Police Bureau General Orders
Sheriff's Department
Monroe County, NY

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COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE June 12, 2017	EFFECTIVE DATE June 13, 2017	NO. 001-17
SUBJECT: GENERAL ORDER Police Bureau Chain of Command & Organization		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 11.1.1, 11.2.1, 11.2.2, 11.3.2, 12.1.2, NYSLEAP 29.1			RESCINDS 001-08/12

Purpose: To familiarize members and employees relative to the organizational structure of the Police Bureau and to define the responsibilities of each component contained therein.

Policy: The Monroe County Sheriff's Office shall provide a formal structure through which organizational components are arranged, defined, directed and coordinated.

Definitions:

Line Function - Those activities that are directly related to carrying out agency objectives.

Staff Function - Those activities carried out to support the line functions.

I. **Police Bureau Chain of Command**

A. Sheriff

B. Undersheriff

C. Chief Deputy

D. Major

E. Captain

F. Lieutenant

G. Investigator Sergeant or Sergeant

H. Investigator / Deputy

II. **Organizational Structure**

* A. The Police Bureau is one of four bureaus, which comprise the entire Sheriff's Office.

B. The Chief Deputy maintains overall responsibility for the Police Bureau and is accountable to the Undersheriff. The Major of Operations will report to the Chief Deputy. Joint Terrorism Task Force (JTTF) will also report to the Chief Deputy. All pertinent information gathered will be disseminated through the Chief Deputy.

C. In order to achieve and maintain effective direction, coordination and control, command officers and supervisors will, in most instances, exercise immediate control of no more than fifteen subordinate members and employees.

D. Each division, subdivision, unit and component comprising the Police Bureau will fall under the direct command of one supervisor. In further adhering to the principle of unity of command, members and employees shall be held directly accountable to one supervisor at any given time.

III. Operations Division

A. The Major of Operations maintains overall command responsibility for the Operations Division and is accountable to the Chief Deputy. The activities of the Operations Division are considered as line functions.

B. The Operations Division is comprised of and responsible for the management and administration of the following; Patrol, Specialized Operations and Criminal Investigation Section:

1. Patrol: Zone Operations.

2. Special Operations: Specialized Tactical Units, Special Services Group, Traffic Enforcement Unit, Community Service, Special Events, Warrant Unit, and Airport Security Unit.

3. Criminal Investigation Section: Zone, Headquarters and CIS Personnel, Pistol Permit Unit, Firearms Investigations Unit, and Sex Offender Unit.

B. The Major of Operations maintains overall command responsibility for the Operations Division and is accountable to the Chief Deputy. The activities of the Operations Division are considered as line functions.

C. Zone Operations - Responsibilities consist of providing direct police services to the public. Services include; the protection of life and property, resolution of conflict, enforcement of State and Local laws, identification of criminal offenders and criminal activity, and the apprehension of offenders. Zone substations will be commanded by a Captain, who will be accountable to the Major of Operations.

D. Special Operations – The Special Operations Commanding Officer maintains overall command responsibility for Special Operations and is accountable to the Major of Operations.

1. Special Operations is comprised of and responsible for the management and administration of the following units:

a. Specialized Tactical Units

b. Special Services Group

c. Traffic Enforcement Unit

d. Community Services

e. Special Events

f. Warrant Unit

g. Airport Security Unit

h. Motor Unit

i. Tactical Unit

2. Specialized Tactical Units – Responsibilities encompass those activities normally associated with specialized services provided as an extension of the direct police response, such as SWAT, K-9, Bomb Squad, SCUBA, and Hostage Recovery.

3. Special Services Group – Duties and responsibilities commensurate with those described above under Zone Operations, with activities centered in Monroe County Parks, upon waterways patrolled by the Sheriff's Office, and select buildings of Monroe County. Additionally, the following units will be supervised under SSG; Mounted, Snowmobile and Bicycle Units.

4. Traffic Enforcement Unit –Responsible for traffic enforcement, specialized DWI patrols and commercial vehicle enforcement. Additionally, this unit will coordinate traffic grant funding expenditures and direct traffic patrols.

5. Community Services Unit – Responsibilities include developing, coordinating and delivering programs regarding police-community relations including the drug abuse prevention education (DARE), and programs relating to school safety and crime prevention, and Student Co-op Program.
Refer to **MBGO-019 Community Services Unit.**

6. Special Events – Planning activities of a public safety presence such as a parade, sporting event, public demonstration, etc. which requires the need for control of crowds, traffic or crimes as stated in **PBGO-052 Special Events**

7. Warrant Unit - Responsible for accepting, recording, serving and maintaining all indictments; town, village and Family Court warrants of arrest.

8. Airport Security Unit – Responsibilities consist of providing police services at the Greater Rochester International Airport. The Airport Security Unit Commanding Officer maintains overall command responsibility for Airport Security Operations and is accountable to the Major of Operations

9. Motor Unit- Responsible for the administration of the Motor Unit's equipment, personnel, training, and assignment of details.

10. Tactical Unit- The main function of the tactical unit is to address quality of life issues and conduct pro-active investigations to address problem areas throughout Monroe County. Additionally, the unit will be utilized to supplement Special Operations and Road Patrol functions.

E. Criminal Investigation Section (CIS) – The Captain assigned to CIS maintains overall command responsibility for the Criminal Investigation Section and is accountable to the Major of Operations. The activities of the CIS are considered as line functions **Reference: MBGO-007 Bias/Hate Crime Investigations and PBGO-003 Criminal Investigation Section.**

1. The Criminal Investigations Section (CIS) is comprised of and responsible for the management and administration of the following specialized investigative units:

   a. Major Crimes Unit

   b. Technical Services Unit

   c. Arson Investigation Unit

   d. SABIS

   e. GRANET

   f. Bias Crimes Unit

   g. Economic Crimes Unit

   h. Surveillance Unit

   i. Child Exploitation Task Force

   j. MCAC

   k. Digital Forensics Unit

   l. Licensing Compliance Unit

   m. Sex Offender Coordinator

   n. Firearm Investigations Coordinator

   o. Pistol Permits Unit

   Note: CIS also supervises and administers the Victim and Witness Assistance Program.

2. Major Crimes Unit - Responsibilities include the investigation of all homicides, robberies, rapes and serious physical injury assaults; the investigation of criminal incidents occurring within the confines of the jail facilities (i.e., inmate assaults, escapes and cases involving the promoting of prison contraband); and the investigation of bias-related crimes.

3. Technical Services Unit - Responsible for providing evidence gathering and analysis services regarding crime scenes. Added duties include; firearm investigation, latent fingerprint comparisons and handwriting analysis.

4. Arson Investigation Unit - Responsible for investigating all suspicious fires, attempting to determine cause and origin. Additionally, coordinates office efforts regarding appropriate disposition of juvenile suspects involved in fire-setting incidents.

5. SABIS - Responsible for administering and operating the New York State Automated Biometric Identification System for the Finger Lakes region.

6. GRANET- Responsibilities include the investigation and suppression of all illegal narcotics trafficking and other vice-related activities such as gambling, prostitution, and criminal intelligence gathering related to organized crime, both traditional and non-traditional.

7. Bias Crimes Unit – Responsible for the investigation of crimes committed that were based upon factors involving gender, religion, race, national origin or sexual orientation.

8. Economic Crimes Unit – (ECU) – Responsibilities include the enforcement of complex conspiracy related and high dollar financial crimes.

9. Surveillance Unit – Provides a wide range of technical services to assist personnel in covert investigative methods.

10. Child Exploitation Task Force – Responsible for the investigation and enforcement of child predator crimes perpetrated by use of the internet.

11. Intelligence Unit/Field Intelligence Officer (MCAC) – Responsible for criminal data collection, crime pattern analysis, and the distribution of investigatory information as it pertains to criminal activity in Monroe County.

*12. Digital Forensics Unit- Responsible for conducting forensic examinations on electronic devices in support of criminal investigations

*13. Licensing Compliance Unit- Responsible for the licensing of second hand dealers, and ensuring they remain in compliance with applicable Monroe County Laws.

*14. Sex Offender Coordinator- Responsibilities include overseeing the management of sex offenders in the MCSO jurisdictions, to include offenders residing in areas of patrol, and those incarcerated at MCJ or MCF.

*15. Firearm Investigations Coordinator- Responsibilities include overseeing the management of all firearms that are processed through the Property Management Office. The Firearms Coordinator is also responsible for the following; processing all firearms (FRA & FRF), submitting judge review letters that meet the criteria for a suspension, reviewing all MCSO reports for pistol permit violations, conducting Brady Check Investigations with the Monroe County Clerk's Office, maintaining the MCSO Firearms Database, working with the Monroe County/Rochester Gun Project as a team member, working with MCAC for all firearms related incidents, and working with the Monroe County Courts as the enforcement officer for failure to comply with orders and weapons confiscation orders.

*14. Pistol Permits Unit- Responsible for conducting background investigations for all Monroe County pistol permit applicants, as well as the maintenance of the unit's records and files.

Note: Any Police Bureau units not specifically mentioned in this order will retain duties and responsibilities enumerated in other existing directives.

By Order of the Sheriff,

Patrick M. O' Flynn

* Indicates changes from the original and any previously updated versions of this General Order

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE March 23, 2017	EFFECTIVE DATE March 24, 2017	NO. 002-17
SUBJECT: GENERAL ORDER Substation Operations		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 2.1.1, 2.1.2, 11.1.1, 11.3.2., 12.1.4, 16.1.2, 17.5.3, 33.5.2, 35.1.8, 41.1.1, 41.1.2, 41.3.2, 53.1.1, 55.2.6, 61.2.2, 61.4.1, 71.4.3, 82.2.1 NYSLEAP 2.5, 8.6, 39.1, 40.3, 43.1, 43.2, 43.7, 55.5			RESCINDS 002-11 002-15

Purpose: To familiarize members/employees with the structure, assignment and responsibilities of those staff members assigned to the Patrol Division.

Policy: Members and employees shall be familiar with the duties and responsibilities affiliated with each position in the Patrol Division and will be accountable for fulfilling such duties and responsibilities.

I. Structure

A. The assembly substations will be referred to as Zones A, B, and C in the organization of the Police Bureau of the Monroe County Sheriff's Office.

B. Within each zone, there will be a designated number of patrol districts based upon the needs of the particular zone.

* C The number of members required to cover each district will be determined by factors such as population, calls for service, time of day, etc., and will be established by the Chief Deputy and Major of Operations. Each district will be covered by a minimum of one patrol deputy per shift. A documented workload assessment is required every three years and will be prepared by the Major of Operations and reviewed by the Chief Deputy.

D. Whenever possible, deputies will be assigned to each district for a period of time enabling them to become acquainted with persons, businesses, organizations and hazards of the area. The length of assignment in each district will be at the discretion of the platoon supervisor/command officer.

II. Command

A. The Chief Deputy will maintain overall responsibility for the administration of the Police Bureau.

B. The Major of Operations will be the designated division commander and will maintain overall command of the Patrol Division, and will be accountable to the Chief Deputy.

C. Captains will be the designated zone commanders at specific substations and will have overall administrative responsibility for that substation. Zone Captains will be accountable to the Major of Operations.

D. Lieutenants will be the designated patrol commanders and will be accountable to the Zone Captains.

E. Platoon Sergeants will be the designated first line supervisors on a platoon within an assigned zone, and will be accountable to the immediate commanding officer.

F. Sergeants assigned to a substation in a CIS assignment will be designated first line supervisors to zone members working in an investigative capacity, and will be directly accountable to the CIS Captain and Lieutenant. Additionally, the Sergeant will interact with the respective Zone Captains and advise of all matters of zone importance.

G. Investigators will conduct initial and follow up investigations on all cases assigned to them, and will be directly accountable to the Zone CIS Sergeant.

H. Deputies will be assigned to various platoons within a zone, and will be accountable to the supervising Sergeants.

III. Platoons

Standard designated tours of duty at all zones, at this point, will be known as the first, second and third platoons. The twenty-four hour duty day will be equally divided into three platoons as follows:

A. 2200 hours - 0600 hours will be designated the first platoon.

B. 0600 hours - 1400 hours will be designated the second platoon.

C. 1400 hours - 2200 hours will be designated the third platoon.

IV. Command and Supervisory Personnel Assignments

A. The Major of Operations will be charged with the overall command of all operations, sections and units within the Patrol Division. His/her office will be located at Headquarters and he/she shall be on call for response on a 24-hour basis.

B. Zone Captains will be available for response on a 24-hour basis within the geographic area of their respective zones. Their basic work schedule will be 0830 -1700 hours, Monday through Friday, but may be adjusted should the needs of the Zone indicate such.

C. Lieutenants will be located at the zone of assignment. Duty hours will consist of first or third platoon hours. They will be assigned to a wheel in conjunction with the Sergeants as listed below:

	Zone A	Zone B	Zone C
First	Lt. (2) Sgt. (1) Sgt. (3)	Lt. (3) Sgt. (2) Sgt. (1)	Lt. (1) Sgt. (3) Sgt. (2)
Second	Sgt. (3) Sgt. (2)	Sgt. (1) Sgt. (3)	Sgt. (2) Sgt. (1)
Third	Lt. (3) Sgt. (2) Sgt. (1)	Lt. (1) Sgt. (3) Sgt. (2)	Lt. (2) Sgt. (1) Sgt. (3)

Note: Numbers in parenthesis are permanent wheel assignments.

* **V. Geographical Boundaries**

A. Deputies will have statutory jurisdiction within the geographical boundaries of Monroe County.

1. The Zone A substation includes the villages/townships of East Rochester, Fairport, Irondequoit, Penfield, Perinton, Pittsford, and Webster.

2. The Zone B substation includes the villages/townships of Brighton, Henrietta, Honeoye Falls, Mendon, Rush, Scottsville, and Wheatland.

3. The Zone C substation includes the villages/townships of Brockport, Chili, Churchville, Clarkson, Gates, Greece, Hamlin, Hilton, Ogden, Parma, Riga, Spencerport, and Sweden.

* B. Adjacent Jurisdictions

1. Monroe County is adjacent to the following counties; Wayne County (East), Ontario County (Southeast), Livingston County (South), Orleans County (West), and Genesee County (Southwest).

2. Monroe County is bordered by Lake Ontario and Canada to the North.

3 The following annex's are provided as a reference

- Annex A- Jurisdictional Boundaries

- Annex B- Monroe County Street Map

* **VI. Concurrent Jurisdiction**

A. By statute, Monroe County Sheriff Deputies have concurrent jurisdiction throughout Monroe County. The Monroe County Sheriff's Office has primary responsibilities for law enforcement service outside of the corporate limits of the City of Rochester, as well as those towns and villages that maintain a police force. Those respective municipalities have the primary responsibility for law enforcement within their geographical boundaries.

B. New York State Criminal Procedure Law as well as New York State General Municipal Law **Also** gives Monroe County Sheriff Deputies, under certain circumstances, the power and authority to take specific law enforcement action outside of their primary jurisdiction but within the State of New York.

VII. Patrol Division Duties

A. The Major of Operations will:

1. Be designated as the commander of the Police Bureau Patrol Division. He/she will be responsible for the discipline and functioning of the entire Patrol Division and the strict enforcement of all existing federal, state and local laws.

2. Ensure that prescribed policies, rules and regulations and lawful procedures are in compliance by all employees under his/her command.

