emergency Management Direction and Control networks and RACES, based at the EOC and managed by the Communications Officer including:
    - i. Direction and control networks for emergency management staff, including limited access for key public officials.
    - ii. Systems for coordination of emergency operations with the New York State Emergency Management Office, and with emergency management officials in nearby counties.
    - iii. Access and limited backup capability for local emergency service networks (fire, police, emergency medical services, public works)
    - iv. Radio Amateur Civil Emergency Service (RACES): licensed volunteers with their own equipment capable of establishing disaster and emergency communication networks among fixed sites or in the field.
  - b. Emergency Service Systems used by fire, police, emergency medical networks and public works designed for:
    - i. Dispatch and information exchange among stations and vehicles routinely providing emergency services as a function of their daily operations.
    - ii. Direction and control of personnel and resources within a specific emergency service agency (within a police department or a local fire company) by two way radio communication.
    - iii. Direction and control among agencies providing similar emergency services in a mutual-aid operation (among several police agencies, or among a group of fire departments)
    - iv. Limited directions and control among police, fire, emergency medical services and public works through the County Communications Control Center.

## SUPPORT SYSTEMS

Primarily public works departments and related agencies which have communication systems designed for daily internal operations, with the capacity to provide equipment, vehicles, and manpower for emergency communications in support of public works, utility and transportation activities.

Control of communications in disasters and emergencies remains with the primary dispatch center for each frequency, although integration of systems can be achieved by coordinating operations of the Communications Control Center, and by interaction among the Communications Officers of each of the departments and agencies involved.

The Sheriff's Communication section will maintain communications and liaison with Fire and shall brief and advise the Communications Officer of the EOC regarding the status of communication activities and the potential need for additional system coordination and support.

If it is necessary for an emergency service to operate communications from a secondary or backup transmission site, the emergency service department which regularly controls the frequency will provide personnel for the secondary site operation, unless other arrangements have been established.

The emergency communications system will be maintained to be operable on a twenty-four hour basis.

A complete listing of radios, call signs, and inventories is on file at Seneca County 911.

## PUBLIC WARNING AND EMERGENCY ALERTING

### Purpose

To provide timely, reliable and effective warning to the public in the event of a hazardous material / WMD incident. To provide emergency information pertaining to the need for protective actions and provide information on the emergency situation to the media.

## **Situation**

A release of a hazardous substance into the environment could quickly bring harm to public health. The public, however, can be protected through the implementation of protective actions. In order for protective actions to be effective, the public must be first, warned or alerted that an emergency exists and secondly, instructed on what to do.

The hazard analysis of Seneca County has identified vulnerable zones surrounding facilities which have extremely hazardous substances, where such protective actions could be implemented. **Residents of each vulnerable zone would be warned by a combination of fixed sirens (if available), route alerting, i.e. emergency vehicles equipped with sirens and a public address capability, NY-ALERT and residential door to door alerting. Public instructions on what to do would be broadcast over EAS Radio Station's, supplemented by route alerting, NY-ALERT and residential door to door alerting.**

The activation of sirens and emergency vehicles is a local responsibility although limited county resources are available to assist in route alerting. The activation and implementation of EAS (Emergency Alert System) is a county responsibility. Hence, there is an obvious need for close coordination between the county and local response forces. The following procedures provide for an effective implementation and coordination of County and Local public warning systems and the provisions for emergency information to the public and the media.

### **PUBLIC NOTIFICATION:**

Whenever a disaster-type situation merits general public awareness due to a possible significant impact upon them, they will be notified in the following manner:

**Localized Situation:** Notification may be accomplished by any one option or combination of options i.e. door-to-door campaign, public address system of emergency vehicles, reverse 911, or emergency broadcast system.

**Responsibility for Notification:** If the circumstances of any emergency requires notification to the public, in order to direct them to some specific course of action, the responsibility for the mobilization of the effort shall be that of the Sheriff's Department, local police agency or State Police or 911 dispatch center. Route notification can also be conducted by local fire departments.

## **COMMUNICATION --RESPONSE LEVELS PROCEDURES**

### **Response Level 0**

There should be no need for Public Warning or Emergency Information for Response Level 0.

### **Response Level I**

There should be no need for Public Warning or Emergency Information for Response Level I. However, the Public Information Officer should fully monitor the situation and respond to public and media requests for information.

### **Response Level II**

This response level may require the warning of a limited area close to the emergency scene which local response forces are capable of managing. It may also require the activation of the Emergency Alert System or NY-ALERT.

The On-Scene Command based on the protective action decision activates local warning system, if necessary, which may include sirens, route alerting and residential door to door alerting.

The On-Scene Command advises the Director of Emergency Services if there is a need to activate EAS.

EAS messages are prepared jointly by the Public Information Officer and the On-Scene Command.

The Public Information Officer is responsive to media request for information of the situation.

### **Response Level III**

This response level normally requires public warning and emergency instructions to a sizable area. County resources may be required to support public warning.

On-Scene Command activates public warning system based on protective action decision by County.

Law Enforcement Agencies assists in public warning.

The Public Information Officer establishes a joint news center where all media can obtain information on the emergency.

## **PROTECTIVE ACTIONS (IN-PLACE SHELTERING AND EVACUATION)**

### **Purpose**

To implement actions that would reduce or eliminate public and emergency worker exposure to hazardous materials released into the environment.

### **Situation**

A release of a hazardous substance into the environment could quickly bring harm to public health and can immediately pose life threatening dangers to emergency workers. In-place sheltering and evacuation are protective actions that the public could take to reduce or eliminate their exposure to a hazardous material. Protective actions for emergency workers are accomplished through exposure control methods.

The hazard analysis of Seneca County has identified vulnerable zones surrounding facilities which have extremely hazardous substances where such protective actions could be implemented in the event of a hazardous materials emergency. Typically, during an emergency, the implementation of protective actions would take place only in a portion of one vulnerable zone depending on the location, magnitude and meteorological conditions associated with the release of the hazardous material. Section I of this Annex, Site-Specific Procedures, details the public protective action procedures for each of the vulnerable zones. In most cases, the town or village governments and local fire departments undertake major roles for implementing these procedures. County Government's role is primarily to assist local government. In a large-scale emergency, Response Level III, County government could assume primary responsibility for implementing protective actions. Emergency worker exposure control measures are outlined in this section.

### **Public Protective Action -- In Place Sheltering**

#### **Response Level 0 and I**

There should be no need for protective action under Response Level 0 and I.

#### **Response Level II**

Upon the decision to implement Protective Action In-Place Shelter, the On-Scene Command will provide the In-Place Shelter instructions to the affected area or special facilities.

#### **Response Level III**

Upon the determination to implement the Protective Action In-Place Shelter Plan, the On-Scene Command will advise the Emergency Manager of the need to implement the Emergency Broadcast System (EAS) using the In-Place Shelter instructions.

## **IN-PLACE SHELTERING INSTRUCTIONS**

- Close all doors. Close and lock all windows. Seal gaps under doorways and windows with wet towels or thick tape.
- Set ventilation systems to 100% re-circulation. If not possible, turn off systems.
- Turn off all heating systems or air conditioners.
- Seal any gaps around window air conditioners, bathroom exhaust fans, range vents, dryer vents.
- Close fireplace dampers.
- Close as many internal doors as possible.
- If explosion is possible, close drapes, curtains and shades over windows. Stay away from windows.
- If you suspect that the gas or vapor has entered the structure you are in, hold a wet cloth over your nose.

## **Public Protective Action -- Evacuation**

### **Response Level 0 and I**

There should be no need for this protective action under Response Level 0 and I.

### **Response Level II**

Upon the decision to implement an evacuation as a protective action, due to the limited area, the On-Scene Command will be responsible for its implementation. See Evacuation Annex to the County Comprehensive Emergency Management Plan for additional responsibilities. See Section I, Site-Specific Procedures, for detailed vulnerable zone information.

### **Response Level III**

Upon the decision to implement an evacuation as a protective action, the On-Scene Command or the Emergency Manager will be responsible for its implementation in accordance with the County Evacuation Annex. Evacuations that demand urgent and immediate action will be directed and managed by the On-Scene Command. Evacuation of major scope, which includes large populations and extensive relocation and support services, will be under the authority of the local or County Chief Elected Official and coordinated by the County Emergency Manager.

Based on the on-scene assessment of the emergency characteristics such as magnitude, intensity, time until onset and duration, the chief executive may designate specific zones of the disaster area within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated, and issue an evacuation order. Evacuation would be conducted in accordance with the county evacuation annex contained in the county's Comprehensive Emergency Management Plan. Evacuation would depend on plant/incident conditions, weather conditions and contributing factors.

The Transportation Coordinator will marshal the required number and types of vehicles to evacuate persons without transportation and the elderly and disable. Will coordinate operations to provide busses and designate bus pickup points, and establish a dispatching system to control the movements of busses from the emergency zones to the shelters.

Emergency Management in conjunction with the Sheriff will designate specific evacuation routes from the evacuation zones to the shelters. Control movements of all traffic on these routes by establishing traffic control points. Coordinate road service support through the EOC with the Highway Department and contact towing services. Provide security and law enforcement for the evacuation area and at shelters. Provide emergency zone perimeter control and coordinate with on-scene commander.

A. In the event of an emergency, which requires the evacuation of an area, the **primary functions of fire operations** are:

- a) Isolate the area.
- b) Effectively evacuate the area.
- c) Obtain the names and addresses of persons who refuse to leave their homes.

B. The **primary functions of Law Enforcement operations** are:

- a) Provide security for the evacuated area.
- b) Permit access to the area of only authorized personnel.
- c) Set up traffic control points.

C. The first responding Commanding Officer from the fire service who determines that a need to evacuate exists must:

- a) Communicate all pertinent information on the conditions to the dispatcher.
- b) Request additional units to assist in isolating the area.
- c) If rescue of persons is imperative, quickly move endangered persons to safety if it can be done without undue hazard to the officer.

D. The Senior ranking officer on the scene should begin to implement the Incident Command System and:

- a) Determine the necessity and scope of evacuation.
- b) Advise dispatchers to notify the Office of Emergency Management and Red Cross.
- c) Attempt to ascertain the exact material that is present.
- d) Establish an operations post for evacuation and advise the dispatch of its location.
- e) Estimate the number of personnel needed to isolate and evacuate the area and request additional personnel from the fire department and fire police.

**E. Communications Section**

- a) After receiving notification to evacuate a given area, inform internal personnel as necessary.
- b) Dispatch additional operational units as required.
- c) Detail additional telephone operators to assist dispatchers if necessary.
- d) Notify the following department heads and officials.
  - 1. Law Enforcement Official
  - 2. CEO
  - 3. Seneca Co. Office of Emergency Management
  - 4. Public School Superintendent
  - 5. American Red Cross
  - 6. General Services (Special Services as identified)
  - 7. Local Health Facilities
- e) Coordinate with the Office of Emergency Management to request buses for evacuation from the following sources, as needed:
  - 1. Local Schools
  - 2. Seneca County ARC

**F. In the event of an emergency that requires the evacuation or sheltering of an area, the **primary functions of fire operations** are:**

- a) Assist in the transportation of non-ambulatory evacuees. It is not the function of the fire departments to do the actual transport.
- b) Assist police in maintaining smooth traffic flow in and around the evacuated or sheltered area by using Fire Police.

**G. The **primary EMS functions** are:**

- a) Provide for care and treatment of all involved persons.
- b) Coordinate with Fire Service for providing EMS services at staging or congregate care centers.
- c) Assist in the transportation of no-ambulatory evacuees.

**EVACUATION PROCEDURES**

- A. Once the decision to evacuate has been made, determine the boundaries of the exposed area.
- a) Evacuation routes shall be selected to avoid exposure to the hazardous materials. Main routes will be used when possible.
  - b) This includes the area of actual damage and the area of potential danger due to drifting gases, radioactivity, subsequent explosions, etc.
  - c) Downwind and low level areas should be considered as first priority movement areas when gaseous clouds are involved.
  - d) When dealing with fire/explosion potential, consider all areas as first priority movement areas.
  - e) Obtain a current weather briefing and forecast briefing to determine wind direction and magnitude.
  - f) Inform communications of area to be evacuated. Instruct them to telephone high population density buildings within the specific area.

B. Isolate the Area

- a) Law enforcement is responsible to ensure that the approaches to the incident be closed to prevent additional people from entering the danger zone.
- b) Prepare an evacuation message and insure all Information officers repeat the message verbatim. The message should :
  - Be concise
  - Be informative
  - **Do not induce panic**
  - Identify the designated shelter
  - Identify rallying points for people needing transportation

C. Evacuees

- a) All evacuees must be told where to assemble. Coordinate with the Office of Emergency Management and the Red Cross on location of congregate care centers.
- b) Names and addresses of all persons who refuse to evacuate affected area must be compiled.

D. Additional factors to be considered include:

- a) The approximate number of people to be evacuated and number of buses needed.

Special Population:

- Nursing Homes
- Adult Care Facilities
- Private residences with Special Needs
- Community Residences

- b) The probable period of evacuation
- c) Temporary shelter, food, clothing needs, mental health needs
  - Establish liaison with Red Cross for assistance.
  - Shelter sites should be selected far enough away to preclude a second evacuation
  - Evacuation routes must take people away from danger area and exposure.
  - If privately owned vehicles cannot be moved, direct evacuees to walk to road blocks, where buses can be assembled (if time permits)

E After the danger has passed, all police and other assigned traffic units need to maintain their posts until an orderly reoccupation of the evacuated area has been completed.

F. Work with the Office of Emergency Management and the Seneca County Public Information Office for preparation of Emergency Broadcast notification.

### **Transportation Accidents**

Hazardous material transportation accidents can occur in Seneca County from vehicles traveling over-the-road or from railcar traffic on railroad lines. The New York State Police will be notified of all hazardous material transportation accidents occurring on state or federal highways.

For severe incidents involving motor vehicles, the New York State Police will be requested to conduct or assist in conducting a ‘Type II’ vehicle inspection of the motor vehicle involved in the accident.

The following table and maps list evacuation zones within the county to include main evacuation routes and special facilities (e.g. health care facilities, schools, pre-schools).

**SENECA COUNTY EVACUATION ANNEX –  
(TRANSPORTATION ROUTE EVCUATION)**

ZONE	PUBLIC DESCRIPTION	MAIN EVACUATION RTS
1	In Seneca Falls Town - residences on both sides of C.R. 101 from Ritmer Lane south to Village Line.  In Seneca Falls Village - residences on both sides of Rt. 5/20 from village line south to Lamb Road.	Rt. 101, North Rt. 101, South Rt. 5/20, East Rt. 5/20, West
2	In Seneca Falls Village - Area bordered on the north by the Village Line, Lamb Rd. and Johnston St.; bordered on the east by the Seneca River, unnamed stream west of St. Columbkille Cemetery; bordered on the south by Bayard St., Jay St., Adams St., Troup St., Beryl St., John St., Troy St., and Daniel St.; bordered on the west by Mynderse St., Porter St., Clinton St., and Twin Oaks Dr.	Rt. 101, North Rt. 101, South Rt. 5/20, East Rt. 5/20, West
3	In Seneca Falls Village - Area bordered on the north by Daniel St., Troy St., John St., Beryl St., Troup St., Adams St., Jay St., and Bayard St.; bordered on the east by unnamed stream and Nicholas St.; bordered on the south by Boardman St., and Mechanic St.; bordered on the west by Bridge St., Water St. and Mynderse St.	Rt. 414, South Rt. 5/20, East Rt. 5/20, West
4	In the Seneca Falls - Area bordered on the north by Porter St.; bordered on the east by Mynderse St., Water St., and Bridge St.; bordered on the south by Mechanic St.; bordered on the west by Cortland St., Seneca River, unnamed stream and Black Brook Rd..	Rt. 102, North Rt. 5/20, East Rt. 5/20, West
5	In the Seneca Falls Village - Area bordered on the north by Village line; bordered on the east by Black Brook Creek Rd., unnamed stream, Seneca River and Cortland St.; bordered on the south by Cortland St. and junction of Village line and California Ave.; bordered on the west by the Village line.  In Seneca Falls Town - Area immediately west of Village including residences on Rt. 5/20.	Rt. 117, West Rt. 5/20, East Rt. 5/20, West

6	In Seneca Falls Town - Area surrounding Kingdom Road, including residences on Balsey Rd. east of Shopping Center to Rt. 5/20; residences on Rt. 5/20 and Rt. 117 to just east of Sucker Brook.	Rt. 117, West Rt. 5/20, East Rt. 5/20, West
7	In town of Seneca Falls Area bordered on the north by R.R.; bordered on the east by Shopping Center and unnamed stream; bordered on the west by Bauer Rd. and Village line.	Rt. 414, North Rt. 5/20 East Rt. 5/20, West
8	In Waterloo Village - Area bordered on the North by R.R.; bordered on the east by Village line and Bauer Rd.; bordered on the south by Village line; bordered on the west by Gorham St., Main St., and Inslee St.  In Seneca Falls Town - Area south of Village line between Bauer Rd. on the east and the Golf Course on the west.	Rt. 5/20, East Rt. 5/20, West
9	In the Waterloo Village - Area bordered on the north by Norris Dr. and the Fairgrounds; bordered on the east by Inslee St., Main St., and Gorham St.; bordered on the south by Village line and Lincoln St.; bordered on the west by Washington St. and Virginia St.	Rt. 5/20, East Rt. 5/20, West Rt. 96, North
10	In the Waterloo Village - Area bordered on the north by the Waterloo Sr. High School; bordered on the east by Virginia St. and Washington St.; bordered on the south by Rockland Ave. and the Village line; bordered on the west by the Village line to junction of Hecker Rd. and Stark St.  In Fayette Town - residences on both sides of Rt. 119 immediately west of Village line.	Rt. 96, North Rt. 96, South Rt. 5/20, East Rt. 5/20, West
11	In the Waterloo Town - Area bordered on the north by Hecker Rd.; bordered on the east by the Village line; bordered on the south by the Town Line; bordered on the west by Reed Rd.  In Fayette Town - residences on both sides of Rt. 119.	Rt. 5/20, East Rt. 5/20, West Rt. 119, East Rt. 119, West

12	<p>In the Waterloo Town - Area bordered on the North by Black Brook; bordered on the east by Reed Rd.; bordered on the south by the Town line; bordered on the west by Trailer Park and Trailer Park</p> <p>In Fayette Town - residences on both sides of Rt. 119 to Knight Rd.</p>	Rt. 5/20, East Rt. 5/20, West Rt. 119, East Rt. 119, West
13	<p>In the Waterloo Town - area bordered on the north by Black Brook; bordered on the east by Trailer Park and Trailer Park; bordered on the south by the Town line, bordered on the west by Trailer Park and Brewer Rd.</p> <p>In Fayette Town - residences on both sides of Rt. 119 from Knight Rd. to Kendig Creek.</p>	Rt. 5/20, East Rt. 5/20, West Rt. 114, North Rt. 119, East Rt. 119, West
14	<p>In the Waterloo Town - area south of Black Brook; bordered on the east by Brewer Road, bordered on the south by the Town line; bordered on the west by Packwood Rd. and Rt. 113.</p> <p>In Fayette Town - residences at junction of South River Rd. and Kendig Creek.</p>	Rt. 113, North Rt. 5/20, East Rt. 5/20, West Rt. 112, West
15	<p>In the Waterloo Town - area known as Packwood Corners including residences of Rt. 112 from Maney Rd. to Rt. 5/20; residences on Rt. 113 to Rt. 112 and residences on both sides of Rt. 5/20 from junction of Rt. 112 to</p>	Rt. 5/20, East Rt. 5/20, West Rt. 112, West Rt. 113, North
16	<p>In the Waterloo Town - residences on both sides of Rt. 5/20 from East Ave.</p>	Rt. 5/20, East Rt. 5/20, West
17	<p>In Waterloo Town - area known as East Geneva bordered on the north by residences on both sides of Serven Rd. immediately north of Conrail line; bordered on the south by Town line; bordered on the east by Broadway Heights; bordered on the south by Town line; bordered on the west by Rt. 96A and Seeley Rd.</p> <p>In Fayette Town - area from railroad to the Seneca River including marina.</p>	Rt. 96A, South Rt. 5/20, East Rt. 5/20, West

18	In Waterloo Town - area bordered on the north by Conrail; bordered on the east by Seeley Rd. and Rt. 96A; bordered on the south by Seneca River outlet into Seneca Lake; bordered on the West by NYSEG substation east of Border City.	Rt. 110, West Rt. 5/20, East Rt. 5/20, West Rt. 96A, South
19	In Waterloo Town - area known as Border City bordered on the east by Substation; bordered on the south by Seneca Lake; bordered on the west by Pre-Emption Rd. and bordered on the north by	Rt. 110, West Rt. 5/20, East Rt. 5/20, West

## **Assessment and Evaluation**

### **PURPOSE**

To obtain and analyze hazardous material release information in order to determine the threats and impact of the emergency on people and the environment and to recommend protective actions to decision makers.

### **SITUATION**

A release or threatened release of hazardous material could result in serious and quickly escalating threats to the public. The physical or chemical characteristics of hazardous materials may include toxicity, flammability or reactivity. These factors require technical analysis by specialists in order to determine existing hazards, the anticipated course of the incident, and any new hazards if things go wrong. Because the situation may change quite rapidly, it is important that this analysis be done thoroughly by specialists in order to ensure public safety.

Responders arriving at the scene without knowledge of the hazardous materials involved will attempt to determine at a distance what material is involved, ensuring utmost regard for personal safety and staying upwind of the incident scene. Binoculars should be used to read placard identification numbers and responders should then contact their emergency communications dispatcher. After referring to the US DOT Hazardous Materials Response Guidebook for information on hazards from the material involved, responders will cautiously determine if any victims require rescue and take appropriate action.

Few communities in Seneca County have the extent of expertise to analyze the wide range of hazardous material emergencies that could occur and would need to request technical assistance for many types of emergencies. A critical element of assessment and evaluation is to recognize when additional expertise is needed and how to obtain it.

The process of assessment and evaluation (A&E) takes place at several levels. At the emergency site, the Incident Commander must have expertise available that can provide technical guidance. Determination of the type of hazard involves knowing what hazardous material is involved and its potential impact and its containment status.

Assessment priorities may include:

1. Identifying the material involved
2. Determining its hazard potential
3. Measuring the magnitude release of material into the environment
4. Assessing health impact of the release on emergency workers, the public and environmental resources

As the incident continues, it may be appropriate for an in depth analysis to be performed at a location where experts can assemble collectively in the proper analytical environment, such as the on-scene Command Post or the EOC. In this situation, all appropriate information from the scene is provided to the assessment and evaluation specialists.

The A&E specialists must also determine what additional information is needed. Inquiries will be directed to individuals at the scene and to the owners of the material, or to other experts involved.

In certain cases, the physical characteristics of a material may be important. For example, if a toxic gas is heavier than air, responders should be advised to avoid low areas. If a material reacts violently with water, fire fighters should not use water.

Meteorology may be of significant importance and should be factored into the assessment. The wind direction may indicate areas or people at risk. Wind speed may help to predict the amount of warning time that will be available in the event of a sudden spill or explosion producing toxic by-products. Atmospheric dispersion will depend on meteorological conditions. Analysts also need to evaluate the weather forecast to prepare for changing conditions, such as precipitation which may react with materials.

A&E analysts must evaluate the potential impact by area and its population. Special consideration must be given to additional facilities which could contribute to the problem, those which are subjected to additional risk due to their proximity to the emergency site and the nature of their activities, and those with a special role in emergency response.

Participating Agencies:

- State Health Department
- Fire Departments
- Facility Emergency Coordinators
- Industry Specialists
- State Department of Environmental Conservation

**Emergency Worker Exposure Control User Response Levels**

**Response Level 0 and Level I**

The On-Scene Command and facility personnel are responsible for controlling toxic exposure to emergency workers by the following methods:

- a      Inform each emergency worker of all hazards present.
- b      Require emergency workers to record any exposures.
- c      If an emergency worker is exposed, a decision must be made to isolate, decontaminate, or transport for treatment.
- d      Assure that personnel are properly protected and given instruction in how to use appropriate protective clothing and equipment.
- e      Recording, initiating and maintaining records on exposure to emergency workers.

## **Response Level II**

- a     The On-Scene Command, County Health Commissioner and facility personnel will be responsible for item (a) thru (e) as described in Response Level O and I above.
- b     The On-Scene Command will designate an on-scene Safety Officer responsible for emergency worker exposure control.
- c     The Safety Officer will:
  - Determine the need for establishing exclusion zones for emergency workers.
  - If required, establish a decontamination station procedure for emergency workers and equipment.
  - Ensure that emergency workers use appropriate protective equipment that meets OSHA standards.
- d     Determine the need for additional exposure control resources.

## **Response Level III**

The Safety Officer will be responsible for items (a) thru (e) in Response Level O and I above and:

- Establish exclusive zones for emergency workers.
- Establish a decontamination facility for exposed emergency workers and equipment.
- Provide on-scene medical supervision and treatment capability.
- Ensure that emergency workers use appropriate protective equipment that meets OSHA standards.

## **CONTAINMENT**

The main objective of containment and countermeasures is to control and, if possible, stop the immediate spread of the hazardous materials. Actions taken will vary depending on the type of material, location of incident, topography, weather, etc. Local responders such as the fire service should concentrate on containment and stabilization of the incident. In most cases, State agencies will supervise the later cleanup efforts.

### **Suppression Decision**

If the incident involves a fire, the decision must be made whether to suppress or let it burn out. Hazard to firefighters, surrounding population and environment shall be taken into consideration.

### **Hazardous Materials Team Response**

If the incident requires the response of a Haz Mat Team, the IC will contact the Seneca County 911 Center and request the Seneca County Haz Mat Team be dispatched. Seneca County has a Level A, **FEMA NIMS:** Type 2, Level A, **NYS NIMS:** Type 2, Level A Team. The Seneca County Haz Mat Team is a partner with the Regional Haz Mat Response teams from Ontario and Wayne County's as well as a partner with the Central NY Hazardous Materials Response Team Consortium.

### **Shutting Off Source**

Likewise, if at all possible, the source of a liquid or vapor spill should be shut off unless doing so will increase the immediate hazard.

### **Movement of Spill**

Predicting the movement of the hazardous materials whether liquid, vapor or other form is of utmost importance. The safety of individuals' on-scene, evacuation of surroundings, prevention of environmental pollution, and containment are all based on past, present and future movement of the spill.

In the case of toxic vapors, evacuation should be based actual movement as well as a predicted safety margin and made well in advance of the arrival of vapors.

An all out effort should be made to prevent materials from entering groundwater, streams, lakes, drainage systems, etc. Predictions of movement should contain and implement appropriate preventative measures prior to actual need.

### **Containment of Material**

Physical containment of a vapor spill is nearly impossible, short of shutting off the source. Diking, barriers and absorbent materials should contain liquid spills until such time as the spiller or professional disposal contractor arrives and assumes responsibility.

The various Departments of Public Works, Highway Depts., and local private contractors are sources of equipment, personnel and materials.

### **Contacting Spiller**

The law requires that the spiller is legally and financially responsible for clean-up of the incident. Therefore, it is imperative that the spiller be made aware of the happening as soon as possible to facilitate speedy clean-up. The notification requirement is more applicable to mobile transportation incidents than stationary facilities wherein the facility will most always be aware of the spill first hand.

### **Contacting Manufacturer**

In the case of transportation spills, the manufacturer of the hazardous material should be contacted and made aware of the situation. The manufacturer should provide the incident management team with assistance regarding data on the material, potential health, fire or explosion hazards, recommended emergency via communications and then, if necessary, by on-scene representation.

### **Clean Up and Disposal**

Clean up is not a fire department function. However, the Incident Commander is responsible to assure that clean up operations do occur. Hazardous materials must be removed from the spill area, the scene must be cleaned up and all contaminated items disposed of properly before the incident on-site activities can be considered completed.

### **Clean Up Responsibilities**

The spiller is responsible, legally and financially, for clean up and disposal. Therefore, the first step in clean up is to know the identification of the spiller. In the case of a stationary facility or an immobile transportation accident, identification is not difficult. Transport spills enroute such as a leaking tank truck is more difficult to identify. Regardless, positive spiller identification must be made. The State DEC maintain listings of such contractors.

### **Recovery of Damages**

Incurred, legitimate expenses related to a hazardous material incident should be recovered from the responsible agency. In most cases, the spiller is the final agency responsible for payment.

The Department of Environmental Conservation (DEC) is the contact agency for spiller notification, clean up operations and recovery of expenses. It is the DEC who bills the spiller for all expenses incurred. Therefore, in order to recover expenses, the Fire Department and all other agencies involved must bill the DEC.

