

LIAISON WITH OTHER AGENCIES

STANDARD NO(S)

NYSLEAP 58.1

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REFER TO:

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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.

- d. 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.