3. Periodically meet with, inspect and review the activities of all Captains and Lieutenants.

4. Be held responsible for all employees and conditions within the division. He/she shall work in close cooperation and supervision with commanding officers of all divisions.

5. Assist the Chief Deputy in the formulation of the annual budget for the operation of the division and be responsible for monitoring the budgetary allowances allocated to the division.

6. Cause to have investigated all matters that arise relative to the conduct and discipline of all members of the division.

7. Act as liaison between the Chief Deputy and all units of the division.

8. Make periodic inspections of all zones and units under his/her command at various hours, including platoon roll call, on a monthly basis.

9. Review all Accident, Firearms Discharge, Subject Management and Pursuit Data Reports involving employees and equipment of the division.

10. Be responsible for the overall supervision of the various tactical units which fall under the command of the Patrol Division (SWAT, HDS, HRT, SCUBA and K-9) and ensure that members of these units are properly trained and equipped in order to ensure operational readiness.

11. Act as the principal advisor for unusual occurrences and report all such events to the Chief Deputy as soon as practicable.

12. Ensure the completion of daily and monthly reports documenting activity by division members for eventual inclusion in the annual report.

13. Perform such other duties as may be directed by the Sheriff, Undersheriff or Chief Deputy.

B. Zone Captains will:

1. Maintain overall administrative responsibility for his/her assigned substation. They will monitor substation performance, recommend new operating procedures to the Major of Operations and act in a community liaison capacity.

2. Work in close cooperation with their respective patrol commanders to ensure uniformity of procedures.

3. Be charged with the supervision of all members/employees assigned to their substation and be held responsible for the conduct, discipline and efficiency of said personnel.

4. Be responsible for the submission of monthly and weekly reports as required.

5. Respond to all major crimes and incidents to ensure that proper notifications and prescribed procedures are followed.

6. Document and forward all reports received concerning violations of rules and regulations by any employee of their command to the Major of Operations or Internal Affairs, as appropriate.

7. Ensure that required supplies for proper operation and administration of their assigned substation are appropriately requisitioned.

8. Be charged with inspection and maintenance of the zone substation.

9. Review daily attendance records, payroll records and other written matter pertaining to the operations and performance of members of their assigned command.

10. Be charged with the proper deployment of employees under their command.

11. Be charged with the proper dissemination and distribution of communications and materials to employees under their command.

12. Be responsible for maintaining an inventory of all materials and equipment issued to their assigned substation.

13. Control and designate the parking facilities for patrol vehicles and personal vehicles at their assigned substation.

14. Monitor radio communications of employees under their command and take necessary corrective action when improper procedures are detected.

15. Ensure the cooperation of all employees under their command with that of other divisions, sections and units of this agency, as well as other police agencies.

16. Bring to the attention of the Major of Operations and the commanding officer of Staff Services any exceptional or outstanding performance of duty that would merit department recognition.

17. Immediately notify their superior officers to all matters of importance.

18. Ensure that property stored at their assigned substation is transported to the Property Management Unit in a timely fashion.

19. Ensure that deficiencies noted in the lieutenant's monthly zone inspection are addressed, corrected and documented on the form.

20. Prepare and submit annual evaluations for personnel immediately under their command.

21. Perform such other duties as may be directed by a superior officer.

C. Lieutenants will:

1. Assume the appropriate duties during absences of the assigned captain.

2. Be held jointly responsible with the Zone Captain for the proper condition and appearance of the zone substation, equipment, platoon files, logbooks and personnel assigned, and conduct monthly written inspections to ensure compliance.

3. Assist with the immediate supervision of all members of the platoon during their tour of duty, and be responsible for the general conduct, discipline, efficiency and appearance of such members.

4. Be thoroughly familiar with the capabilities of employees under their command and report, in writing, to the Zone Captain every case of misconduct, neglect of duty, incompetence or violations of rules and regulations, as well as instances of exceptional performance.

5. Instruct and assist employees under their command in the proper discharge of their duties.

6. Be present at roll calls and conduct daily inspections to ensure that attire, equipment and personal cleanliness of assigned personnel are in compliance with current directives.

7. Monitor performance and productivity levels of assigned employees on a bi-weekly basis. Indicators will include, but not be limited to, criminal and traffic arrests, FIF quantity and quality, special attention checks, neighborhood patrols, directed patrols and development of informants/contacts.

8. Oversee the management of the platoon Zone Incident Files. Monitor the performance of on-going coaching and counseling of deputies by supervising sergeants.

9. Review the platoon time book on a biweekly basis, to ensure the proper recording of time used by employees.

10. Monitor sick time usage and tardiness frequency on a biweekly basis, taking corrective action through coaching and counseling sessions in concert with the supervising sergeants.

11. Meet with each member of the platoon and their supervising sergeants on a semiannual basis to discuss career development, morale issues, performance levels, and development of subordinates and work attitudes (including the formal performance evaluation process).

12. Act as the first-line review for annual performance evaluations of assigned deputies.

13. Prepare and submit annual evaluations for assigned sergeants.

14. Conduct, when appropriate, or assign and assist supervising sergeants in the investigation and documentation of reports pertaining to personnel complaints.

15. Monitor radio communications and take necessary corrective action when improper procedures are detected. Investigate all instances in which a member of their command fails to respond to or acknowledge a radio communication. Initiate additional monthly contacts with ECD regarding communications issues and submit written reports of complaints to the Major of Operations through the chain of command.

16. Investigate and document all employee-involved motor vehicle accidents and incidents in accordance with **MBGO-032 Agency Vehicles, Vessels, and Motorbikes.**

17. Investigate and document all incidents of subject management and uses of force in accordance with **MBGO-033 Response to Resistance/Aggression & Subject Management Resistance Report.**

18. Respond to and manage all major crimes or incidents in their area of responsibility in order to ensure compliance with proper notifications and police procedures.

19. Authorize and coordinate specialized unit response to all field incidents.

20. Monitor the activities of all personnel under their command. Review the assignment of all warrants, subpoenas, summonses, etc., as coordinated by the Sergeants.

21. Review the Sergeant's management of zone logbooks and reports to ensure proper tracking and management.

22. Assist and coordinate with supervising sergeants in order to ensure sound case management practices.

23. Complete appropriate monthly statistical reports.

24. Coordinate and plan periodic roll call training in concert with supervising sergeants (in addition to video-based training).

25. Be responsible for the preparation of the biweekly payroll documents.

26. Coordinate or delegate the scheduling of special events or details at the direction of the zone commander.

27. Visit and inspect assigned deputies detailed to hospitals, public gatherings, special assignments or posts within their area of responsibility.

28. Be responsible for the prompt notifications of next of kin of deceased or seriously injured or seriously ill persons. (Assistance from clergy, family or a close friend is encouraged in these matters.)

29. Respond to media requests for information when appropriate.

30. Act as a back up on radio dispatched calls, whenever possible.

31. Alert their superior officer regarding all matters of importance as soon as practicable.

32. Attend Police Bureau and Division meetings as directed and coordinated by the Major of Operations.

33. Attend community or neighborhood meetings as a representative of the zone commander or Sheriff's Office.

34. Develop strategies for implementing annual goals as set forth by the Sheriff, reporting to the Zone Captain on a quarterly basis to measure the success or failure in meeting these goals.

35. Carry out any other duties as directed by a superior officer.

D. Sergeants will:

1. Be charged with the immediate supervision of all subordinates on their platoon and will be held responsible for the conduct, discipline and efficiency of such personnel.

2. Conduct roll calls, read orders, directives and other communications, assign subpoenas and summonses, provide proper instruction, and inspect personnel for proper attire, equipment and personal cleanliness.

3. Make inspections of patrol vehicles to ensure cleanliness and maintenance. Documented inspections shall take place at least monthly.

4. Assist and instruct deputies under their supervision in the proper discharge of their duties, be responsible for general conduct, discipline, and appearance of subordinates, as well as complete annual performance evaluations.

5. Be thoroughly familiar with agency orders and procedures and report, in writing to their supervisor every case of misconduct, incompetence, neglect of duty or other violation of rules and regulations, as well as instances of exceptional performance.

6. Maintain the Zone Incident File in accordance with **MBGO-023 Coaching and Counseling Procedures**.

7. Work in close cooperation with personnel in the field in managing criminal investigations, as well as other activities, to ensure that duties, orders and instructions are promptly and efficiently performed. On a daily basis, sergeants will meet with deputies in patrol areas during their tour of duty.

8. Ensure that proper notifications are made by deputies (i.e. medical examiner, utilities, EMS, etc.).

9. Respond to all major calls in their zone during their tour of duty and ensure the communication of necessary information to the appropriate superior officers.

10. Assist lieutenants in the investigation and documentation of all employee/member-involved motor vehicle accidents and incidents in accordance with **MBGO-032**.

11. Assist lieutenants in the investigation and documentation of all incidents of subject management and use of force in accordance with **MBGO-033**.

12. Remain in their area of responsibility during their tour of duty except for police business or as directed by a command officer.

13. Periodically conduct inspections of establishments that dispense alcoholic beverages to determine compliance with ABC and Penal Laws. Violations will be recorded and promptly reported to the Zone Captain/Platoon Commander.

14. Investigate and forward a written report to their supervisor upon failure of a deputy under their supervision to acknowledge and/or respond to a call or other radio communication.

15. Render necessary assistance to subordinates in the preparation of case files and ensure the related court attendance of such subordinates.

16. Visit and inspect assigned deputies detailed to hospitals, public gatherings or any special duty or post within their area of responsibility.

17. Make reasonable efforts to ensure that assigned employees are properly relieved.

18. Be held jointly responsible with the Zone Captain/Platoon Commander for the general upkeep and cleanliness of the zone substation during their tour of duty.

19. Review all reports submitted by subordinates for accuracy, completeness, grammar and legibility.

20. Review and inspect all requests for the replacement of attire and equipment and forward all authorized requests to the Zone Captain/Platoon Commander.

21. Enforce all laws and, when necessary, respond to calls for service during their tour of duty.

22. Approve all overtime requests, ensuring that overtime is properly controlled and equitably distributed.

23. Alert the Zone Captain/Patrol Commander regarding all matters of importance as soon as practicable.

24. Carry out any other duties as directed by a superior officer.

E. Sergeants Assigned to Zone CIS will:

1. Be responsible for the direct supervision of all employees under their command.

2. Instruct and assist investigators with their caseload whenever necessary.

3. Review all reports and activity sheets generated by persons under their command for accuracy, completeness, grammar and legibility.

4. Assign investigations for follow-up and monitor the progress of those investigations to ensure that they are completed in a timely manner.

5. Report, in writing, every case of misconduct, incompetence, neglect of duty or any other violation of the rules and regulations to the Captain / Platoon Commander.

6. Monitor employees for appearance and general conduct.

7. Approve all overtime requests, ensuring that overtime is properly controlled and equitably distributed.

8. Act as Case Crime Analyst to ensure the proper flow of crime information to appropriate personnel, pursuant to the Zone CIS Sergeant Manual.

9. Manage and maintain zone case assignments, case tracking, warrants, and grand jury packages.

10. Advise the Captain / Platoon Commander of any matters of importance as soon as practicable.

11. Review the activities of Investigators under their supervision to ensure that police duties, orders and instructions are promptly and efficiently performed.

12. Conduct periodic inspections of all employees and equipment under their supervision.

13. Compile and analyze crime trends, patterns and significant Modus Operandi for their assigned zone. Relevant information shall be communicated to the substations and law enforcement agencies.

14. Perform any other duties as may be directed by the Captain / Platoon Commander.

F. Investigators will:

1. Carry out the functions of the Sheriff's Office, specifically, the preservation of the peace, the protection of life and property, the prevention of crime and proper enforcement of laws and ordinances.

2. Unless otherwise directed, be prompt when reporting for duty, properly attired and equipped, and give careful attention to dispatches, orders and instructions, read or issued, by their superior officers.

3. Assist and cooperate in maintaining the cleanliness of their respective assigned area.

4. Conduct themselves in a courteous and professional manner at all times.

5. Conduct and complete any investigation assigned, report the findings of the investigations in writing and submit same as per current directives.

6. Notify their immediate supervisor and/or a commanding officer of any serious crime or unusual occurrence.

7. Be held responsible for ensuring that correct procedures are followed when arrests are affected, property is recovered or search warrants are executed.

8. Have all search warrant applications approved by their immediate supervisor prior to execution.

9. Carry out any other duties as may be directed by a superior officer.

G. Patrol Deputies will:

1. Carry out the functions of the Sheriff's Office; specifically the preservation of the peace, the protection of life and property, the prevention of crime and proper enforcement of all laws and ordinances. Deputies will constantly direct their best efforts to accomplish these objectives in an intelligent and efficient manner and will stand ready at all times to answer and obey the orders of their superiors. Deputies will be accountable for the area to which they are assigned.

2. Unless otherwise directed, be present at the daily roll call at the specified time and place, properly uniformed and equipped, giving careful attention to all dispatches, orders or instructions, read or issued by their supervisors.

3. When assigned to a detail, promptly report to the supervisory officer in charge. Upon completion of a detail or special assignment, deputies will return to their original assignment and promptly notify their supervisory officer of their return.

4. Inspect and examine the exterior and interior of assigned vehicle prior to departure from the substation and again at the completion of their tour of duty. Any defects observed or any missing equipment must be immediately reported to the supervisor.
When a vehicle is found to be damaged upon assuming control of same, and there is failure on the part of the deputy to immediately report same to the supervisor, the presumption will be that the damage was incurred during his/her tour of duty.

5. Operate the patrol vehicle at a moderate rate of speed and in such a manner as will enable them to properly observe conditions or situations, which may require police attention.

6. Maintain contact at all times with the ECD, conforming to the rules, regulations and procedures governing the use of radio communications and comply with the directives of the dispatchers at all times. The primary dispatched deputy will have responsibility for the incident until properly relieved by his/her supervisor.

7. Notify medical and/or fire service assistance where appropriate.

8. Familiarize themselves with assigned area of patrol, patrolling business and residential areas within area of assignment.

9. Remain within the boundaries of their assignment unless ordered to leave by the dispatcher or the immediate supervisor. When in pursuit of a violator or if an investigation warrants leaving an assigned area, deputies will request permission from their supervisor and notify the dispatcher.

10. Provide assistance to citizens as appropriate.

11. Assist motorists encountering mechanical difficulties, in need of towing service or stranded.

12. Promptly acknowledge all radio calls and, upon arrival at destination and upon completion of assignment, notify ECD providing their appropriate status.

13. When responding to emergency calls, exercise judgement and care with due regard for the safety of themselves and others. Common sense must dictate the necessity for the use of emergency lights and sirens. During the hours of darkness, deputies will use emergency lights in all cases when stopping or checking a vehicle on a roadway.

14. Report in writing, on prescribed forms, or via MDT/MDC according to procedures, all investigations, arrests, complaints, accidents, etc., in a legible manner. All reports will be submitted to the supervisor for approval.

15. Use non-directed time to perform pro-active patrol activities including but not limited to: traffic enforcement, ABC checks, warrant service, gathering and documenting field intelligence information. All activities will be recorded via the MDT/MDC.