It is imperative that documented records be made and kept of all actions or transactions that are an expense. Copies of bills and proof of payment should be obtained and submitted with the bill and back-up proof of expenses incurred. Without such proof, no reimbursement should be expected nor will one be made.

## **Health and Medical**

### **PURPOSE**

The furnishing of medical assistance in an emergency is a matter of vital concern affecting the public health, safety and welfare. Emergency medical care, the provision of prompt and effective communication among ambulances and hospitals and the safe handling and transportation of the sick, injured, and disabled are essential public health services.

It is also intended to maximize the efficient and effective use of manpower and equipment. It is important for services to clearly understand the assumed roles to safeguard the population of the county. These guidelines are set out in the Seneca County Disaster Response Plan for Mass Casualty Incidents and deal only with pre-hospital medical emergencies that surpass the manpower, equipment, and resources normally available to any agency, without compromising the internal structure of that agency. These emergencies will be referred to as Mass Casualty Incidents in conformity with the state plan.

### **AUTHORITY**

The authority for any pre-hospital medical emergency will rest with the ambulance service providing primary emergency medical care to that geographical location. The chain of command must be established within that ambulance service and be very clear to all of its members. Further-more, it should be an extension of the manner in which the agency normally operates. The EMS command officer for that emergency will be in charge of the medical treatment aspect but will be able to work with his counterparts of other agencies involved, i.e. fire chiefs, law enforcement, county coordinators, and coordinate with the Incident Commander.

(1) Section 3000, New York State Public Health Law, Article 30, Emergency Medical Services.

### **MANPOWER AND EQUIPMENT**

The first hour of a disaster situation is an extremely difficult time for dispatching available equipment. Establishing new mutual aid agencies at this time is unreasonable.

After the initial evaluation by the EMS Command, the Emergency Medical Services Deputy Coordinator should be informed of the situation and will then assume the responsibilities designated to the Emergency Medical Services Coordinator.

The EMS Command Officer will confer with the EMSDC about all activities pertaining to the disaster and will request whatever equipment is needed through the ICS. The EMSDC will confer with the Incident Command Officer.

Medical personnel should take steps to see that they operate safely and have the necessary safety equipment and identification. Each ambulance service should also have "disaster Kit" assembled

and ready for special call to any emergency. This package would generally be housed at the ambulance building and transported in the second ambulance requested or by some other pre-determined means. Every ambulance, despite its origin, when responding to a medical disaster after the second ambulance has been dispatched, should have a disaster kit on board.

#### OVERALL EMS RESPONSE SEQUENCE

- a. Initial dispatch
- b. Early hospital notification
- c. Confirm incident
- d. Activate EMS multiple-ambulance-response plan, and hospital
- e. Notification by dispatch if applicable
- f. Establish EMS command.
- g. Hospital initial detailed report by EMS command officer
- h. Triage
- i. Staging
- j. Vehicle holding and traffic flow
- k. Transportation
- l. Secure area

#### SCENE ASSESSMENT

Upon arrival at the scene, the Fire Chief, Officer in Charge or Senior EMT will make the initial assessment and will take appropriate action. Action will include:

- a. Contact the 911 to activate county mass casualty incident plan to level of number required.
- b. Give dispatcher exact location and number of victims, including a brief description of any hazards.
- c. Assign duties to available personnel.
- d. Contact area hospitals by radio. Give description and number of injured. The EMT will probably start out as EMS Command Officer and Triage Officer with the driver as Communication and Patient Treatment Officer, and additional personnel as treatment personnel. As additional manpower and equipment arrive, authority will change as per that agency's standard operating procedures (SOP's)

## **FACILITIES AND COORDINATOR**

### **Section 302(c) Facilities and their Facility Emergency Coordinator**

<b><u>Facility</u></b>	<b><u>Facility Emergency</u></b>	<b><u>Telephone</u></b>
Evans Chemetics 228 E. Main St. Waterloo, NY 13165	Dick Speigel	315-539-9221 ext. 122(b)
Goulds Pumps Inc. 240 Fall St. Seneca Falls, NY 13148	Rob Molloy	315-568-2811(b) 315-568-7436 (b)
Interlaken, Village of Sewer & Water Treatment	Ray Langlois	607-532-8882
Laird Farms 996 Birdsey Road Waterloo, NY	Jim Laird	315-539-9464
Lott Farms 2973 Route 414 Seneca Falls, NY	Rodman Lott	315-568-0156
SEDA 5786 Rt 96 Romulus, NY 14541	Steve Absolom	607-869-1313(b)
Seneca County Sewer Dist. Box 177 Willard, NY 14588	Dan Duddleston	607-869-5704(b)
Seneca Falls Waste Water Off Seneca St. Seneca Falls, NY 13148	Jeffrey Warrick	315-568-2316(b)
Seneca Falls Water Treatment Parker Road Seneca Falls, NY 13148	Jeffrey Warrick	315-568-2316(b)
Waterloo Waste Water E. River Rd. Waterloo, NY 13165	Robert Lotz	315-539-8232(b)

Waterloo Water Treatment  
E. Lake Rd./Kime Rd.      James Bromka      315-585-9811(b)  
MacDougall, NY 14501

Willard DTC      607-869-5500 x 3900(b)  
PO Box 303      800-836-2337(em)  
Willard, NY 14588

Scepter      Chad Tucker      315-568-4225  
11 Lamb Rd.  
Seneca Falls, N.Y.

## **FACILITIES & FIRE DEPARTMENTS RESPONSE**

### **Facility**

Evans Chemetics  
228 E. Main St.  
Waterloo, NY

Goulds Pumps  
240 Fall St.  
Seneca Falls, NY

Laird Farms  
Birdsey Road  
Waterloo, NY

Lott Farms  
State Route 414  
Seneca Falls, NY

Scepter  
11 Lamb Rd  
Seneca Falls, NY

Seneca Army Depot  
Romulus, NY

Seneca Co. Sewer District  
Willard, NY

Seneca Falls Water Treatment  
Parker Rd. (Canoga)  
Seneca Falls, NY

Seneca Falls Wastewater  
Seneca St.  
Seneca Falls, NY

Waterloo Water Treatment Plant  
Kime Beach Road  
Waterloo, NY

Waterloo Wastewater

### **Fire Department**

Waterloo Fire Dept.

Seneca Falls Fire Dept.

Junius Fire Dept.

Seneca Falls Fire Dept.

Seneca Falls Fire Dept.

Romulus / Ovid

Ovid Fire Dept.

Canoga Fire Dept.

Seneca Falls Fire Dept.

Border City Fire Dept.

Waterloo Fire Dept.

River Road  
Waterloo, NY

Willard Correctional Facility.  
Willard, NY

Ovid Fire Dept.

## CAPABILITY ASSESSMENT

### VULNERABILITY ZONES

Evans Chemetics	Acrylonitrile	0.2 miles
	Epichlorohydrin	0.1 miles

(Acrylonitrile based on a 280 gal., 1 minute release, Epichlorohydrin 150 gallon, 2 minute release wind speed @ 6.8 mph, 70 degrees, 50 % humidity. Evans RMP data)

Seneca County Sewer Dist. #1	Chlorine	2.2 miles
Seneca Falls Sewer Plant	Chlorine	2.2 miles
Seneca Falls Water Plant	Chlorine	2.2 miles
Waterloo Water Plant	Chlorine	2.2 miles
Waterloo Sewer Plant	Chlorine	2.2 miles
Willard DTC	Chlorine	2.2 miles
SEAD	Chlorine	2.2 miles

(Chlorine: CAMEO Screening program: 150# cylinder @ 100% concentration, 10 minute duration, wind speed @ 3.35 mph, stability class A in open terrain)

Scepter	Ammonia	0.1 miles
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(CAMEO Screening program: 1000# @ 100% concentration, 10 minute duration, wind speed @ 3.35mph, stability class F in urban terrain)

## **HAZARDOUS SUBSTANCES**

The following hazardous substances are substances that may be found in Seneca County. These substances may come in over-the-road, used for agriculture, or found in industrial facilities, identified under SARA Title III and 1910.120.

<b><u>Chemical</u></b>	<b><u>CAS Number</u></b>
1. Acrylonitrile	107-13-1
2. Ammonia	7664-41-7
3. Ammonium Hydroxide	1336-21-6
4. Chlorine	7782-50-5
5. Epichlorohydrin	106-89-8
6. Hydrogen Peroxide	7722-84-1
7. Sulfur Dioxide	7446-09-5
8. Sulfuric Acid	7664-93-9

## **TRAINING**

### **TRAINING OF EMERGENCY PERSONNEL**

The employer has the responsibility, under the OSHA 1910.120 regulations, to provide and arrange training for employees and volunteers who shall respond to a hazardous materials incident. Training shall be based on the duties and functions to be performed by each responder of an emergency response organization. All responders will also have NIMS training as per their AHJ (Authority Having Jurisdiction).

Recognizing that training is essential to meet specific needs of emergency responders, the County of Seneca endorses the following training programs and has made these programs a part of the County Hazardous Materials Plan.

Law Enforcement will train to the awareness level.

The Seneca County Public Works Department will train to the awareness level and Seneca County has accepted the Hazardous Materials & WMD Awareness course for highway maintenance employees.

The Seneca County Fire Service will train to the operations      level and beyond. All training for fire personnel will be from the New York State Fire Prevention and Control Training Courses.

## **EXERCISES**

### **Purpose**

To establish a comprehensive exercise program that will effectively implement and evaluate the Seneca County Hazardous Materials Annex.

### **Situation**

Section 303 (c) (9) of Title III and 1910.120 places a requirement on local jurisdictions to establish methods and schedules for exercising the emergency plan. In establishing training programs and schedules, Seneca County recognizes the need for an integrated exercise program that will ensure community response agencies and facilities successfully perform their emergency roles and functions in an emergency situation. An effective exercise program will also strengthen response management, coordination and operations, plus reveal shortcomings and weaknesses that can be acted upon prior to an emergency. Corrective actions can then be taken to improve and refine public safety capabilities.

## **Types of Exercises**

Exercises are generally classified in three major categories: tabletop, functional, and full-scale. Local jurisdictions may also consider preliminary exercise, called orientations, to introduce participants to the plan and prepare for the exercise process.

Each of these exercises varies in activities and resources. Some require simple preparations and execution while others may be more complex and require greater efforts and resources. Each provides development of an exercise program.

### **A. ORIENTATION**

Orientations are used to acquaint personnel with policies and procedures developed in the planning process, providing a general overview of the emergency plan and its provisions. An orientation is especially effective in ensuring that emergency personnel understand their roles and responsibilities and it helps to clarify any complex or sensitive plan elements. While the orientation does not normally involve any direct simulation or role playing, it is used to review plan procedures and informally apply them to potential emergency situations or past events familiar to everyone.

### **B. TABLETOP EXERCISE**

A tabletop is primarily a learning exercise that takes place in a meeting room setting. Prepared situations and problems are combined with role playing to generate discussion of the plan, its procedures, policies and resources. Tabletop exercises are an excellent method of familiarizing groups and organizations with their roles and in demonstrating proper coordination. It is also a good environment to reinforce the logic and content of the plan and to integrate new policies into the decision making process. It allows participants to act out critical steps, recognize difficulties and resolve problems in a non-threatening format. A tabletop usually lasts 2-4 hours and requires a trained facilitator.

### **C. FUNCTIONAL EXERCISE**

A functional exercise is an emergency simulation designed to provide training and evaluation of integrated emergency operations and management. More complex than the tabletop, it focuses on interaction of decision making and agency coordination in a typical emergency management environment such as command location. All field operations are simulated activity although messages and information are normally exchanged using actual communications, including radios and telephones. It permits decision makers, command officers, coordination and a realistic forum with time constraints and stress. It generally includes several organizations and agencies practicing interaction of a series of emergency functions; such as direction and control, assessment, and evacuation.

#### **D. FULL-SCALE EXERCISE**

The full-scale exercise evaluates several components of an emergency response and management system simultaneously. It exercises the interactive elements of a community emergency program, similar to the functional exercise, but it is different from the functional in that it adds a field component. A detailed scenario and simulation are used to approximate an emergency which requires on-scene direction and operations, and also includes coordination and policy making roles at an emergency operations or command center. Direction and control, mobilization of resources, communications and other special functions are commonly exercised.

## **REFERENCE GUIDES**

### **COUNTY RESPONSE NUMBERS**

<b>DIRECTOR, EMERGENCY SERVICES</b>	315-539-1756
Charles McCann	
Melissa Taylor, Deputy Director	315-539-1757
<b>SHERIFF'S DEPARTMENT</b>	315-220-3200
Jack Stenburg	
<b>AMERICAN RED CROSS</b>	315-568-9436
Lynn Tyler	
<b>OFFICE FOR THE AGING</b>	315-539-1766
Angela Reardon	
<b>COMMISSIONER, HUMAN SERVICES</b>	315-539-1832
Charles Schillaci	
<b>DIRECTOR, MENTAL HEALTH</b>	315-539-1958
Scott LaVigne	
<b>DIRECTOR, PUBLIC HEALTH</b>	315-539-9294
Vickie Swinehart	
<b>COUNTY ENVIRONMENTAL</b>	315-539-1951
Sara Ryan	
<b>POLICE DEPARTMENTS</b>	
Seneca Falls	315-568-5555
Waterloo	315-539-2022
<b>HOSPITALS</b>	
Geneva General	315-787-4000
Clifton Springs	315-462-9561
Cayuga Medical Center	607-274-4011

## ELECTED OFFICIALS 2010

<b>Town of Covert</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Michael Reynolds  Steve Selover	3522 WEST AVE. INTERLAKEN, NY 14847 (607)532-9567
<b>Town of Fayette</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Cindy Garlick – Lorenzetti  Jeff Trout	4144 HIGH BANKS GENEVA, NY 14456 (315) 585-9198
<b>TOWN OF JUNIUS</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Ron Serven  David Fisk Jr..	1191 DUBLIN RD. WATERLOO, N.Y. 13165 (315) 539-3996
<b>TOWN OF LODI</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Lee Davidson  Robert Ike	9270 TOWNSENDVILLE RD. LODI, NY 14860 (607) 532-4891
<b>TOWN OF OVID</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Walt Prouty  Joe Borst	3790 COUNTY ROAD 139 OVID, NY 14521 (607) 869-5900
<b>TOWN OF ROMULUS</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	DAVID KAISER  RALPH WALBORN JR.	7073 OVID DEPOT RD OVID, NY 14521 607-869-9326
<b>TOWN OF SENECA FALLS</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Peter W. Same	11 JOHN STREET SENECA FALLS, NY 13148 (315) 568-8013 (O) (315) 568-9537 (H)
<b>TOWN OF TYRE</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Patricia Amidon  Thomas Thomson	822 ROUTE 414 WATERLOO, NY 13165 (315) 539-8087
<b>TOWN OF VARICK</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	Robert Hayssen  Dick Peterson	4460 RT 89. SENECA FALLS, NY 13148 (315) 549-7121
<b>Town of Waterloo</b>	TOWN & COUNTY SUPERVISOR  DEP. SUPERVISOR	JAMES H. MOONEY  SCOTT RIDLEY	116 STARK STREET WATERLOO, NY 13165 (315) 539-2179

<b>VILLAGE OF INTERLAKEN</b>	MAYOR	WILLIAM LARSEN	3648 ORCHARD STREET INTERLAKEN, NY 14847 (607) 532-9388
<b>VILLAGE OF LODI</b>	MAYOR	TERRY POTTS	P.O. BOX 57 LODI, NY 14860 (607) 582-6424
<b>VILLAGE OF OVID</b>	MAYOR	DAVID TERRY SR.	PO BOX 303 OVID, NY 14251 (607) 869-3305
<b>VILLAGE OF SENECA FALLS</b>	MAYOR	DIANA SMITH	43 E. BAYARD ST. SENECA FALLS, NY 13148 (315) 568-9054
<b>VILLAGE OF WATERLOO</b>	MAYOR	TED YOUNG	320W. WRIGHT AVE WATERLOO, NY 13165 (315) 539-9614

## **NEWSPAPERS, RADIO & TELEVISION**

### **NEWSPAPERS**

Reveille / Between The Lakes	Ovid	607-869-5344 607-869-9208 Fax
Finger Lakes Times	Geneva	315-789-3333 315-789-4077 Fax
Post Standard	Auburn	315-253-7316 315-252-1617 Fax
Democrat & Chronicle	Geneva	315-789-0407 585-926-0342 Fax

#### **RADIO STATIONS**

The Radio Group	781-7000
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#### **TELEVISION STATIONS**

WSTM-TV	Channel 3	Syracuse	315-477-9400 315-474-5122 Fax
WTvh-TV	Channel 5	Syracuse	315-425-5555 315-425-0129 Fax
WIXT-TV	Channel 9	Syracuse	315-446-4780 315-446-9283 Fax
WHEC-TV	Channel 10	Rochester	585-546-5670 585-546 5688 Fax
WOKR-TV	Channel 13	Rochester	585-334-8700 585-334-8719 Fax
WROC-TV	Channel 8	Rochester	585-288-8400 585-288-1505 Fax
R News	Channel 14	Rochester	585-756-1673 Fax

#### **Federal Agency Phone Numbers**

Agency	Hours of Op	Phone	Fax	Email
National Weather Service	24 hour	607 - 729-		

		1597		
Agency for Toxic Substance Disease Registry	24 hour	800 232-4636		
Federal Emergency Management Agency	24 hour	202 646-2400		
National Response Center – US Coast Guard	24 hour	(800) 424-8802		Just report spills at this #
Buffalo Office – Coast Guard	24 hour	(202) 267-2675		
Rochester Office – Coast Guard	NOT 24 hour	(716) 843-9527		
Sodus Point Office – Coast Guard	24 hour	(585) 342-4149		
Oswego Office – Coast Guard		(315) 483-9816		
		(315) 343-1551		
Federal Terrorism Hotline (Help Line)	8am – 6pm	800 368-6498		
CBRN Information Resource Center Hotline	24 hour	800 831-4408		
Radiological Hotline	24 hour	202 586-8100	(202) 586-8485	doehqeoc@oem.doe.gov
RCRA / Superfund	10-3 M-F Eastern	800 424-9346		
CHEMTREC (Chemical Spill Hotline)	24 hour	800 424-9300		
Chlorep	24 hour	800 424-9300		
CHEM NET	24 hour	800 424-9300		
NACA Pesticide Safety Team	24 hour	800 424-9300		
Chem-Tel Net (similar to CHEMTREC)	24 hour	800 255-3924		
National Pesticides Information Center	9:30-7:30 No holidays	800 858-7378		

## STATE RESPONSE NUMBERS

OIL & HAZARDOUS MATERIAL SPILL (HOTLINE) 800-457-7362

**CHEMREC** 24 HOUR 800-424-9300  
**CHEMNET** 24 HOUR 800-424-9300

CHLOREP	24 HOUR	800-424-9300
NACA Pesticide Safety team	24 HOUR	800-424-9300

**NYS DEPARTMENT OF HEALTH**  
24 Hr. Emergency Number - Night 518-465-9720

**NYS DEPT. OF AG & MARKETS** 518-457-3087

**NY STATE POLICE**  
Sgt. Jim McCormick- Troop "E" 315-398-3200  
ext. 4165

**NYS DEPT. OF ENVIRONMENTAL CONSERVATION - REGION B**  
SPILL RESPONSE NOTIFICATION  
Avon (Monday thru Friday from 8:00 AM - 5:00 PM) 716-226-2466  
1-800-457-7362

**NYS THRUWAY CONTACTS**  
Syracuse Division 315-437-2741

**REGIONAL OFFICE OF EMERGENCY MANAGEMENT**  
Region 4 315-448-4536  
Chuck Wright, Regional Director 315-423-0419 Fax

## **CHECKLISTS**

### **INCIDENT COMMAND**

- Identify the product

- Using the latest DOT Guidebook look up the Material's 3 digit Guide Number
- Follow the instructions in the Guide Book
- Classify the Hazmat Incident as to Type in accordance with NIMS.
  - Type 5 – small incident, few resources needed.
  - Type 4 – several resources needed, only one operational period.
  - Type 3 – significant number of resources, multiple operational periods, multi-jurisdictional.
  - Type 2 – out of area resources (regional or national),
- Make notification to 911 Center.
- Establish an on-scene command post, at a safe distance and upwind from the disaster or accident scene, from which field operations will be directed and controlled, and staff in accordance with NIMS positions as needed to handle the operation.
- Contact owners of buildings, which may be used as a command post.
- Coordinate all field operations through support agency representatives, and command the on-scene response force.
- Delineate the area encompassed by the disaster, and establish this as the disaster area.
- Control the disaster area.
- Perform ongoing Assessment and Evaluations.
- Perform ongoing Incident Assessment and Containment.
- Make arrangements to obtain radio, telephone and emergency power for the command post.
- Select an area suitable for use as a staging area to receive resources and supplies for the field operations.
- Be responsible to establish and control the emergency routes to and from the scene, establish the location of blocked roadways, control traffic on routes within the disaster area and provide security and crowd control.
- Establish communications with the county EOC or designated off-scene command post.
- Make a recommendation to EMO Director (or chairman in their absence) if evacuation is necessary and to what extent the disaster area should be evacuated.
- Direct the evacuation operations within the disaster area.
- Keep county EOC updated with on-scene situation reports according to a regular reporting schedule.
- Provide for Debriefing of all resources prior to release.

## **HAZARDOUS MATERIALS SAFETY OFFICER**

- Inform each emergency worker of all hazards present.
- Ensure that emergency workers are properly protected and given instructions on how to use appropriate protective equipment that meets OSHA standards.
- Record, initiate and maintain records on exposure to emergency workers.
- If an emergency worker is exposed, decision must be made to isolate, decontaminate, or transport for treatment.
- Establish exclusive zones for emergency workers.
- Provide for on-scene medical supervision and treatment capability.
- Determine the need for additional exposure control resources.

## **EMS OPERATIONS**

- Contact the 911 Dispatch Center to activate county mass casualty incident plan to level of number required.
- Give dispatcher exact location and number of victims, including a brief description of any hazards.
- Assign duties to available personnel.
- Contact area hospitals by radio.
- Give description and number of injured.
- The EMT will probably start out as EMS Command or Triage with the driver as Communication and Patient Treatment Officer
- Request additional personnel from Incident Command as needed.
- Assign additional manpower and equipment arrive, authority will change as per that agency's standard operating procedures/guidelines (SOP/G's)
- Establish an EMS Frequency as needed.

## **EMERGENCY SERVICES**

- Determines the need for activation of the Emergency Operations Center or special staff
- Notifies and briefs the local and county chief executive
- If necessary, request assistance from other counties and the State when the situation escalates beyond the capability of Seneca County.
- Request State Assessment & Evaluation
- Briefs the Public Information Officer, and activates the PIO if necessary
- Evaluate the need to declare a local state of emergency under NYS Executive Law, Article 2B
- Notifies the State Emergency Management Office at the 24-hr State Warning Point at: 518-457-2200
- Evaluate the need to declare higher or lower Response Level
- Evaluate the existing designation of the Incident Commander.
- Make a recommendation to the Chief Executive who will decide to retain the existing Incident Commander or designate a new Incident Commander based on the scope and technical complexity of the emergency.

## **PUBLIC INFORMATION OFFICER**

- Establish a Public Information Center from where to respond to all inquiries from the general public and news media and coordinate all official announcements, statements and briefing.
- Make arrangements with EAS to broadcast the location of the information center and designate a telephone number for the public to use to obtain information during the emergency.
- Be in charge of the information center and assume overall responsibility for obtaining essential information for accurate and consistent reports to the broadcast media and press.
- Authenticate all sources of information being received and verify accuracy.
- Provide essential information and instructions including the appropriate protective actions to be taken by the public, to the broadcast media and press.
- Coordinate the release of official announcements concerning public safety to the public with the key departments and agencies involved.
- Clear all news releases with the Chief Executive.
- Check and control the spreading of rumors.
- Arrange and approve interviews with the news media and press by emergency personnel involved in the response operation.
- Arrange any media and public tours of emergency sites.
- Inform the public about places of contact for missing persons and continued emergency services.

#### **CHIEF EXECUTIVE OFFICER**

- Will take command of the emergency response organization as soon as he has been alerted by the County Warning Point or the Emergency Manager of the scope and magnitude of the emergency as described in the initial situation report which indicates

the necessity of his personal management and direction of the response and recovery operations.

- If necessary, will control the use of county owned resources and facilities for disaster response.
- If necessary, provide assistance at the request of other local governments.
- If necessary, promulgate local emergency orders.
- If necessary, Waive local laws, ordinances, and regulations.
- Make arrangements with support from the County Clerk for safeguarding essential county records for continuing government's functions
- Evaluate the need to declare a local state of emergency under NYS Executive Law, Article 2B
- Decide to retain the existing Incident Commander or designate a new Incident Commander based on the scope and technical complexity of the emergency.
- Make protective action decisions and execute the decision through emergency orders, if appropriate.

#### **EXECUTIVE LAW - ARTICLE 2 B**

A short version of this article is provided for consolidation. A Chief Elected Official of a County shall be advised by the County Attorney before enactment of this law or may ask for assistance through the County Office of Emergency Management.

Local government and emergency service organizations continue their essential role as the first line of defense in times of disaster.

1. When public safety is in peril, such Chief Elected Official may proclaim a local State of Emergency within any part or all of the territorial limits of such local government. The Chief Elected Official may promulgate local emergency orders to protect life and property. Such orders may provide:
  - A) The establishment of a curfew and the prohibition and control of pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
  - B) The designation of specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
  - C) The regulation and closing of places of amusement and assembly;
  - D) The suspension or limitation of the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
  - E) The prohibition and control of the presence of persons on public streets and places;
  - F) The suspension within any part or all of its territorial limits of any of its local laws, ordinances or regulations, or parts thereof subject to Federal and State constitutional, statutory and regulatory limitations, which, may prevent, hinder or delay necessary action in coping with a disaster or recovery therefrom whenever (1) a request has been made pursuant to subdivision seven of this section, or (2) whenever section twenty-eight of this article. Suspension of any local law, ordinance or regulation pursuant to this paragraph shall be subject to the following standards and limits
    - i. No suspension shall be made for a period in excess of five days, provided, however, that upon reconsideration of all the relevant facts and circumstances, a suspension may be extended for additional periods not to exceed five days each during the pendency of the State of Emergency.
    - ii. No suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort.
    - iii. Any such suspension shall specify the local law, ordinance or regulation, or part thereof suspended and the terms and conditions

- of the suspension.
- iv. The order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such local law, ordinance or regulation suspended, and may include other terms and conditions;
  - v. Any such suspension order shall provide for the minimum deviation from the requirements of the local law, ordinance or regulation suspended, and may include other terms and conditions;
  - vi. When practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension.
2. A local emergency order shall be effective from the time and in the manner prescribed in the order and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast. Such orders may be amended modified and rescinded by the Chief Elected Official during the pendency or existence of the state of emergency. Such orders shall cease to be in effect five days after promulgation or upon declaration by the Chief Elected Official the state of emergency no longer exists, whichever occurs sooner. The Chief Elected Official nevertheless, may extend such orders for additional periods not to exceed five days each during the pendency of the local state of emergency.
  3. The local emergency orders of a Chief Elected Official of a county shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practical in the Office of the Clerk of the governing board of the county, the Office of County Clerk and the Office of the Secretary of State. The local emergency orders of a Chief Elected Official of a city, town, or village shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practical in the Office of the Clerk of such municipal corporation, the Office of the County Clerk and the Office of the Secretary of State.
  4. Nothing in this section shall be deemed to limit the power of any local government to confer upon its Chief Elected Official any additional duties or responsibilities deemed appropriate.
  5. Any person who knowingly violates any local emergency order of a Chief Elected Official promulgated pursuant to this section is guilty of a class B misdemeanor.
  6. Whenever a local state of emergency is declared by the Chief Elected Official of a local government pursuant to this section, the Chief Elected Official of the county in which such local state of emergency is declared, or where a county is wholly contained within a city, the Mayor of such city, may request the Governor to remove all or any number of sentenced

inmates from institutions maintained by such county in accordance with section ninety-three of the correction law.

## **LIST OF ACRONYMS AND RECOGNIZED ABBREVIATIONS**

AAR	Association of American Railroads
AIChE	American Institute of Chemical Engineers
ASCS	Agricultural Stabilization and Conservation Service
ASME	American Society of Mechanical Engineers
ASSE	American Society of Safety Engineers
ATSDR	Agency for Toxic Substances and Disease Registry

BOE	Bureau of Explosives
CAER	Community Awareness and Emergency Response (CMA)
CDC	Centers for Disease Control (HHS)
CEM	Utah Division of Comprehensive Emergency Management
CEMP	Comprehensive Emergency Management Plan
CEO	Chief Elected Official
CEPP	Chemical Emergency Preparedness Program
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510)
CFR	Code of Federal Regulations
CHEMNET	A mutual aid network of chemical shippers and contractors.
CHEMTREC	Chemical Transportation Emergency Center
CHLOREP	A mutual aid group comprised of shippers and carriers of chlorine.
CHRIS/HACS	Chemical Hazards Response Information System/Hazard Assessment Computer System
CMA	Chemical Manufacturers Association
CPG 1-3	Federal Assistance Handbook: Emergency Management, Direction and Control Programs
CPG 1-8	Guide for Development of State and Local Emergency Operations Plans
CPG 1-8a	Guide for the Review of State and Local Emergency Operations Plans
CWA	Clean Water Act
DMAT	Disaster Medical Assistance Team
DMORT	Disaster Mortuary Response Team
DOC	U.S. Department of Commerce
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOS	U.S. Department of State
DOT	U.S. Department of Transportation
EENET	Emergency Education Network (FEMA)
EMA	Emergency Management Agency
EMI	Emergency Management Institute
ERG	Emergency Response Guide
EOC	Emergency Operating Center
EOD	Explosive Ordnance Disposal
EOP	Emergency Operations Plan
EPA	U.S. Environmental Protection Agency
ERD	Emergency Response Division (EPA)
FEMA	Federal Emergency Management Agency
FEMA REP 5	Guidance for Developing State and Local Radiological Emergency Response Plans and Preparedness for Transportation Accidents
FWPCA	Federal Water Pollution Control Act

HAZMAT	Hazardous Materials
HAZOP	Hazard and Operability Study
HHS	U.S. Department of Health and Human Services
HMRT	Hazardous Materials Response Team
ICS	Incident Command System
IEMS	Integrated Emergency Management System
LEPC	Local Emergency Planning Committee
MSDS	Material Safety Data Sheet
NACA	National Agricultural Chemicals Association
NCP	National Contingency Plan
NCRIC	National Chemical Response and Information Center
NETC	National Emergency Training Center
NFA	National Fire Academy
NFPA	National Fire Protection Association
NIOSH	National Institute of Occupational Safety and Health
NOAA	National Oceanic and Atmospheric Administration
NRC	U.S. Nuclear Regulatory Commission; National Response Center
NRT	U.S. Nuclear Regulatory Commission; National Response Center
NUREG 0654	Criteria for Preparation and Evaluation of Radio FEMA-REP-1 logical Emergency Response Plans and Preparedness in Support of Nuclear Power Plants
OHMTADS	Oil and Hazardous Materials Technical Assistance Data System
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration (DOL)
PPE	Personal Protective Equipment
PSTN	Pesticide Safety Team Network
RCRA	Resource Conservation and Recovery Act
RQs	Reportable Quantities
RRT	Regional Response Team
RSPA	Research and Special Programs Administration (DOT)
SARA	Superfund Amendments and Reauthorization Act of 1986 (PL 99- 499)
SCBA	Self-Contained Breathing Apparatus
SERC	State Emergency Response Commission
SPCC	Spill Prevention Control and Countermeasures
UPRC	Union Pacific Resource Corporation
TSD	Treatment, Storage, and Disposal Facilities.
USCG	U.S. Coast Guard (DOT)
USDA	U.S. Department of Agriculture
USGS	U.S. Geological Survey
USNRC	U.S. Nuclear Regulatory Commission
WMD	Weapon of Mass Destruction

## **GLOSSARY OF TERMS**

### **Accident Site**

The location of an unexpected occurrence, failure, or loss, either at a facility or along a transportation route, resulting in a release of hazardous materials; an incident site.

### **Acute**

**SEVERE BUT OF SHORT DURATION** Acute health effects are those that occur immediately after exposure to hazardous chemicals.

**Acutely Toxic Chemicals**

Chemicals that can cause severe short- and long-term health effects after a single, brief exposure (short duration). These chemicals (when ingested, inhaled, or absorbed through the skin) can cause damage to living tissue, impairment of the central nervous system, severe illness, or, in extreme cases, death.

**Agency** - Any department, division, commission, government corporation, independent establishment, or other agency of State or local government

**Airborne Release**

Release of a chemical into the air.

**Ambient**

Surrounding. Ambient temperatures are temperatures of the surrounding area (e.g., air or water).

**Asymptomatic**

Exposed persons who are *not* exhibiting signs/symptoms of exposure.

**B-NICE**

Pertaining to biological, nuclear, incendiary, chemical, or explosives.

**By-Product**

Material, other than the principal product, that is produced or generated as a consequence of an industrial process.

**Casualty Collection Point (CCP)**

Predefined location at which patients are collected, triaged, and provided with initial medical care.

**Chemical Process**

A particular method of manufacturing or making a chemical, usually involving a number of steps or operations.

**CHEMTREC - Chemical Transportation Emergency Center.** A public service of the Manufacturing Chemists Association to provide immediate advice for those at the scene of emergencies involving chemicals and then contact the shipper for more detailed assistance and appropriate follow-up. The service is available 24 hours a day at the toll free number 1-800-424-9300

**Chief Executive:**

- Chairman, Board of Supervisors
- The Mayor of the city or village

- The Supervisor of a town

#### Chronic

Of long duration or having frequent recurrence. Chronic health effects are those that become apparent or continue for some time after exposure to hazardous chemicals.

#### Cold (Support) Zone

Clean area outside the inner perimeter where command and support functions take place. Special protective clothing is not required in this area.

#### Combustible Product

Material produced or generated during the burning or oxidation of a material.

#### Command Post

Facility located at a safe distance upwind from an accident site where the on-scene coordinator, responders and technical representatives can make response decisions, deploy manpower and equipment, maintain liaison with media, and handle communications.

#### Community Awareness and Emergency Response (CAER) Program

Program developed by the Chemical Manufacturers Association (CMA), to assist chemical plant managers in taking the initiative in cooperating with local communities to develop integrated (community/industry) plans for responding to releases of hazardous materials.

#### Contingency Plan

A document to identify and catalog the elements required to respond to an emergency, to define responsibilities and specific tasks, and to serve as a response guide.

#### Critical Facilities

Facilities essential to emergency response, such as fire stations, police stations, hospitals, and communication centers.

#### Decomposition Product

Material produced or generated as a result of the physical or chemical degradation of a parent material.

#### Deputy Emergency Medical Services Coordinator

A person or persons appointed by the County Director of Emergency Services, who is to aid and assist the EMS command officers in performing their duties. May also act as liaison between agencies, keep records, coordinate multi-agency activities and evaluate operations at each situation.

**Dike**

A barrier such as a low wall or embankment designed to prevent a spill from spreading or flooding.

**Disposal**

The removal of waste material to a site or facility that is specifically designed and permitted to receive such wastes.

**Emergency**

A situation created by an accidental release or spill of hazardous chemicals, which poses a threat to the safety of workers, residents, the environment, or property.

**EMS Command Officer**

That person responsible for EMS operations at an emergency situation.

**Emergency Operations Center (EOC)**

The site from where local state and federal agencies coordinate off-scene support to on-scene responders.

**Emergency Shelter** - A form of mass or other shelter provided for the communal care of individuals or families made homeless by an emergency or major disaster.

**Evacuation**

Removal of residents and other persons from an area of danger.

**Exercise**

A simulated accident or release set up to test emergency response methods and for use as a training tool.

**Extremely Hazardous Substances (EHSs)**

A list of chemicals identified by EPA on the basis of toxicity, and listed under Title III of SARA.

**Facility**

Defined for Section 302 of Title III of SARA as all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

**Facility Emergency Coordinator**

Facility representative for each facility with an extremely hazardous substance (EHS) in a quantity exceeding its threshold planning quantity (TPQ), who participates in the emergency planning process.

**Fenceline**

Outermost perimeter of facility property.

**Gross Decontamination**

Initial decontamination to remove large amounts of decontaminants.

**Hazard**

Any situation that has the potential for causing damage to life, property and/or the environment.

**Hazardous Chemical**

Any chemical which is a physical hazard or a health hazard as defined under OSHA 29 CFR 1910.1201.

**Hazardous Material (Haz-Mat)**

Any element, compound, mixture, solution or substance which, when spilled or released into the air or into or on any land or waters of the state, may present a substantial danger to the public health, safety, welfare or the environment.

**Hazardous Substances (Superfund)**

Substances designated as hazardous under CERLA (also known as Superfund); CERLA incorporates substances listed under the Clean Water Act, the Clean Air Act, RCRA, and TSCA Section 7.

**Hazards Analysis**

The procedure for identifying potential sources of a hazardous materials release, determining the vulnerability of an area to a hazardous materials release, and comparing hazards to determine risks to a community.

**Hazards Identification**

Provides information on which facilities have extremely hazardous substances (EHSs), what those chemicals are, and how much there is at each facility. Also provides information on how the chemicals are stored and whether they are used at high temperatures. Mandatory facility reporting under Title III will provide most of the information needed for a hazard identification.

**Hot (Exclusion) Zone**

Area immediately around the incident where serious threat of harm exists. It should extend far enough to prevent adverse effects from B-NICE agents to personnel outside the zone. Entry into the hot zone requires appropriately trained personnel and use of proper personal protective equipment.

**Immediately Dangerous to Life and Health (IDLH)**

The maximum level to which a healthy worker can be exposed for 30 minutes and escape without suffering irreversible health effects or escape-impairing symptoms.

**Incident**

Any event that results in a spill or release of hazardous materials. Action by emergency service personnel will be required to prevent or minimize loss of life or damage to property and/or natural resources.

**Incident Command System (ICS)**

The combination of facilities, equipment, personnel, procedures, and communications operating with a common command structure.

**Incident Commander (IC)**

That person who has the overall responsibility to coordinate response from all agencies responding to an incident.

**Inner Perimeter**

Secured inner area of operations.

**Lethal**

Causing or capable of causing death.

**Lethal Concentration Low (LCLO)**

The lowest concentration of a chemical at which some test animals died following inhalation exposure.

**Lethal Dose Low (LDLO)**

The lowest dose of chemical at which some test animals died following exposure.

**Level of Concern**

The concentration of an extremely hazardous substance (EHS) in the air above which there may be serious irreversible health effects or death as a result of a single exposure for a relatively short period of time.

**Local Emergency Planning Committee (LEPC)**

A committee appointed by the State emergency response commission (SERC), as required by Title III of SARA, to formulate a comprehensive emergency plan for its district.

**Local Government**

Government of a county, city incorporated village and town

**Mass Casualty Incident**

A localized incident involving a number of casualties where the emergency medical resources are available and adequate within a regional/local mutual aid system to provide patient treatment and transport without excessive delay.

**Mass Decontamination**

Decontamination process used on large number of contaminated victims.

**Material Safety Data Sheet (MSDS)**

A compilation of information required under the OSHA Hazard Communication Standard on the identity of hazardous chemicals, health and physical hazards, exposure limits, and precautions. Section 311 of Title III of SARA requires facilities to submit MSDSs under certain conditions.

**Median Lethal Concentration (LC50)**

Concentration level at which 50 percent of the test animals died when exposed by inhalation for a specified time period.

**Median Lethal Dose (LD50)**

Dose at which 50 percent of test animals died following exposure. Dose is usually given in milligrams per kilogram of body weight of the test animals.

**National Response Center**

A communications center for activities related to response actions; it is located at Coast Guard Headquarters in Washington, D.C. The National Response Center receives and relays notices or discharges of releases to the appropriate On-Scene Coordinator, disseminates On-Scene Coordinator and Regional Response Team (RRT) reports to the National Response Team (NRT) when appropriate and provides facilities for the NRT to use in coordinating a national response action when required. The toll-free number (800-424-8802, or 202-426-2675) can be reached 24 hours a day for reporting actual or potential pollution incidents.

**NAWAS - The National Warning System.**

A system of dedicated telephone lines originating at Colorado Springs, Colorado, through various Federal and State Warning Points and terminating at county and city warning points, weather service installation, and other critical locations.

**On Scene Coordinator (OSC)**

The individual on-scene responsible for coordinating the resources at each respective level of government. OSC's may include

- Local On-Scene Coordinator (LOSC)
- State On-Scene Coordinator (SOSC)
- Federal On-Scene Coordinator (FOSC)

**Outer Perimeter**

Outermost area from hazard that is secure.

**Plume**

Effluent cloud resulting from a continuous source release.

**Point Source**

Letter, package, or dispersal area or agent.

**Protect in Place**

Method of protecting public by limiting exposure.

**Public Information Officer (PIO)**

A person designated by the Incident Commander who provides information to the public and media.

**Radius of the Vulnerable Zone**

The maximum distance from the point of release of a hazardous substance at which the airborne concentration could reach the level of concern (LOC) under specified weather conditions.

**Reportable Quantity (RQ)**

The quantity of a hazardous substance that triggers reporting under CERCLA; if a substance is released in a quantity that exceeds its RQ, the release must be reported to the National Response Center (NRC), as well as to the State Emergency Response Commission (SERC) and the community emergency coordinator for areas likely to be affected by the release.

**Response**

The efforts to minimize the risks created in an emergency by protecting the people, the environment, and property, and the efforts to return the scene to normal pre-emergency conditions.

**Responsible Party**

The person or firm who, by law, is strictly liable for clean up of any spill or release.

**Risk**

A measure of the probability that damage to life, property, and/or the environment will occur if a hazard manifests itself; this measure includes the severity of anticipated consequences to people.

**Risk Analysis**

Assessment of the probable damage that may be caused to the community by a hazardous substance release.

**RRT**

Regional Response Team, team consisting of SEMO Regional Director for the affected area, a National Guard liaison office, a field representative of the American Red Cross and representatives from appropriate state agencies, to:

1. Assist local government emergency officials to analyze and assess the impact of an emergency or disaster.
2. Provide technical assistance to local government officials as necessary.
3. Advise the governor, through his emergency management office, as to a proper course of action for state government.

SERC - State Emergency Response Commission Voluntary/Private Agency - Any nonprofit, non-governmental chartered or otherwise duly recognized tax exempt local, state, or national organization or group which has provided or may provide services to the state, local governments, or individuals in an emergency or disaster

#### **SLUDGEM**

Acronym for salivation, lacrimation, urination, defecation, gastric distress, emesis and miosis.

#### **Special Populations**

Groups of people that may be more susceptible than the general population (due to preexisting health conditions (e.g., asthmatics) or age (e.g., infants and the elderly)) to the toxic effects of an accidental release.

#### **Spill Prevention Control and Countermeasures (SPCC) Plan**

Plan covering the release of hazardous substances as defined under authority of the Clean Water Act

#### **Stability Classes, Atmospheric**

Pasquill stability classes (ranging from "A" to "F") are meteorological categories of atmospheric conditions. Pasquill stability Class A represents unstable conditions under which there are strong sunlight, clear skies, and high levels of turbulence in the atmosphere, conditions that promote rapid mixing and dispersal of airborne contaminants. At the other extreme, Class F represents light, steady winds, fairly clear nighttime skies, and low levels of turbulence. Airborne contaminants mix and disperse far more slowly with air under these conditions, and may travel further downwind at hazardous concentrations than in other cases. Stability Class D, midway between A and F, is used for neutral conditions, applicable to heavy overcast, daytime or nighttime.

#### **State Emergency Response Commission (SERC)**

Commission appointed by each State governor according to the requirements of Title III of SARA; duties of the commission include designating emergency planning districts, appointing local emergency planning committees (LEPCs), supervising and coordinating the activities of planning committees, reviewing emergency plans, receiving chemical release notifications, and establishing procedures for receiving and processing requests from the public for information.

**Storage**

Methods of keeping raw materials, finished goods, or products while awaiting use, shipment or consumption.

**Symptomatic**

Exhibiting signs/symptoms of exposure.

**Threshold Planning Quantity (TPQ)**

A quantity designated for each chemical on the list of extremely hazardous substances (EHSs) that triggers notification by facilities of the State Emergency Response Commission (SERC) that such facilities are subject to emergency planning under Title III of SARA.

**Time, Distance and Shielding (TDS)**

Three types of protective measures commonly associated with hazardous materials training.

**Triage Officer**

That person who has been medically trained in the procedures and techniques of evaluating an emergency situation and the patients involved. That person will be identified by a green vest imprinted with the words "Triage Officer".

**Toxic Chemical Release Form**

Information form required to be submitted by facilities that manufacture, process, or use (in quantities above a specified amount) chemicals listed in Section 313 of Title III of SARA.

**Toxic Cloud**

Airborne mass of gases, vapors, fumes, or aerosols of toxic materials.

**Toxicity**

The ability of a substance to cause damage to living tissue, impairment of the central nervous system, severe illness, or death when ingested, inhaled, or absorbed by the skin.

**Toxicology**

The study of the adverse effects of chemical agents on biological systems.

**TRACEM**

The acronym used to identify the six types of harm one may encounter at a terrorist incident: thermal, radioactive, asphyxiation, chemical, etiological, and mechanical. Note: Some sources use the acronym TEAM CPR, which stands for thermal, etiological, asphyxiation, mechanical, chemical, psychological, and

radioactive.

#### Transfer

Loading and unloading of chemicals between transport vehicles and storage vessels, and sending chemicals via pipes between storage vessels and process reactors.

#### Transport Mode

Method of transportation: highway; rail (trains); water (ships/barges); pipelines; air (planes).

#### Unified Command

The method by which local, state and federal agencies will work with the Incident Commander to:

1. Determine their roles and responsibilities for a given incident.
2. Determine their overall objectives for management of an incident.
3. Select a strategy to achieve agreed-upon objectives.
4. Deploy resources to achieve agreed-upon objectives.

#### Vapor Dispersion

The movement of vapor clouds or plumes in air due to wind, gravity spreading, and mixing.

#### Vulnerability Analysis

Assessment of elements in the community that are subject to damage should a hazardous materials release occur; includes gathering information on the extent of the vulnerable zone, conditions that influence the zone, size and type of the population within the zone, private and public property that might be damaged and the environment that might be affected.

#### Vulnerable Zone

An area over which the airborne concentration of a chemical involved in an accidental release could reach the level of concern (LOC).

#### Warm Zone

A buffer area between the hot and cold zones. Personnel in this area are removed from immediate threat, but are not considered completely safe from harm. In HazMat incidents, this zone is also the contamination reduction zone where initial decontamination activities occur. This zone requires the use of proper personal protective equipment once contaminated people or equipment enter the zone.

#### Weapons of Mass Destruction (WMD)

- 1) Any explosive, incendiary, poison gas, bomb, grenade, or rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, or mine or device similar to the above.
- 2) Poison gas.
- 3) Any weapon involving a disease organism.
- 4) Any weapon designed to release radiation at a level dangerous to human life.

## Chapter Nine - Equipment and Vehicles

- 9-1 Body armor
- 9-2 Patrol car equipment
- 9-3 Personal Equipment & Apparel
- 9-4 Seat belts
- 9-5 Special Purpose Vehicles
- 9-6

# BODY ARMOR

STANDARD NO(S):

NYSLEAP 41.1  
NYSSA # 93

DATE:

June 30, 2009

REFER TO:

Jack S. Stenberg  
Gary S. Sullivan  
John Cleere

## I. OBJECTIVE

To establish procedures for the use of body armor by members of the SCSO.

## II. POLICY

It is inevitable and understandable that incidents involving injury to police and correction officers and which result from assaults involving firearms and edged weapons receive high profile coverage both within the police service itself and also through the media.

The risk of such incidents occurring is thankfully extremely low when compared to the total number of arrests and incidents, which happen on a daily basis. However, the serious or even fatal consequences which, usually result from these incidents must never be underestimated.

The SCSO has a statutory responsibility under the NYS Public Employee Safety and Health Act to “furnish to each of its employees, employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees and which will provide reasonable and adequate protections to the lives, safety or health of its employees...” This statutory responsibility is further enhanced by the requirements of the Hazard Communication Standard (HCS) 29CFR 1910.132 as prescribed by the Occupational Hazard and Health Administration (OSHA) as it relates to Personal Preprotective Equipment and the responsibility of employers to provide personal protective equipment where risks cannot be adequately controlled by other means.

This policy aims to minimize the risks of injury to police officers and corrections officers from firearms or edged weapons through the provision and wearing of personal issue body armor. The SCSO will provide body armor which incorporates levels of protection that meets or exceeds standard number 0101.06 approved by the National Institute of Justice (NIJ).

Body armor is designed to protect the vital organs and cannot offer complete protection. It is therefore essential that staff continue to undertake dynamic risk assessments of the circumstances of an incident as an aid to the decision making process to enable the most appropriate course of action to be taken to minimize the risk to personal safety.

### III. DETAILS

**A. Distribution** -Members engaged in law enforcement functions are issued body armor at the time of their employment. The Road Patrol Lieutenant will ensure that each member assigned to the Law Enforcement Division is assigned body armor. Members from the Corrections Division assigned to Transport duties have available to them “pool” body armor for use during Corrections related transports outside of the Correctional Facility and CERT Team operations.

**B. Required use and exceptions -**

#### **1. UNIFORMED DEPUTY SHERIFF'S & SUPERVISORS**

##### **(Law Enforcement Division)**

- a. Every uniformed member of the SCSO is required to wear his/her issued body armor at all times while on duty.
- b. Uniformed members during the times when SCSO policy requires the wearing of short sleeve shirts will wear their body armor inside of their uniform shirt and not visible.
- c. Uniformed members during the times when SCSO policy requires the wearing of long sleeved uniform shirts will wear their body armor in either the quilted outer shell outside of their duty uniform or inside of their uniform shirt which ever is preferable to the member.

The following exception applies:

1. The requirement to wear body armor will not apply to members undertaking administrative tasks within police buildings or while participating in meetings, but will have it immediately available in their police vehicle. In the event that members undertaking administrative duties within police buildings are summoned to assist with activities outside of the police building, they may don and wear their body armor in either the quilted outer shell or inside of their uniform, but in all cases will wear their body armor.

#### **2. PLAIN CLOTHES INVESTIGATORS & SUPERVISORS**

- a. All plain clothes Investigators and Deputy Sheriff's will be provided with personal issue body armor, which will be worn:
  1. While undertaking pre-planned operations involving forced entry in to premises where there is a reasonably foreseeable risk of confrontation;
  2. While undertaking pre-planned arrests where there is a reasonably foreseeable risk of confrontation;

3. While undertaking inquiries into incidents involving members of the public/suspects where there is a reasonably foreseeable risk of confrontation;
  4. In any other circumstances identified as a result of an informed risk assessment by an individual officer and/or their supervisor.
- 
- b. Plain clothes Investigators and Deputy Sheriff's will not be required to wear body armor for duties where risks to safety could be significantly compromised if individual identity is revealed. In such circumstances, the risk assessment for these activities must identify the alternative control measures, which need to be implemented to manage the risks.

The following exception applies:

1. The requirement to wear body armor will not apply to plain clothes investigators and supervisors while undertaking administrative tasks within police buildings or while participating in meetings, but will have it immediately available in their police vehicle.

### **3. CORRECTIONS OFFICERS & SUPERVISORS**

- a. Every Correction Officer assigned to perform transport duties outside of the Seneca County Correctional Facility or deployed in a CERT Team operation within the facility is required to wear body armor until the completion of the task assigned. Corrections Officers have been provided with "pool" body armor concealed in an outer carrier which will be worn on the outside of the member's uniform.

**C. Care of equipment** -The cleaning and maintenance of body armor is the responsibility of the member to whom it is issued. As with any item of equipment, body armor is subject to periodic inspection by supervisory personnel.

**D. Replacement** -Although current studies are not conclusive as to how time affects the protective quality of body armor, for the present, it shall be assumed that armor now in use has an effective life of approximately five years or more and shall be considered for replacement thereafter.

## **PATROL CAR EQUIPMENT**

STANDARD NO(S) NYSLEAP 41.2, 42.2

DATE: July 20, 2009

REFER TO: Michael Schell

### I. OBJECTIVE

To specify the equipment that is needed in order to handle emergencies and to conduct investigations, both accident and preliminary, and which is to be carried in each patrol vehicle.

### II. POLICY

A member of the SCSO, while engaged in normal duties on road patrol, is frequently called upon to handle medical or other emergencies or, as first responder, conduct a preliminary investigation. In order to perform these tasks effectively, the member must have at one's disposal certain equipment that must be kept in readiness and in adequate supply.

### III. DETAILS

#### **A. Patrol Vehicle Equipment** - Each patrol car will carry the following equipment in the quantities indicated:

1. Two blankets, disposable, in plastic wrapping
2. One first aid box, fully stocked
3. Road flares, at least twelve
4. Shotgun and extra ammunition in locked gun rack
5. One "Slim Jim" type door opening tool
6. One fire extinguisher, fully charged
7. One measuring tape, 100'
8. One pry bar
9. One flashlight w/red snap-on traffic wand
10. One reflectorized traffic vest
11. One roll crime scene barrier tape, 500'
12. Chalk for marking positions of evidence on road
13. One AIDS kit w/plastic gloves, alcohol wipes
14. One CPR breathing mask
15. SCSO "Posted" placards
16. Seat belt cutter
17. Computer/Printer/Scanner

**B. Procedures -**

1. Member will check the patrol car on a daily basis to insure that the equipment listed above is in place and in good condition.
  - a. Disposable supplies (flares, first aid materials, etc.) will be replaced after each use.
  - b. Whenever the measuring tape is used, it shall be wiped completely clean with a cloth.
  - c. Whenever a fire extinguisher is used, it should be returned for recharging and a spare obtained to carry in the interim.
2. There are special requirements for the care and maintenance of the Computer
  - a. Computers, mounted in all marked patrol units, will not be moved or altered, to include the addition or deletion of any hardware or software without the authorization of the Road Patrol Lieutenant.
  - b. It will be the responsibility of the investigator operating an unmarked vehicle having computer mounting hardware to insure that the computer is properly secured while in the vehicle.
  - c. All personnel will report any computer malfunction to the appropriate supervisor.
  - d. AT NO TIME should any food or liquids be placed on or near the computer.
  - e. AT NO TIME shall any member tamper with or change computer connections without authorization of the Sheriff or designee.
  - f. Each member to whom an Computer is assigned is required to bring it into the SCSO at least once a month in order to download the newest version of virus software along with any new MOI updates. This procedure is accomplished at the appropriate icon located on the available desktop computers.
3. In addition to the equipment listed under ¶ A above, and by agreement with the New York State Division of Criminal Justice Services (DCJS), SCSO has received an electronic device referred to as the Remington Mobile Plate Hunter, 900 Series (MPH 900). Terms of the agreement specify that the equipment is to be used for crime control initiatives and that the responsible staff member submit periodic activity reports to DCJS regarding its deployment.

- a. The MPH 900 consists of two cameras mounted on the patrol vehicle, which scan license plates within their view. Using character recognition software, the plate numbers are compared to a list of those that have been stolen, revoked or suspended and have been entered into the computer. The “wanted” plate numbers are periodically furnished by DMV. The system runs continuously in the background on the MTD and provides an audible and visual alarm when a match is found.
- b. The MPH 900 is to be used only by Road Patrol personnel who have been trained in the care and operation of the system.
- c. Subject to availability, SCSO provide mutual assistance to neighboring jurisdictions who request the MPH 900 for special operations.
- d. The MPH 900 may be deployed when responding to the recovery of an abducted child (AMBER Alert).

## **PERSONAL EQUIPMENT AND APPAREL**

STANDARD NO(S):

NYSLEAP# 14.2, 41.3, 47.3

DATE:

March 12, 2010

REFER TO:

Jack S. Stenberg

### **I. OBJECTIVE:**

To specify SCSO issued equipment, apparel, personal equipment and grooming standards applicable to members of all SCSO Divisions and to provide a procedure for its acquisition.

### **II. POLICY:**

All members and employees of the SCSO are required to be properly equipped and attired to enable them to carry out their responsibilities. The proper equipment, apparel and grooming standards project a professional business-like appearance and where appropriate, one which is readily identifiable with the SCSO. A standardized method of procuring and issuing equipment and uniforms is essential for accurate control and inventory.

### **III. DETAILS:**

- A. The Law Enforcement Division Quartermaster is responsible for procuring and issuing all equipment, uniforms and accessories with the exception of firearms and related equipment, which is issued only by the SCSO Armorer and chemical spray which will be issued only by the Chemical Munitions Officer. Upon being initially assigned, transferred or promoted, the Law Enforcement Division Lieutenant will ensure the Quartermaster provides the member whatever equipment is needed and required to perform their duties.
- B. The Corrections Division Quartermaster is responsible for procuring and issuing all equipment, uniforms and accessories with the exception of firearms (See "**Facility Firearms**" located in the CMOI) and chemical spray (See "**Chemical Agents**" located in the CMOI). Upon being initially assigned, transferred or promoted, the Corrections Division Lieutenant will ensure the Quartermaster provides the member whatever equipment is needed and required to perform their duties (See "**Equipment & Apparel**" located in the CMOI).
- C. All members, regardless of assignment, are issued an official identification card, signed by the Sheriff.
  1. Uniform personnel - All uniformed members of the SCSO Corrections and Law Enforcement Divisions receive everything required in sufficient

quantity to permit them to present a neat and clean appearance for the performance of their work and to adapt to weather conditions.