16. Notify their supervisor of all calls or complaints in which a felony has been committed.

17. Be responsible for refueling assigned vehicle at the end of each tour of duty. Fuel tanks will not be less than one quarter full at any time. Deputies will check the oil level, windshield wipers, including washer fluid, at the beginning of each tour of duty and ensure that proper levels are maintained. Deputies will assist in maintaining the interior and exterior cleanliness of vehicles.

18. Submit a Fleet Control Ticket at the conclusion of each tour of duty.

19. Cooperate in maintaining the cleanliness of their respective zone substation.

20. Promptly answer in-coming phone calls to the substation with courtesy and professionalism while always identifying themselves during the initial greeting.

21. Carry out any other duties as directed by a superior officer.

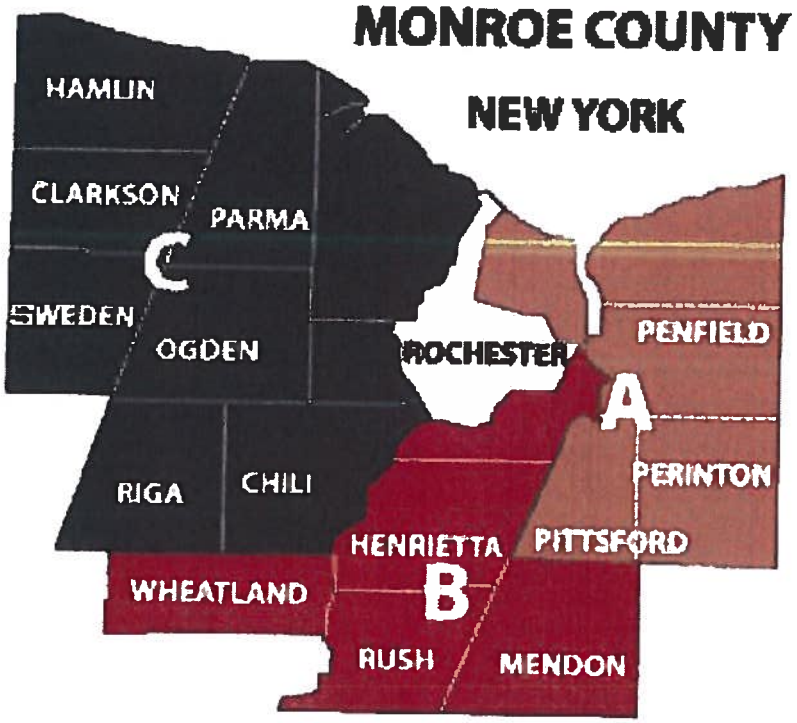
By Order of the Sheriff,

Patrick M. O' Flynn

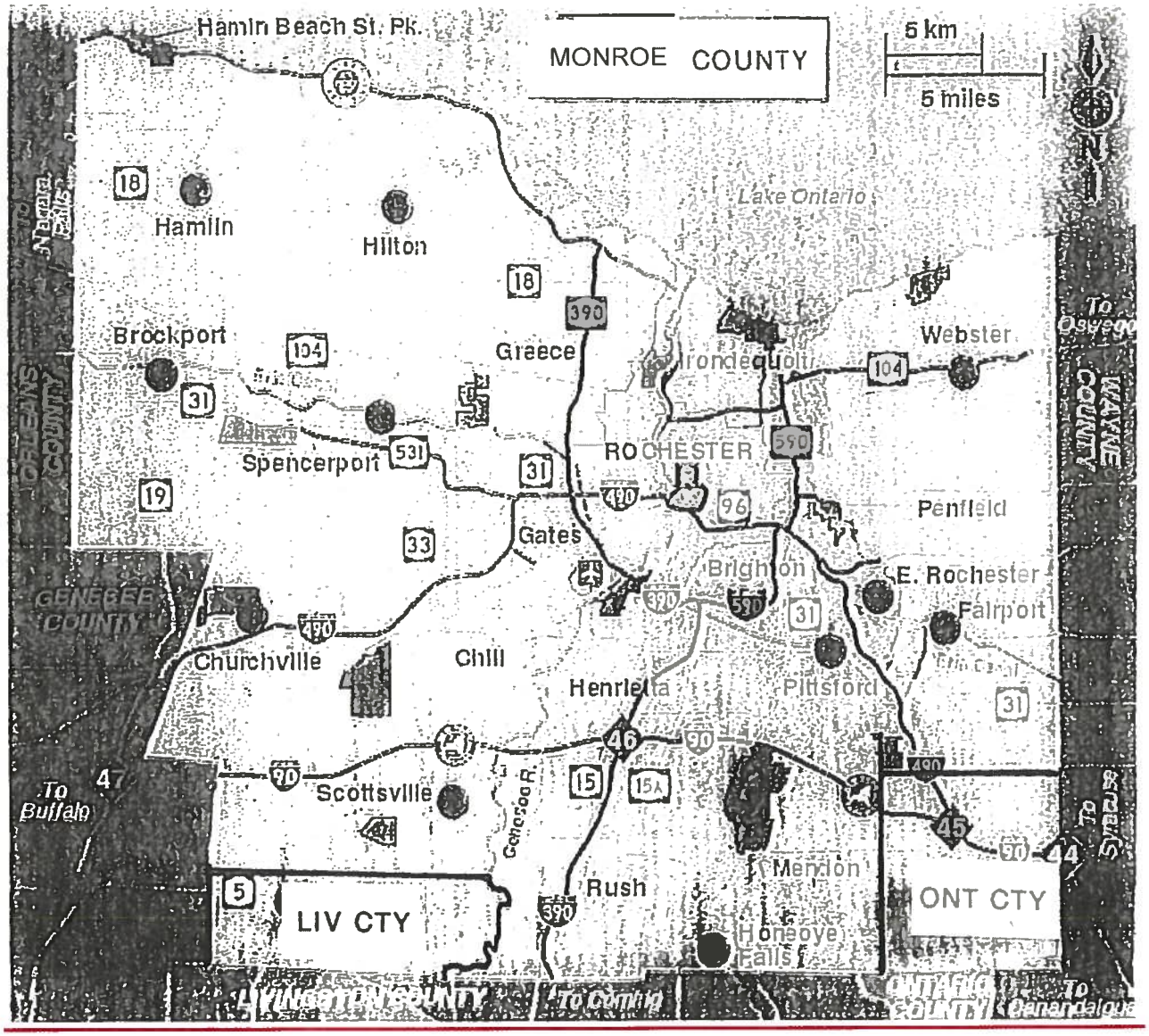
*Indicates a significant change from the original and previous versions of this General Order.

Annex A- Jurisdictional Boundaries

Monroe County Sheriff's Office
Patrol Districts



Annex B; Monroe County Street Map



COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE April 13, 2017	EFFECTIVE DATE April 14, 2017	NO. 003-17
SUBJECT: GENERAL ORDER Criminal Investigation Section		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 11.1.1, 12.1.4, 42.1.4, 42.2.4, 42.2.5 NYSLEAP 40.3, 50.1, 55.5			RESCINDS 003-12/16

Purpose: To define the organizational structure and investigative responsibilities of the Criminal Investigation Section (CIS).

Policy: CIS will investigate crimes as outlined in this order and will serve as a resource for all bureaus within the Sheriff's Office. Members will be responsible for knowledge of and adherence to procedures as set forth in the Criminal Investigation Manual.

Definition: **Investigative Task Force -** An investigative method in which the resources and personnel of other law enforcement agencies are made available to the Sheriff's Office, or when Sheriff's Office resources and personnel are made available to other law enforcement agencies, on an on-going basis, to address a series of similar crimes or events.

I. Organizational Structure

A. The captain assigned to CIS will be designated by the Sheriff and is responsible for the overall administration of the CIS and the proper completion of every investigation assigned to the section. During the absence of the captain, the lieutenant assigned to CIS will assume responsibility for the section.

B. The CIS will be organized as follows:

1. Major Crime/Impact Unit
2. Economic Crime Unit
3. Computer Forensics Unit
4. MCAC
5. Child Exploitation Task Force
6. Fire Investigations Unit
7. Surveillance Unit
8. Technical Services Unit
9. SABIS

10. Licensing and Compliance Unit

11. Sex Offender Coordinator

12. Firearm Investigations Coordinator

13. Pistol Permits Unit

14. GRANET

15. Bias Crimes Unit

C. Personnel assigned to each unit will be determined by factors such as investigative workload, requests for service, severity of crime, etc. and will be established by the Chief Deputy, Major of Operations and Captain assigned to CIS.

D. Command

1. The Captain is responsible for the overall operation and administration of the section.

2. The Lieutenant will oversee the daily operations of the section.

3. CIS Sergeants will be directly responsible for all field operations during their respective tours of duty. They shall be assigned responsibilities for specific units, squads or details as prescribed by the captain or other authorized designee.

E. Assignments & Schedule

1. The Lieutenant and CIS Sergeants shall assume added responsibilities as determined by the captain.

2. The Sheriff will determine the overall operating hours of CIS. The primary operating hours will be from 0800 to 2300 hours Monday through Friday and 1000 to 1800 hours on Saturdays. The Captain or Major of Operations may assign members of CIS to applicable work hours that maximize personnel management.

3. Designated investigators shall carry a paging device and/or cell phone and be available for 24-hour call-in duty for response to the scene of any criminal investigation. Call-in requests should be initiated through the respective CIS unit supervisor or command officer.

II. Investigative Responsibilities of CIS

A. In accordance with **PBGO-015 Managing Criminal Investigations** investigators are responsible for conducting investigations of specified criminal activity. The below listed crimes and incidents shall be referred to the CIS for assignment:

1. Murder.

2. Manslaughter.

3. Criminally negligent homicide.

4. Fatal hit and run accidents.

5. Assault 1st and 2nd.

6. Aggravated assault upon a police officer.
7. Rape/Criminal Sexual Act
8. Kidnapping
9. Robbery
10. Grand larceny 1st and 2nd.
11. Criminal possession of a weapon 1st
12. Infant Fatality
13. Vehicular Manslaughter/Homicide
14. Major forgery and bad check cases.
15. Arson.
16. Major drug investigations.
17. Gambling offenses.
18. Sexual performance by a child.
19. Obscenity offenses.
20. Significant computer involved investigations.
21. Any investigation specifically assigned by the Sheriff, Undersheriff, Chief Deputy, Major of Operations or Captain.

B. In the following investigations, where a minor is the victim and the suspect is 16 years of age or older, the assignment will be referred to an investigator. If the situation dictates an immediate response, the Impact investigator will be activated by a command officer/supervisor.

1. Rape
2. Criminal Sexual Act
3. Sex Abuse
4. Aggravated Sex Abuse
5. Endangering the Welfare of a Child (where sex abuse is a factor)
6. First and Second Degree Assault

C. Upon notification, CIS personnel shall proceed to the scene of the crime or incident and upon their arrival:

1. Assume complete responsibility for the investigation, but the overall control of the crime scene shall rest with the highest-ranking on-duty supervisor.

2. Work closely with uniformed command officers and personnel to ensure that a proper investigation is conducted, necessary notifications are made and proper procedures are followed.

III. Responsibilities of CIS Personnel

A. It shall be the responsibility of all members of CIS to maintain a proactive approach to law enforcement. This approach shall include the detection of criminal activity, whether reported or not, leading to the successful apprehension and prosecution of those responsible.

B. All members of CIS are responsible for the prompt submission of criminal and administrative reports to their immediate supervisor.

C. All members of CIS will ensure that uniformed personnel are alerted or informed of any investigative actions in areas where a crime or crimes are suspected to occur. Uniformed personnel shall be informed of known or suspected criminals who may be operating within their districts, unless such disclosures would hamper an investigation. Complete cooperation must exist between units.

IV. Investigative Task Force

A. An Investigative Task Force will be used at the direction of the captain assigned to CIS with the approval of the Major of Operations, Chief Deputy, Undersheriff and Sheriff.

B. An agreement among all involved agencies may be generated by the participating agencies addressing personnel, resources, reporting, accountability, evaluation, and any other pertinent areas, if such agreement is deemed appropriate.

C. The Captain will define the purpose for using a task force and the responsibilities of each employee assigned to the task force.

D. Personnel assigned to the Sheriff's Office task force will be accountable to the designated Sheriff's Office supervisor(s) and will conduct the investigation according to accepted procedures.

E. Sheriff's Office personnel assigned to other agency task forces will be responsible to that agency, in addition to their Sheriff's Office supervisor. Conflicts between procedures and duties of the task force and Sheriff's Office policy and procedure will be brought to the attention of the appropriate Sheriff's Office CIS supervisor.

F. All resources of the Sheriff's Office will be made available to the task force upon the direction of competent authority.

G. The captain will evaluate the effectiveness of the task force after its purpose is satisfied or, if an on-going endeavor, at least quarterly to determine the appropriateness of continued participation.

V. Specific Duties and Responsibilities

A. The Captain shall:

1. Be responsible for the overall operation of CIS.

2. Prepare the annual report for CIS.

3. Be responsible for evaluating the overall efficiency of CIS and taking necessary steps to improve same.

4. Work closely with the Patrol Division command staff on matters of mutual concern.

5. Maintain records pertaining to seizures of property and money.

6. Pre-approve all requests for the expenditure of undercover funds.

7. Complete appropriate monthly statistical reports.

8. Establish annual goals for the section. These goals will be reduced to written form, contain a short overview of realistic expectations for the section and will be provided to all members of CIS.

9. Establish liaison with the various investigative, prosecutorial and judicial branches within the jurisdiction of the Sheriff's Office (i.e., Public Safety Laboratory, District Attorney's Office, law enforcement agencies, etc.) and attempt to meet biannually with representatives of those agencies to address areas of mutual concern.

10. Respond to requests for information and work closely with the Public Information Officer to coordinate the release of information to the media.

11. Perform any other duties as directed by a superior officer.

B. The Lieutenant shall:

1. Be held jointly responsible with the captain for the proper condition and appearance of the CIS office space, equipment, files, logbooks and personnel assigned, and conducting monthly inspections to ensure compliance.

2. Assist the captain in the preparation of the CIS annual report.

3. Assist the captain in reviewing and maintaining the department criminal intelligence system as mandated by **MBGO-050 Intelligence Gathering and Dissemination.**

4. Maintain administrative files of CIS as directed by the captain.

5. Ensure that prescribed policy, procedures, rules and regulations are complied with by all CIS personnel.

6. Be thoroughly familiar with the capabilities of the personnel under their command and report, in writing, to the captain every case of misconduct, neglect of duty, incompetence or violations of rules and regulations, as well as instances of exceptional performance.

7. Instruct and assist personnel under their command in the proper discharge of their duties.

8. Be present at roll calls and conduct daily inspections to ensure that attire, equipment and personal cleanliness of assigned personnel are in compliance with current directives.

9. Monitor performance and productivity levels of personnel on a regular basis.

10. Oversee the management of the CIS incident files. Monitor performance of on going coaching and counseling of deputies and investigators by supervising sergeants.

11. Prepare duty rosters.

12. Monitor sick time usage and tardiness, taking corrective action through coaching and counseling session in concert with the supervising sergeants.

13. Be responsible for monitoring and assignment of all bias crime investigations.

14. Meet with each member of the section and their supervising sergeants on a semiannual basis to discuss career development, measure morale, performance levels, development of subordinates and work attitudes (including the formal performance evaluation process).