2. Non-uniformed personnel – SCSO Law Enforcement Division members assigned to the Criminal Investigation and Civil Divisions to work in a plain clothes capacity receive all SCSO equipment required in sufficient quantity to permit them to present a neat clean appearance for the performance of their work and to adapt to weather conditions.
  - a. Members assigned to plain clothed assignments will dress in attire to present a professional business image.
  - b. Personnel assigned to the Criminal Investigation Division and the Civil Division Deputy, receive an annual clothing allowance, which is set by the current employee contract, to be used for business-like clothing for example but not limited to dry-cleaning, suits, sport jacket, slacks, and outer wear.
  - c. Male personnel assigned to these Divisions will wear a:
    - i. Suit, sports coat or sweaters
    - ii. long or short sleeve dress shirt
    - iii. A tie or bow tie. The tie or bow tie will be color coordinated with the jacket and trousers worn.
    - iv. Trousers or dress slacks only. No blue or any other colored jeans will be worn.
    - v. Shoes will be a dress shoe, cleaned and polished with socks to match color of attire.
  - d. Female personnel assigned to these Divisions will wear a:
    - i. Suit, or
    - ii. Blouse or sweater
    - iii. Skirt or pants,
    - iv. Dress shoes.
  - e. When a non-uniformed member of the Criminal Investigation or Civil Division works in a uniform assignment, they will follow the uniform guide lines for wearing and displaying the uniform.

- f. NARCO investigators will dress in accordance with CID attire guide lines unless on a specific assignment.
  - g. While on duty, CID, Civil Division and NARCO officers will wear their authorized handgun and two extra ammunition magazines, badge, identification and holder, and handcuffs with key.
- 3. Members of the SCSO Law Enforcement Division may also be issued optional equipment to include:
  - a. Spare weapon magazines
  - b. Handcuffs
  - c. Handcuff key
  - d. Baton
  - e. Flashlight

Any uniform or item of equipment which does not reflect a member's current assignment should be surrendered to the Division lieutenant.

- 4. Clerks, typist and all others assigned to clerical positions – will project a professional business image. These employees will be governed by the same dress code as above, which may be modified in special circumstance by the Sheriff.
- 5. Seminar and school attire and dress-code when attending a seminar or school will be as follows:
  - a. If a uniform is required, the rules for the uniform dress will be adhered to.
  - b. Civilian dress or attire:
    - i. Males – sports coat, dress shirt, dress slacks with a matching tie, and shoes. Optional sweater or a suit.
    - ii. Females – a dress, dress blouse/sweater, slacks or skirt with proper shoes. Cardigan optional.
- 6. Traveling to and from a seminar or school while operating a marked Seneca County Sheriff's vehicle or county vehicle, the officers may dress casual on long trips. On every day to and from, the officers will comply with section a & b of this section. Sneakers, dungarees, shorts, pullovers and sandals will not be worn.

7. Other clothing and accessories when worn with the official prescribed uniform will conform to the following, unless otherwise issued:
  - a. Socks – black when wearing dress shoes, may be other than black when wearing boots.
  - b. Scarves – black
  - c. Gloves – black
  - d. Sweaters or vests – black
  - e. Neckties – black
  - f. Shoes, boots or sneakers – black, clean and shined
  - g. Sunglasses will be black or gold frames and not reflective type
  - h. Brass – all brass will be shined. This includes the badge, chevrons, collar brass, brass on gun belts and tie tack.
  - i. Leather equipment – trouser belt, gun belt, holster, any leather worn on the duty belt, and shoes will be black in color, cleaned and shined.
8. Employees shall not sell, give, trade or exchange Sheriff's uniforms and/or equipment.

**D. Replacement of uniforms and/or equipment –**

1. Members shall be held accountable for the proper use, care and maintenance of their uniforms and equipment and shall be held accountable for all equipment from time to time.
2. Items which become damaged or are rendered otherwise unusable as a result of wear and tear during normal course of duty shall be replaced with the authority of the Division Lieutenant. The item damaged will be given to the Division Lieutenant with a copy of the SJS report(s) indicating what SCSO property was damaged and how the damage occurred for possible restitution purposes.
3. Any member who losses or damages any equipment or property belonging to the SCSO shall immediately report the loss to the Sheriff in writing. The member may be required to replace the property or its value, if such loss is determined by the Sheriff to be caused by the member's lack of due care.

4. Uniforms and/or equipment obtained under the provisions of this directive are listed on a form entitled "Uniform and Equipment Inventory" which shows the dates of issue and return and provides for the acknowledgement of receipt by the member or issuer. Execution of this form is the responsibility of the Quartermaster. The completed forms are to be maintained in the custody of the Quartermaster.
5. Except for items which are obviously of a personal nature, such as writing instruments, wristwatches, etc., no unauthorized equipment and/or apparel is to be carried or worn while on duty.
  - a. In accordance with the employee contract, personal items which are lost or damaged in the performance of a member's duty are reimbursable by the County, provided such loss or damage is not due to misuse or inattention on the part of the member.
6. All full time members, except for cooks and clerical, receive annual uniform, equipment and replacement clothing allowance set by the employee's contract.

#### **E. General Appearance – Cleanliness**

1. Hair Grooming:
  - a. Males:
    - i. Hair shall be neatly groomed, and tapered so it does not fall over your eyebrows, your ears or touch your shirt collar except for the closely cut hair at the back of your neck. The bulk or length of hair must not interfere with the wearing of any uniform headgear, including emergency equipment.
    - ii. Hair shall not be dyed or cut/worn so as to appear outstanding from the general population or to present a non-professional image.
    - iii. Keep sideburns neatly trimmed. Mutton chops or flared sideburns are not permitted. The base of your sideburns must be clean shaven on a horizontal line. The base may not extend below the lowest part of your exterior ear opening.
    - iv. Your face must be clean shaven. There shall be no beards. When a mustache is worn, keep it trimmed and not extending beyond the corner of your mouth and not falling below the center line of your lips.

- v. Fingernails – Uniform personnel shall maintain no more than a  $\frac{1}{4}$  inch nail length beyond the fingertip.  
Fingernails shall be clean from dirt build up.

b. Females:

- i. Keep your hair neatly groomed. Females working in corrections or road patrol will arrange their hair so that it does not extend below the top of their shirt collar. The hair in bulk or length must not interfere with the wearing of uniform and emergency headgear.
- ii. Hair shall not be dyed or cut/worn so as to appear outstanding from the general population or to present a non-professional image.
- iii. Fingernails – Uniform personnel shall maintain no more than a  $\frac{1}{4}$  inch nail length beyond the fingertip. Nail polish shall be a conservative color. Fingernails shall be clean from dirt build up.

2. Uniforms and insignia –

- a. Uniformity of dress while in uniform – Except upon specific orders of the Sheriff or Detail Supervisor, all uniformed members shall wear their issued uniform on-duty. When members of any number are assembled for police duty or special assignment, the member who issues the order for such assemblage shall prescribe the uniform to be worn. A supervisor must insure uniformity of dress for uniform members assigned to the detail.
- b. Unauthorized display – no member in uniform shall visibly wear any decorative jewelry or other similar items not specifically authorized by these regulations, except that he/she may wear a wristwatch or a ring or both, provided that neither item denotes membership or affiliation with any fraternal, political benevolent or religious society. Any member requesting to wear unauthorized items will direct a memo to the Sheriff for permission to wear the item.
  - i. Key rings, packages of tobacco or cigarettes, small pocket knives, pen and pencil holders, eyeglass cases, and the like, if carried, shall not be visible while a member is in uniform.
  - ii. The carrying of large, folding or sheath-type knives by members while on-duty is prohibited, unless authorized

- iii. Stetsons will be worn when the officer is outside of their vehicle except in the department parking lot area. The Stetson will be worn two fingers above the bridge of the nose.
- c. Chevrons when issued to a non-commissioned officer will be standard sized chevrons and worn on both sleeves of the SCSO uniform shirt and outer garments
- d. All leather uniform equipment shall be polished and clean.
- e. Members in uniform shall wear polished black shoes.
- f. Wearing of the black tie – the length of the tie will not be longer than the uniform pants belt or gun belt. It will not be shorter than two (2) inches above the belt line. Ties will be clean. The tie tack will be worn level with the top of the breast pocket and the tie tack chain will be secured in the third button hole.
- g. Any member while in the performance of their duty receives blood pathogens on their uniform or civilian attire may have their clothing dry cleaned at no cost to the member. Dry cleaning will kill any blood pathogens.
- h. A member of the Seneca County Sheriff's Office is known by the public. We are judged not only on duty but also off duty. Your attire and actions will be observed by the public, so present yourself accordingly.
- i. Uniforms will be cleaned, pressed and properly worn with all buttons buttoned. Sleeves will not be rolled up.
- j. The uniform windbreaker or winter coat shall be worn during the winter months. No decorations, medals or pins shall be worn on the winter coat except issued name plates, badge and rank insignia.
- k. All members while directing traffic, or conducting a police operation on, in or near any roadway will wear an issued High Visibility safety vest while on the detail.
- l. Short sleeve uniform shirts may be worn as prescribed by the Sheriff with appropriate consideration given to weather condition.

- m. Name plates issued to members shall be worn as follows:
  - i. On the outermost garment, centered horizontally on the above flap of the right breast pocket of the long sleeve uniform shirt.
  - ii. A member shall wear his duty badge on his/her windbreaker, jacket, winter coat, and on rain coat.
- n. Insignia of rank for uniformed commissioned officers and noncommissioned officers shall be worn on the uniform and are described as follows:
  - i. Sheriff – 3 Gold Stars
  - ii. Undersheriff – 2 Gold Stars
  - iii. Chief Deputy – 1 Gold Star
  - iv. Correction Lieutenant – 1 Silver Bar
  - v. Road Patrol Lieutenant – 1 Gold Bar
  - vi. Noncommissioned Officer – Chevron insignia brass/cloth.

**F. Proper wearing of uniform and accessories –**

- 1. Road Patrol –
  - a. Stetsons shall be worn squarely on the head with the brim width of two (2) fingers above the bridge of the nose. Hat straps shall be positioned with the buckle centered at the front of the hat. A member shall identify their hat by writing their name on the sweatband or on a gummed label affixed to the inside of the sweatband. The commissioned officer's round hat shall have a gold hat cord.
  - b. Collar ornaments shall be positioned on the collar tabs of the long-sleeve and short-sleeve uniform shirt. All brass will be shined.
  - c. The tie and tie tack shall be positioned and worn on the uniform shirt, both ends of the tie hanging free below the tie tack and the tie tack positioned on a horizontal line with the top seam of the breast pockets.
  - d. The sleeves of the uniform shall be pressed. The crease will run from the shoulder to the cuff. The sleeves will end at the wrist.

- f. Military decorations and military service ribbons – No member shall wear any medal, service bar or ribbon denoting a decoration or participation in any war, battle, theater of operation, engagement or any federal or state decoration unless he is entitled to wear it and has received the approval of the Sheriff after presenting proper proof. Such approved decorations or military service ribbons may be worn on the uniform shirt, attached by bar.
- e. Seneca County Sheriff's office specialist assignment identification– This identification is to provide for public recognition by tangible evidence of the attainment of high degree of skill, proficiency and excellence in the performance of specified duties or the successful completion of prescribed courses of training. Such identification shall be issued and worn as prescribed by the Sheriff. Identification shall differ in design for each specialist category and such identification will cease to be worn when a member entitled there to is no longer performing such specialized duties, or fails to maintain their qualification as a specialist. A member issued more than one (1) specialist assignment identification may wear only one (1) at any one time. This will be worn on the collar.
  - i. Scuba Diver Bar – This bar will be issued by the Sheriff to a member that is certified and has been assigned as a scuba diver. The bar shall be worn on the uniform shirt or blouse only, centered horizontally immediately above the shooter bar.
  - ii. Field Training Officer insignia – Will be issued by the Sheriff to a member who has successfully completed FTO training and is actively participating in the field of probationary deputies. The FTO insignia will be worn on the uniform shirt or blouse only.
  - iii. Years of service pin – Will be worn on the uniform shirt or blouse only, affixed to the name plate posts so that the lettering appears directly below the name plate.
- g. Firearms Proficiency Bars – When a member has previously earned a bar from the pistol course, the member may continue to wear that award. Any one (1) firearm proficiency bar, when worn, shall be worn on the uniform shirt or blouse only, centered

- h. Uniform Decorations – When worn shall be positioned on the uniform shirt, jacket or blouse only, and centered over the right breast pocket above the name plate or firearms bar just above the top seam of the pocket flap. The highest awarded bar will be worn above the left breast pocket and below the badge.
- i. Other SCSO Award Ribbons – See (“Awards and Recognition”) this manual.

2. Court Appearances –

- a. Officers appearing in local criminal court or county court will dress in uniform according to regulations set forth in the uniform dress code. The uniform will be clean, with leather cleaned and polished. The uniform officer will abide by the courts ruling on wearing of a side arm. Some courts do not want the officer on the witness stand with a weapon.
- b. If the officer wears civilian attire, they will follow the regulation dress code of CID.

# SEATBELTS

STANDARD NO(S):

NYSLEAP 42.3

NYSSA # 95

DATE:

March 25,2009

REVIEWED: 03/22/2017

REFER TO:

John E. Breese

James Altimari

## I. OBJECTIVE:

To require the use of seat belts in all SCSO vehicles.

## II. POLICY:

It has been shown statistically that the use of occupant safety restraining devices can have a significant effect in reducing fatalities and the severity of injuries in traffic accidents. In addition, the use of seat belts by officers engaged in pursuit or other high-speed emergency operations can provide better control of the patrol vehicle.

## III. DETAILS:

**A.** The following paragraphs are excerpts from Section 1229-c of the New York State Vehicle & Traffic Law:

1. "No person shall operate a motor vehicle in this state unless all back seat passengers of such vehicle under the age of four are restrained in a specially designed ... seat ... or in the case of any other passenger under the age of ten, he is restrained by a safety belt ..."
2. "No person shall operate a motor vehicle unless all front seat passengers under the age of sixteen are restrained by a safety belt or, if they are under the age of four, by a specially designed ...seat ..."
3. "No person shall operate a motor vehicle unless such person is restrained by a safety belt ... No person sixteen years of age or over shall be a passenger in the front seat of a motor vehicle unless such person is restrained by a safety belt ..."

**B.** Although the above-mentioned statute specifically exempts police vehicles from the provisions of this law, recent surveys and studies conducted by the state indicate that the use of seat belts saves many lives annually and reduces injuries in thousands of accidents each year.

**C.** For their own safety and for the safety of any passengers, including persons in custody, members of the SCSO are required to use the seat belt and to insure that passengers do likewise. Should the circumstance arise where it becomes necessary to transport a child

under the age of four in an SCSO vehicle, the member shall contact the shift Sergeant who will have access to an approved child restraint seat for the member's use.

**D.** Seat belt use is particularly important while operating at high speeds, not only as protection in the event of a collision, but as a device for keeping the driver in a proper position for better control of the vehicle.

**E.** Members should use discretion in seat belt use if engaged solely in conducting building checks or other activities requiring frequent exiting and reentering the vehicle. In these circumstances, good judgment might dictate that seat belt use be deferred until actual road patrol is resumed.

**F.** It is a fact that uniformed police officers are closely scrutinized by the public and can have a positive effect on the conduct of others by merely setting a good example. In this regard, a member properly wearing the seat belt shows concern for good safety practices.

## **SPECIAL PURPOSE VEHICLES**

STANDARD NO(S): NYSLEAP 42.4

DATE: August 9, 2010  
REVISED: 08/22/12  
REVISED 01/20/16  
REVISED 12/18/18

REFER TO: W. Timothy Luce  
John P Cleere

**I. OBJECTIVE:**

To identify and establish procedures for the use of certain vehicles, other than marked patrol or assigned Administration and CID vehicles which are necessary to support various components of the SCSO.

**II. POLICY:**

It shall be the policy of the SCSO to acquire, maintain, and provide special purpose vehicles for use by various components of the SCSO in support and enhance the efforts of those components having a need for such vehicles and to establish guidelines and responsibilities for the safe operation of such vehicles during routine, urgent, or emergency operation.

Emergency operation of SCSO vehicles is authorized **only** when the member is responding to an emergency call or is in pursuit of an actual or suspected violator (See "**Vehicle Pursuits**"), this manual. Under no circumstances shall the officer be relieved of the duty to drive with due regard for the safety of all persons; nor shall one's use of emergency procedures protect one from any consequences arising from a reckless disregard for the safety of others. It is incumbent upon all officers operating SCSO vehicles to be familiar with the provisions of Section 1104 of the New York State Vehicle & Traffic Law captioned "Authorized Emergency Vehicles".

**III. DETAILS:**

- A.** For purposes of this directive, vehicles in use by the SCSO which have been Designated "special purpose vehicles" are boats, personal watercraft (jet ski), canine (K-9) vehicles, corrections transport vans, vehicles that are occasionally used in the conduct of undercover operations and all terrain 4x4 utility vehicles.

- B. Routine and Urgent Operation-** Under normal non-emergency operating conditions and while responding to routine calls for service, including those calls characterized as “urgent”, officers operating SCSO vehicles may use emergency equipment. Officers will adhere strictly to all traffic and navigation laws and will operate the vehicle in a safe, courteous, and defensive manner. In responding to urgent calls, officers will avoid unnecessary delay.
- C. Emergency Operation and Response-** Vehicle operation of this type requires the use of emergency lights and when necessary the siren. An officer operating a vehicle in an emergency or in pursuit may:
1. Exceed the posted speed limit; however, officers shall take into consideration factors such as weather, road or water, and traffic conditions in determining a safe speed for travel.
  2. Proceed through a red light or stop sign after slowing or stopping as may be necessary for safe operation. Under no circumstances should an operator enter an intersection unless sure that the cross traffic has yielded.
  3. Disregard traffic or navigation regulations governing direction or movement or turning in specified locations when necessary, but with due notice and consideration for the safety of other persons and property. Under no circumstances shall an officer pursue a violator the wrong way on an interstate highway or other divided roadway.
  4. Park, moor, or stand irrespective of the provisions of state statutes, or of county or local ordinances.
  5. Disregard the regulations governing the parking of vehicles under ordinary circumstances to the extent necessary to effect a valid law enforcement purpose; except that an operator shall not block access to a fire hydrant at a fire scene or in any way obstruct the passage of an ambulance, fire apparatus, or emergency medical services vehicle.
  6. Special purpose vehicles will operate under the procedures outlined in “**Vehicle Operation**”, this manual, regarding pursuits.

**D. SCSO Boats & Personal Watercraft (Jet Ski)-**

1. SCSO boats and jet skis are used to patrol all navigable and certain recreational waters in and around the jurisdiction of the SCSO. Their purpose is to provide support for the patrol function promoting the safe operation of all vessels using the waters of Seneca County; to deter and apprehend violators of the

Navigation Law; and, to supplement the Road Patrol Division and any Underwater Search & Recovery Unit, as needed.

2. Routine operations include the seasonal patrols of all navigable waterways in Seneca County. Weather conditions may necessitate varying or adding shifts to adjust for lake usage. The Road Patrol Lieutenant supervises the operation of the Navigation Unit and keeps abreast of special events, such as regattas, fishing derbies, and the like to provide adequate coverage. During the periods of primary usage (summer months), this officer shall generate and send through the chain of command for posting, a schedule of operations, which will show personnel and boat assignments.
3. Requests for the services of the marine patrol shall be made through the duty Sergeant with the approval of the Road Patrol Lieutenant.
4. Officers having duty on marine patrol shall advise the E-911 Center of their status and location, thus allowing the shift Sergeant to be aware of the availability of this resource.
5. Authorization of the Sheriff, or a designee, is required prior to the use of any SCSO boat or jet ski outside of Seneca County for any reason.
6. Training for the operators of an SCSO boat or jet ski shall be in accordance with current regulations and directives issued by the Office of New York State Parks, Recreation and Historic Preservation, the State agency having authority for promulgation of laws, rules and directives governing the operation of vessels in the State of New York. All members operating any SCSO boat or jet ski must have attended a NYS Certified Boater Safety Course.
7. A selected member of the SCSO Navigation Unit will be responsible for the condition and maintenance of the boats and jet skis; however, every officer on duty and operating an SCSO boat or jet ski will take whatever action is necessary to ensure that the boat or jet ski is being operated in a safe manner.
8. SCSO boats are equipped with a two-way police radio, light bar providing emergency search and signal lights, as well as a siren. In addition, each boat and jet ski carries that equipment required by state and federal regulations for boats and personal watercraft, which may include, but is not limited to, approved personal flotation devices, fire extinguisher, flares, anchor, docking lines, binoculars, and any other equipment necessary to accomplish a specific operation.

## **E. Undercover Vehicles-**

1. Undercover vehicles are used to ensure that a sensitive operation can remain inconspicuous and not readily recognized as one being conducted by the SCSO.
2. The use of undercover vehicles shall be limited to those investigations requiring that the law enforcement interest not be divulged, since to do otherwise would either jeopardize the success of the endeavor or would endanger the safety of persons engaged therein. Investigations falling into this category could be those of an illegal drug operation or any requiring the use of discreet surveillance, photography, or video recording.
3. SCSO officers receiving the approval of the Criminal Investigation Division (CID) Supervisor, Sheriff, Under Sheriff or Chief Deputy may use undercover vehicles, but restricted to the purposes mentioned above.
4. The CID Supervisor shall ensure that any SCSO officer having need of an undercover vehicle is briefed on any limitations on its use.
5. No special training or qualification is needed for the operation of an undercover vehicle.
6. The CID Supervisor shall be responsible for the care and maintenance of the undercover vehicles; however, each and every officer who operates or occupies such vehicle shall be responsible for its condition and to ensure its safe operation during use.
7. No equipment is to be kept in or on an undercover vehicle unless such equipment is necessary to support that particular undercover operation.
8. No undercover vehicle will be used in any vehicle pursuits.

## **F. K-9 Vehicles-**

1. The SCSO has two high center of gravity vehicles (HCOGV) equipped specifically for the canine (K-9) operations. HCOGV, by design are more prone to roll-over accidents than conventional passenger vehicles. As such, the operators of such HCOGV must be aware of the vehicle's limitations in handling and maneuverability.

2. These vehicles are equipped with all of the required equipment normally found in SCSO marked patrol vehicles. See (“**Patrol Car Equipment**”), this manual. SCSO K-9 vehicles are also equipped with kennels, food and water dishes, training aids, muzzles, leads, bite sleeves, and a canine first aid kit. SCSO K-9 vehicles are conspicuously marked and identified as a vehicle that contains a working police canine.
3. Operators of SCSO K-9 vehicles will not normally transport civilians or prisoners in the custody of the SCSO. In the event that transportation is required, the SCSO K-9 will be secured in the kennel or will be muzzled.
4. Operators of SCSO K-9 vehicles are required to abide by all of the provisions of “**Vehicle Operation**”, this manual. The assigned operators of the SCSO K-9 vehicles are responsible for the condition and maintenance as outlined in the SCSO Assigned Vehicle Maintenance Preventative Maintenance Program.

#### **G. Corrections Inmate Transport Vehicles-**

1. The SCSO has five (5) high center of gravity vehicles (HCOGV), equipped specifically for Corrections Inmate Transportation operations. HCOGV, by design are more prone to roll-over accidents than conventional passenger vehicles. As such, the operators of such HCOGV must be aware of the vehicle’s limitations in handling and maneuverability.
2. SCSO Corrections Division inmate transport vehicles used exclusively for the transportation of inmates committed to the custody of the Sheriff. These vehicles are clearly marked and identified as an SCSO vehicle and are used to transport prisoners or detainees from Federal, State and/or Local law enforcement agencies to the Seneca County Correctional Facility. In addition, SCSO Corrections transport vehicles are used to transport inmates committed to the Correctional Facility to and from various Federal, State and Local Courts, Prisons, Correctional Facilities, Hospitals, or any other location for dental or medical purposes.
3. SCSO Corrections Transport Vehicles are equipped with a passenger separator (cage) to protect the operator from the inmates being transported therein, a two-way police radio which enables Corrections staff to have immediate communication with any Local or State communications center, as well as emergency flares, fire extinguisher, first aid kit, blanket and blood borne pathogen response kit.

4. SCSO Corrections Transport Vehicle Operators are not authorized to engage in the enforcement of any traffic related violations or become involved in any vehicle pursuits. Operators of Corrections Transport Vehicles are required to abide by all of the provisions of "**Vehicle Operation and Inmate Transports**", this manual.
5. The SCSO Corrections Division has a designated member who is responsible to ensure that all components of the SCSO Assigned Vehicle Preventative Maintenance Program are complied with.

#### **H. High Center of Gravity Vehicle Training-**

1. All SCSO Law Enforcement and Corrections Division transport officers who operate a HCOGV will receive training designed to make the operator aware of the HCOGV's performance and handling limitations.

#### **I. All Terrain 4 x 4 Off Road Utility Vehicle-**

1. The SCSO has one all terrain 4x4 off road utility vehicle available for deployment in a variety of operations, including, but, not limited to:
  - Off road search for missing persons.
  - Shuttle personnel and equipment to off road crime scenes or incident scenes.
  - Marijuana eradication details.
  - Special events and details.
2. Authorization for deployment of this vehicle will emanate from the Uniform Road Patrol Lieutenant, who will weigh the benefits of such deployment to the mission of a particular incident or event.
3. The vehicle will not be deployed outside of Seneca County without the express approval of the Chief Deputy, Under Sheriff or Sheriff.
4. At the conclusion of the deployment of this vehicle the operator will ensure the vehicle is properly fueled.
5. Personnel must receive training before operating ATV. A list of trained Operators will be kept by the Undersheriff.

#### **J. Mobile Command Unit-**

1. The SCSO has one Mobile Command Vehicle vehicle available for

deployment in a variety of operations, including, but, not limited to:

Major Crime Scenes.

Critical Incidents.

Special events and details.

2. Authorization for deployment of this vehicle will emanate from the Uniform Road Patrol Lieutenant, who will weigh the benefits of such deployment to the mission of a particular incident or event.
3. The Uniform Road Lieutenant will be responsible for the upkeep and maintenance of the Mobile Command Vehicle.
4. The vehicle will not be deployed outside of Seneca County without the express approval of the Chief Deputy, Under Sheriff or Sheriff.
5. At the conclusion of the deployment of this vehicle the operator will ensure the vehicle is properly fueled.
6. Equipment kept in the Mobile Command Vehicle will consist, but is not limited to:
  - Radio equipment to communicate with police, fire and Emergency Medical personnel.
  - Video monitor.
  - Internet accessibility equipment.
7. No special training or qualification is needed for the operation of the Mobile Command Unit.

**K. Unmanned Aircraft—See policy 7-8 “Unmanned Aircraft Vehicles”**

9-5-8 LEMOI/5-37-8 CMOI

## Chapter Ten – General Orders & Special Policies

- 10-1 Hazard Communication/Right to Know
- 10-2 Workplace Violence and Threat Reporting
- 10-3 General Order 2009-001 – Sick Leave & Excessive Absenteesim
- 10-4 General Order 2010-001 - Temporary Light Duty
- 10-5 General Order 2012-001 - Personal Electronic Devices
- 10-6 General Order 2012-002 - Chief Deputy/Undersheriff
- 10-7 General Order 2012-003 - Rescind GO 2012-002
- 10-8 Administration & Maintenance of Intranasal Naloxone

## **HAZARD COMMUNICATION/EMPLOYEE RIGHT TO KNOW**

STANDARD NO(S): NYSOCOMS 7015

DATE: February 24, 2009  
REVIEWED: 05/23/2017

REFER TO: Michael Madziarz  
John Cleere

### I. OBJECTIVE:

The purpose of this policy is to ensure that the Seneca County Law Enforcement Center (SCLEC) is in compliance with Hazard Communication Standard (HCS) 29 CFR 1910.1200 as prescribed by the Occupational Hazard and Health Administration (OSHA).

### II. POLICY:

The Occupational Safety and Health Manager (OS&H Manager), or their designee, will act as the Seneca County Sheriff's representative and overall coordinator of the Hazard Communication/Employee Right to Know program for the SCLEC. The Sheriff of Seneca County will retain overall responsibility for same.

In general, each employee of the SCLEC will be apprised of the substance of the HCS, the hazardous properties of chemicals they work with, and the measures to take to protect themselves from the chemicals.

### III. DETAILS:

#### List of Hazardous Chemicals

The OS&H Manager, or their designee, will maintain a list of all the hazardous chemicals/products located in the SCLEC. Said list will be updated upon receipt of hazardous chemicals/products at the facility that are not already listed or whose chemical properties, methods of protection, and/or methods for treatment of exposure have changed.

Material Safety and Data Sheets (MSDS) for each of the hazardous chemicals and products present in the SCLEC have been completed and compiled into three-ring binders entitled ***MSDS Catalog – Office of Sheriff County of Seneca***. These binders are accessible to employees at the following locations within the SCLEC:

Medical Office  
General Storage Room  
Administration Reception Area  
Road Patrol Squad Room

The first section of each binder is entitled ***MSDS Catalog Index***. This index contains a list of every chemical/product present in the SCLEC and assigns each item on the list a unique numeric identifier. Employees utilizing these binders as a source of MSDS information must first turn to the index and locate the unique numeric identifier for the chemical/product they are researching. This number will direct the employee to the corresponding page of the binder where the MSDS for the chemical/product being researched can be reviewed.

Employees can also review and/or print an electronic copy of an MSDS by using the SCLEC intranet. To do so, employees must click on the “G” drive of their computer workstation and open the ***SC LEC MSDS Catalog*** folder. Within the folder is a document entitled ***Seneca County Law Enforcement Center MSDS Catalog Index***. Employees must first view the index and locate the unique numeric identifier for the chemical/product they are researching. This number will direct the employee to the corresponding PDF formatted document of the folder. To review the MSDS for the chemical/product, the employee must double click on the indicated document.

#### **IV. MATERIAL SAFETY DATA SHEETS:**

The OS&H Manager, or their designee, will maintain a Material Safety Data Sheet library pertaining to the list of hazardous chemicals in the SCLEC. The MSDS library will consist of a fully completed OSHA Form 174 or equivalent. SCLEC Lieutenants will ensure that an MSDS library for hazardous materials used is maintained within their respective divisions and is readily available to all employees.

The OS&H Manager, or their designee, is responsible for acquiring and updating all MSDS's and will review each MSDS for accuracy and completeness, consulting with the proper authorities if additional information or research is necessary. All new procurements for the facility must be cleared by the OS&H Manager, or their designee. Whenever possible, the least hazardous substance will be procured.

MSDS's that meet the requirements of the HCS must be fully completed and received at the facility prior to or at the time of receipt of the first shipment of any potentially hazardous chemical purchased from a vendor. It may be necessary to discontinue procurement or refuse products from vendors failing to provide approved MSDS's in a timely manner

V. LABELS AND OTHER FORMS OF WARNING:

The Head Building Maintenance Mechanic will ensure that all hazardous chemicals/products in the facility are properly labeled. Labels should list at least the chemical identity, appropriate hazard warnings, and the name and address of the manufacturer, importer, or other responsible party. The corresponding MSDS will be used to verify label information. Immediate use containers and/or small containers into which materials are drained for use on that shift by the employee drawing the material will not require labeling. To meet the labeling requirements of HCS for other in-house containers, refer to the label supplied by the manufacturer. All labels for in-house containers will be approved by the Head Building Maintenance Mechanic prior to their use.

Each month, the Head Building Maintenance Mechanic will check to ensure that all containers in the facility have up-to-date labels on them.

VI. TRAINING:

Each employee who works with or who can potentially become exposed to hazardous chemicals will receive initial training on the HCS and the safe use of those hazardous chemicals. Additional training will be provided for employees whenever a new hazard is introduced into their work areas. Hazardous chemical training will be scheduled by the OS&H Manager, or their designee, and will be conducted by qualified persons approved by same.

The training will emphasize these elements:

- A summary of the standard and this written program
- Hazardous chemical properties including visual appearance and odor and methods that can be used to detect the presence or release of hazardous chemicals
- Physical and health hazards associated with potential exposure to workplace chemicals
- Procedures to protect against hazards, e.g., personal protective equipment, work practices, and emergency procedures
- Hazardous chemical spill and leak procedures
- Where MSDS's are located, how to understand their content, and how employees may obtain and use appropriate hazard information

The OS&H Manager, or their designee, will monitor and maintain records of employee training and advise the Sheriff of any training needs.

VII. CONTRACTOR EMPLOYEES:

The OS&H Manager, or their designee, upon notification from the Sheriff, will advise outside contractors of any chemical hazards which may be encountered in the normal course of their work on the premises.

VIII. NON-ROUTINE TASKS:

Whenever a non-routine task is being contemplated (Such as performing repairs to the boiler system), the person(s) contemplating same will consult with the OS&H Manager, or their designee, and will ensure that employees are informed of chemical hazards associated with the performance of these tasks and appropriate protective measures. To accomplish this, the OS&H Manager will schedule a meeting with affected employees before such work has begun.

IX. ADDITIONAL INFORMATION:

Further information on this written program, the hazard communication standard, and applicable Material Safety Data Sheets is available by contacting the Head Building Maintenance Mechanic via telephone at: 315-246-3674.

## **WORKPLACE VIOLENCE & THREAT REPORTING**

STANDARD NO(S):

DATE:

June 25, 2009

REVIEWED: 04/04/2017

REFER TO:

John Cleere

### **I. OBJECTIVE:**

Seneca County 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 County property and employees may be subject to disciplinary action up to and including termination, consistent with County policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. The County, 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 County property unless necessary to transact County-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). Created 8/28/07, Board Resolution #224-07

### **II. POLICY:**

All County employees, elected County Officials, vendors, contractors, consultants, and others, who do business with the County, whether in a County facility or where official County business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the County, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor they should contact their department head.

### **III. DETAILS:**

**A.** Seneca County has a long-standing commitment to promoting a safe and secure work environment for all its employees. All County employees and elected County Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion. While these behaviors are not prevalent in Seneca County's workplaces, no organization is immune.

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

Specifically, the County prohibits the following:

1. Non-specific threats of violence by employee
2. Specific threats of violence by employee
3. Threats of violence directed against an employee by a non-employee
4. Violent confrontation by a spouse or significant other with an employee over a personal/domestic dispute
5. Threats or threatening conduct by disgruntled or ex-employees
6. Violent altercations between two employees or employee and supervisor
7. Multiple assaults by intruder

## **B. Definitions**

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, or the County's ability to provide services to the public. Examples of workplace violence include, but are not limited to:
  2. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
  3. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
  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) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
  5. Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials shall be covered under County Policy number 101.605, Section 34.

## **C. Reporting of incidents**

### **1. General Reporting Responsibilities**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any County

employee or elected official. Workplace violence should promptly be reported using the threat summary form at the end of this policy. Additionally, County employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment.

## **2. Imminent or Actual Violence**

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

## **3. Commitment 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.

## **4. False Reports**

Employees and elected officials 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 law enforcement authorities as appropriate.

# **D. Responsibilities**

## **1. Elected Officials and Department Heads**

Elected Officials and Department Heads shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all 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.

## **2. Supervisors**

Each employee designated with supervisory responsibility (hereinafter “supervisor”) is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report 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 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 call 911 immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

## **3. Employees**

Employees must report workplace violence, as defined above, to their supervisor. Employees who are advised that a workplace violence incident has occurred or has

been observed must report this to their supervisor immediately. 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 department head.

Employees who have obtained Orders of Protection are expected to notify their supervisor and provide a list of locations which are designated 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. Confidentiality will be maintained to the fullest extent possible.

Upon hiring, and annually thereafter, employees will have copies of this policy made available to them. Additionally, the policy will be posted throughout County buildings and be placed on the County's intranet, as appropriate.

#### **4. County Safety Officer**

The County Safety Officer is responsible to insure that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also insuring County employees receive appropriate training. The County Safety Officer will also be responsible for annually disseminating this policy to County personnel, as well as posting the policy appropriately throughout county buildings and other work sites.

#### **5. Workplace Violence Advisory Team**

The County shall establish a Workplace Violence Advisory Team. This Team, will assist the County in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; assessing the potential problem of workplace violence at its sites; assessing the County's readiness for dealing with workplace violence; evaluating incidents to prevent future occurrences; and utilizing prevention, intervention, and interviewing techniques in responding to workplace violence. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence at County buildings and work sites. This Team shall include representatives from County departments, as deemed appropriate by the County Legislature.

#### **E. Education**

The County is 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. The County Safety Officer, department heads and elected officials are responsible to assist in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into County prevention materials for dissemination to County Employees.

## **F. Confidentiality**

The County shall maintain the confidentiality of investigations of workplace violence to the fullest extent possible. The County 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 County employees would be served by such action.

## **G. 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 may be subject to discipline up to and including termination.

## **H. Administrative Procedures**

### **1. Review of Threat**

The administrator to whom the employee reports the threat will review the threat with that employee and with any other appropriate staff.

### **2. Completion of Threat Summary**

The administrator will begin to complete the Threat Summary form during the interview(s).

### **3. Notification of Other Administrators**

The supervisor will notify all other administrators (as appropriate) immediately thereafter.

{NOTE: The situation may dictate that the other administrators be notified even before all the details are known so that they can secure the workplace and warn others, as appropriate.}

### **4. Safeguarding the Workplace**

- a. The administrator to whom the employee reported the threat will take steps to safeguard the workplace. Arrangements will be made in consultation with the Department Head if he/she is immediately available and may include notification of employees and law enforcement officials, if there is good reason to warrant such action.
- b. The administrator should consult with the Sheriff, the County Attorney and other county officials as the situation dictates.
- c. The administrator will make a reasonable effort to notify staff working in the field, if the threat is likely to impact them.

## **I. Timeliness of Reporting**

It is the policy of Seneca County to react timely and reasonably to work-related threats against employees and/or their property. Because there are limits to Seneca County's ability to provide effective safeguards, primary responsibility for protecting against harm must remain with the threatened employee through the exercise of vigilance, common sense and his/her rights to police protection as a citizen. Nothing in this procedure limits the threatened employee from exercising his/her legal rights to make additional arrangements for protections which do not impede his/her ability to perform his/her work duties as agreed to with the Department Head.

## **J. Legal Action**

Only the Department Head (or in his/her absence, the Acting/Deputy Department Head), shall initiate legal action on behalf of the County beyond notification of and coordination with law enforcement officials, with the approval of the County Manager and County Attorney.

## **K. Distribution of Threat Summary**

1. If the employee's own administrator was absent when the report was made, the substitute administrator will provide a copy of the Threat Summary to the administrator as soon as possible, regardless of the expected duration of the threat. The employee's administrator will be responsible for taking any necessary action from that point.
2. As soon as the Threat Summary is reasonably complete, (usually within one workday), the administrator to whom the threat was first reported will give it to the Department Head's secretary to be kept on file. As the investigation proceeds, the administrator in charge of the case at any given point in time will update that official file as significant events occur. Updates might include:
  - i. Reports that the threatening individual stalked the employee at home;
  - ii. documentation of additional threats;
  - iii. further actions taken by the department or law enforcement; etc.
3. The official file will be kept current by any administrator who takes the investigation over from a substitute administrator.

## **L. After-hours Threats**

If a work-related threat is received after work hours, the employee should immediately make arrangements to protect themselves (i.e., call a police agency and follow their instructions). The employee should then immediately notify their administrator or a substitute administrator, regardless of the time of day. The Seneca County Sheriff's Department should be given and will maintain a list of administrator's home phone numbers.

## **M. Threat Summary**

Date and time threat was received\_\_\_\_\_

Date and time threat was made\_\_\_\_\_

Who is threatened?\_\_\_\_\_

Who threatened them?\_\_\_\_\_

Address \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
{DSS ONLY : Attach a WMS or CSMS inquiry screen, if available}

How was the threat made:

In person

On agency grounds

At home

Telephone

Written

Other

Detail the threat (if written, attach copy):

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Has this happened before? (When? Same circumstances?)

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Is there a catalyst?\_\_\_\_\_

Who else is involved in making the threat? (family, friends)

What units or employees are known to be at risk?

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Location of employees at risk:

- In the office  
 On-call  
 Out of the office  
 Home

What was the immediate action taken? \_\_\_\_\_

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History of the person making the threat? \_\_\_\_\_

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Is the agency about to take an action which may exacerbate  
the situation? \_\_\_\_\_

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Police Notified:

Department \_\_\_\_\_ Name of Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Department \_\_\_\_\_ Name of Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Department \_\_\_\_\_ Name of Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Who was notified WITHIN the agency? (If notification was in writing, attach copy)

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Who was notified OUTSIDE the agency? (If notification was in writing, attach copy) \_\_\_\_\_

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Other actions taken: \_\_\_\_\_

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**Seneca County Office of Sheriff**  
**GENERAL ORDER**

**GENERAL ORDER # 2009- 001**

**FROM:** Jack S. Stenberg, Seneca County Sheriff

**DATE:** December 31, 2009

**TOPIC:** Sick Leave & Excessive Absenteeism

**DISTRIBUTION:** All members and employees of the SCSO – All MOI's

**Sick leave** – leave provided for absence granted per negotiated contract for medical reasons or pursuant to Family Medical Leave Act (FMLA).

**Sick leave accumulation**– all employees shall accumulate one day of sick leave for every month of employment. Any employee who is absent from work due to illness for more than three (3) consecutive days shall present a doctors certificate to the Sheriff stating the employee may return to work without restrictions. Any employee who has accumulated (60) days or more of sick leave will not have to present a doctor's certificate to the Sheriff until out of work in excess of five (5) working days.

**Family Medical Leave Act (FMLA) of 1993** – requires covered employers to provide up to twelve weeks of unpaid, job protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or;
- For a serious health condition that makes the employee unable to perform the employee's job.

Employees are eligible if they have worked for a covered employer for at least one year, for 1250 hours over the previous twelve months, and if at least 50 employees are employed by the employer within 75 miles.

The FMLA provides additional entitlements for Military Family Leave entitlements which can be found at [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

**Monitoring Sick Leave Use** – The SCSO monitors employee sick leave usage for each employee.

**Sick Leave Abuse** – Abusing sick leave has a detrimental affect on an organization’s capability to plan and function. Sick leave abuse is any use of sick leave for which it is not intended, as outlined below:

**Patterns of possible sick leave abuse** – include, but are not limited to, sick leave usage;

- Before, and/or after a holiday
- Before, and/or after weekend(s) or regular day(s) off
- After approved accrued leave day(s)
- Any one specific day (ex. every Friday, etc..)
- Absence following overtime worked
- Half day absences
- Continued pattern of maintaining zero or near zero balance(s)
- After being denied a leave request
- Any no-call, no show absence
- Failure to attend any mandated training without being excused
- Pattern of paid sick time used which suggests abuse of sick leave for non-health related reasons; a pattern may arise when there are three or more occurrences within the preceding six months of use of sick leave in a manner which suggests possible abuse of sick leave, i.e.: on weekends or before and/or after a scheduled day off.

Review of sick leave use will be undertaken when any member or employee has been identified as using sick leave in any of the above circumstances.

**Unauthorized use of sick leave –**

- Failure to notify supervisor of sick leave absence as required by departmental policy.
- Failure to provide physician’s verification when required
- Fraudulent physician verification

When an employee’s use of sick leave has become serious enough to warrant intervention as outlined above, the SCSO will take every step necessary to ensure that corrective or disciplinary action is taken.

**Occasions of absence-** A single sick day or consecutive sick days are considered one occasion of absence.

**Monitoring suspected sick leave abuse time period** - The possible sick leave abuse monitoring period will be the six month period prior to the detection of the suspected sick leave abuse or pattern as described above.

**Counseling, Required Medical Examination, Discipline: Sick Leave Abuse -**

When the SCSO has determined that an employee has been abusing sick leave, several options are available to the employer ranging from Counseling, written reprimands, loss of

leave credits, demotion, suspension or termination or any combination thereof, in accordance with current collective bargaining agreement(s).

The SCSO may at its discretion require the employee, pursuant to collective bargaining agreements who it has good reason to believe is no longer physically able to continue in his regular duties, or doubts the validity of his absence to undergo a full physical examination by a physician selected by the employer and at the employer's expense.

When disciplinary action against an employee is taken, charges may extend back as far as the sick leave abuse pattern(s) has existed, but in no case, more than eighteen (18) months. Depending upon seriousness of charges, some steps may be bypassed to impose a more severe disciplinary penalty.

**Seneca County Office of Sheriff**  
**GENERAL ORDER**

**GENERAL ORDER # 2010- 001**

**FROM:** Jack S. Stenberg, Seneca County Sheriff

**DATE:** April 1, 2010

**TOPIC: TEMPORARY LIGHT DUTY**

**DISTRIBUTION:** All members and employees of the SCSO – All MOI's

**I. OBJECTIVE:**

It is the purpose of this policy to establish the authority for temporary light duty assignments and procedures for granting light duty to eligible members and employees of the SCSO.

**II. POLICY:**

Temporary light duty assignments, when available and appropriate for assignment, are for members and employees in the agency, who, because of injury or illness are temporarily unable to perform their regular assignments. Use of temporary light duty can provide members and employees with an opportunity to remain productive while convalescing as well as provide a work option for employees whom may otherwise risk their health and safety or the safety of others by remaining on duty when physically unfit for their regular assignment. Therefore, it is the policy of the SCSO that eligible personnel are given a reasonable opportunity to work in a temporary light duty assignments where available and consistent with this policy. Nothing in this policy should be construed to mean that any member or employee has the absolute right to light duty assignment and that the administration of this policy is solely at the discretion of the Sheriff. Light duty assignments are limited in number and scope and may not be available or appropriate in every situation.

**III. DETAILS:**

**A. ELIGIBLE PERSONNEL -** For the purpose of this policy, any full-time sworn member or employee of the SCSO suffering from medically certified illness or injury requiring treatment of a licensed health care provider and who, because of injury or illness is temporarily unable to perform the regular assignments, but is capable of performing alternative assignments.

**B. GENERAL PROVISIONS –**

1. Temporary light duty positions are limited in number and variety, therefore:
  - a. Personnel injured in the line of duty shall be given preference in initial assignment to light duty; and
  - b. Assignments may be changed at any time upon approval of the treating physician when he has modified his assessment of the member or employees ability to perform the light duty assignment and if deemed in the best interest of the employee or the SCSO.
2. Assignment to temporary light duty shall not affect an employee's pay, classification, pay increases, promotions, retirement benefits or other employee benefits. Retirement benefits will be reported in the State Retirement Board for any determination of effect of light duty.
3. No specific position with the SCSO shall be established for use as a temporary light duty assignment but any existing position may be designated or utilized exclusively for personnel on temporary light duty.
4. Light duty assignments are strictly temporary and normally will not exceed two months in duration. After thirty (30) days, personnel on temporary light duty who are not capable of returning to their original duty assignments, ~~will~~, prior to the expiration of the initial thirty (30) day assignment:
  - a. Present a request for extension of temporary light duty, with supporting medical documentation, to the Sheriff or designee, or
  - b. Pursue other options as provided by employment provisions of the SCSO or Federal or State Law,
  - c. After the initial thirty (30) days light duty assignment and a request is forwarded for an additional thirty (30) day period, the SCSO may require the employee to submit to an independent medical examination by a health care provider of the SCSO's choosing. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.
  - d. The employee and representatives of the SCSO shall cooperate and act in good faith in selecting any third health care provider, and both parties shall be bound by that medical decision.
5. Light duty assignments may be withdrawn by the Sheriff at any time at his discretion.
6. Members and employees on temporary light duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform functions for which they have been determined physically or

mentally unable to perform on behalf of the SCSO and that form the basis for their temporary light duty assignment.

7. Light duty assignments shall not be made for disciplinary purposes.

### **C. TEMPORARY LIGHT DUTY ASSIGNMENTS –**

1. Temporary light duty assignments may be drawn from a range of technical, operational or administrative areas that include, but are not limited to the following:
  - a. Administrative functions (e.g. Report review, special projects)
  - b. Clerical functions
  - c. Operational functions
2. Temporary light duty assignments will originate from the Sheriff or his designee.
3. In addition to considerations included in IV-A-1 of this policy, decisions on temporary light duty assignments shall be made based upon availability of an appropriate assignment given the applicant's knowledge, skill and abilities; availability of light duty assignments; and physical limitations imposed on the member or employee.
4. Every effort shall be made to assign members and employees to positions consistent with their rank, pay classification and shift assignment; however, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank, pay classifications or another work shift. Members and employees thus assigned shall:
  - a. Retain the privileges of their rank, but shall answer to the supervisory member of the unit to which they are assigned with regard to work responsibilities and performance; and
  - b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

### **D. REQUESTS FOR ASSIGNMENT TO TEMPORARY LIGHT DUTY-**

1. Request for temporary light duty shall be submitted in writing by the member or employee to the Sheriff or his designee. A synopsis of the proposed light duty assignment will be provided to the member or employee to be given to his/her physician for medical certification. In cases where the member or employee is to undergo elective medical procedure which may diminish their capability to fully fulfill their assigned duties and temporary light duty may be sought by the member or employee, they must notify their Division

Supervisor in writing as soon as they have been notified of the elective procedure and the term of convalescence. Request must be in writing and accompanied by a statement of medical certification to support a requested reassignment, which must be signed by either the treating physician or other licensed health care provider. The certificate must include an assessment of the nature and probable duration of the illness or injury, prognosis for recovery, nature of work restrictions and an acknowledgement by the health care provider of familiarity with the light duty assignment and the fact that the member or employee can physically assume the duties involved.

2. The request for temporary light duty assignment and the physician's statement shall be forwarded to the Sheriff or his designee who shall make a determination regarding light duty assignment availability.
3. As a condition of continued assignment to temporary duty, members and employees shall be required to submit written certifications from their physician or licensed health care provider attesting to their continuation in light duty status.

#### **E. PREGNANT MEMBERS AND 207C ENROLEES –**

1. Pregnant members and employees shall be permitted to continue working on a regular duty or temporary light duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed prior to birth. The employee shall be guided by the appropriate sections of the collective bargaining agreements.
2. Employees enrolled in the 207C program shall be guided by the collective bargaining agreements.

**Seneca County Office of Sheriff**  
**GENERAL ORDER**

**GENERAL ORDER # 2012-001**

**DATE:** February 26, 2012

**REVISED:** 02/27/2013

**FROM:** Seneca County Sheriff Jack S. Stenberg

**TOPIC:** Personal electronic devices

**DISTRIBUTION:** All members and employees of the SCSO

No member or employee will bring, introduce or possess any personal electronic device, including but not limited to cellular telephones, lap top computers, MP3 players, Kindles, or any other electronic device or system into any portion, of the Seneca County Correctional Facility which includes but is not limited to, bail/release lobby, corrections briefing room, kitchen/maintenance/receiving sally port.

Any such electronic device outlined above found in the possession of any member, or employee within the Correctional Facility will be considered contraband.

Any member or employee found to be in violation of this General Order will be the subject of disciplinary action, which may include termination and/or criminal prosecution for Promoting Prison Contraband, or any other applicable criminal statute.

Supervisory staff will ensure compliance with this General Order and report immediately in writing any violations to their immediate supervisor. Supervisory staff determined to have failed to report such violations will be the subject of disciplinary action, which may include termination.

Members assigned to the Road Patrol and Criminal Investigations Division who transport prisoners into the Correctional Facility via the intake sally port will secure any such electrical device outlined above in their assigned vehicle within the intake sally port.

SCSO owned electronic devices in the possession of a member or employee are exempt from this order.

No person who is not a member or employee will be permitted to bring any personal electronic device into any portion of the facility. Signs will be posted on all entrances into the correctional facility advising of such General Order 2012-001.

**EXCEPTION(S):** Contractors, vendors, or delivery persons who present to conduct routine, preventative or emergency repair or maintenance to any physical plant system or device, or who deliver any goods or services, and are required to have such electronic device to perform their duties are exempt from this General Order.

**SENECA COUNTY OFFICE OF SHERIFF**

**GENERAL ORDER**

**GENERAL ORDER # 2012-002**

**DATE:** April 11, 2012

**FROM:** SENECA COUNTY SHERIFF JACK S. STENBERG

**TOPIC:** Amendment(s) to Official SCSO policy, procedure, protocol or orders

**DISTRIBUTION:** All members and employee's of the SCSO; LEMOI & CMOI

Effective immediately, any references made to the "Chief Deputy" in any Official SCSO policy, procedure, protocol or order is hereby suspended and replaced with "Undersheriff" until further notice.

**SENECA COUNTY OFFICE OF SHERIFF**

**GENERAL ORDER**

**GENERAL ORDER#: 2012-003**

**DATE:** August 17, 2012

**FROM:** SENECA COUNTY SHERIFF JACK S. STENBERG

**TOPIC:** Rescission of GENERAL ORDER# 2012-002

**DISTRIBUTION:** All members and employees of the SCSO Administration, Civil, Court Security and Law Enforcement Divisions and LEMOI

Effective immediately, SCSO General Order# 2012-002 is hereby rescinded. Any references to the Chief Deputy in any policy, procedure, protocol or order is returned to in effect.

## **ADMINISTRATION & MAINTENANCE OF INTRANASAL NALOXONE**

STANDARD NO(S):

DATE:

June 24, 2014

REVIEWED: 03/31/2017

REFER TO:

Michael Schell  
Donald Borland

### **I. OBJECTIVE:**

The purpose of this policy is to establish broad guidelines and regulations governing the utilization of naloxone by trained personnel within the Seneca County Sheriff's Office (SCSO). The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when members of the SCSO are the first to arrive at the scene of a suspected overdose.

### **II. POLICY:**

Law enforcement personnel and civilians may possess and administer naloxone so long as they have been trained consistent with New York State Public Health Law §3309 and the regulations in §80.138 of Title 10 of the New York Codes, Rules and Regulations. 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 protections for non-medical individuals from liability when administering naloxone to reverse an opioid overdose.

### **III. DEFINITIONS:**

- A. **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 hydrocodone (Vicodin ®).
- B. **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 ®.

**C. OVERDOSE RESCUE KIT:** At a minimum should include the following:

1. Two (2) prefilled luer-lock syringes, without needles, each containing 2 mg of naloxone in 2ml of solution, and within their manufacturer assigned expiration dates.
2. Two (2) mucosal atomizer device (MAD) tips, compatible with standard luer-lock syringes.

## **IV. PROCEDURES**

### **A. Deployment:**

1. The Road Patrol Lieutenant will be the SCSO coordinator for the naloxone administration program, whose 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.

### **B. Naloxone Use:**

1. Members will request an ambulance to respond to the scene where the aided is in potential overdose state.
2. Members should use universal precautions and protections from blood borne pathogens and communicable diseases when administering naloxone.
3. Members will determine need for treatment of naloxone by evaluating the aided: if the aided is unresponsive with decreased or absent respirations the member should administer naloxone following the established training guidelines.
4. Once the assessment of the aided is complete, which should include, but may not be limited to determining unresponsiveness and other indicators of opioid involved overdose, each member will administer the medication from the Overdose Rescue Kit following established training guidelines.
5. Members 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.
6. Members will remain with the aided until EMS personnel arrive.

7. Members will inform EMS personnel upon their arrival that naloxone has been administered.

**C. Maintenance/Replacement of Naloxone:**

1. Overdose Rescue Kits will be carried in a manner consistent with proper storage guidelines for temperature and sunlight exposure.
2. Used, lost, damaged, or expired Overdose Rescue Kits will be replaced according to CSO policy.
3. Expired naloxone will be:
  - a. Maintained by the agency for use in training; or
  - b. Properly disposed of according to SCSO policy.

**D. Documentation:**

1. Following naloxone administration, the member will prepare an SJS entry outlining the facts and circumstances surrounding the event, and will
2. Complete and submit via email or fax a New York State Public Safety Naloxone Quality Improvement Usage Report to the New York State Department of Health, (located in the SCSO Forms Folder on the SCSO “G” Drive.
3. The member will place the completed Usage Report in the Road Patrol Lieutenant’s wall mail pocket.