15. Act as the first-line review for annual performance evaluations of assigned deputies and investigators.

16. Prepare and submit annual evaluations for assigned sergeants.

17. Conduct or assign and assist supervising sergeants in the investigation and documentation of reports pertaining to personnel complaints.

18. Investigate and document all employee involved motor vehicle accidents and incidents in accordance with **MBGO-032 Agency Vehicles and Vessels**.

19. Investigate and document all incidents of subject management and use of force in accordance with **MBGO-033 Response to Resistance/ Aggression & Subject Management Resistance Report.**

20. Respond to and manage all major crimes or incidents in their area of responsibility to ensure compliance with proper notification and police procedures.

21. Assist and coordinate with supervising sergeants to ensure sound case management practices. Review the management of CIS logbooks and reports to ensure proper tracking and management of cases.

22. Coordinate and plan periodic roll call training in concert with supervising sergeants.

23. Be responsible for the preparation of the biweekly payroll.

24. Be responsible for the proper dissemination and distribution of communications and materials to CIS personnel.

25. Maintain all equipment assigned to CIS in a state of operational readiness, to include cleaning, preventative maintenance, repair, workability and responsiveness.

26. Attend Police Bureau and Division meetings as directed by the captain.

27. Attend community or neighborhood meetings as a representative of the Sheriff's Office.

28. Develop strategies for implementing annual goals as set forth by the Sheriff, reporting to the captain on a quarterly basis to measure the success or failure in meeting these goals.

29. Alert the captain regarding all matters of importance as soon as practicable.

30. Carry out any other duties as directed by a superior officer.

C. Investigator/Sergeant and CIS Sergeants shall:

1. Be responsible for the direct supervision of all CIS personnel under their command.

2. Instruct and assist investigators and deputies with their caseload whenever necessary.

3. Review all reports generated by members of CIS. Reports will be reviewed for accuracy, completeness, grammar and legibility.

4. Assign investigations for follow-up and monitor the progress of those investigations to ensure that they are completed in a timely manner.

5. Maintain the section timebook to ensure the proper recording of time used by employees. Schedule and approve vacation and compensatory time requests and prepare duty rosters.

6. Immediately report every case of misconduct, incompetence, neglect of duty or other violation of the rules and regulations to the lieutenant, as well as instances of exceptional performance.

7. Monitor their personnel regarding appearance and general conduct.

8. Complete annual performance appraisals of personnel under their supervision.

9. Monitor the use of overtime and approve all overtime requests.

10. Attend the weekly Crime Coordinator's meeting.

11. Prepare annual report data for all units under their supervision.

12. Advise the captain and lieutenant of any matters of importance as soon as practicable.

13. Conduct periodic inspections of all personnel, office space and equipment under their supervision.

14. Record and monitor all investigations conducted by investigators under their supervision.

15. Submit unit goals annually or as directed by the captain.

16. Perform any other duties as may be directed by a superior officer.

* D. Zone Administrative Sergeant shall:

1. Perform each of those functions as enumerated in the CIS Sergeant's Case Coordination Manual.

2. Establish and maintain investigative action files for the zone to ensure the proper flow of all criminal reports assigned and the timely completion of those reports. Reports include, but are not limited to, Case Assignment Database, Case Tracking Database, Warrant Control Database and Grand Jury Control File.

3. Formulate statistical reports through criminal analysis and forward to the appropriate command officers and affected units to assist in decision making relating to the proper deployment of personnel. Distribution of such reports shall be in accordance with provisions as outlined in the CIS Sergeants Case Coordination Manual. Information contained in these reports shall be utilized for the purpose of developing action plans regarding short and long-term operational objectives.

4. Assist in quality control (i.e, content, legibility, accuracy, etc.) of Standardized Incident Report (SIR) to ensure proper case management by acting as an advisor to patrol supervisors when additional work or information relating to follow-up investigations is required.

5. Enhance communication and exchange of crime information. This may be accomplished by coordinating the efforts of patrol personnel through roll call briefings, issuance of bulletins, channeling criminal intelligence information, actively seeking input of zone personnel and other department units to identify and develop appropriate remedial action.

6. Attend weekly county-wide Crime Coordinator meetings as well as other appropriate, regularly scheduled meetings commenced for the purpose of sharing information relating to criminal activity to ensure the proper flow of criminal information into and out of the Sheriff's Office.

E. Investigators and plainclothes deputies shall:

1. Carry out the mandates of the Sheriff's Office, specifically: preservation of the peace, protection of life and property, prevention of crime, arrest of violators, and the enforcement of laws and ordinances.

2. Report for duty and be in attendance at roll call fifteen minutes before the start of their tour of duty, properly dressed and equipped as prescribed by the Captain, Lieutenant and Sergeants. They shall give careful attention to orders and instructions given by their supervisors.

3. Adhere to all rules, regulations, orders and lawful procedures governing a member of CIS.

4. Assist and cooperate in maintaining the cleanliness of their respective assigned facilities.

5. Conduct and complete all investigations assigned to them. They shall report the findings of investigations in writing and submit same per current directives.

6. Notify their supervisor of any serious crime or unusual occurrence.

7. Be held responsible for ensuring that correct procedures are followed when arrests are made, property is recovered or search warrants are executed.

8. Submit all search warrant applications for approval by a supervisor prior to execution.

9. Carry out any other duties as may be directed by a superior officer.

By Order of the Sheriff,

Patrick M. O' Flynn

* Indicates a significant change from the original and any previous versions of this General Order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE December 17, 2008	EFFECTIVE DATE December 17, 2008	NO. 05-P-08
SUBJECT: GENERAL ORDER Simplified Traffic Information (Summons) Procedures & Accountability		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 82.03.04, 82.03.05 NYSLEAP 47.01			RESCINDS 05-P-07

Purpose: To familiarize personnel regarding the traffic summons control system, in order to ensure audit and accountability of each summons from time of receipt to final disposition.

Policy: The Monroe County Sheriff's Office shall utilize the New York State Traffic and Safety Law Enforcement Disposition System (T-SLED). Members and employees shall adhere to mandated guidelines. Every effort will be made to utilize the TraCS system when issuing traffic summons. However, members should be familiar on how to manually issue UTTs.

I. Accountability

A. Duties of the Quartermaster:

1. Verify that the number of summonses received corresponds with the shipping records of the Department of Motor Vehicles (DMV).

2. Acknowledge receipt by completing the lower portion of the DMV transmittal memorandum and return the form to the appropriate data collection location.

3. Record distribution of each summons issued.

4. Collect summons book receipts that note discrepancies after Deputies inspect for completeness.

5. Collect and file completed summons logs from appropriate units.

* 6. Ensure security of summons while stored prior to distribution to the Patrol Substations.

B. Duties of Supervisors:

1. Arrange for traffic summons distribution.

2. Maintain record of distribution.

3. Collect individual summons book receipts that note discrepancies and forward them to the Quartermaster.

4. Forward completed summons logs to the Quartermaster.

* 5. Ensure summonses are stored in a secure area at each substation office.

C. Duties of the Patrol Deputy:

1. Inspect each summons book to ensure that:

   a. Summonses are in numeric sequence.

   b. The numbers that appear on the outside front cover match the numbers contained in the book.

2. Complete the receipt contained in the front of the book, noting the number of any duplicate, mutilated, or missing summons.

3. Forward the receipt to his/her supervisor.

4. Report a lost, mutilated, or voided summons by utilizing Form #PB 94. This report will be reviewed by the supervisor and sent to the Traffic Violations Section. If voided or mutilated, the summons will be attached to the form.

5. Maintain the summons log.

II. Traffic and Criminal Software Program (TraCS)

A. The goal of the TraCS program is to automate the issuance and printing of uniform traffic tickets in police vehicles and to electronically transfer the ticket to and from the Department of Motor Vehicles (DMV), Department of Transportation (DOT) and the Office of Court Administration (OCA). In addition, TraCS will facilitate officer and motorist safety by:

1. Decreasing the time Deputies and motorists spend parked along busy roadways, thus reducing the chance of accidents or injuries;

2. Greatly improving the accuracy of the violation data; and

3. Reducing the time Deputies spend on paperwork, thus increasing availability for proactive patrol.

B. TraCS will be the preferred method for the generation in the issuance of traffic tickets. Handwritten UTT's should **ONLY** be performed when automated reporting is not feasible due to the absence or availability of TraCS equipment, hardware or software malfunction or as a result of the circumstances/exceptions noted below.

C. Prior to utilizing TraCS, members will be trained by a certified TraCS instructor who will ensure the Deputy has a working knowledge of the system as well as the ability to perform simple troubleshooting. Every Deputy is responsible to retain their issued TraCS manual for reference when utilizing TraCS.

D. At the beginning of each shift, members will perform the "start-shift" procedure on a TraCS designated PC with their personally issued USB hard drive or "thumb drive". This will allow for DMV and software updates to occur.

E. Members will transfer their USB drive to their assigned in-vehicle computer via the USB cable and log-in to TraCS in preparation for their tour of duty.

F. At the end of each shift members will need to follow the procedures as outlined in training to remove the USB hard drive from the in-vehicle computer. Failure to follow the proper procedure could result in the loss of data.

Note: USB storage devices can only be removed after a "safe removal operation" by stopping the device first. Otherwise, damage may occur and/or data may become corrupted.

G. TraCS Uniform Traffic Tickets (UTTs) will be issued for all violations, misdemeanors, or felonies permitted by the V&T Law, CPL Law, and current TraCS procedures.

1. Supporting Depositions will be provided at the time of the issuance of the traffic summons for all moving violations except for:

   a. DWI/DWAI

   b. AUO 2nd and 1st Degree

   c. Felony Arrests

   Note: For DWI arrests, Deputies are required to attach paper copies of the UTT's and MVA reports (when applicable) for the Records Arrest Package.

2. In instances where a driver's license or other form of identification is presented, Deputies will include a scan of the identification as an attachment to the issued UTT. In instances where identification is not available or provided, the scanner may be utilized to photograph the driver. Photos captured for purposes of identification should only be used for testimony purposes relating to the traffic arrest.

3. Once a ticket is printed, the ticket information will change from validated status to issued status and cannot be deleted by the Deputy. In cases where printing the UTT fails, a paper ticket should be completed and the electronic ticket deleted by the Deputy or voided by a supervisor.

4. In the event a ticket requires consideration for void, a supervisor must approve by citing one of the following reasons:

   a. Testing/Training.

   b. Initial violation did not occur.

   c. Violation corrected on site.

   d. Verbal warning issued in lieu of summons.

   e. Hardware failure.

5. Once a UTT is changed from issued status to transmitted status (sent to Albany), a void cannot be performed by a supervisor.

H. Deputies must check their contact forms in TraCS Manager each workday to determine if there are any outstanding UTT's that require revision, correction or attention. Supervisors are also accountable to review their subordinate's TraCS manager on a daily basis to review, accept, or reject submitted reports and/or UTT voids.

I. TraCS system administrators will be charged with auditing UTT voids and sending a report to the appropriate Zone Commander or Special Operations Lieutenant. The appropriate Command Officer shall determine if there exists any pattern of voided tickets.

III. TraCS Hardware/Software Issues

A. In the event that a TraCS problem is noted, members will report the matter by completing a TraCS Triage and Deficiency Report. After completing the report, the user will place the form in a designated mailbox at each location. The Zone Administrators will review all completed forms and triage the problem before it is sent via the Chain of Command to the Major of Operations. The Major of Operations will forward a copy of the completed form to Staff Services for further resolution if necessary.

B. USB devices will only be utilized for TraCS and work related purposes. No other data shall be stored or saved to the USB driver.

IV. Handwritten Issuance

A. The following information is required in order to satisfactorily complete the summons. Incomplete forms will be returned to the issuing Deputy for the required information.

1. Part 1 (VT-3.3.): Enter all appropriate data on this form. A copy of the form is contained on page 8 of the T-SLED Officer's Handbook. Refer to this page and subsequent pages, for an accurate description of the exact information that is required. This form serves as the information for the appropriate court. It is not given to the motorist.

2. Additional data for Part 1 (VT-3.3.):

   a. Item 2, Page 8 (handbook), enter MCSO for police agency.

   b. Items 31-34 are for the use of the court and should remain blank.

   c. Item 38 should contain 0270000, the department's NCI designation.

   d. Item 39 should contain the Deputy's platoon designation 1, 2 or 3.

   e. Item 40 refers to the Deputy's Zone location A, B, C, Star (S), Parks (P), Marine (M), and Airport (AP).

   f. Item 41 refers to the patrol district in which the violation occurred.

   Note: Although information regarding the motorist's name and address of employment is recorded on form VT-3.8. (officer's copy), the information should be obtained sometime during the gathering of information from the motorist.

3. Part 2 (VT-3.4.) This copy is sent to the court. It requires no further information.

4. Part 3 (VT-3.5.) This copy is given to the motorist and serves as the summons to court.

5. Part 4 (VT-3.6.) This copy requires the following additional information which is detailed on Page 20 of the Officer's Handbook:

a. Arrest Type - This information is located on the front cover of the summons book.

b.. DWI/DWAI/Drugs - This information is only required for an alcohol or drug related traffic arrest and is outlined on Page 22 of the Officer's Handbook.

6. Part 5 (VT-3.7.) This copy is the agency copy and will be maintained in the Traffic Violations Unit.

7. Part 6 (VT-3.8.) The officer's copy of the T-SLED summons will be removed and maintained by the issuing Deputy. It will be the issuing Deputy's responsibility to maintain a file in the event that information is needed for court purposes.

Note: A special report must be submitted to the Traffic Violations Unit for a photocopy of the summons if the Deputy's copy is illegible.

8. When an incomplete summons is received by the Traffic Violations Unit, a notice of error will be forwarded to the issuing Deputy. The Traffic Violations Unit or the Town Courts will make the notifications to the defendant if any court dates are changed.

9. All patrol Deputies shall maintain and use an updated "County of Monroe Justice Court Schedule" in order to ensure proper court information (mailing addresses, dates, times, etc.). The Traffic Violations Unit shall provide all patrol deputies with a monthly court schedule to include dates, times, etc.

B. Special Procedures

1. Violations within the City of Rochester.

a.. "OAA" series traffic tickets shall be used in situations wherein a violation occurs within the geographic boundaries of the City of Rochester.

b.. The violator will be given the Traffic Violations Bureau (TVB) copy of all summonses issued in the City of Rochester, including date of appearance (as per TVB schedule).

Note: All Deputies are to utilize IBM # 962 in IBM code box of summons for paper tickets only.

c.. It is the responsibility of the Deputy affecting the arrest to ensure that all paperwork required for arraignment, (originals) including traffic tickets, is delivered to 185 Exchange Blvd. (Rochester Police Department Records Desk) prior to 0530 hours. A copy of the paperwork will also be submitted to the Sheriff's Records Unit, by the arresting Deputy.

2. In cases of immediate arraignment, it is the responsibility of the Deputy effecting the arrest to provide the arraigning judge with the court copies of the T-SLED traffic summons (copies 3.3 and 3.4). The remaining copies of the summons will be forwarded to the Traffic Violations Unit.

3. When an arrest is effected charging an individual with Driving While Intoxicated, and two summonses are issued, it is the responsibility of the Deputy to include the Driving While Intoxicated information on part 4 (VT-3.6) of both summonses, in order that DMV may have the appropriate information for computer storage.