# New York State Public Safety Naloxone Quality Improvement Usage Report

Version: 3/10/2015

Date of Overdose:

/   /

Arrival Time of Responder:

:    AM  PM

Arrival Time of EMS:

:    AM  PM

Agency Case #:

Gender of the Person Who Overdosed:

Female

Male

Unknown

Age:

ZIP Code Where Overdose Occurred:

County Where Overdose Occurred:

**Aided Status Prior to Administering Naloxone:** (Check one in each section.)

**Responsiveness:**  Unresponsive  Responsive but Sedated  Alert and Responsive  Other (specify):

**Breathing:**  Breathing Fast  Breathing Slow  Breathing Normally  Not Breathing

**Pulse:**  Fast Pulse  Slow Pulse  Normal Pulse  No Pulse  Did not Check Pulse

**Aided Overdosed on What Drugs:** (Check all that apply.)

Heroin  Benzos/Barbiturates  Cocaine/Crack  Buprenorphine/Suboxone  Pain Pills  Unknown Pills

Unknown Injection  Alcohol  Methadone  Don't Know  Other (specify):

**Administration of Naloxone Number of naloxone vials used:**  1 vial  2 vials  3 vials  4 vials  > 4 vials

**How long did 1st dose of naloxone take to work:**  < 1 minute  1-3 minutes  4-5 minutes  >5 minutes  Don't Know  Didn't Work

**Aided's response:**  Combative  Responsive & Angry  Responsive & Alert  Responsive but Sedated  Unresponsive but  No Response

**If 2nd dose given, was it:**  IN (intranasal)  IM (intramuscular)  IV (intravenous)  Breathing

**How long after 1st dose was 2nd dose administered:**  < 1 minute  1-3 minutes  4-5 minutes  >5 minutes  Don't Know

**Aided's response:**  Combative  Responsive & Angry  Responsive & Alert  Responsive but Sedated  Unresponsive but  Breathing

**Post-naloxone symptoms:** (Check all that apply.)

None  Dope Sick (e.g. nauseated, muscle aches, runny nose and/or watery eyes)  Respiratory Distress

Seizure  Vomiting  Other (specify):

**What Else was Done by the Responder:** (Check all that apply.)

Yelled  Shook Them  Sternal Rub  Recovery Position  Bag Valve Mask  Mouth to Mask  Mouth to Mouth

Defibrillator (if checked, indicate status of shock):  Defibrillator - no shock  Defibrillator - shock administered

Chest Compressions  Oxygen  Other (specify):

**Was Naloxone Administered by Anyone Else at the Scene:** (Check all that apply.)

EMS  Bystander  Other (specify):

**Disposition:** (Check one.)  Transported by EMS  EMS Transport Refused  Other (specify):

**Did the Person Live:**  Yes  No  Don't Know

**Hospital Destination:**

**Transporting Ambulance:**

**Comments:**

**Administering Responder's Information:**

Agency:

Police

Fire

EMS

Badge #:

Last Name:

First Name:

**Please send the completed form to the NYS Department of Health using any one of the three following methods:**

E-mail: oper@health.ny.gov

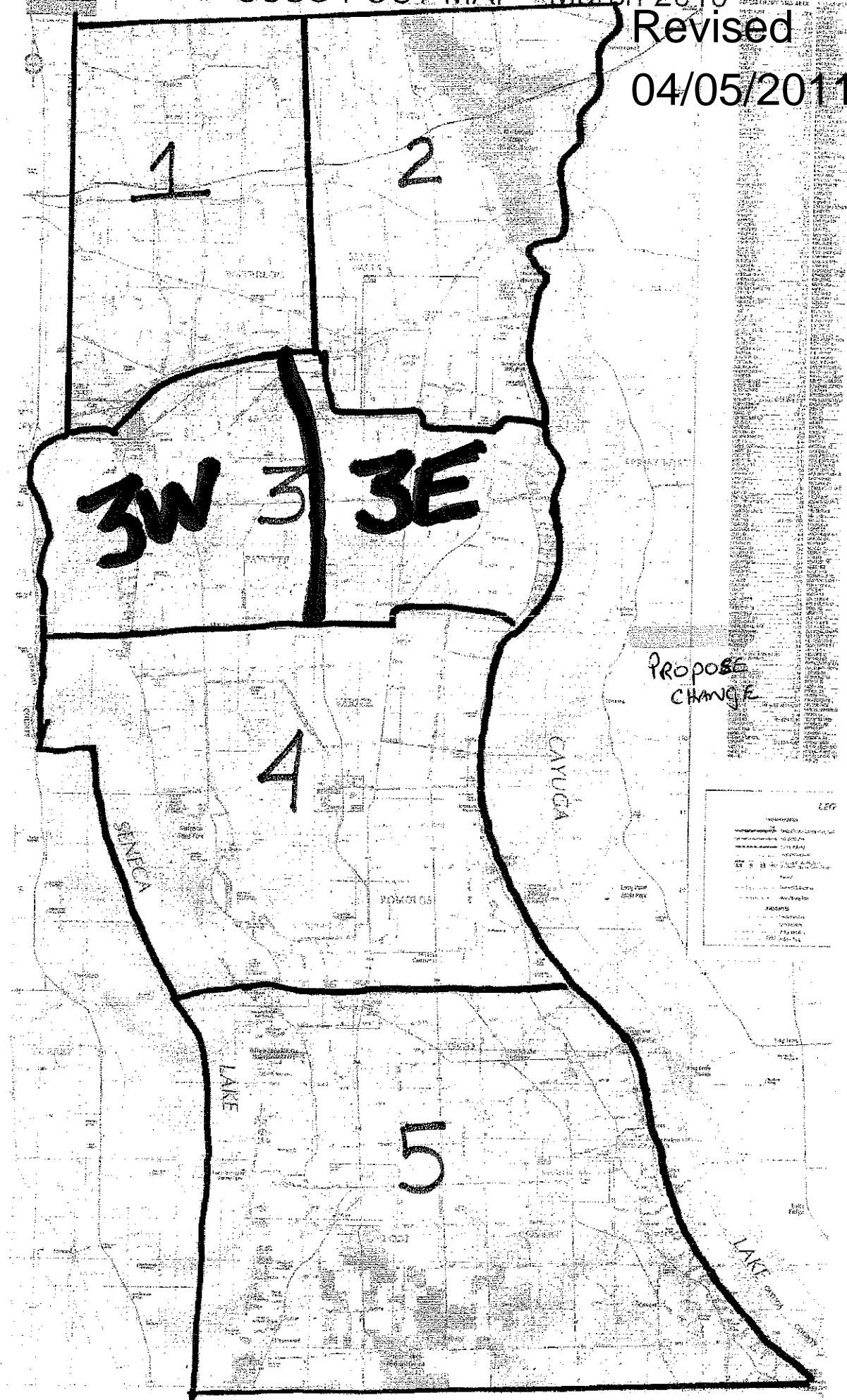
Fax: (518) 402-6813

Shu-Yin John Leung  
OPER, AIDS Institute, NYSDOH  
Empire State Plaza CR342  
Albany, New York 12237

SCSO POST MAP - March 2010

Revised

04/05/2011



## Chapter Eleven – Court Security Operations

- 11-1 Weapons Screening
- 11-2 High Risk Trials
- 11-3 Inmate Transports
- 11-4 Courtroom assignments & prisoner security
- 11-5 Portable Radio Communications
- 11-6 Equipment
- 11-7 Field Training Program – Court Security
- 11-8 Emergency Response & Physical Security
- 11-9 Firearms Assignment

# **WEAPONS SCREENING PROCEDURES**

STANDARD NO(S):

NYSSA CS # 32, 38-39

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED: 03/31/2017

REFER TO:

Luke Laskoski

## **I. OBJECTIVE:**

To insure the safety and security of all persons within the Seneca County Courthouse to include the Judge, Court Employees, and the general public, by screening all persons entering the courthouse for weapons and/or contraband.

## **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office, Court Security division, to screen all parties entering the Seneca County Courthouse for weapons and/or contraband, in an effort to insure the safety and well-being of all persons in the courthouse.

## **III. DETAILS:**

### A. Weapons Screening Station -

1. Location: A walk-through weapons screening station is located at the South entrance to the Seneca County Courthouse. All other entrances are closed to the public.
2. Hours of operation: Normal hours of operation for the weapons screening station are Monday through Friday, 8:00 am through 5:00 pm. Hours of operation may be extended for jury trials, training purposes, and other activities authorized by the Sheriff and/or Chief Clerk.

**NOTICE:** Magnetometer and hand-scanner searches have the potential to cause temporary interference of a pacemaker output or the delivery of inappropriate therapy from an ICD. For that reason, persons with such medical devices should be screened by means of a pat down search conducted by an officer of the same gender in a non-public area.

### B. Equipment - The weapons screening station will consist of the following equipment:

1. Walk-through magnetometer hereinafter referred to as magnetometer;  
Package X-ray machine;

2. Two hand-held scanners;
  3. Trays or small containers;
  4. Gun lockers;
  5. Other weapons and dangerous instrument locker;
  6. Property receipts.
- C. Staffing - The weapons screening station shall be staffed by at least one (1) Court Security Officer.
1. The weapons screening station shall be manned during all hours of operation by a minimum of one (1) Court Security Officer.
  2. The Court Security Officer assigned to the weapons screening station shall not leave their assigned post until properly relieved.
  3. During peak hours, or at jury assembly, additional Court Security Officers will be assigned to the weapons screening station to assist the Court Security Officer assigned to that post.
- D. Screening/Searches -
1. Using the magnetometer, Court Security Officers shall routinely scrutinize people entering the court facility for any indication that they are carrying contraband, weapons, or dangerous instruments. A hand-held metal detector shall be available as back-up to the magnetometer, or when the magnetometer is not available.
  2. By courteous verbal instructions, the Court Security Officer will control passage of the public through the magnetometer.
  3. The Court Security Officer will instruct individuals to remove all metal objects from person, and place such objects in the tray or container provided.
  4. When the individual steps through the magnetometer, if metal is detected, repeat instructions that metal objects be removed and request the individual to step back through the magnetometer.
  5. If metal is again detected, the Court Security Officer will use the hand-held scanner to scan the individual and to identify the cause of detection. If object is innocuous, return property and allow entry.
  6. If a weapon is either produced, or discovered, control of same shall be retained by the Court Security Officer.

7. If a firearm is discovered, the individual shall be requested to produce a valid pistol permit listing said weapon. If possession is authorized, then individual will be required to secure the pistol in the weapons locker located in the security closet.
  8. If an unauthorized weapon/firearm is discovered, then the Court Security Officer shall take possession of the weapon. An arrest will be made if appropriate. An incident report shall be filed with SCSO, and an "Unusual Occurrence" report filed with the State.
  9. All policies for evidence handling and report filing shall be followed in the arrest of any individual and the taking of any evidence.
  10. Exceptions to the screening process may be made for properly identified law enforcement officers, attorneys (with proper "Secure Pass" I.D.), employees of the building, and others approved by the Sheriff and/or Chief Clerk.
  11. No exceptions will be allowed for any person (police officer, attorney, building employee, etc) entering the courthouse for personal business. Such person shall be subject to all screening procedures for the general public.
  12. Police officers reporting to the courthouse for the purposes of testifying in any judicial proceeding will be requested to secure his/her firearm in the gun locker.
  13. Handicapped individuals, who cannot climb stairs, shall enter the building through the handicap entrance. This is located to the east of the main entrance, on the south side of the building. At the handicap door, the individual can activate an intercom system to contact the court security station at the main entrance. The Officer answering the intercom will instruct the individual to wait until an officer can respond to that door to escort them to their destination. The individual will be subjected to screening by the hand-held magnetometer, and a physical search of any bags/packages will be conducted. When escorting a handicapped individual, only the person requiring the use of the elevator, and one person to assist that individual (if appropriate), will be allowed entry through this point, any others accompanying the individual shall be instructed to enter through the main entrance.
- E. The Court Security Officer will insure that no one enters the building with displays of photographic, written or printed matter, in any form, including matter printed or otherwise displayed on an article of clothing, that relate to a pending or on-going trial. Individuals will be asked to remove such matter from public view, and upon failure to do so, may be removed from the facility.
- F. The Court Security Officer will maintain direct supervision of any individuals that are remanded by the Judge, and are awaiting transport to the Seneca County Correctional Facility, when there is no transport officers present in the courthouse.

G. It should be clearly understood that protection against unreasonable searches does not extend to members of the public who have elected to attend a court proceeding. The larger issue is public safety and, like the airline passenger, a courtroom spectator may expect to be subjected to close inspection (see People v. Alba, 81, AD2nd 345). Doubt on the part of Court Security Officers shall be resolved in favor of inspecting hand-carried items, and if necessary, persons seeking to enter the courtroom may be examined using the hand-held scanner. At the discretion of the officer, property may be seized and/or secured for return to its owner at the court adjournment. The search of persons seeking to enter the courthouse at a time when the premises are under the security cognizance of the SCSO is strictly one by consent. If an individual will not consent to a screening, or if warranted, searched, admittance will be denied and the person shall be permitted to leave the premises. Also, an individual can stop the screening/search at any time and leave of his/her own accord.

## **HIGH RISK TRIALS**

STANDARD NO(S):

NYSSA CS # 25

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED:03/31/2017

REFER TO:

Luke Laskoski

**I. OBJECTIVE:**

To establish and define the proper course of action to be taken in High Risk Trials and to insure that all court security officers are familiar with that proper course of action.

**II. POLICY:**

It is the policy of the Seneca County Sheriff's Office to evaluate all trials deemed to be "High Risk" and to organize the proper course of action to effectively provide court security services, insuring the security of the Judge, court personnel, trial participants, jury, and the general public.

**III. DETAILS:**

**A. Operational Plan -**

1. The operational plan for a high risk trial will be designed and approved on a situational basis by the Court Security Sergeant, Sheriff and/or Under Sheriff, and the Security Coordinator.
2. Prior to the trial, the Court Security Sergeant will meet with the Security Coordinator and/or the Judge to get recommendations for the security plan.
3. The Court Security Sergeant will coordinate with the Sheriff and arrange for the assistance of other divisions within the Sheriff's office and outside agencies, as required by the operational plan.

**B. Command and Coordination -**

1. The Court Security Sergeant will:
  - a. Have full authority and responsibility for the operation of a high risk trial.
  - b. Make daily assignments according to the plan and monitor the same.

- c. Coordinate the assistance of involved divisions and outside law enforcement agencies.
- d. Insure that all aspects of the plan are adhered to and provide recommendations to the Sheriff on an as needed basis as to the progress of the proceeding and efficiency of the plan.

**C. Courtroom Security -**

- 1. Standard court assignments will be in place.
- 2. Additional Court Security Officers will be assigned to handle crowds in the courtroom.
- 3. Additional security for the Judge, witnesses, jury, and in the courtroom may be assigned and will be addressed in the operational plan.
- 4. Courtroom searches will be conducted prior to opening court each day, and whenever the room is vacated.
- 5. Court Security Officers will control and assign spectator seating in the courtroom and there will be no movement from assigned seating.
- 6. Media may be assigned their own section, if there are several media personnel present.
- 7. The courtroom will be locked during lunch breaks and extended recesses.
- 8. Security officers assigned to the magnetometer/X-ray screening station will insure that no displays relating to the trial are brought into the courthouse. Including, but not limited to, T-shirts, posters, newspapers, etc.
- 9. One or more of the following procedures may be added as part of the operational plan:
  - a. Patrol and search by Court Security Officers of areas surrounding the courthouse;
  - b. Additional monitoring of entrances;
  - c. Additional interior building patrols and fixed security posts.

**D. Security of Judges -**

1. In addition to normal security procedures, the following may be part of the high risk security plan:
  - a. Provide secure parking for the Judge's vehicle;
  - b. Escort or driver made available to the Judge;
  - c. Judge's home security may utilize surveillance or the placing of security personnel in the residence;
  - d. A security escort to monitor all movement of the Judge within the courthouse. All public areas to be avoided.

**E. Security of Juries -**

1. Normal security procedures for the guarding and transporting of juries will be in place with the possible addition of the following:
  - a. Juror parking established in the designated secured area, and monitored;
  - b. Escort of jurors to and from parking area;
  - c. Escort jurors for all movement within the courthouse, utilizing secured elevator and halls, avoiding the public areas;
  - d. Additional security provided during sequestration and transportation.

**F. Security of Defendant -**

1. The Court Security Sergeant will coordinate all in-custody defendant transportation issues with the Security Coordinator, Judge, Sheriff, and/or Corrections Lieutenant.
2. The Corrections Division has authority and is responsible for guarding and transporting "in-custody" defendants.
3. The additional courthouse security in place for high risk trials should afford ample security for an "out-of-custody" defendant. Additional security measures may be provided with the approval of the presiding Judge.

**G. Security of Witnesses** – In addition to normal security procedures, the following may be utilized to protect the protection and security of witnesses:

1. Provide secure parking for witness vehicles;
2. Escort the witness to and from the Courthouse
3. Arrange with the District Attorney's Office for the transport of witnesses to the Courthouse in the event they are unable to drive or find transportation.
4. Escort witnesses to and from various courtrooms where their testimony is expected to be given.

**H. Media Policy -**

1. A major security, high-risk trial will generate interest from the media. It is the policy of the SCSO that a fair and impartial policy be in effect which offers accredited media representatives equal consideration for event coverage within the limits of security planning.
2. In courtroom audio and/or video coverage will be allowed ONLY with the approval of the presiding Judge and only within the guidelines set forth by the State of New York Unified Court System.
3. With the approval of the presiding Judge, special consideration as to seating will be granted to media representatives.
4. If the operational plan identifies the need to segregate media representatives to one area of the courtroom, court officers will assign and control that area.

**NOTE:** Court officers are prohibited from discussing trial related matters with the news media. All inquiries will be referred to the Court Security Sergeant who will channel inquiries for information to the proper designated source (E.G. Chief Clerk, Sheriff, or designee). This policy is in effect to protect the integrity of the judicial process as well as to protect the individual officer from difficult situations. (See "**PUBLIC INFORMATION & COMMUNITY RELATIONS**"), this manual.

## **INMATE TRANSPORTS**

STANDARD NO(S): NYSSA #38,94,96,100-105  
NYSSA CS# 18-24

DATE: June 11, 2009  
REVISED: June 2, 2010  
REVISED: 04/05/2011  
REVIEWED: 03/31/2017  
REFER TO: Robert W. Jensen Jr.  
Edward H. Swart  
Luke Laskoski

**I. OBJECTIVE:**

To ensure the safe and timely transportation of inmates.

**II. POLICY:**

It is the policy of the Seneca County Correctional Facility to provide transportation of inmates to and from authorized locations outside of the facility. Inmates will be treated humanely and in such manner as is necessary to preserve the safety and security of the inmate(s), officer(s), and the public.

**III. DETAILS:**

**A. Vehicles**

1. Vehicles assigned to Transport Officer(s) will be equipped with a protective screen securely mounted between the driver's compartment and rear seats. This screen prevents the inmate(s) from having access to the driver's compartment, but will not impair communication between the Transport Officer(s) and the inmate(s).
2. In the event circumstances make it impossible to accomplish necessary travel in a vehicle as described above, the Transport Officer(s) will make certain that the inmate is never out of sight, is secured in belly chains and leg irons, and has the seat belt fastened in front of them.
3. Prior the use of such vehicle, the following will be checked by the officer(s):
  - a. Engine – Check all fluid levels
  - b. Tires – Inspect for proper inflation
  - c. Equipment – Ensure that spare tire, jack, lug wrench and flares are in place
  - d. Radio – Make contact with Central Control
  - e. Credit and Thruway cards – Only when needed

4. If a piece of equipment is found to be in disrepair, missing, or otherwise unusable, the officer(s) will report such deficiency to the Shift Supervisor using [Form AD-004 \(Maintenance Request\)](#) prior to using the vehicle. If the Shift Supervisor considers the vehicle to be unsuitable for use, it will be secured, reported as such on [Form AD-004](#) and another vehicle requested. The transport officer(s) will inspect the newly assigned vehicle per section 3. above.
5. When satisfied that the vehicle is in good order, the officer(s) will thoroughly search it to insure that it is free from contraband and any other items which could be used by an inmate to inflict injury or effect escape. The search will be done prior to each time an inmate is transported.
6. The Transport Officer(s) will comply with all state and local vehicle and traffic laws, rules and regulations. The vehicle will be locked; the keys removed, and, when possible, will not be left in an area where the vehicle could be tampered with.
7. After the transport, the vehicle will be fully refueled and a search of the vehicle conducted. After the search, the officer will return the vehicle to its proper location, secured and locked. Anything found during the search will be reported on [Form CF-009 \(Incident Report\)](#) and disciplinary and/or criminal charges will be filed, against the transported inmate, if applicable.

#### IV. TRANSPORT PROCEDURES

- A. All inmates will be subjected to a search by the Transport Officer prior to their departure from the facility.
- B. The Transport Officer(s) will be in close proximity of the inmates at **ALL** times.
- C. All inmates will be restrained by a waist chain with handcuffs and leg shackles.
- D. The Transport Officer will pick up and drop off inmates at the facility through the vehicle sally port.
- E. All transport vehicle keys will be secured in the Sergeants Office. All keys will be signed in/out prior to and after the transport.
- F. Radio contact will be made with Central Control at the following times:
  1. Upon leaving the facility
  2. Upon arriving at the transport destination
  3. Upon leaving the transport destination
  4. Upon return to the facility
  5. When an unusual incident occurs during the transport (i.e. accident, delay, etc.)

- G.** Radio contact will be made with E911 at the following times:
1. Upon arriving at the transport destination
  2. Upon leaving the transport destination
  3. When an unusual incident occurs during the transport (i.e. accident, delay, etc.)
- H.** Transport Officers will sign out all needed equipment for the transport including:
1. A portable radio - to assure emergency communication.
  2. Firearm, duty belt, ballistic body armor
  3. Necessary restraints
  4. Any other equipment as needed
- I.** Transports will always take the most direct route from start to finish with no stops for purposes not directly related to the transport. When needed for security purposes, the route will be varied so as not to show a pattern.
- J.** No meal breaks will be taken while on a transport. If it is anticipated that an inmate meal will be needed during the transport, arrangements will be made with the facility kitchen staff for the preparation of a meal.
- K.** The inmate will not be allowed to communicate with anyone other than the transporting officer, legal counsel, and the court.
- L.** During any transport of an inmate, the officer will not engage in any extraneous activities, except in the case of an extreme emergency.
- M.** Transported inmates will be afforded reasonable opportunities to use the lavatory. Lavatory breaks will be limited to facilities which are safe, secure, and allow for constant observation of the inmate(s). Law Enforcement Centers will be used for such breaks, when available. Officer discretion will be used when selecting an alternate site for such a break.
- N.** If an officer is transporting an inmate of the opposite sex, the officer will make this assignment known to Central Control, giving location, vehicle mileage and destination. Upon reaching the destination, the officer will again contact Central Control and furnish the ending mileage. The same procedures will be followed when returning to the facility.
- O.** If an inmate becomes ill or injured during the transport, the officer will immediately notify Central Control. Central Control will notify the Shift Supervisor of the situation who will make the proper arrangements for the inmate.

- P.** In the event an inmate escapes from custody, the involved Transport Officer(s) will immediately notify the E-911 Center and Central Control. Central Control will notify the Shift Supervisor, who will then perform an “Administration Notification”. If the escape occurs in another jurisdiction, notification will be made to the local and state police using inter-agency via radio. The involved officer(s) will submit [Form CF-009 \(Incident Report\)](#) before the end of their shift.
- Q.** Officer(s) responsible for the transportation of an inmate to or from a local correctional facility will obtain all necessary documents, authorizations, and any other necessary information relative to such transportation per the policy entitled [“Transfer of Inmate Records”](#).
- R.** All inmates will be reminded of the rules and restrictions that will be enforced during transport prior to leaving the facility.
- S.** All inmates will wear facility issued uniforms, unless otherwise directed by court order or the Shift Supervisor.
- T.** Any unavoidable delays (heavy traffic, car trouble, etc.) will be immediately reported to Central Control by radio or cell phone.
- U.** At all times, Transport Officer(s) will guard against the inmate receiving unauthorized material or contraband from any source.
- V.** When walking inmates from the transport vehicle to the destination inmates will remain in a single file line, no more than three feet apart and remain silent.

## V. UNUSUAL CIRCUMSTANCES

- A.** When transporting an inmate, the Transporting Officer(s) is responsible for the safe delivery of the person in custody.
- B.** Any diversion, whether a deliberate attempt to effect an escape, or one which is purely coincidental, can result in the officer’s attention being distracted to the extent that the inmate(s) safety or security is placed in jeopardy. The officer must bear in mind that one’s primary duties are to protect the inmate from injury and to prevent escape.
- C.** In the case of a roadside emergency, a member of the public may expect that such a vehicle would stop to render assistance. This action must be avoided.
- D.** Only when the risk to a third party is both clear and grave and the risk to the officer and the inmate is slight, a Transport officer may stop en route to render assistance or engage in any law enforcement activity.

- E.** An officer in transport alone will never stop except in a clearly life threatening situation. If there is no way to avoid the stop, the officer will advise Central Control and the 911 Center of their location and request assistance without delay.
- F.** If two or more officers are assigned to the transport and a stop can be safely made, one officer must stay with the transport vehicle parked at a safe distance away from the unusual circumstance, while the other Transport Officer renders assistance. Upon arrival of any other patrol units, the Transport Officers will immediately resume the inmate transport after briefing the arriving unit(s) of the situation.
- G.** Under no circumstances will an officer engaged in the transportation of an inmate become involved in a pursuit, roadblock, or other situation which creates the risk of harm to the inmate(s) or the officer(s).
- H.** The Transport Officer(s) will be alert to persons, vehicles, or situations which may be unduly interested in or following the transport vehicle. The officer(s) will report any such situations to Central Control and the 911 Center by radio or cell phone.

**VI. TRANSPORTATION OF MENTALLY OR PHYSICALLY HANDICAPPED INMATES**

- A.** It must never be assumed that restraining devices are not required for a handicapped inmate. The maximum restraint that can be used without injury to the inmate will be used.
- B.** In circumstances where the handicap precludes the use of restraints, two officers will be assigned to the transport.
- C.** In the event the inmate is confined to a wheelchair, two officers will be assigned to the transport.
- D.** The transportation of an inmate who is mentally ill requires that two officers be assigned to the transport. Restraint equipment will be used to minimize the risk of injury to the officers and inmate(s). In addition to the ordinary restraint equipment, the Humane Restraint Wrap may be used.
- E.** Officers assigned to transport a handicapped inmate will obtain any medication that the inmate might need during the transport.

## VII. CUSTODIAL TRANSFER

- A.** To ensure that the inmate(s) being presented for transport is in fact such inmate, verification of their identity will be made at booking prior to the transport. Such verification will be made by comparing the inmates name and general description information with those presented by the inmate during initial booking.
- B.** A Classification Report will accompany each inmate transferred from the facility to another facility.
- C.** A packet will be prepared for all inmates transferred to a state correctional facility. The packet will contain the following:
  - 1. A commitment
  - 2. An indictment
  - 3. A fingerprint card
  - 4. A probation report
  - 5. A medical transfer record
  - 6. A photograph
  - 7. A custodial transfer form
  - 8. A certification of time already served
- D.** When an inmate is released to the custody of another officer, any information related to the inmates mental or physical condition and the criminal history should be transferred, either verbally or in writing. Particular attention will be given to any information indicating a tendency toward escape or suicide.
- E.** Upon arrival at a custodial facility, the transporting officer(s) will secure any weapon according to facility procedures. Officers are obliged to follow procedures of facilities they visit. Unless already familiar with local restrictions, inquiry will be made to ensure compliance.
- F.** If the facility does not supply a secured location for weapons, the weapons will be placed either in the trunk or secured in the vehicle.
- G.** The transporting officer will present to the receiving officer the accompanying documents. Once these have been accepted, the transporting officer will remove the inmate's restraints.
- H.** The transporting officer will obtain a written receipt, when available, showing all pertinent details, from the receiving officer.

## VIII. COURT TRANSPORT

- A.** The authorization allowing such transport is known as an “Order to Produce”, and is signed by the judge requiring the inmate’s appearance. Upon the issuance of such an order, it is the responsibility of the Seneca County Correctional Facility to provide safe and secure transportation of the inmate in both directions.
- B.** Officers will ensure that the inmate is segregated from the public at all times.
- C.** An inmate will never be left alone.
- D.** Upon arrival, the officer will notify court security of which inmate(s) they have. They will then proceed to the area where the inmate(s) will be held until they are called to appear in front of the Judge.
- E.** If the inmate’s attorney wishes to meet with the inmate, they will meet with each other in a designated conference room.
- F.** After the court proceedings, the officer will make sure that they receive a new commitment or release order before leaving. Transporting officers having possession of inmate records essential to court business will hold said records in strict confidence.
- G.** Upon arrival back at the facility, the transporting officer(s) will give the new commitment or release order to the Booking Officer. The inmate will be searched and held in a holding cell until an Escort Officer is available to take said inmate back to the housing unit.
- H.** A courtroom is a public place and is visited by many persons having legitimate reasons for doing so. While the presence of an incarcerated person is essential to the judicial process, the officers responsible for the inmate’s safety and conduct will never relax the vigilance required to ensure the safety of the public as well.

## IX. JUVENILE TRANSPORT

- A.** The need may arise for the transport to and from County/Family Court of persons under the age of sixteen (16) who are not committed to the facility. Such juveniles will be transported in the same manner as adults except that they will only be handcuffed when violent or are potential flight risks.

- B.** No one will be allowed in designated holding areas except law guardians, attorneys, probation officers, judges, and parent(s) or legal guardian(s) without the prior approval of the Chief Administrative Officer.
- C.** A CF-067 (Juvenile Transport Form) will be completed and forwarded to the Chief Administrative Officer at the conclusion of each transport.

X. FEDERAL TRANSPORT

- A.** When a federal inmate(s) is to be transported, two officers will always be assigned.
- B.** The inmate(s) will clean their cell and pack all facility issued and personal property into their property bin before leaving the facility. Such items will remain in the inmate's cell.
- C.** If the inmate(s) is scheduled for release and/or will not be returning to the facility they will be transported in their personal clothes or federal uniform. Additionally, Transport Officer(s) will ensure the inmate's personal property located within their cell is moved to the property room for retrieval and that the Booking Officer prints out a check from Cobra Banker for the inmate's account balance. Under no circumstances will inmate property be taken to Federal Court.
- D.** If the inmate(s) is scheduled for release and/or will not be returning to the facility, procedures as outlined in section VIII. Retrieving Personal Property of the policy Inmate Property will be followed.
- E.** If an inmate is scheduled to receive medication during the transport, the dosage will be retrieved from the facility nurse by the Transport Officers prior to leaving the facility.
- F.** Transport Officers will request a "bagged lunch" from the kitchen prior to leaving the facility.
- G.** Any medication and/or food will be taken into the federal building and turned over to the U.S. Marshall.
- H.** If the inmate(s) is scheduled for release and/or will not be returning to the facility a designated Escort Officer will empty the inmate's property bin in the shower/search room and complete the CF-013 (Pre-Post Occupancy Cell Inspection Form).
- I.** A CF-069 (Federal Inmate Program Daily Trip Report) will be completed and forwarded to the Chief Administrative Officer at the conclusion of each transport.

XI. TRANSPORTATION OF PREGNANT INMATES

- A.** When a pregnant inmate(s) is to be transported, two officers will always be assigned.
- B.** No restraints of any kind will be used during transport to or from a hospital, institution or clinic where the inmate receives care. However, in extraordinary circumstances they may be cuffed by one wrist to prevent the inmate from injuring themselves, medical or correctional staff.
- C.** No restraints of any kind will be used when the inmate is in labor, admitted to a hospital, institution or clinic for delivery, or recovering after a birth.

# COURTROOM ASSIGNMENTS & PRISONER SECURITY

STANDARD NO(S):

NYSSA CS # 28-30

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED: 03/31/2017

REFER TO:

Luke Laskoski

## I. OBJECTIVE:

To establish policies and procedures for the scheduling of court officers to the various functions of the Seneca County Courthouse and for the taking into custody of any individual remanded by the Judge.

## II. POLICY:

It is the policy of the Seneca County Sheriff's Office, Court Security division, to assign Security Officers to court proceedings and any other court function within the Seneca County Courthouse and to provide security of any individual taken into police custody during those functions.

## III. DETAILS:

### A. Courtroom assignments -

1. A court security officer will be present during any and all court proceedings in the Seneca County Courthouse.
2. The officer will observe court proceedings and remain alert to insure the safety of the Judge, court clerk(s) and the public.
3. The officer will be positioned at a location where he/she has quick access to both the defense and prosecution tables in the County/Supreme Courtroom, or the petitioner and respondent tables in the Family Courtroom and can also observe the entrance to the courtroom to monitor those coming and leaving.
4. The officer will stand ready to remove an individual from the courtroom, if instructed to do so by the Judge.
5. The officer will insure that no spectators in the courtroom cause any disturbances, whether it is by talking, making gestures, or excessive noise.

6. The officer will take into custody any individual remanded by the Judge, when a member of the Seneca County Correctional Facility is not present to take custody of said individual.
7. The officer will respond to any legitimate request of the court clerk and/or Judge.

**B. Special Assignments -**

1. Special assignments will be made in the event of high risk trials, high risk individuals, and any other instance where extra security is required to maintain security of the courthouse. (See “**High Risk Trials**” ) this manual.
2. Officers assigned to special assignments will be instructed as to their duties prior to starting the special assignment, by the court security sergeant.
3. Duties associated with special assignments will be determined by the court security sergeant prior to the assignment, and be based on the individual factors involved in each special assignment.
4. Examples of special assignments include: securing courtroom doors, securing courthouse exits, jury security, jury sequestering, judicial threats, etc.

**C. Courtroom Prisoner Security -**

1. Inmates brought to the courthouse for court proceedings are in the custody of the correctional facility/prison in which they are being held, and directly under the custody/supervision of the officers from that facility.
2. While in the courthouse, court security officers may need to instruct correction officers with inmates where to go and may request that an inmate be unshackled, if instructed by the Judge. However, the inmate will remain at all times, under the direct supervision of the correction officer charged with his/her transport and court security officers should assist only if needed/requested.
3. If an individual is remanded by the Judge, it will be the responsibility of the court security officer to take that individual into custody, and hold him/her until a member of the Seneca County Correctional Facility can respond to the courthouse. If a member of the Seneca County Correctional Facility is present in the courtroom/courthouse, custody can be immediately transferred to that officer, if he/she has the ability to transport that individual.

4. An individual in custody, awaiting transport to the Seneca County Correctional, shall be escorted out of the courtroom and brought to the magnetometer/X-ray screening station and seated in a chair, under the supervision and control of the court security officer assigned to that station.

# **PORTABLE RADIO COMMUNICATION**

STANDARD NO(S):

NYSSA CS# 31

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED: 03/31/2017

REFER TO:

Luke Laskoski

## **I. OBJECTIVE:**

To insure that all officers have sufficient communication capabilities between themselves, other officers, and the E911 Center to provide for officer safety and effective security services for the Seneca County Courthouse.

## **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office to insure that all officers are either issued a portable radio, or at minimum, have access to a portable radio during all shifts.

## **III. DETAILS:**

- A. All officers, upon reporting for duty at the courthouse, will sign out a portable radio for use during his/her shift. At the end of the shift, the radio will be signed back in. This will be done as long as there are portables available to be signed out. If the number of officers working at the time exceeds the number of radios available, radio assignments will be made based on the officer's assigned location ensuring adequate communications between all courts. Members will utilize their unique individual three digit call number assigned to them by the SCSO when making portable radio transmissions.
- B. All on-duty court security personnel shall properly carry the issued portable radio in the leather case, or on their duty belt. When a portable radio is not available for use, a notation of the fact shall be made to the Court Security Sergeant. All personnel shall be responsible for the proper care and use of the portable radios.

### **C. Care and Maintenance -**

1. All portable radios will be accounted for at the beginning of each tour of duty by the Court Security Sergeant.
2. Certain SCSO portable radios may be assigned to the individual member and will remain assigned to that individual regardless of change in assignment, unless otherwise re-assigned by the Court Security Sergeant. All portable

radios shall be charged on a regular basis to insure that they are operational at all times. All employees shall insure that these radios are available for use at all times.

3. All Court Security Officers shall use the proper radio procedures when transmitting over the air. Good radio discipline and courteous use of the system shall be maintained in order to insure efficient, accurate and rapid communications. The Magnetometer/X-ray screening station shall be identified as "Security" when a Court Security needs to contact them. Court Security Officers shall identify themselves either by badge number, or by rank and surname.

- D. **Phrase words** – In order to maintain quality control a uniform method of communication will be used the following phrase words should be utilized:

<u>Phrase word:</u>	<u>Instead of:</u>
Status	Are you ok? Any problems?
Affirmative	Yes, Ok, all right, etc
Negative	No
Stand by	Stop, Hold on
Urgent	Quickly, fast
Enroute	Going to, has left
Disregard	Not necessary
Advise	Do you want, find out
Check	Call and see
Forward	Send
Obtain	Get
Unable	Can't, Cannot
Desire	Want, would like
Receiving poorly	You're coming in poorly
Repeat	Another unit covered you, say again, etc

**Appropriate Phonetic Alphabet -**

A=Adam	N=Nora
B=Boy	O=Ocean
C=Charles	P=Paul
D=David	Q=Queen
E=Edward	R=Robert
F=Frank	S=Sam
G=George	T=Tom
H=Henry	U=Union
I=Ida	V=Victor
J=John	W=William
K=King	X=X-ray
L=Lincoln	Y=Young
M=Mary	Z=Zebra

- E. **Emergency Communications** - In the event of any emergency situation occurring at the courthouse. The responding officer will contact the E911 Center and advise them of the emergency and make any requests (backup, EMS, Fire Dept, etc) necessary. At this point, the E911 Center will assume control of all emergency communications.

## EQUIPMENT

STANDARD NO(S):

NYSSA CS# 34

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED: 03/31/2017

REFER TO:

Luke Laskoski

### I. OBJECTIVE:

To insure the Court Security Unit has sufficient equipment to effectively and efficiently provide security services to the Seneca County Courthouse.

### II. POLICY:

It is the policy of the Seneca County Sheriff's Office to insure that the Court Security Unit for the Seneca County Sheriff's Office has the equipment necessary to provide security services to the Seneca County Courthouse.

### III. DETAILS:

A. The following equipment is available for courtroom security:

1. **Weapons** – Court Security Officers are armed with an SCSO approved weapon, ammunition and a canister of OC (pepper spray). A plastic shield is stored in the Supreme/County Court storage room.
2. **Weapon lockboxes** – There are thirteen (13) lock boxes located in the security closet at the magnetometer screening station.

**Note:** A Judge may require police officers, uniformed or plain-clothed, to secure their weapon prior to offering testimony.

3. **Metal detectors** – A walk-through magnetometer is located and the South entrance to the courthouse. Two hand-held metal detectors are available as needed.
4. **Intrusion alarms** – The first floor and basement level of the courthouse is equipped with an intrusion alarm at all doors. There are motion sensors located at each door.
5. **Duress alarms** – There are push-button duress alarms located in the Support Courtroom, the Family Courtroom, and the Supreme/County Courtroom.

Upon activation, a keypad alerts security at the magnetometer screening station of the alarm and from which courtroom it originated, while simultaneously notifying the E-911 Center.

6. **Fire protection** – There are pull station alarms and fire extinguishers located outside each courtroom, in the lobby and in the back hallways. Smoke and heat detectors are installed throughout the courthouse.
7. **Communications** – Portable radios programmed identical to those assigned to the SCSO road patrol are available for use by the court security officers. Transmissions shall be kept professional at all times. Sensitive information should be conducted via telephone and not broadcast via portable radio. Portables shall be maintained in a state of operational readiness. The Court Security Supervisor shall be notified of any damaged or inoperable radios. (See “**Portable Radio Communication**” this manual.)
8. **Medical** – A first aid kit is located in the Supreme/County Court clerk’s office. An AED (Automated Electronic Defibrillator) is located in the security closet at the magnetometer screening station, along with a Blood borne Pathogen response kit.
9. At the magnetometer screening station, there is the following equipment:
  - a. Hand-held scanners
  - b. Trays or small containers
  - c. Property receipts
  - d. Weapons Lockboxes
  - e. Latex gloves
  - f. X-ray machine
  - g. Telephone

## **FIELD OFFICER TRAINING PROGRAM – COURT SECURITY**

STANDARD NO(S): NYSSA CS#: 6 & 15

DATE: November 4, 2009  
REVISED: 04/05/2011  
REFER TO: REVIEWED: 03/31/2017  
Luke Laskoski

### I. OBJECTIVE:

To establish SCSO policy governing the Field Training Officer (FTO) Program for Court Security Officers (CSO).

### II. POLICY:

It is the policy of the Seneca County Sheriff's Office to train new, transferred or assigned Deputy Sheriff's and Special Patrol Officers to act as Court Security Officer's in Court Security policies and procedures.

### III. DETAILS:

#### A. **Program Content -**

The requirements for the training of new, transferred or assigned court officers will include activities, duration, evaluation, FTO's, and supervision.

#### B. **Duration -**

**New employees-** Prior to assuming an unsupervised duty assignment, each new CSO shall be required to undergo a Field Training Program for a period of not less than 40 hours under the supervision of a Field Training Officer. The field training will include a minimum of twenty-four hours in Family Court, eight hours in Supreme and County Courts and eight hours at the Magnetometer/X-ray screening station. Depending on the progress of the CSO, the period of time may be extended until the CSO shows consistent improvement and successfully completes all phases of the program, or fails to show consistent improvement, at which time the CSO may be considered for termination.

**Transferred or assigned Officers –** Transferred or assigned members of the SCSO to Court Security Division operations will undergo a field training program for a period of not less than eight hours which is a condensed version of the forty-hour FTO program given to new employees.

**C. Evaluation -**

The mainstay of FTO is the system of evaluation contained in the program. At the end of each tour of duty, the FTO shall complete a written daily observation evaluation in which the CSO's performance will be evaluated. The daily observation report will be discussed each day by the assigned FTO with the officer. The FTO program will contain specific performance criteria the new, transferred or assigned Officer will be expected to achieve, as well as the officer's interaction with the public. At the completion of the FTO evaluation period, the FTO will forward any and all such trainee's evaluation to the Road Patrol Lieutenant who will along with the Chief Deputy will report to the Undersheriff the officer's FTO progress. The Undersheriff and Chief Deputy will report to the Sheriff who will ultimately make the decision whether or not to retain the officer.

**D. Policy and Procedures -**

Every new, transferred or assigned Court Security Officer as part of their Field Training Program will be made aware that the SCSO Court Security Manual of Instructions governing their assignment in the Court Security Division is available in computerized electronic format on the SCSO "G" drive within the folder entitled "Court Security Manual of Instructions."

A hard copy of the Court Security Manual of Instructions will be located at the SCSO security post at the Seneca County Court House in Waterloo, New York and at the SCSO Administration Division at the Seneca County Law Enforcement Center.

Upon initial dissemination of the Court Security Manual of Instructions, each member assigned to the Court Security Division will be required to acknowledge being made aware of and how to locate the SCSO Court Security Manual of Instructions along with their complete understanding of the policies and procedures that govern their duties.

**E. Field Training Officers -**

Supervisory personnel are constantly alert to identify those officers who have interest and qualifications to be designated FTO's.

**F. Supervision -**

Responsibility for the FTO program in Court Security is delegated to the Court Security Sergeant, who will handle scheduling and insure that the program objectives are met. Administrative oversight of the Court Security FTO program is with the Road Patrol Lieutenant and Chief Deputy.

# **EMERGENCY RESPONSE AND PHYSICAL SECURITY**

STANDARD NO(S):

NYSSA CS# 33, 35-37

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED: 03/31/2017

REFER TO:

Luke Laskoski

## **I. OBJECTIVE:**

The SCSO has developed the following policies and procedures to insure that the guidelines are in place in the event an emergency should arise. To insure that all emergency situations are handled in a safe and efficient manner, the court security division shall provide all facility members with a plan of emergency preparedness. These emergency preparedness plans shall be based on the following list of priorities:

1. Safety of the general public;
2. Safety of all Judicial staff;
3. Safety of all Court Security staff;
4. Safety of all inmates;
5. Restoration of order and control;
6. Protection of property;
7. Investigation, follow-up, issuance of reports, and corrective actions.

## **II. POLICY:**

The Court Security division shall make every attempt to follow the emergency preparedness plan that best fits the emergency situation at hand. Emergency situations that are not addressed by the established policies and procedures shall be handled by court security in a timely and responsible manner. Court Security Officers shall use reasonable judgement based on the above list of priorities. The purpose of this policy is to insure that proper procedures are followed when department personnel and support agencies are activated for the purpose of an emergency situation.

## **III. DETAILS:**

### **A. Building Evacuation:**

During any emergency situations, conditions may arise which will pose an eminent danger to the individuals within the building. To insure a safe evacuation, promptly remove such individuals from the affected area(s). The

evacuation plan will be promptly put into effect. It will also be the policy, and in accordance with local building/fire codes, to have evacuation routes posted prominently throughout the building.

The purpose of this policy and procedure is to provide all Court Security Officers with guidelines and procedures for the safe, secure, evacuation of the courthouse in an emergency that renders or will potentially render a portion, or the entire building unsafe.

1. The need for emergency evacuation is a possibility in fires, natural disasters, or in the aftermath of a disturbance. In the event one of these situations were to occur, the following is the protocol:
  - a. The officer who discovers the situation will advise the Court Security Sergeant. The Court Security Sergeant will assess the situation and ascertain if all or part of the building should be evacuated.
  - b. If it is determined that the building needs to be evacuated:
    1. The Court Security Sergeant will announce, via public address system, that all people in the building , by order of security, must leave the building at once.
    2. Court Security will direct everyone in the immediate vicinity towards the closest exit, and instruct them to gather in the park across the street to the south of the courthouse.
    3. Once it appears that everyone has left the building, Court Security Officers shall effect a floor-by-floor search of the building to insure that there is no one left in the building.
    4. If the evacuation is the result of a disturbance by people attending court, a sufficient number of Court Security Officers will remain at the location of the disturbance to maintain control. Remaining Court Security Officers shall assist with the evacuation and building search.
    - \*See Courtroom Disturbance (this policy) for further policies and procedures relating to courtroom disturbances and evacuations.
    5. At an appropriate time, Court Security shall notify the Sheriff, Under Sheriff, and Chief Deputy of the evacuation.

- 
- 
- c. Once the building has been deemed safe, the public and court staff shall be allowed to re-enter the building. Court Staff may enter through whichever door is most convenient for them. However, the members of the public must enter through the main door, located at on the south side of the building.

**B. Fire Alarm Activation:**

1. In the event of fire alarm activation, a warning alarm will sound and the fire beacons located throughout the building will flash a bright light.
2. Court Security will see that everyone in the building is evacuated out of the building and instruct them to assemble across the street near the sidewalk in the park located to the south of the courthouse.
3. Court Security will quickly conduct a search of the building to make sure there is no one left inside.
4. Court Security will then stand at the base of the stairs to the building, to insure that no one tries to re-enter the building, until authorized to do so.
5. Once the fire department responds, the situation will be turned over to them.
6. When, and if, the fire department deems it safe to return into the building, everyone will be allowed to re-enter.
7. The Court Security Sergeant will complete a State “Unusual Occurrence” report.

**C. Bomb and Hazardous Devices Threats/Incidents:**

1. It shall be the policy to regard and respond to each report of the presence of a bomb, or any type of explosive device or ordinance, as a valid and serious threat to life and/or property.
2. All staff in the building have bomb threat questionnaire cards located underneath their telephones.
3. Upon receiving a call informing them of a bomb threat, staff have been instructed to get as much of the card filled out as possible.
4. The threat is then immediately reported to Court Security, who will then evacuate the building.
5. Everyone, except the Judge, will be evacuated to the sidewalk along Routes 5 & 20, in the park across the street from the courthouse.

6. The Judge will be evacuated to the far side of the VFW Parking lot.
7. Court Security will contact the E-911 Center and request that they notify the Sheriff, Under Sheriff, and Chief Deputy, and request the response of the Emergency Response Team (ERT).
8. Court Security will also have the E-911 Center contact Waterloo Village Police Department, and advise them of the situation, and request assistance in evacuating the Main Street Elementary School, and nearby houses.
9. Court Security will secure the building until the ERT arrives on scene.
10. Once the ERT arrives, the situation will be turned over to them, and Court Security will assist the ERT as they require.
11. Once the building has been cleared by the ERT, people will be allowed to re-enter.
12. The Court Security Sergeant will complete a State “Unusual Occurrence” report.
13. If the situation turns out to be lengthy, alternate arrangements may need to be made for member of the public wishing to leave, and members of the facility staff. Location where the evacuees will assemble may need to be changed due to weather or other factors present at the time.

**D. Criminal Incident:**

1. Courtroom Disturbance:
  - a. In the event of a courtroom disturbance, i.e. member of the public starts the fight, goes to attack the Judge, etc., the Judge will be immediately escorted from the courtroom to his chambers by the Court Security Officer assigned to that courtroom.
  - b. Court Security will request back-up, assess the situation and act accordingly to stop the disturbance, while at the same time, insuring the safety of the Judge, Court Clerks, and the public still in the courtroom.
  - c. If there is a second Court Security Officer working the courtroom, that officer will evacuate all non-essential persons. If there is only one officer working the courtroom, then the back-up officer, upon entering courtroom, will evacuate non-essential persons, provided that the officer handling the disturbance has subject/situation under control.

- d. If there is a jury present, the second Court Security Officer (officer assigned to work the back of the courtroom) will escort the jury from the courtroom, to the jury deliberation room. Back-up officer responding to the courtroom will evacuate non-essential persons.
- e. Court Security Officers will secure witnesses and detain perpetrators according to law. Charges to be filed if warranted.
- f. The Court Security Sergeant will complete a State “Unusual Occurrence” report.

**2. In Case of other Safety Concerns, Threats, or Criminal Incidents:**

- a. Court Security will announce over the public address system, that employees should go into “lockdown”, that is, locking themselves in their offices until further instructed by Court Security.
- b. If an evacuation is needed, Court Security is to give these instructions over the public address system.
- c. Once the safety concerns have been addressed, Court Security will instruct the employees to return to normal business.
- d. The Court Security Sergeant will complete a State “Unusual Occurrence” report.

**3. Hostage Incident:**

- a. In the event of a hostage being taken within the confines of the courthouse, Court Security will be immediately notified.
- b. Court Security will immediately respond to the location of the incident and attempt to establish communication with the hostage-taker.
- c. Other Court Security Officer’s will evacuate everyone from the building who can be safely evacuated.
- d. Court Security will notify the E-911 Center and request assistance from SCSO, Waterloo PD and NYSP to establish an inner and outer perimeter. E-911 will be requested to notify the Sheriff, Under Sheriff, and Chief Deputy, and request the response of an Emergency Response Team (ERT). (See “**Administrative Notifications**”) this manual.
- e. Incident command will be turned over to the highest ranking SCSO Officer on the scene. Court Security Officers will assist in securing the Courthouse complex as directed.

- f. Court Security Officers will provide technical assistance as required by the ERT.
- g. Once the courthouse has been deemed safe by the ERT and Sheriff, or his designee, court staff and the public will be allowed to re-enter.
- h. The Court Security Sergeant will complete a State “Unusual Occurrence” report.

4. **Prisoner Escape:**

- a. In the event an inmate escapes from the courthouse, Court Security will immediately pursue fleeing inmate.
- b. If inmate is in the custody of a Corrections Officer, Court Security will assist that officer with pursuit of the inmate.
- c. If there is more than one inmate in custody, priority will be given to preventing additional escapes by remaining inmates.
- d. Court Security will notify the E-911 Center and request they notify the Sheriff, Under Sheriff, and Chief Deputy, and the Waterloo Police Department, of the escape and update them as necessary. (See “**Administrative Notifications**”) this manual.
- e. The Court Security Sergeant will request back-up and the assistance of additional agencies as needed, to recapture the fleeing inmate.
- f. At no time during the incident will the magnetometer/X-ray screening station be abandoned to pursue the fleeing inmate.
- g. The Court Security Sergeant will complete a State “Unusual Occurrence” report.

5. **Duress Alarms:**

- a. All duress alarms in the building are connected to the alarm system for the building. The alarm system keypads display the area from which the alarm was activated. There is a keypad located at the magnetometer/X-ray screening station.
- b. Upon activation of a duress alarm, Court Security will immediately respond to the location of the alarm.
- c. If necessary, Court Security will abandon the magnetometer/X-ray screening station to respond to the duress alarm.

- d. Upon arriving at the location of the alarm, Court Security will assess the nature of the alarm and react accordingly.
- e. The Court Security Sergeant will complete a State “Unusual Occurrence” report.

**E. Emergency Medical Response:**

- 1. In the event of a medical emergency, Court Security will immediately contact the E-911 Center and request dispatch of an ambulance.
- 2. Court Security will render first aid to the injured party pursuant to that officer’s qualifications.
- 3. Court Security will remain with the injured party until the ambulance personnel arrive on scene.
- 4. The Court Security Sergeant will complete a State “Aided” report.

**F. Crowd Control:**

- 1. All disturbances will be quelled as quickly as possible with the minimum amount of force necessary to bring the situation under control.
- 2. For the purpose of this policy, disturbance is defined as an overt act by a group of two or more people that disrupts the safety, security, or good order of the facility.
- 3. In the even of a disturbance, the following procedure shall be followed:
  - a. The Court Security Officer shall call for assistance using the portable radio.
  - b. The Court Security Officer should attempt to quell the disturbance.
  - c. The Court Security Sergeant will be advised of the situation and will assess the disturbance.
- 4. If the disturbance is under control, actions to be considered are:
  - a. Have the agitator been placed in custody or separated from the crowd?
  - b. Does anyone require medical treatment?
  - c. Does anyone need to be moved to different locations?

- d. Do court appearances need to be rescheduled?
  - e. Does any property of the courthouse need to be repaired/replaced after the disturbance?
  - f. Is an arrest warranted?
  - g. Have proper reports been completed?
5. If the disturbance is not under control, the following actions shall be taken:
- a. Court Security Sergeant shall order the “lock-down” of the facility. All movements and any ongoing proceedings shall cease.
  - b. The Court Security Sergeant will instruct the Court Security Officer at the magnetometer station to contact the E-911 Center requesting additional assistance from any law enforcement officer available. The E-911 Center shall also be requested to notify the Sheriff, Under Sheriff, and Chief Deputy of the situation.
  - c. As additional assistance arrives, the facility perimeter shall first be secured with remaining Court Security Officers assembled to organize defensive measures to contain the disturbance.
  - d. Should the officers assembled not be considered sufficient to effectively control the disturbance, additional personnel will be requested.
  - e. When forces are considered sufficient to regain control, everyone shall be briefed on how the plan will be accomplished.
  - f. Upon gaining control of the situation, all reports shall be completed, and appropriate arrests affected.

## **G. Physical Security:**

1. Perimeter Security:
  - a. All doors to the facility are locked during non-business hours. During business hours, only the main entrance door is unlocked and is the location of the magnetometer/X-ray screening station, and is manned by Court Security during all business hours.
  - b. All windows into the building are locked at ALL times.

c. An alarm system is set up on all doors, and motion sensors set up inside the doors.

d. Video surveillance is maintained at the magnetometer/X-ray screening station during all business hours.

**2. Perimeter Lighting:**

a. The perimeter of the building is equipped with exterior lighting on all 3 sides of the building (4<sup>th</sup> side of the building is attached to another building).

**3. Internal Restricted Area Security:**

a. The areas within the building that are restricted are:

1. Basement hallways, electrical room, elevator and elevator room, communications room (telephone, internet connections), District Attorney's office, and storage rooms.

2. First floor court offices, back hallway, mail room, elevator, and storage rooms.

3. Second floor back hallway, Court Reporter offices, Judges' chambers, Law Library, elevator, and storage rooms.

b. **The areas within the building that are not restricted are:**

1. First floor main entrance, lobby outside Supreme/County, Surrogates, and Family Court Offices, Family Courtroom, and Support Courtroom, and restrooms.

2. Second floor Supreme and County Courtroom, Drug Court Coordinator's office, Custody and Visitation Mediation office, IDVI Coordinator's office, Grand Jury room.

3. There are no public access areas in the basement.

c. All restricted areas of the building are controlled either by locked doors at all access points to these restricted areas. One door, located near the magnetometer/X-ray screening station is operated by an electrical release lock, operated by Court Security at that station.

**4. Interior Lighting, Halls, Stairways, Lobbies:**

- a. Lights in all public (to include all lobbies, hallways, and stairways) and restricted areas of the building are powered on during all business hours of the day to provide adequate lighting for safe travel throughout the building.
- b. Functionality of the lights is maintained by the Seneca County Maintenance Department and inspected on a regular basis.

**5. Auxiliary Lighting and Power:**

- a. In the event of a power outage, all areas of the building are equipped with battery-powered emergency lighting.
- b. The status of these emergency lights, and the status of the batteries operating them, is monitored by the Seneca County Maintenance Department on a monthly basis.

**6. Alarm Systems:**

- a. Fire Alarms:
  - 1. There are manually operated fire alarms located throughout the courthouse.
  - 2. There are smoke/heat detectors installed throughout the courthouse.
- b. Intrusion Alarms:
  - 1. All doors to the building are equipped with electronic alarms and motion sensors just inside the doors during non-business hours.
  - 2. Magnetically sealed door near the District Attorney's office in basement.
- c. Duress Alarms:
  - 1. Push button duress alarms are located in the Support Courtroom, Family Courtroom, and Supreme/County Courtroom.
  - 2. These alarms are tested, at minimum, annually.

**7. Key Control:**

- a. The doors throughout the facility are locked with different locks depending on what area of the building that door grants access to.