4. Assigned summonses will not be loaned to or borrowed by other Deputies, except in those situations where no other solution is possible. In cases where no other option is available, a Special Report will be submitted through the Chain of Command to the Traffic Violations Unit, indicating the numbers and reason for the use of the borrowed summonses.

V. Responsibilities of the Traffic Violations Unit

A. The Traffic Violations Unit shall forward part 1 (VT-3.3) and part 2 (VT-3.4) to the appropriate court of jurisdiction.

B. The Traffic Violations Unit shall forward part 4 (VT-3.6.) to the data entry location.

C. The Traffic Violations Unit will file and maintain part 5 (VT-3.7) for a minimum of 5 years as mandated by the Records Retention and Disposition Schedule published by the New York State Education Department.

D. The Traffic Violations Unit will log all lost, mutilated, or voided tickets as noted on form # PB-94, on the appropriate T-SLED system form. This information will be forwarded on a weekly basis to the appropriate data collection location.

Note: The New York State DMV will be responsible for the maintenance and upkeep of all data regarding issuance, disposition and inventory control of T-SLED tickets.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* **Indicates additions or deletions from previous orders.**

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE October 24, 2017	EFFECTIVE DATE October 25, 2017	NO. 006-17
SUBJECT: GENERAL ORDER Towing of Vehicles		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 1.2.4, 1.2.7, 61.1.5, 61.2.2, 61.4.1, 61.4.2, 61.4.3, 82.2.2 NYSLEAP 47.5, 47.8			RESCINDS 06-14

Purpose: To familiarize members with policy and procedure regarding the towing of vehicles from the streets and highways of Monroe County.

Policy: Traffic law enforcement and the towing of vehicles is a responsibility of the Monroe County Sheriff's Office. In general, authorization to tow a vehicle will be given only when necessary to maintain the flow of traffic, correct a hazardous situation, or as required by law. Vehicles will be towed, incidental to an arrest, when necessary. In no instance will a vehicle be towed for punitive reasons. All members are to use good judgment when the decision is made to tow a vehicle.

Definitions:

Vehicle: A car, truck, motorcycle, bus, mini-bike, go-cart or any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices propelled by human power or used exclusively upon stationary rails or tracks.

I. General Procedures

A. A **PB-178 Towed Vehicle Report Form**, along with other appropriate reports, will be completed for **all** vehicles towed at the direction of a deputy. All appropriate vehicle keys will remain with the vehicle.

B. All agencies on the towing list are to be contacted for service by the ECD dispatcher by phone.

C In cases of towing incidental to an arrest, an inventory search will be conducted of **all** vehicles (including water vessels), unless evidentiary processing is to be performed by an identification technician. In an effort to protect both the citizen and the deputy, the search shall include the entire vehicle including any closed containers, when the contents cannot be ascertained by examining the exterior of the container. Unless exigent circumstances exist (suspicious container or package), all locked containers shall be secured with the Property Management Office (PMO) in their original condition. Articles of substantial value, contraband, evidence and the fruits of any crime found in a vehicle to be towed, will be confiscated by the investigating deputy and forwarded to the Property Management Office. These items will be forwarded in accordance with **MBGO-016 Property Recovery, Custody and Security**.

All items not easily managed because of size, quantity, etc. may be securely stored at B Zone with the assistance of Property Management Office members.

1. An inventory search is only conducted for the following purpose:

   A search that is intended to accurately catalogue the contents of the vehicle to protect the police against a claim of lost property, protect police personnel and others from dangerous items and to protect the property of the defendant.

2. An inventory search cannot be a ruse for a general rummaging in order to discover incriminating evidence.

3. All items of value in the vehicle will be documented on the reverse side of the tow vehicle report. In the absence of any property located in the vehicle, a notation to that effect must be stated on the reverse side of the tow report. If evidentiary property is located, a notation must be made on the SIR and a catalogue of property recovered from the vehicle noted in the narrative.

D. A Property Custody Report (PCR) is required under the following circumstances:

1. When a vehicle is towed to the Fleet Maintenance storage building located at 145 Paul Road for evidentiary or investigative purposes of a crime, the vehicle may not be released without authorization from the District Attorney's Office and the Property Management Office (PMO).

2. When a tow is effected incidental to an arrest charging Aggravated Unlicensed Operation (AUO) in the first or second degree (see II-E). The vehicle may not be released without authorization from the District Attorney's Office and the Property Management Office (PMO).

3. When property is removed from a vehicle for the owner or submitted to the PCO for owner, evidence or destruction. A PCR is needed only for the property taken out of the car and not the actual car unless it meets the criteria of I.D.1 or 2 above.

E. Deputies will not suggest or select one particular tow agency over another.

F. In all circumstances which require the towing of a vehicle, the deputy must first determine if the vehicle is abandoned, stolen, illegally parked or a hazard, and utilize the specific procedure outlined below.

II. Specific Procedures

A. When towing abandoned, illegally parked or hazardously located vehicles:

1. Deputies shall notify the dispatcher of the need for a tow vehicle and the reason for towing.

2. Deputies shall complete a **PB-178 Towed Vehicle Report Form**, indicating the exact reason for towing and particulars regarding any apparent damage.

3. The vehicle will be towed to a premises owned and maintained by the towing company unless otherwise specified.

4. Deputies shall ascertain ownership and ensure that the owner is notified of the location of the towed vehicle (i.e. through Central Records, Dispatch, etc.) prior to the end of their tour of duty.

5. All additional data relative to the incident will be entered on the reverse side of the Towed Vehicle Report.

B. When towing for criminal investigation or arrest:

1. Proceed as in Section II (A), paragraphs 1 and 2.

2. Issue a Uniform Traffic Ticket (UTT) when appropriate, before towing vehicle.

3. When the offense charged is a misdemeanor or felony, follow the current directive regarding arrest policies.

4. Only vehicles that may provide some evidentiary or investigative value in a criminal investigation will be impounded at the Fleet Maintenance storage building. Deputies shall contact a technician to assist in deciding if technical services are feasible and advisable. A PCR will be completed, with the blue copy remaining with the vehicle.

C. When towing stolen vehicles:

1. Stolen vehicles will not be towed until necessary technical services have been provided and/or permission has been obtained from a supervisor.

2. The deputy will attempt to contact the owner and arrange to remove the vehicle prior to towing.

3. Proceed as in Section II (A), paragraphs 1 and 2.

4. Complete **PB-066 Standardized Incident Report**

5. When towing does become necessary, the deputy will notify Central Records personnel, who will in turn:

a. Notify the owner of the recovery, including the location to which it has been towed.

b. Advise any agencies that originated a teletype of the recovery and the location to which the vehicle has been towed.

c. Notify all units, via the ECD dispatcher, of recovery of the stolen vehicle.

6. Stolen vehicles will only be impounded at the Fleet Maintenance storage building when a technician determines that the vehicle may best be processed at that location.

7. When a stolen vehicle is recovered without occupants and is not impeding traffic, the vehicle may be released to the owner after tech work has been performed and all applicable towing expenses paid.

D. When towing from an accident scene:

1. Proceed as in Section II (A), paragraphs 1 and 2.

2. When the vehicle owner is incapacitated to the extent that he/she is unable to care for articles of value contained in the vehicle, the investigating deputy will proceed as in Section I (C).

3. When the owner requests a specific towing agency or AAA service, the request will be honored, provided it will not create unnecessary delay in clearing the roadway.

4. Where AAA service is requested by an owner, the deputy will notify the dispatcher of such, providing the owner's name, address, vehicle description, AAA membership number and vehicle problem.

5. When towing due to mechanical problems:

   a. Vehicles towed for suspected mechanical problems should be taken to the appropriate towing agency.

   b. The supervisor will make arrangements through Staff Services Bureau for inspection of the vehicle by Fleet Maintenance personnel.

   c. It will be the responsibility of the owner to insure that any faulty or defective equipment is repaired before the vehicle is driven upon a public highway.

E. When towing due to Aggravated Unlicensed Operation, reference V&T 511-b Seizure and redemption of unlawfully operated vehicles:

1. Proceed by notifying the dispatcher of the need for a tow vehicle and the reason for towing in addition to completing a **PB-178 Towed Vehicle Report Form (TVR)**, indicating the exact reason for towing and particulars regarding any apparent damage. When an arrest is effected charging AUO in the first or second degree and:

   a. The operator is the registered owner, or

   b. The vehicle is not properly registered, or

   c. Proof of financial security (insurance card) is not produced, or

   d. A person other than the operator is the registered owner and the registered owner or another person properly licensed and authorized to operate the vehicle is not present.

2. Complete a PCR (leave blue copy with vehicle).

3. Issue a UTT before towing vehicle.

4. Check the hold box and inform the tow operator not to release the vehicle until they receive a faxed copy of a signed **PB-180 Towed Vehicle Release Card and the PB-177 Property Release Authorization Form.**

Note: A vehicle so towed is considered to be in the custody of the local municipality in which it was seized and is to be released only upon authority of the District Attorney's Office and the PMO.

F. Disabled/abandoned vehicle tag:

1. Patrol units will insure that they are familiar with Section 1224 of the NYS Vehicle and Traffic Law dealing with abandoned vehicles.

2. When dealing with an abandoned/disabled vehicle, patrol units must decide whether the vehicle constitutes an immediate hazard and must be removed or whether an abandoned/disabled vehicle tag can be used.

3. The back of the tag shall be completely filled in. In the comment line, the deputy shall indicate whether or not he/she was able to reach the owner. Every effort will be made to contact the owner of the vehicle.

4. The tag will be attached to the vehicle on either the door handle or windshield wiper arm on the side most readily visible from the roadway.

5. When a deputy decides to tow a vehicle that already has a tag, the tag is to be attached to the Towed Vehicle Report and forwarded according to current directives.

6. It is the responsibility of the initial tagging deputy to investigate the status of the vehicle to determine disposition (i.e., has been moved or needs to be towed). When unable to do this, the immediate supervisor will be advised so that another unit can check on the vehicle.

7. When receiving inquiries from citizens regarding abandoned vehicles, personnel are to determine whether an orange tag was visible. If tagged, the district car will be advised to check the status of the vehicle during the tour of duty.

III. Duties of the Property Management Office

A. Any vehicle towed under the AUO first and second-degree provisions will be released by the Property Management Office only after the Property Management Office receives a **PB-177 Property Release Authorization Form** from the District Attorney's Office.

B. The Property Management Office will then fax the signed **PB-180 Towed Vehicle Release Form and PB-177 Property Release Authorization** to the towing agency. All applicable towing and storage fees will be the responsibility of the claimant.

C. Original copies of **PB-180** and **PB-177** will be filed with Property and Evidence.

D. Release of vehicles held at Sheriff's Fleet Facility (145 Paul Road). Upon determination that a vehicle can be released to its owner, the PMO shall first notify the original tow agency which transported the vehicle to Sheriff's Fleet. That tow agency will be provided the opportunity to recover the vehicle, and then arrange for the vehicle's release to its owner.

Should the tow agency decline and/or refuse to pick up the vehicle, the PMO shall then notify the vehicle's owner and arrange for release to the owner or appropriate agent.

By Order of the Sheriff,

Patrick M. O' Flynn

* Indicates a change from the original and any other previously updated versions of this General Order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE April 16, 2012	EFFECTIVE DATE April 17, 2012	NO. 07-12
SUBJECT: GENERAL ORDER Emergency Driving		DISTRIBUTION Police Bureau Personnel	AMENDS
Reference: CALEA 1.2.7, 41.2.1, 41.2.2, 41.2.3, 41.2.4, 61.1.6, 82.2.1, 82.3.5 NYSLEAP 20.7, 40.2, 41.2, 43.1, 43.4, 43.5			RESCINDS 7-11

Purpose: To establish procedure and provide guidelines for the operation of a police vehicle during emergency responses and pursuit driving.

I. Definitions

A. **Emergency Operation** - "The operation or parking of an authorized emergency vehicle, as defined by **Section 101** of the **NYS V&T Law**, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, pursuing an actual or suspected violator of the law or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation will **not** include returning from such service." **(V&T §114-b)**

B. **Emergency Response** - When a member responds to:

1. A request to a possible life-threatening situation or serious in-progress crime.

2. An unusual incident/event that requires an immediate response by a supervisor/command officer and/or specialized units.

C. **Pursuit** – The attempted apprehension by a police officer while operating an emergency equipped police vehicle, of occupant(s) of another motor vehicle, **whose operator fails to comply with a lawful directive to stop**.

D. **Terminate** -To immediately stop or cease the pursuit or emergency response by turning off emergency equipment and returning to non-emergency driving operation by all personnel involved in the pursuit.

II. Policy

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

B. During an emergency response or pursuit, members will:

1. Drive with due regard for the safety of all persons and property.

2. Terminate a pursuit as instructed by a supervisor/command officer, or when a pursuit or emergency response causes a dangerous and/or hazardous condition to the member and/or others.

C. Members will **not continue a pursuit** or emergency response if not in accordance with this order. Members must constantly evaluate the risks involved in continuing a pursuit or emergency response. A pursuit may only be engaged in if there is reasonable suspicion to believe that the operator of, or a passenger in, the vehicle pursued has committed or is about to commit an act listed in **Appendix A** attached hereto.

D. Even if a pursuit is engaged, the pursuit shall not be continued if the risks associated with the pursuit outweigh the possible benefits as determined by a review of the following factors:

1. Traffic density/pedestrian volume.

2. Weather/road conditions.

3. Speed involved.

4. Time of day.

5. Type of area (business vs. residential).

6. Type of road.

7. Type of police vehicle.

8. Availability of additional police vehicles to assist at the scene or to intercept pursued vehicle.

9. Knowledge of the offender's identity and danger to the community if the suspect is not immediately apprehended.

10. Danger caused by the operation of vehicle being pursued.

E. Marked police vehicles engaged in an emergency response, day or night, will utilize the emergency equipment. Only unmarked vehicles equipped with alternating headlights, siren and an authorized emergency red light will engage in an emergency response. In cases of crimes in progress, etc., the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene. Once the emergency response is terminated and when the use of lights and siren are discontinued, members will respond in obedience to all traffic laws.

F. Unmarked police vehicles **not** equipped with alternating headlights, siren and an emergency red light will **not** undertake an emergency response. If dispatched to a high priority incident, they will respond in obedience to all traffic laws.

Note: Officers operating unmarked vehicles (provided the vehicle is equipped with alternating headlights, siren and an emergency red light) may engage in pursuit only when the fleeing vehicle is wanted for an act defined in

Appendix A and only until a marked vehicle has taken over. The unmarked vehicle will then withdraw from the pursuit.

G. Only sworn Police Bureau members will engage in emergency response driving, a pursuit, or initiate a traffic stop.

H. Members will not engage in an emergency response or pursuit driving while transporting non-departmental persons (prisoners, witnesses, parents of juveniles, etc.) unless:

1. The passenger is a ride-along observer who has signed a **Waiver of Responsibility Form (MB-36).**

2. With approval of a Supervisor, when necessary to preserve life when a timely ambulance transport is not available.

III. Procedure

A. Emergency Response to Assignments

1. The responding members(s) and back-up units will have the discretion, based on the nature of the assignment, meeting the definitions in **Section I** and the criteria in **Section II of this order,** to respond to a call in an emergency response mode.