- b. Key access to those areas is restricted by the level of access keys issued to personnel have.
- c. The elevator is key-controlled.
- d. Issuance of keys is controlled by the Security Supervisor of the building (Chief Clerk-Supreme/County court).

**8. Circulation Patterns:**

- a. Judiciary:
  - 1. Judiciary entering the building can access the building through the back door by key, then take the elevator up to second floor to access the Judge's chambers.
  - 2. Visiting judges can enter through the back door by activating the intercom system and identifying themselves. Court Security, or other court personnel can then meet up with the Judge in the basement and bring him/her up in the elevator to the visiting Judge's chambers.
  - 3. The Judge can then access the court offices and courtrooms via the secured hallways throughout the building.
- b. Employees:
  - 1. Employees are issued keys to enter the building through the back door.
  - 2. Employees also have the option of presenting valid I.D. at the magnetometer/X-ray screening station to bypass the screening process and access the secured areas of the building through an electronically released locked door operated by Security.
  - 3. Employees are then free to move about the building through the restricted and/or public areas of the building.
- c. Public:
  - 1. The public can only enter the building through the main entrance of the building, and undergoing the screening process.
  - 2. Only exceptions to above, is in the case of a handicapped individual requiring the elevator. In this

case, the individual will be escorted by Court Security from the handicap entrance, to the elevator, and back to the public access area to which that person needs to go.

3. Public access will be limited to the lobbies and hallways outside the courtrooms, and to the courtrooms themselves.

d. **Prisoners:**

1. Prisoner access to the building will be limited to the same areas accessible by the public.
2. On rare occasions, prisoners may be allowed to be escorted through restricted areas due to jury trial considerations requested/ordered by the Judge.

**9. Evacuation Routes:**

- a. Evacuation routes will be established for all areas of the building.
- b. Physical layout maps that depict the primary and secondary evacuation routes from the area in which the map is posted, shall be posted prominently throughout the building.

**10. Fire Protection:**

- a. The fire alarms, smoke/heat detectors mentioned above are located throughout the building.
- b. Fire extinguishers are located on every floor and in several locations throughout the building.
- c. The fire extinguishers are clearly marked with placards and instructions written on the doors on how to access them.
- d. The Seneca County Maintenance Dept. monitors the condition of the fire extinguishers every month, to insure that they all meet applicable fire codes.

**11. Parking:**

- a. Judiciary and Employees have reserved parking in 2 locations:
  1. Behind the building, on the North side, along the railroad tracks, with easy access to the back door.

2. In front of the old Seneca County Correctional Facility, on South side
  - b. For security purposes, the Judge's reserved parking space is the one located closest to the back door.
  - c. Reserved parking on the south side of the old Seneca County Correctional Facility for inmate receiving.
  - d. Public parking is available in the parking lot to the east of the old Seneca County Correctional Facility and in the VFW parking lot located to the northeast of the courthouse. Handicapped parking is available on the west side of the building near the District Attorney's office.

#### **H. Physical Security Survey:**

1. The Court Security Sergeant will conduct an on-site physical security survey annually.
2. This survey will be based on the standardized National Sheriffs' Association sample courthouse physical security survey document.
3. A copy of this survey shall be kept on file with the SCSO and changes and improvements as a result of the survey shall be documented and kept on file.

# **FIREARMS ASSIGNMENT**

STANDARD NO(S):

NYSSA CS # 26

DATE:

November 4, 2009

REVISED: 04/05/2011

REVIEWED: 03/31/2017

REFER TO:

Luke Laskoski

## **I. OBJECTIVE:**

To familiarize members regarding the assignment, storage and control of firearms within the Court Security Unit.

## **II. POLICY:**

It is the policy of the Seneca County Sheriff's Office to assign firearms and ammunition to each certified police officer and special patrol officers within the SCSO and specifically those assigned to the Court Security Unit.

## **III. DETAILS:**

### **A. Firearms Assignment -**

1. Upon successful completion of proper training to be certified as a Police Officer or Special Patrol Officer, and successful qualification with a firearm, each member of the Court Security Unit will be issued a firearm and ammunition
2. The firearm and ammunition will be assigned to an officer from the SCSO Armorer. The Armorer will record serial number of the weapon assigned to each officer.
3. The officer assigned the firearm will be responsible for maintaining the firearm in clean and operable condition.

### **B. Storage and Control -**

1. It will be the responsibility of each officer to keep control of his/her assigned firearm and ammunition.
2. When the firearm and ammunition are not being used by the officer on duty, the officer will ensure that the firearm and ammunition will be stored in such a manner as to ensure that they are safe and secure.

**Change Order # 1 –  
December 1, 2009**

**Law Enforcement Manual of Instructions:**

Policy 2-4 – Section I – Minor word change  
Policy 2-4 – Section III (F) – Minor word change.  
Policy 2-4 – Section III (F)(1) – Minor word change  
Policy 2-4 – Section III (F) – ADD subsections # 5 & 6  
Policy 2-4 – Section III (F) (8) - Minor word  
Policy 2-4 – Section III (F)(10) – Minor word change  
Policy 2-4 – Section III, (G) – Minor word change

**Corrections Manual of Instructions:**

Policy 2-4 – Section I – Minor word change  
Policy 2-4 – Section III (F) – Minor word change.  
Policy 2-4 – Section III (F)(1) – Minor word change  
Policy 2-4 – Section III (F) – ADD subsections # 5 & 6  
Policy 2-4 – Section III (F) (8) - Minor word  
Policy 2-4 – Section III (F)(10) – Minor word change  
Policy 2-4 – Section III, (G) – Minor word change  
Policy 5-2 - Section III. (3)(c) minor word change  
Policy 5-2 - Section XI -(A)(B)(C) ADD New

**Court Security Manual of Instructions:**

Policy 2-4 – Section I – Minor word change  
Policy 2-4 – Section III (F) – Minor word change.  
Policy 2-4 – Section III (F)(1) – Minor word change  
Policy 2-4 – Section III (F) – ADD subsections # 5 & 6  
Policy 2-4 – Section III (F) (8) - Minor word  
Policy 2-4 – Section III (F)(10) – Minor word change  
Policy 2-4 – Section III, (G) – Minor word change  
Policy 5-2 - Section III. (3)(c) minor word change  
Policy 5-2 - Section XI -(A)(B)(C) ADD New

**Change Order # 1 - 2010**

**February 2, 2010**

**Law Enforcement Manual of Instructions**

Policy 2-11 – Section III(D)(2) – add – SCSO-AD-100

**Court Security Manual of Instructions**

Policy 2-11 – Section III(D)(2) – add – SCSO-AD-100

Change Order - June 18, 2010

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Change Order # 9 – 2010

**Corrections Manual of Instructions:**

**1-5 – Use of Force**

**ADD NEW SECTION – XIII (A,B,D,C,E) – SCSO Patrol Rifles  
RENUMBER remaining policy sections**

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**Change Order # 2 – 2010**

**Law Enforcement Manual of Instructions**

**1-5 – Use of Force**

**ADD NEW SECTION – XIII (A,B,D,C,E) – SCSO Patrol Rifles  
RENUMBER remaining policy sections**

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**Change Order # 2 – 2010**

**Court Security Manual of Instructions**

**1-5 – Use of Force**

**ADD NEW SECTION – XIII (A,B,D,C,E) – SCSO Patrol Rifles  
RENUMBER remaining policy sections**

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## **Change Order – October 21, 2010**

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**Change Order # 3 – 2010**

**MANUALS AFFECTED:**

**Law Enforcement Manual of Instructions**

**Court Security Manual of Instructions**

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### **Policy 2-4 – Direction & Supervision**

I – minor word change  
III (F) – minor word change  
III (F)(1) – minor word change  
III(F)(6) – DELETE  
III(F)(8) – minor word change  
III(F)(10) – minor word change  
III(G) – minor word change

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### **Policy 2-8 – Organization**

III(B) – DELETE last sentence in section  
III(I)(1) – minor word change

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### **Policy 2-12 – Public Information & Community Relations**

III(E) – DELETE section

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### **Policy 2-26 – Personnel Selection & Promotion**

III(A)(19) – ADD new section

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### **Policy 2-40 – Deputy Sheriff**

III(A)(6) – ADD new section

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### **Policy 6-2 – Field Training Officer Program**

III(I) – ADD new section

## **Change Order – January 12, 2011**

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**Change Order # 1 – 2011**

**MANUALS AFFECTED:**

**Law Enforcement Manual of Instructions**

**Corrections Manual of Instructions**

**Court Security Manual of Instructions**

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### **Policy 1-5 – Use of Force**

Section XII – ADD - All sworn Law Enforcement Division members engaged in field assignments are required to carry a firearm in the performance of their duties.

Section XV(A) – ADD – and off duty

**Change Order – #2 - 2011**

**Law Enforcement & Court Security Manual of Instructions**

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**CHANGE # 1**

**MANUALS AFFECTED:**

- Law Enforcement Manual of Instructions
- Court Security Manual of Instructions

***DELETE – Court Security Manual of Operations in its entirety***

**ADD – all Court Security Operational Policies from Court Security Manual of Instructions (CSMOI) into Law Enforcement Manual of Instructions (LEMOI) – NEW Chapter Eleven**

**RENUMBER existing Court Security Operational Policies with NEW LEMOI Policy numbers as follows:**

CSMOI Policy#	Title	New LEMOI Policy #
3-1	Weapons Screening	11-1
5-1	High Risk Trials	11-2
5-2	Inmate Transports	11-3
5-3	Courtroom assignments & prisoner security	11-4
6-2	Firearms Assignments	11-9
6-3	Portable Radio Communications	11-5
6-4	Equipment	11-6
6-5	Field Training Officer Program	11-7
7-1	Emergency Response & Physical Security	11-8

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**CHANGE # 2 through 10**

**MANUALS AFFECTED:**

**Law Enforcement Manual of Instructions**

**Policy 1-5 – Use of Force**

**DELETE – Section XX - TASER**

**Renumber Section XXII to new Section XX**

**Policy 1-6 – TASER – Revised**

**New policy & procedure**

**Policy 2-4 – Direction & Supervision**

Section (I) – minor word change

DELETE – *and Court Security Manual of Instructions (CSMOI)*

Section III(F) – minor word change(s)

DELETE - *and Court Security Manual of Instructions (CSMOI)*

DELETE – *all three*

Section III(F)(1) – minor word change

DELETE – *and CSMOI*

Section III(F)(3) – minor word change

ADD – *eleven*

ADD – *Court Security Operations*

Section III(F)(5) – DELETE

Section III(F)(8) – minor word change

DELETE – *and CSMOI*

Section III(F)(10) – DELETE – *and CSMOI*

DELETE – *CSMOI*

Section III(G) – minor word change

DELETE – *and CSMOI*

Section III(I)(4) – DELETE - *CSMOI*

**Policy 2-26 – Personnel Selection & Promotion**

Section III(A)(16) – ADD NEW Sentence

**Policy 3-6 – Road Patrol**

Section III(E) – CHANGE - G+ shift – 12:00 pm – 10:00 pm

**Policy 4-3 – Records Management**

Section II(I)(d) – minor word change

**Policy 4-10 – Financial Transactions**

Section II(I)(c)&(d) – minor word change

**Policy 5-1 – Collection & Preservation of Evidence**

ADD NEW Section III(Q)

**Patrol Post Map – CHANGE – NEW – 3W/3E patrol zones**

Change Order – December 31, 2011

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Change Order # 3 – 2011

MANUALS AFFECTED:

Law Enforcement Manual of Instructions

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Policy 3-6 – Road Patrol

Add – NEW – subsection III (P) 13 –

*“Supervisor to scene of suspected or confirmed hate crime investigations.”*

Policy 5-5 – Criminal Investigations

Add – NEW – subsection – C – Hate Crimes

Add – NEW – subsection – D – Missing Vulnerable Adults

Change Order # 1 – 2012

**MANUAL AFFECTED:**

**LAW ENFORCEMENT MANUAL OF INSTRUCTION**

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SCSO Policy 1-1 Code of Conduct

- Section III(D)(1) - ***DELETE*** – all current text.

***REPLACE with the following new text:***

1. **CONSORTING WITH PERSONS CONVICTED OF FELONIES, OR CURRENTLY ON PROBATION OR PAROLE:**

No member or employee of the SCSO will frequent public or private places where such persons are known to congregate, except in the performance of one's assigned duties.

Members and/or employees of the SCSO will not engage or enter into a “intimate relationship” or “living arrangement” with any former inmate of the Seneca County Correctional Facility who has been convicted of a felony, or, is currently serving a term of probation or parole.

**Definition:**

“Intimate relationship” - Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors to be considered in determining whether a relationship is an “intimate relationship” includes but are not limited to: the nature of the relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship.

Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship.”

“Living arrangement” - Sharing or co-habiting in the same household with any person who has been convicted of a felony, or is currently serving a term of probation or parole.

**Reporting requirements** - Members and employees are required to report to their Division Commander in writing when and if they enter into a “living arrangement” or “intimate relationship” with any former inmate of the Seneca County Correctional Facility so that an assessment may be undertaken by the Sheriff to ensure compliance with this section of the Code of Conduct.

Change Order – April 10, 2012

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Change Order # 2 – 2012

**MANUAL AFFECTED:**

**LAW ENFORCEMENT MANUAL OF INSTRUCTIONS**

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**SCSO Policy 2-8 – Organization**

**DELETE – Mission Statements – SCSO, Correctional Facility, Civil Division**

**DELETE – Personnel/Organizational Chart**

**Seneca County Sheriff's Office**

**Seneca County Correctional Facility**

**ADD/REVISED – Personnel/Organizational Chart**

**Office of Sheriff – to Page 4 of LEMOI**

**Personnel/Organizational Chart**

**Seneca County Correctional Facility to Page 5 of LEMOI**

Change Order – May 16, 2012

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Change Order # 3 – 2012

**MANUAL AFFECTED:**

**LAW ENFORCEMENT MANUAL OF INSTRUCTIONS**

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**SCSO Policy 2-13 – Sex Offender Management**

Section III(C) – Criminal Investigation Division (CID) – subsection (1.)(c)(iii)

Change existing text to:

iii. *Ninety (90) day sex offender verification request form. (applicable to level 3 sex offenders only),*

Change Order – July 13, 2012

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Change Order # 4 – 2012

Manual Affected:

## LAW ENFORCEMENT MANUAL OF INSTRUCTIONS

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### SCSO Policy 2-46

#### CURRENT TEXT

TITLE - Chief Deputy

III(A) – Supervises division commanders including the Correctional Facility, communication, Civil, Court Security, Investigations and Uniform Patrol

III(A) – Manages the department's complaint and internal affairs program

III(C) – Two (2) years of permanent status as a Lieutenant

#### CHANGE(S)

TITLE – **(ADD)** Chief Deputy **SHERIFF**

III(A) – **(DELETE)** – *communication*

III(A) – **(ADD)** – *Co-manages*

III(C) – **(MODIFY/ADD)**

Two (2) years of permanent *competitive* status as a Lieutenant\*; **OR**

*Five (5) years of permanent competitive status as a Sergeant\*; OR*

*Eight (8) years of permanent competitive status as an Investigator\**

*\*appointed in accordance with Section 58 of the Civil Service Law*

Change Order – July 25, 2012

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**Change Order # 5 – 2012**

**Manual Affected:**

**LAW ENFORCEMENT MANUAL OF INSTRUCTIONS**

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**SCSO Policy 5-24 – DNA Buccal Swab Collection Protocol**

Section III (A)

**DELETE AND REPLACE WITH:** Effective August 1, 2012 a DNA sample will be collected from all persons convicted of any felony of any state law and Penal Law misdemeanors. This change is not retroactive. D.N.A. Specimens will be obtained from convicted inmates described in NYS Executive Law 995-C (Attached Appendix A) will be followed for all convictions that occurred prior to August 1, 2012

Section III(B)

**DELETE AND REPLACE WITH:** D.N.A. Buccal Swab Collection will be administered in a timely manner once the person(s) has been committed to the Seneca County Correctional Facility, or if Court ordered, at anytime a person presents themselves pursuant to the Court Order.

Section III(D)

**NEW:** The D.N.A. Collection Coordinator will be responsible to coordinate with the Courts regarding the collection of samples and to ensure that all required samples are collected.

Section IV(A)

**DELETE AND REPLACE WITH:** Effective August 1, 2012 a DNA sample will be collected from all persons convicted of any felony of any state law and Penal Law misdemeanors. This change is not retroactive. D.N.A. Specimens will be obtained from convicted inmates described in NYS Executive Law 995-C (Attached Appendix A) will be followed for all convictions that occurred prior to August 1, 2012

Section IV(D)

**DELETE AND REPLACE WITH:** Should a Seneca County Correctional Facility inmate refuse the DNA collection procedure, contact the DCJS DNA Databank, 518-485-0940, for a court order. Physical force will not be used. Refusing to comply with a DNA collection is a violation of facility rules as stated in the Inmate Handbook.

**Section IV(E)**

**NEW:** In any case where a Court Ordered collection has not been completed within sixty (60) days of receiving the order the Court issuing the order will be notified in writing by the DNA collection coordinator.

**Section IV(F)**

**NEW:** The hard copy of each Court Order and a photo-copy of the DNA DATABANK SPECIMEN SUBMISSION FORM will be maintained in a file in the Correction Lieutenants office. Information specific to: date received, court of record, defendant's name, DOB, address, the requisite conviction, due date for sample collection, date sample was collected and by whom and notification to the appropriate court that the sample has nor has not been collected will be compiled on each order received and stored electronically in the provided file.

Change Order – August 22, 2012

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**Change Order # 6 – 2012**

**Manual Affected:**

**LAW ENFORCEMENT MANUAL OF INSTRUCTIONS**

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SCSO Policy 3-8 – Vehicle Operation

Section III.(H)(3)(b)(4)

**ADD NEW TEXT:** No passengers are to be carried in unmarked vehicles except those related to their official duties. (e.g. victims, witnesses, suspects, prisoners, other SCSO member's) without the express permission of one's immediate supervisor.

SCSO Policy 9-5 – Special Purpose Vehicles

Section III(A) – minor word change(s)

Section III(I)

**ADD NEW TEXT:**

**I. All Terrain 4 x 4 Off Road Utility Vehicle-**

1. The SCSO has one all terrain 4x4 off road utility vehicle available for deployment in a variety of operations, including, but, not limited to:
  - Off road search for missing persons.
  - Shuttle personnel and equipment to off road crime scenes or incident scenes.
  - Marijuana eradication details.
  - Special events and details.
2. Authorization for deployment of this vehicle will emanate from the Uniform Road Patrol Lieutenant, who will weigh the benefits of such deployment to the mission of a particular incident or event.
3. The vehicle will not be deployed outside of Seneca County without the express approval of the Chief Deputy, Under Sheriff or Sheriff.
4. At the conclusion of the deployment of this vehicle the operator will ensure the vehicle is properly fueled.

## Change Order – January 2013

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### Change Order # 1 – 2013

#### MANUAL AFFECTED: **Law Enforcement Manual of Instructions**

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### **SCSO Policy 5-8 Informants**

III(A)3 – ADD - *All Confidential Informants must fully understand and sign the Confidential Informant Agreement Form (SCSO-ND-002) prior to the undertaking of their role as a Confidential Informant.*

III(A)(3)(a) – ADD - *All information that is obtained will be fully documented in the Confidential Informant Personal History Report Form (SCSO-ND-001).*

III(A)(3)(c) – ADD - *The agreement will be documented in the Confidential Informant Contract Worksheet (SCSO-ND-003). All parties involved are required to sign the form prior to the execution of the agreement.*

ADD – New Forms:

SCSO-ND-001

SCSO-ND-002

SCSO-ND-003

SCSO-ND-004

### **2-13 – Sex Offender Management**

III(A)(1) – Minor word change

III(B) – Minor word change

III(C)- Criminal Investigations Division (CID) – Minor word change

III(C) –Criminal Investigations Division (CID) – subsection (3)(a)(i) – Amend to read “*Use the Offender Watch Verification Request Form.*”

III(C)- Criminal Investigations Division (CID) – subsection (5) add “two”

III(C) – Criminal Investigations Division (CID) – ADD New subsection (7)

III(D)(1) – Minor word change

III(D)(1)(b)(c) – DELETE entire section – revise subsections (d) to (b); (e) to (c) and (f) to (d)

III(D)(2) – DELETE entire section – REPLACE with

## 2. DETERMINATION OF VULNERABLE ORGANIZATIONAL ENTITIES.

- a. Vulnerable Organizational Entities (VOE) as defined in SORA, Section 168-l(a)(b)(c) include, but are not limited to Superintendent(s) of Schools, or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, places of worship, Nursing Homes, Crime Victim Organizations, or any other group deemed by the Sheriff to be living in close proximity to a registered Sex Offender shall be considered a Entity. The SCSO will maintain a current list of Vulnerable Organizational Entities and annually will review such VOE's and make the necessary additions, modifications or deletions to such list.

Semi-annually, the SCSO will send a notice in writing to each VOE explaining the methods to obtain sex offender information electronically utilizing the websites for the New York State Division of Criminal Justice Services and Seneca County Sheriff's Office "Offender Watch." In addition, such notice will contain information and contact numbers for the Seneca County Sheriff's Office, Waterloo and Seneca Falls Police Department for those VOE's who do not have access to the internet.

- b. Additional criteria to be used in determining a Vulnerable Organizational Entity and shall include consideration of the offense committed by the Sex Offender.
- c. Upon receipt of a notification from DCJS on a Level 2 or Level 3 Sex Offender, SCSO will make notification upon request to the following entities within Seneca County:
  - i. Seneca County Law Enforcement Agencies
  - ii. A Superintendent of a School System
  - iii. The Administrator of the Department of Social Services
  - iv. Any member of the New York State Police
- d. Upon the receipt of an inquire from an Entity claiming to have a Vulnerable Population, the inquiry will be reviewed by the Sheriff. If the inquiry is denied by the Sheriff on the determination that the Entity does not constitute a Vulnerable Population, upon request from the Entity the inquiry shall be reviewed by a Hearing Officer appointed by the County Attorney of Seneca County.
- e. SCSO is not authorized by Statute to provide any form of community notification on a Sex Offender who is only employed within the boundaries of Seneca County and not officially registered with SCSO. Such application for notification shall be forwarded to the jurisdiction where the Sex Offender is deemed to reside.

**Change Order # 2 – 2013**

**MANUALS AFFECTED:** Law Enforcement Manual of Instructions

Corrections Manual of Instructions

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**CHANGE # 1**

**ALL MANUALS: (Law Enforcement & Corrections Manual of Instructions)**

**Chapter 10 – Section 5 (10-5)**

**General Order: 2012-001 (Personal Electronic Devices)**

**ADD NEW:**

**EXCEPTION(S):** Contractors, vendors, or delivery persons who present to conduct routine, preventative or emergency repair or maintenance to any physical plant system or device, or who deliver any goods or services, and are required to have such electronic device to perform their duties are exempt from this General Order.

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**CHANGE # 2**

**ALL MANUALS: (Law Enforcement & Corrections Manual of Instructions)**

**Chapter 2 – Section 30 (2-30) Correction Officer**

Section III(E) –

**DELETE: MUSCULAR ENDURANCE-** The requirement is for a number of bent-leg-sit ups to be performed in one minute

**DELETE: PUSH-UPS-** This test measures muscular endurance of the upper body (anterior deltoid, pectoralis major and triceps). The requirement is for a number of full body repetitions that a candidate must complete without breaks.

**DELETE: CARDIOVASCULAR CAPACITY-** 1.5 mile run: The requirement is for the attainment of a score calculated in minutes and seconds.

**REPLACE WITH:**

The Seneca County Sheriff in consultation with the Seneca County Personnel Office have developed and approved physical agility testing evolutions which measure the above three elements. Such evolutions are designed and administered in such a manner as to test the applicant's physical agility which may be encountered in a Correctional Facility.

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**CHANGE # 3**

**Corrections Manual of Instructions**

**Chapter 4 – Section 4 (4-3) Post Order – Housing Unit Officer**

**ADD NEW:**

21. Make log entries which reflect all entries and exits of any staff member on and off the unit.
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**CHANGE # 4**

**Law Enforcement Manual of Instructions**

**Chapter 4 – Section 15 (4-15) Pistol Permits Applications - Civil**

DELETE policy in its entirety – no longer applicable

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**CHANGE # 5**

**Law Enforcement Manual of Instructions**

**Chapter 2 – Section 44 (2-44) Investigator Sergeant**

DELETE job description in its entirety

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Change Order – July 2014

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Change Order # 1 – 2014

MANUAL AFFECTED: **Law Enforcement Manual of Instructions**

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**SCSO Policy 2-9 County Office Building Security**

III(A)2 – **CHANGE** – Monday, Tuesday, Wednesday and Friday from 8:00 AM – 5:00 PM,  
Thursday 8:00 AM to 7:00 PM

III(C)(1)- **CHANGE** - ...and either one part time deputy sheriff or one part time special patrol  
officer.

III(C)(2) – **CHANGE** ...Officers

Change Order – January 2015

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Change Order # 1 – 2015

**MANUAL AFFECTED: Law Enforcement Manual of Instructions**

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**SCSO Policy 7-6 Traffic Administration, Enforcement and Control**

III(H)(6)(3)(d)(1) **DELETE** - If his BAC is .08% to .17%.

If the arrestee's BAC is .18% or more, the arresting officer shall arraign the defendant.

III(H)(6)(3)(d)(2)(c) – **ADD NEW** - The violator has a history of failure to appear to court, failure to pay fine, or bail jumping

**REVISED PARAGRAPH READS AS FOLLOWS:**

- (1) Following administration of the breath test, the violator who has no prior conviction which would require a felony charge, shall be cited for the appropriate violations. They may be released on UTT's if the Officer and Sergeant agree he is not a threat to fail to appear and there is a sober responsible third party the person can be released to. If it is below a .08% level a charge of DWAI would be written and unless the driver is from out of state or there is a question as to them returning to the court they may be released, however, it remains the member's responsibility to insure that the violator has a safe means of transportation away from the SCSO.
  
- (2) The circumstances under which an immediate arraignment shall be done are:

**NEW-** (c) The violator has a history of failure to appear to court, failure to pay fine, or bail jumping.

Change Order – February 18, 2015

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Change Order # 2 – 2015

**MANUAL AFFECTED: Law Enforcement Manual of Instructions**

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**SCSO Policy 1-5 Use of Force**

SECTION XIII (D) (1) – DELETE in its entirety

REPLACE with:

1. Patrol rifles will only be stored in the front of a marked patrol vehicle that is equipped with an approved rifle/shotgun rack. In vehicles not equipped with a rifle rack, patrol rifles will be stored in the trunk of the issued officer's vehicle within the SCSO issued gun case.

SECTION XIII (D) (2) DELETE in its entirety

REPLACE with:

2. While the rifle is in the vehicle rack, or the gun case and not in use, the weapon will be stored UNLOADED, with the safety ON, bolt forward. While in the rifle rack the magazine will be inserted. The rifle will NOT have a round in the chamber while in the rack or trunk gun case.

**SCSO Policy 7-7 Vehicles Seized, Impounded and Towing**

SECTION III (I)

ADD NEW #5 – When the SCSO impound lot is used by another agency – the agency is to furnish a copy of their report and any impound/inventory paperwork and include a contact number for the investigating officer to the CID Lieutenant. This vehicle will also be logged on the vehicle impound lot log in the CID copy/file room

SECTION III (K) – DELETE Heading – Impound area – specifications

Renumber # 1 of former subsection K to #5 of subsection J and amend to read as follows: Shall be large enough to hold at least three to four standard size vehicles.

DELETE #2 of former subsection K

Renumber # 3 of former subsection K to # 6 of subsection J and DELETE - & K

SECTION III (L) – Change former Section L to Section K.

## **Change Order – Date: 11-14-18**

# Change Order - #4 2018

Manual Affected - Law Enforcement Manual of Instructions

## **Change Order – Date: 11-16-18**

# Change Order - #6 2018

Manual Affected - Law Enforcement Manual of Instructions

## **Change Order – Date: 01/29/2019**

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Change Order - #1 2019

Manual Affected - Law Enforcement Manual of Instructions

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<b>Policy</b>	<b>Section</b>	<b>Change</b>
5-9	III.A, III.B	Amended
5-9	C, C.6	Amended
5-9	H, I	Amended
5-9	L, M.4.b	Amended
5-9	O, R	Amended
5-9	S	Amended
5-9	T	Added

**Change Order – Date:** 03/28/2019

## Change Order - #2 2019

Manual Affected - Law Enforcement Manual of Instructions

**Change Order – Date:** 05/28/2019

# Change Order - #3 2019

Manual Affected - Law Enforcement Manual of Instructions