2. When the dispatched member elects to respond in an emergency response mode, the ECD dispatcher will be so notified by the responding member stating that they are "Code 77".

3. Members will limit their vehicular speed, taking into consideration the safety of self and others and the factors listed in **Section I and Section II** of this order.

4. Members will use extreme caution in operating police vehicles and come to a **complete stop** and assure safety prior to continuing at intersections where they do not have clear right-of-way.

5. Distance to the location of incident alone will not be a determining factor to engage in an emergency response.

B. Pursuit Driving

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

a. The 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 and 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. A secondary channel will be utilized for other emergencies.

3. ECD dispatcher, upon notification of a pursuit, will:

a. Clear the channel except for vehicles involved in the pursuit.

b. When possible, a tactical channel with a dispatcher will be utilized to aid communications when the pursuit moves through multiple jurisdictions. All other transmissions will be sent to a secondary channel.

c. Ensure that the appropriate supervisor is notified that a vehicle pursuit is in progress.

d. Initiate registration and criminal record searches as soon as possible and broadcast when time permits.

4. Supervisors Responsibilities

a. Immediately acknowledge responsibility for the pursuit and respond to the area to manage the pursuit.

b. Notify surrounding police agencies if the pursuit may enter their jurisdiction.

c. A patrol commander officer, responsible for the zone originating the pursuit (or nearest available supervisor) will assume sole supervisory responsibility for monitoring and managing the pursuit until termination, regardless of what geographic area the pursuit enters, until or unless relieved by a higher-ranking authority.

d. Determine the reason for the pursuit, direction of travel, speed, description of occupant(s), weapons involved, if any.

e. Terminate any pursuit that does not involve an act as defined in **Appendix A** or any pursuit that does not conform to the restrictions of this policy as outlined herein.

f. Constantly evaluate risks in continuing pursuit as outlined in **Section II** of this order and terminate any pursuit where the risks to continue same outweighs the benefits.

g. Ensure initiating deputy completes a **Pursuit Data Report (PB-55)** that identifies all others involved in the pursuit. Generally only one **Pursuit Data Report** is required unless directed otherwise by a supervisor/command officer.

h. Attach the ECD printout to the **Pursuit Data Report** and any other reports pertinent to the pursuit (CIR, MVA, UTT's, etc.) and submit them to his/her supervisor prior to ending the tour of duty. (This information is available by accessing the Zone fixed MDT/personal computer.)

Completed package will be forwarded to the appropriate Zone Commander.

i. Ensure that any damage incurred to either the fleet vehicle(s) or other vehicle(s) involved are documented accordingly as per current departmental directives.

5. Termination of a pursuit will occur under **any** of the following conditions:

a. When circumstances develop taking into account the factors set forth in **Section II** of this order where continuance may cause reckless disregard for the safety of the member or the public (pursuing member or supervisory discretion).

b. When a vehicle is pursued for any act not listed in **Appendix A**.

c. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.

d. When so ordered by any Monroe County Sheriff's Office supervisor/command officer.

e. When the pursued vehicle's location is no longer known by pursuing members.

f. When radio contact is lost.

g. When the member is unfamiliar with the area and is unable to accurately notify ECD of his/her location and the direction in which the pursuit is proceeding.

6. Pursuit Tactics

a. Motorcycles may engage in a pursuit **only** under the most critical and unusual circumstances where immediate apprehension is necessary to alleviate a danger to public safety. As soon as a marked police vehicle is available to assume the pursuit, the motorcycle will withdraw from active pursuit. Motorcycles **will not** engage in pursuit in inclement weather.

b. Number of Police Units

1. The primary unit in pursuit and one back-up unit will be responsible for the actual pursuit; however the supervisor/command officer may have the discretion to delegate additional units as backups.

2. The back-up unit will assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving.

EXCEPTION: If the primary pursuing unit is a (2)-member vehicle they may opt to maintain responsibility for radio communications. In such a pursuit, the passenger member will assume the communications responsibility.

3. The back-up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than a supervisor, no other units will follow behind these (2) units.

4. Units not involved as backups, or additional units that may be required may parallel the chase with the prior approval of a supervisor/command officer.

5. If a pursuit extends beyond the county limits, only (2) pursuing police vehicles and a supervisor will continue the pursuit. Pursuing drivers and the supervisor will constantly evaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.

c. Passing Primary Pursuit Vehicle

There shall be no attempt by members to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a supervisor.

d. Overtaking Pursued Vehicle

Overtaking or attempts to overtake a pursued vehicle is prohibited.

e. Controlled Access Highways

Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access highway. The following options are to be considered:

1. Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.

2. Request assisting units to observe the exits available to the suspect vehicle.

f. Traffic Control Devices

Extreme care will be used when passing traffic signs or signals. Police vehicles will stop to ensure that all vehicular and pedestrian traffic is aware of and yielding to the emergency vehicle. When (2) or more emergency operated vehicles approach an intersection at the same time, from different directions where traffic control devices are installed, the right-of-way will be determined by those control devices and **The New York State Vehicle Traffic Law.**

g. Roadblocks

1. Roadblocks (moving or fixed) consisting of vehicles or other types of physical barriers will not be established or erected as a means of terminating a pursuit, except in the most extraordinary situations involving a serious felony offense.

2. Only personnel trained in the deployment of road blocks will establish a roadblock, and **ONLY** when authorized by a supervisor or command officer.

3. Roadblocks shall be implemented in accordance with the Monroe County Sheriff's Office training guidelines.

h. Forcible Stops

1. Supervisor and command officers are encouraged to utilize pursuit resolution strategies and techniques (e.g. containment, choke points, guiding a suspect vehicle to a deployment area) to bring the pursuit to a successful and safe conclusion. Attempts to guide the path of the pursuit by blocking side streets, etc., should be made in order to guide the offender toward the tire deflation device, and away from high-risk areas.

2. The deployment of the **tire deflation device** (road spikes) by assisting units is acceptable and will be used when deemed appropriate by the coordinating pursuit supervisor and only when in compliance with all provisions outlined in this Order.

a. Only personnel trained in the use of the tire deflation device will use it for deployment, and only at the direction of a supervisor or command officer.

b. Personnel will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, trees, etc.

c. Tire deflation devices will not be used to terminate the pursuit of a motorcycle or three/four-wheeled vehicles (ATV's).

d. Personnel using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.

e. The tire deflation device will be inspected by the Zone Lieutenants during the monthly zone inspection.

f. Repairs to the device and the ordering of replacement parts will be coordinated through the commanding officer of the Sheriff's Staff Services Bureau.

IV. Pursuit initiated by another Jurisdiction

A. If requested by another jurisdiction and according to the Monroe County Sheriff's Office policies for pursuit engagements, Monroe County Sheriff's Office members may assist in a pursuit within the County limits provided all other provisions of this order are complied with. If the pursuit is not in accordance with this order, MCSO supervisors will notify the pursuing agency through ECD that they will not participate in the pursuit. Members may parallel the pursuit with the approval of a supervisor/command officer. Supervisors will also advise the pursuing agency of any known event(s) (e.g. a parade or block party) that might be in imminent path of the pursuit. Monroe County

Sheriff's Office vehicles shall not leave the County limits while assisting another jurisdiction without permission of a Sheriff's Office supervisor.

B. If requested by another jurisdiction and according to the MCSO policies for pursuit engagements, MCSO members may assist another agency with the deployment of the tire deflation device within the county limits provided all other provisions outlined in this order are complied with and with supervisor approval.

1. If the pursuit by another jurisdiction is not in accordance with this order, MCSO members may not deploy the tire deflation device.

2. If MCSO members use the tire deflation device successfully for another jurisdiction, the MCSO supervisor will ensure that the appropriate MCSO report(s), including a Pursuit Data Report and photographs of the spiked car are completed to accurately document the incident and ensure the provisions of this order were followed.

IV. Post Pursuit Reporting

A. **Zone Commanding Officers** will:

1. Review all pursuits occurring in their command.

2. Ensure **Special Report(s) (MB-003)** are completed, if necessary. **Special Report(s)** may be required by a supervisor upon direction of the Zone Commander.

3. Forward completed package to Major of Operations for second review.

B. **Staff Services** will:

1. Conduct an annual documented analysis of all pursuit data incidents and to identify the following:

   a. Reveal any patterns or trends that may indicate potential training needs.

   b. Reveal any patterns or trends that may require policy modification.

   c. Identify any trends or patterns that are revealed in the context of past evaluations and analysis.

2. Submit reports to the Major of Operations for appropriate action.

By Order of the Sheriff

Patrick M. O'Flynn

APPENDIX A

Commits, attempts to commit, or is wanted for the following crimes

Murder/Manslaughter

Forcible Rape/Sodomy

Robbery

Kidnapping/Unlawful Imprisonment

Felony Assault

Burglary in Progress or Immediate Flight Therefrom

Arson

Felony Criminal Possession or Use of a Weapon or Menacing with a Firearm

Class "A" Felony Drug Offense

Leaving the Scene, Serious Physical Injury Motor Vehicle Accident

With the permission of a supervisor, Unauthorized Use of a Motor Vehicle, that is believed to have been involved in, or is being used to commit an additional crime.

***Exigent Circumstances**, with the **permission** of a supervisor/command officer.

*An exigent circumstance involves an incident where the apprehension of a fleeing suspect, while **not falling** in the aforementioned listed crime category, is of an equally serious nature and the apprehension of the suspect outweighs the risks associated with the pursuit. A **supervisor/command officer must clearly document the exigent circumstance** that lead to permission to pursue.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE June 24, 2014	EFFECTIVE DATE June 24, 2014	NO. 008-14
SUBJECT: GENERAL ORDER Juvenile Procedures		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 1.1.3, 1.2.5, 1.2.6, 1.2.7, 44.1.1. 44.2.1, 44.2.2, 44.2.3, 61.1.3, 82.1.1, 82.1.2, 82.3.5 NYSLEAP 8.9, 8.11, 47.1, 50.2, 50.8; NYS Family Court Act – Article 3 & 7			RESCINDS 08-P-11

Purpose: To familiarize employees regarding the procedures of the Monroe County Sheriff's Office with respect to both criminal and non-criminal contacts with juveniles.

Policy: Sheriff's Office personnel shall take a proactive approach to juvenile crime and shall be actively involved in juvenile delinquency prevention programs. When dealing with youth involved in juvenile crimes, all efforts shall be made to use diversionary programs, unless the interests of justice require an alternate disposition.

Definitions: Person in need of supervision (PINS): A person less than eighteen (18) years of age who does not attend school in accordance with the provisions of part one of Article 65 of the Education Law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of parent or other lawful authority or who violates the provisions of Section 221.05 of the Penal Law.

Juvenile Delinquent (JD): A person over seven and less than sixteen years of age who, having committed an act that would constitute a crime, (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 Criminal Procedure Law.

I. Duties and Responsibilities

A. Zone Criminal Investigation Section (CIS) Sergeants shall:

1. Be charged with the direct supervision of the Investigators dealing with juvenile cases and are responsible for coordinating and tracking all case assignments.

2. Screen all juvenile matters and forward petition packages to the Family Court via proper channels.

3. Maintain responsibility for ensuring the thorough completion of petition packages submitted by Patrol Deputies and CIS Investigators.

4. Act as a liaison to school personnel, youth services agencies, community boards and committees, local police departments and Family Court.

5. Maintain communication with CIS and Zone Captains and Lieutenants on pertinent juvenile matters and provide timely reports on juvenile delinquency trends.

B. Zone Investigators dealing with juvenile cases shall:

1. Be under the direct supervision of the Zone CIS Sergeant and are charged with the responsibility of carrying out all juvenile law enforcement duties, prescribed orders, and tasks within their Zone of assignment.

2. Work closely with assigned Zone Deputies and on juvenile-related situations and serve as a resource for Zone personnel concerning juvenile problems, laws and procedures.

C. HQ CIS Clerk shall:

1. Maintain the unit record keeping system, insuring proper controls to maintain separation and limited access to all juvenile identification and arrest records.

2. Purge juvenile files, on a regular basis, consistent with relevant state law and the State Archives & Records Administration Records Retention and Disposition Schedule CO-2, promulgated by the New York State Education Department.

3. Compile statistical data and prepare necessary statistical reports.

4. Maintain a list of all social service agencies in the Monroe County area that provide services to juveniles that may have contact with the Sheriff's Office.

5. Seal and maintain, in a secure environment, all records and evidence of identification such as photographs and palm prints, adhering to the guidelines of Section 306.1, 375.2 and 381.3 of the Family Court Act (FCA) relating to such safeguards.

6. Assist unit staff in other duties as required.

7. Be under the direct supervision of the designated HQ CIS Sergeant.

8. Maintain liaison with Family Court Intake Probation.

D. The Training Unit will have the responsibility to arrange and provide for comprehensive training to all Zone staff members in regard to current and updated techniques and procedures involving juveniles and their families.

II. Paperwork Flow

A. Members will complete a Juvenile Contact Report (PB-098) and other agency appropriate report(s) whenever responding to an incident or crime involving a juvenile contact, other than when a juvenile is a victim. Contacts that must be reported on a JCR include, but are not limited to, the following: Incidents where a juvenile is suspected of a crime, missing persons reports, domestic incident reports involving a juvenile who creates, causes or contributes to the reported domestic dispute or violence, mental hygiene arrests, juvenile criminal arrests, PINS contacts, fire play, underage drinking and drug use, and any other situation which requires the completion of a JCR as requested by a Supervisor.

B. Following initial review, the complete JCR, copy #2 of the Standardized Incident Report (PB-066) and all other reports involving juvenile suspects will be forwarded to the Zone CIS Sergeant for further review. Copies of the JCR, and SIR will be provided to any member assigned for follow-up investigation.

Note: In cases involving juvenile arrests, see Section V for timely submission of all paperwork to HQ CIS Clerk.

C. The JCR will be distributed as follows:

NOTE: Copies 1 & 2 to HQ CIS Clerk upon completion and disposition of the individual investigation.

D. It will be the responsibility of the Zone CIS Sergeant to ensure the appropriate follow-up of assigned cases and to further ensure that all necessary paperwork is forwarded to the HQ CIS Clerk.

III. Warrant Service

A. PINS warrants - Docket number starts with S (i.e. S-234). The juvenile is placed into the Northaven Non-Secure Facility if Family Court is not in session and the juvenile is apprehended on an "S" warrant.

B. JD warrants - Docket number starts with D (i.e. D-234). The juvenile is placed into detention during non-court hours, the arresting Deputy calls the on-call Probation Officer (478-0371) to conduct the state required 'risk assessment', the Probation Officer will advise the Deputy whether a detention bed is available in Rush (Rush Facility cannot accept female offenders) or at the alternate locations (Onondaga and Erie). If the juvenile is to be detained, the Deputy will have to call the appropriate detention center to provide information and prepare them to accept the juvenile. Where the only available bed is in Onondaga or Erie, the Deputy will transport and the arresting agency will be responsible for the transport to the Monroe County Family Court on the next day or Monday if Family Court is not in session and the child is apprehended on a "D" warrant.

IV. General Procedures Upon Contact With a Juvenile

A. Members shall be aware of the various alternatives available for processing juveniles within the Juvenile Justice System. They shall evaluate each incident and if the juvenile appears to be nearing a P.I.N.S situation, a family member or guardian should be directed to contact Family Access and Connection Team (F.A.C.T) at 585-753-2639 for intervention assistance.

B. Members deciding how to deal with juveniles shall take into consideration, but not be limited to the following factors:

1. The gravity of the offense
2. Prior contacts with the offender.
3. Age and family situation of the offender
4. Types of diversion programs available to effectively deal with the situation

C. After evaluating a situation, a member may decide that a less formal means of diversion will be most effective in dealing with a juvenile. These methods may include:

1. Meeting with the youth and parents, in order to solicit the cooperation of the family in identifying and dealing with the problem within the family unit.
2. Referring the youth and/or family to a Zone Investigator as a means of diversion.
3. If a member feels that after taking all factors of the offense into consideration, the

youth has been effectively dealt with by the informal contact, formal diversion may be unnecessary provided that all rights of the victim and offender have been preserved.

D. When a situation warrants that a youth be interviewed, the following guidelines must be adhered to:

1. Every attempt will be made to contact the youth's parents or guardian and they shall be advised to respond to the facility where the youth will be questioned and shall be permitted to be present during the questioning. The youth must be advised of and waive their constitutional rights prior to any questioning.

2. In cases where parents or guardians are present, such advisement and waiver opportunity must also be afforded to them. The parent or legal guardian's signature will be placed on the waiver form in addition to the youth's.

3. Only court approved and designated areas will be used to question a youth and members will be familiar with those areas within their jurisdiction. The appropriate areas for questioning are at the home of the juvenile or in an approved room of a Zone or Headquarters. The HQ CIS Clerk and zone CIS Sergeant maintains a list of such approved facilities.

4. When questioning a juvenile, members will interview the subject for a reasonable length of time and the number of Police personnel present at the time of interview will be minimized, as circumstances warrant.

5. It is the responsibility of the member to ensure that the youth understands the basic procedures that will be followed during the contact with the Juvenile Justice System, explaining diversion and Family Court procedures.

V. Family Court Package – Arrest – Juvenile in Detention

A. To petition a youth, the arresting Deputy will submit a package containing all pertinent information (statements, depositions and reports) for processing. The package will be reviewed by a Supervisor and will consist of the following items:

1. Depositions.

2. Rights waiver - waiver must contain juvenile and parent/legal guardian's (when present) signatures.

3. Juvenile Contact Report.

4. Original and one copy of written confession (oral statements must be documented in the arresting deputy's supporting deposition).

5. SIR, Investigative Action Report (s), or Domestic Incident Report.

Note: When a juvenile is placed in detention, the completed arrest package(s) are sent directly to Family Court **by 11:00 A.M.** on the following court day. Therefore, the HQ CIS Clerk **must** receive the juvenile arrest package **by 9:00 A.M.** for delivery to Family Court.

B. Appearance Ticket(s) may be issued if the juvenile is not placed in the custody of a detention center. However, the above referenced Family Court Package procedure must still be followed. Probation Intake will assign date of appearance.

C. Person in need of supervision (PINS). Members will be familiar with FCA Sections 732 and 733 as they pertain to procedures for handling PINS and follow any order directed by the court regarding the custody of such juvenile.

D. Child abuse and maltreatment. Members will be familiar with and have a working knowledge of PBGO #43 as it pertains to the appropriate disposition of abuse and maltreatment cases and DSS form 2221, attached thereto.

Note: Family Court arrest packages must establish prima facie cases in depositions. In order to accomplish this, it is imperative that the supporting depositions filed establish probable cause that a crime was committed and the juvenile's commission of that crime. For example, it is necessary that the victims of a burglary file a supporting deposition stating that their house was broken into without permission on a particular date and time and include a summary of what was taken. It would also be necessary to file a separate deposition to establish who committed the burglary and how the deponent knew who did it, such as from a witness who saw the juvenile break into the home or from the deputy or investigator taking a confession by the juvenile.

VI. Fingerprints & Photographs

* A. The Family Court Act section 306.1 specifies that, following the arrest of a juvenile alleged to be a Juvenile Delinquent, arresting Deputies **must** fingerprint:

1. Juveniles 13 to 15 years of age charged with any felony offense (Class A, B, C, D, or E), and

2. Juveniles 11 to 12 years of age charged with a Class A or B felony offense.

B. When a juvenile is charged at arrest as a Juvenile Offender (JO), personal identifier and arrest information must be recorded on both adult and juvenile fingerprint cards (DCJS-2 and DCJS-s JD, respectively) and on the FBI fingerprint card.

C. Fingerprinting will be conducted prior to the release of a juvenile on an appearance ticket or prior to detention at a detention facility.

D. Arresting Deputies or Investigators will process a juvenile for fingerprints and photographs only in agency approved and designated booking areas (MoRIS).

E. The arresting staff member will ensure that during fingerprinting and photographing, the juvenile does not come into contact with arrested adults or adult suspects.

F. Upon completion of processing, the arresting staff member will forward the photograph, fingerprints, and juvenile package to his/her immediate Supervisor for review. Upon review, the package will be forwarded to the Zone CIS Sergeant who will provide a secondary review and forward it to the HQ CIS Clerk for security, retention and distribution as per agency regulations and the NYS Family Court Act.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

* Indicates changes from the previous order

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 3, 2010	EFFECTIVE DATE February 4, 2010	NO. 09-P-06
SUBJECT: Problem Orientated Policing		DISTRIBUTION	AMENDS
REFERENCE:			RESCINDS

Effectively immediately, PBGO 09-P-06, "Problem Orientated Policing", is rescinded and should no longer be utilized.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE May 31, 2011	EFFECTIVE DATE June 1, 2011	NO. 10-11
Subject: General Order **Airport Security Unit**		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS 10-P-04

Purpose: To familiarize employees regarding policy and procedure governing security at the Greater Rochester International Airport (GRIA).

Policy: The Airport Security Unit (A.S.U.) shall maintain security of the GRIA terminal, buildings and grounds as required under the provisions of the Transportation Safety Administration (TSA) regulations, Federal Aviation Administration (FAA) regulations and directives, Monroe County Airport Law, New York State laws and the City of Rochester Municipal Code.

I. Organization

A. The Sheriff shall maintain overall responsibility for achieving the objectives of this security program by agreement with the Director of Aviation. A.S.U. will fall under the direct command of the Zone C Commanding Officer, with overall command by the Major of Operations.

B. A.S.U. shall maintain three supervisors: second platoon, third platoon and a swing shift sergeant. First platoon supervision shall be provided by Zone C supervisors. When an assigned supervisor is not available, the Zone C supervisor shall be notified and assumes supervisory responsibilities as required.

C. A.S.U. deputies shall be accountable to their shift supervisor or other designated police supervisory personnel as appropriate.

II. Administration

A. The Sheriff's Office area located within the terminal building of the GRIA will be utilized as the operations office for the A.S.U.

B. All police reports and records will be maintained through established procedures of the Monroe County Sheriff's Office.

C. A case tracking logbook will be maintained at the A.S.U. A.S.U. Sergeants will track all investigations assigned to their personnel. **Managing Criminal Investigations (PBGO-15).**

D. Crime reports necessitating follow-up by an Investigator will be forwarded to Zone C for assignment by the Zone CIS Sergeant.

III. Personnel and Assignments

A.S.U. will be comprised of both full-time and part-time deputies.

1. Full-time deputies shall be assigned to the security checkpoint and maintain security of screening points and sterile corridors as outlined in the aviation security manual.

2. First platoon part-time deputies shall be assigned to GRIA buildings and properties.

   NOTE: During the first platoon, one (1) part-time deputy shall remain in the main airport terminal at all times. In the event the other part-time deputy requires assistance while conducting perimeter inspection, he/she shall request that assistance from the road patrol through the ECD Dispatcher.

   In addition, second and third platoon part-time deputies shall be assigned to traffic control and pedestrian safety of GRIA roadways and grounds.

IV. Equipment

A. Communications - A.S.U. deputies shall be provided with two-way portable radios capable of communicating on assigned police channels, as well as channels allotted to the Airport Rescue and Fire Fighting Division (A.R.F.F.). Communications shall be maintained with air traffic controllers prior to and during any activity on or near the airfield in compliance with Federal Aviation Regulations (FARS).

   NOTE: No deputy shall, under any circumstances, operate a vehicle on any runway or taxiway unless he/she has received the appropriate FAA vehicles operations training, has established two-way radio communications with the FAA Ground Traffic Controller or is escorted by an official of GRIA which has established the appropriate communications.

B. Vehicle - marked Sheriff's vehicles will be assigned to A.S.U. for utilization by traffic and security patrols. The assigned vehicles will be equipped with two-way radio communications enabling personnel to communicate on all GRIA channels as well as police frequencies.

V. Duties and Responsibilities

A. Sergeants shall:

1. Prepare and maintain administrative reports including personnel schedules, personnel files, payroll, case tracking log and monthly statistical reports as required.

2. Supervise all A.S.U. deputies during their specific tour of duty and be held accountable for the appearance, conduct, discipline and efficiency of all personnel under their command.

3. Conduct roll calls, read and distribute orders, directives and other necessary communications. They shall make assignments to the necessary posts, give proper instruction when needed, provide proper relief of assigned personnel, inspect for proper attire, appearance and equipment, record all absences, make necessary contacts to secure replacement personnel when required to

cover specific assignments.

4. Establish and maintain communication with GRIA management and TSA personnel to ensure that security objectives are met.

5. Be responsible for the cleanliness and maintenance of the station facilities and the equipment assigned thereto.

6. Conduct monthly inspections to ensure that personnel are performing their assigned duties and following prescribed procedures.

7. Respond during their tour of duty to all emergency situations arising at the GRIA and make notification to command personnel in accordance with prescribed procedures.

8. Promptly notify the Zone C Commander, or when absent the duty lieutenant, of all matters of importance.

9. Ensure that all deputies assigned to A.S.U. receive training in airfield vehicle operations within thirty (30) days of their assignment to A.S.U. Training will be conducted in cooperation with G.R.I.A. Operations Supervisors.

10. Carry out any other orders as directed by a superior officer.

B. All deputies shall:

1. Perform all duties in an alert, courteous and professional manner.

2. Carry out all orders and directives of superior officers.

3. Report promptly for duty assignments in proper uniform, ensuring a neat and clean appearance.

4. Protect all persons utilizing the GRIA facilities and airport property.

5. Prevent crimes, offenses and traffic violations on GRIA property.

6. Comply with all laws, as well as agency Rules and Regulations and the Monroe County Airport Law, FAA/TSA regulations and directives.

7. Monitor vehicle passes, visitor passes, GRIA identification cards and restricted parking permits.

8. Patrol and conduct security inspections of perimeter fence lines. Ensure that all gates and locks are secure and operational. First platoon part-time deputies will conduct perimeter checks during their tour of duty. One first platoon deputy shall remain inside the main airport terminal while perimeter checks are conducted. The frequency of perimeter checks may be increased when any credible non-specific threat is identified.

9. Control, direct and monitor vehicular traffic (including taxicabs) in front of the terminal building, ticketing and when necessary, towing vehicles of flagrant violators. One part-time deputy shall be in this area at all times during the hours of 0600 - 2200 for terminal road traffic and pedestrian control.

10. Be constantly alert regarding criminal activity, potential security problems and any other general breaches of security.

11. Promptly respond to any GRIA emergency as directed.

12. Conduct inspections for violations of the Monroe County Airport Law.

13. Secure and log any found or turned-in property in the A.S.U. office property storage room.

* 14. Is familiar with GRIA specific procedures regarding JTTF, Vice, ETD Response and the National Terrorism Advisory System (NTAS) responsibilities. These procedures will be outlined in the ASU standard Operating Procedure Manual and Security Directives issued by the TSA.

C. Full-time deputies shall (in addition to the above):

* 1. Remain at their Post at the security checkpoint checking the passenger screening points as required.

2. Respond promptly to door and gate alarms and determine if the alarm was accidental or a breach of security.

3. Monitor the activities of those agents involved in the actual screening of passengers and luggage. They may also assist those agents in the event of an imminently dangerous situation or in the event that an interpretation of the law is requested.

VI. Suspected Drug/Illicit Activity

The Greater Rochester Area Narcotics Enforcement Team (GRANET) and the Zone-C Captain (second platoon), or the duty lieutenant (first and/or third platoon) shall be immediately notified of any seizure of suspected drugs or cash.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* **Indicates changes or deletions from previous order.**

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
POLICE BUREAU	October 30, 2008	November 5, 2008	12-P-08
SUBJECT: DWI PROCEDURES		DISTRIBUTION Police Bureau	AMENDS
REFERENCE: CALEA 1.2.5, 61.1.5, 61.1.5, 61.1.11, 61.2.1, 82.2.1, 82.2.2 NYSLEAP 47.5, 47.7, 50.2			RESCINDS PBGO 12-P-02

Purpose: To familiarize members regarding the policy and procedures of the Monroe County Sheriff's Office relative to the enforcement of the New York State Vehicle & Traffic Law pertaining to Article 31, Sections 1192,1193,1193-A, 1194 and 1195, in order to ensure uniformity of procedure when effecting an arrest and processing an intoxicated driver.

Policy: Members of the Sheriff's Office shall utilize either breath or blood tests when attempting to determine alcohol content, and blood tests when attempting to determine drug usage of impaired or intoxicated drivers. Additionally, trained and certified Drug Recognition Experts (DRE) may obtain urine samples as outlined in Section IV.

I. General Procedures

Members shall adhere to the following procedures whenever an arrest is affected for a violation of Section 1192 of the New York State Vehicle and Traffic Law:

1. Notify the dispatcher of the location of the vehicle stop.
2. Advise the defendant that they are being arrested for a violation of Section 1192(1), 1192(3), 1192(4) or 1192 (4a). (Whichever is applicable).
3. Handcuff and search the defendant in accordance with department policy whenever the defendant is taken into physical custody (MBGO #5).
4. Ask the defendant to submit to a chemical test. (Example: "Will you submit to a test of your breath/blood?").
5. Keep the defendant under close observation to ensure that nothing is placed in their mouth for a period of at least 20 minutes after being placed in custody and prior to the administration of a chemical test.

Note: In cases involving a hospitalized defendant, a blood test shall be requested immediately, or as soon as possible, prior to any medication being administered.

6. Remove the defendant's vehicle from scene, either by notification of a family member or friend or by towing the vehicle in accordance with department policy (PBGO #6).

7. Complete the Supporting Deposition for Section 1192 of the Vehicle and Traffic Law.

8. Determine which type of chemical test is to be used (breath or blood) and follow procedures as set forth in Sections II or III of this order. Unless otherwise indicated in this order a test(s) must be administered within two (2) hours of the time of arrest. The two-hour time limit begins upon a positive indication from a preliminary breath testing device.

9. If the defendant requests to speak to an attorney prior to the administration of a chemical test, they will be permitted to do so providing:

   a. Such request is made within a reasonable amount of time based on deputy's discretion and totality of the circumstances, and does not conflict with the statutory two (2) hour limit. (Failure of the defendant to make contact with an attorney does not relieve the defendant of their responsibility to submit to a chemical test. The defendant's refusal to submit to a chemical test because of their failure to contact an attorney shall be deemed a failure to submit to a chemical test.)

   b. If the defendant does make contact with an attorney, the arresting deputy shall record the attorney's name and time of call on the Prisoner Data Report (PDR). (Deputies must ensure that they do not listen to the conversation between defendant and attorney, but must keep the defendant under close observation to comply with the 20 minute rule.)

II. Breath Test Procedures

A. Breath samples shall be collected within the two (2) hour limit and shall be analyzed with instruments meeting the criteria set forth in Section 59.4 and 59.5 of Chapter 897 of the Laws of the State of New York and promulgated in Part 59 of the administrative rules and regulations Sub-Chapter D of Chapter 2, Title 10 (Health Law) of the official compilation of Codes, Rules and Regulations of the State of New York (NYCRR).

B. Breath test operators (BTO) shall be certified by the New York State Department of Health and shall possess a valid permit to conduct such tests.

C. Breath test operators will complete the appropriate supporting deposition for the instrument used to determine the defendants Blood Alcohol Concentration.

D. The Mobile Processing Center (MPC) Vans shall be used for breath tests whenever possible. If a MPC is not available, the arresting deputy shall transport the defendant to the nearest substation or other facility where a proper instrument and certified operator are available.

E. When affecting the arrest of an intoxicated driver, the arresting deputy will make an inquiry of the defendant as to the wearing of dentures.

1. If the answer is no, note in report.

2. If the answer is yes, the arresting deputy will advise the subject that dentures may hold residual alcohol, which if present could cause an erroneous blood alcohol reading.

3. The defendant will then be requested to remove the dentures prior to administering the breath test.

4. If and when the dentures are removed, the breath test operator will begin the 20 minute observation period (as defined in Section IA-5).

5. If the defendant refuses to remove the dentures after being advised of the possible effects on the test, but consents to take the breath test, the arresting deputy will:

   a. Instruct the defendant to rinse their mouth thoroughly with water.

   b. Commence the 20 minute observation period.

   c. Administer the test.

   Note: Failure of the defendant to remove dentures pursuant to such request does not establish grounds for a refusal to submit to a chemical test.

III. Blood Test Procedures

A. The following situations will require the administration of a blood test:

1. The driver is hospitalized.

2. The driver is physically unable to submit to a breath test.

3. No breath test instrument or operator is available.

4. In cases where an arrest is effected charging a violation of 1192-4 or 1192(4a) (drug impairment).

5. When a DRE (Drug Recognition Expert) is not available.

   Note: Sufficient probable cause to effect an arrest for any subdivision of section 1192 of the Vehicle and Traffic Law must exist and the driver is placed under arrest for said sub-division before blood may be drawn for analysis.

B. Blood samples should be requested and verbal consent obtained within the two-hour time limit. In the event the driver is unconscious and probable cause exist that the driver is in violation of any sub-division of section 1192, the blood sample must be collected within the two-hour time frame. The blood should be collected by a physician, registered professional nurse or laboratory technician as classified by the Civil Service Commission or as registered by the American Association of Medical Technologists, under the personal supervision and direction of a physician.

Note: The procedure outlined above should only be used in situations where only the driver has suffered a serious physical injury. If the driver dies, the Medical Examiner's Office shall perform a test for alcohol and/or drugs as part of their examination. Any indications of drug and/or alcohol as a factor in the accident should be relayed to the Medical Examiner's Office.

C. The arresting deputy, prior to withdrawal of the blood sample, will inform hospital personnel that the defendant is under arrest and request that the proper personnel withdraw the sample of blood from the driver for chemical analysis. The arresting deputy must then witness the withdrawal of blood.

D. Hospital personnel will only take a blood sample at the direction of a member if the driver grants permission by signing a release. If the driver is unable to give permission (e.g., unconscious), the arresting deputy may direct the hospital staff to withdraw the blood because the driver is under arrest for DWI. If the driver is able to sign a release but refuses, it shall be deemed as a failure to submit to a chemical test and documented according to Section VI of this order.

E. If the driver has been involved in an MVA involving a fatality or serious physical injury to someone other than themselves the following points should apply.

1. If the driver exhibits indications of being impaired or intoxicated, the on call DWI Bureau Assistant District Attorney is to be contacted.

2. If the driver is conscious proceed with the drawing of the blood

3. If the driver is uncooperative and/or refuses the drawing of the blood the member's supervisor should be contacted. The supervisor will then contact the on-call DWI Bureau Assistant District Attorney who will then assist by obtaining a court order to have the blood drawn, by force if necessary.

4. If the driver is unconscious and probable cause exist that the driver is in violation of any sub-division of section 1192, the member will notify his/her supervisor who will contact the DWI Bureau Chief on call Assistant District Attorney to obtain a blood sample relying on the Implied Consent doctrine.

Note: The drawing of blood is not optional in these circumstances. In order to obtain a valid court order it must be shown that the test was offered and the driver repeatedly refused.

F. Hospitals in Monroe County have agreed to:

1. Use a substance which does not contain alcohol to sterilize the skin in the area from which the blood sample is drawn.

2. Withdraw two (2) tubes of blood.

3. Utilize gray tubes as requested by the Monroe County Medical Examiners Office.

4. Seal the tubes with a strip of adhesive tape. The person who withdraws the blood will initial the tape.

5. The arresting deputy must record the defendant's name, date and time sample was taken and sign their initials on the same strip of tape.

6. The arresting deputy will also record the name, title of drawer and time the blood was drawn and then incorporate this information in the arrest reports.

G. After the blood sample has been obtained, the arresting deputy will:

1. Complete a Property Custody Report (PCR) indicating the reason for the sample (DWI arrest) and further indicating whether the sample is to be analyzed for alcohol or drug content or both. A Property Tag will also be completed and properly attached to such evidence.

Note: If a particular type of drug is suspected, such drug type shall be indicated.

2. The arresting deputy will transport the blood sample directly to Property Clerk's Office during normal business hours, and:

a. Complete the Evidence Intake Form.

b. Sign the Evidence Log Book.

c. Place the blood sample in the evidence refrigerator, along with the PCR, property tag and Evidence Intake Form.

Note: During non-business hours, Deputies shall log blood sample into the Evidence Log Book and secure the sample in the refrigerator, along with the PCR, property tag and Evidence Intake Form, in the evidence locker storage area.

* **IV. Urine Test Procedures**

Note: Only deputies trained and certified as Drug Recognition Experts (DRE) shall conduct Drug Influence Evaluations and obtain urine samples. All other V&T 1192-4 arrests shall be handled in accordance with Section III above or by requesting the services of a DRE.

A. The following situations will require the administration of a urine test:

1. The defendant is under arrest for a violation of V&T 1192-3 and after being processed by a breath test or blood test, there is a reasonable suspicion that the defendant is impaired by a substance other than alcohol.

2. The defendant was arrested by a DRE trained deputy for a violation of V&T 1192-4.

3. The defendant was arrested for a violation of Penal Law 240.40, "Appearance in public under the influence of a narcotic or drug other than alcohol."

B. The DRE will conduct an evaluation in accordance with DRE protocol. This evaluation will be conducted in an area which meets specified DRE standards.

1. The evaluation will be performed by a minimum of two deputies. One of the members will be a certified DRE who will conduct the evaluation. The other deputy will be a Safety Officer. This will usually be the original arresting officer.

a. The function of the Safety Officer is crucial due to the proximity of the

DRE to the defendant for the proper evaluation. There is also an increased possibility of hostility by a defendant who is under the influence of certain types of drugs.

2. The DRE shall complete the "Drug Influence Evaluation" and "Drug Influence Evaluation Addendum" forms, which will document the evaluation. The DRE will then forward these completed forms to the arresting deputy/officer who will include these forms in his/her completed arrest package.

3. The DRE will utilize departmentally supplied "urine sample kits". The sample will be given in the presence of the DRE or another law enforcement officer who is the same sex as the defendant. If the sample was witnessed by a deputy other than the DRE, that deputy shall immediately turn the sample over to the DRE and note it in his/her DWI report or an Investigative Action Report.

   a. The DRE will seal the sample.

   b. The DRE will complete a PCR and as soon as practical, transport the sample to the Property Clerk, or if after hours, to the Records Unit Evidence refrigerator and complete the Evidence Intake Form.

   c. The DRE will prepare an Evidence Transmittal Form, which shall specify the drug, or substance suspected and forwards a copy to the Medical Examiner's Office.

4. The DRE will give an opinion as to whether the defendant is "Under the Influence of a Drug." If he feels that the defendant is under the influence of a drug, he will issue a uniform traffic ticket for a violation of V&T 1192-4 and prepare a Supporting Deposition as part of the arrest report.

5. Refusals of this process will be dealt with per Section VI below, whether or not the defendant submitted to a Breath Test.

* **V. Property Clerk**

Property Clerk personnel will:

1. Remove all samples from refrigerator, log samples into evidence book and re-secure samples in Property Room refrigerator.

2. Assign a lot number.

3. After analysis by the Medical Examiner's Office, pick up the sample and return it to the Property Clerk's Office where it will be stored for a period of ten years.

Note: If a defendant requests an independent chemical test, such defendant will be permitted to do so. All arrangements and expenses for such test are the responsibility of the defendant. (This independent test will only be conducted after the law enforcement agency test has been completed.)

* **VI. Refusals**

If a defendant refuses to submit to a chemical test, the arresting deputy will:

1. Read the "DWI Warning" to the defendant exactly as worded on the Report of Refusal to Submit to a Chemical Test (PB #10). This must be done no less

than two (2) separate times in the presence of a witness.

2. Record the defendant's exact response to the warning on the refusal form.

3. Complete remaining portion of the refusal form.

4. Include the refusal form with the Uniform Traffic Ticket(s) and forwarded to the court of jurisdiction via normal department procedure.

   Note: The arresting deputy will be required to bring Suspension-Notice of Hearing and a copy of PB #10 to a scheduled hearing at the Department of Motor Vehicles (DMV). (These documents will be sent to the arresting deputy prior to the hearing.)

5. Refusal does not in and of itself constitute grounds for immediate arraignment. (Immediate arraignment is at the discretion of the deputy and/or judge of jurisdiction.)

VII. Arrest Packages

A. An arrest package (case folder) will be initiated in all cases where an arrest is effected charging DWI or DWAI.

B. Upon completion of the chemical test, the arresting deputy will, if possible, interview the defendant in order to gather information in support of the arrest charge. The arresting deputy will structure their interview around the Supporting Deposition for Section 1192. Miranda warnings must be given prior to the interview and the time and date of such warning will be recorded on the reverse side of the Supporting Deposition for Section 1192.

C. The basic DWI/DWAI arrest package will contain:

1. The Supporting Deposition for Section 1192 (alcohol influence data).
2. The Breath Test Administration Supporting Deposition.
3. Uniform Traffic Ticket(s).
4. Prisoner Data Report
5. Fingerprint Appointment Slip.

D. Additional forms or reports will be included when applicable:

1. MVA report (DMV-104A).
2. Tow Card.
3. Felony complaint.
4. Addendum Report.
5. Property Custody Report.
6. Report of Refusal to Submit to a Chemical Test.
7. Supporting Depositions.

8. Investigative Action Reports.

9. DRE Forms.

* **VIII. Central Records Responsibilities**

Central Records personnel receiving a DWI package will send a teletype to the DMV requesting data relating to prior convictions of the defendant for 1192-1, 1192-2, 1192-3 or 1192-4.

1. If a teletype response indicates a prior conviction of the defendant within the past 10 years, Central Records personnel will forward a request for a Certified Copy of Conviction to the DMV. All requests and replies will be made a part of the arrest package.

2. Upon receiving a notice of prior conviction within the past 10 years, the arresting deputy will be notified by Central Records of such prior convictions and will be advised to prepare and submit a Felony Complaint against the defendant.

3. Any other documents forwarded to Central Records that may pertain to a DWI arrest will be made a part of the arrest package (e.g., blood test reports, depositions, delayed accident reports, etc.).

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates additions or deletions from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE September 12, 2006	EFFECTIVE DATE September 15, 2006	NO. 13-P-06
SUBJECT: GENERAL ORDER Patrol Procedures		Distribution Police Bureau Personnel	Amends
REFERENCE: CALEA 41.2.1, 41.2.3, 41.2.4, 61.1.7, 61.1.8, 61.1.13, 61.3.3, 61.4.2			RESCINDS PBGO 13-P-99

Purpose: To familiarize members regarding the conduct and procedures of deputies assigned to patrol duties.

Policy: Patrol deputies shall utilize patrol techniques designed to prevent and deter crime, arrest violators and assist the public.

I. Assignment

A. Patrol deputies are assigned to specific districts on a daily basis and are required to be aware of the boundaries of their district. Deputies shall not leave their geographic areas of assignment unless:

1. On assignment from the dispatcher
2. Authorized by a supervisor
3. In close pursuit of a violator
4. Completing their tour of duty
5. An incident is reported to them requiring immediate police action that he/she is capable of rendering.

B. Patrol deputies shall familiarize themselves with residential areas, places of business and industries or amusement areas within their assigned area. They shall ascertain hours of operation, being aware of areas of congestion, hazards, dangerous conditions and areas of frequent motor vehicle accidents.

II. Methods:

A. Methods of patrol should not become a matter of routine. Periodic changes in patrolling procedure are encouraged. The following techniques should be utilized:

1. Vary routes to and from assigned patrol area
2. Alternate break and lunch periods
3. Avoid habit forming patterns

B. With patrols operating continuously and often during times of adverse weather conditions, the operation of patrol vehicles shall be in accordance with prevailing conditions and in the following manner:

1. At casual speeds, being observant and inquisitive

2. Periodic stops in order to observe conditions and traffic flow

3. Deputies shall patrol residential areas at a slow rate of speed whenever possible. Presence of patrol units in these areas will potentially:

   a. Create good community relations

   b. Create a sense of security to residents

   c. Prevent crimes

   d. Develop valuable sources of information

C. Deputies shall initiate contact and communications with town and village officials, emergency services providers and local proprietors in order to ensure positive interaction with the community.

D. The surveillance of industrial, commercial and residential properties is a significant part of the patrol function. Efforts should be made to check these areas during each tour of duty. ("Check" shall mean a physical examination of doors, windows, etc. during non-business hours, not just a visual observation with the use of a spotlight or a flashlight.)

E. When a building is found to be unsecured, the deputy will not enter the building alone, and the following procedure shall be followed:

1. Evaluate the situation

2. Notify dispatcher

3. Request assistance

4. Check interior of building (utilizing K-9 when available)

5. If deputies are unable to secure the premises, all attempts should be made to notify an owner or manager.

6. A Standardized Incident Report shall be submitted by the deputy and should include the date, time, deputies involved, and disposition in accordance with the directives set forth in PBGO #21.

F. Deputies shall be mindful of and immediately report to the dispatcher:

1. Traffic control devices that are not operating properly

2. Traffic control signs that are down, missing, or damaged

3. Railroad gates or signals that are damaged or not operating

4. Dangerous holes or ruts in roadways

5. Electrical or communications wires that are down

6. Water leaks or breaks

7. Construction sites that are not properly barricaded or illuminated

8. Other dangerous or hazardous conditions

Note: The deputy shall standby until the hazard is removed or sufficient warning devices are in place. In addition to reporting, the deputy will submit the proper report for referral to the appropriate agency whenever a follow-up is necessary.

G. Patrol deputies are responsible for enforcing parking regulations pursuant to the New York State Vehicle & Traffic Law and local ordinances. During morning and afternoon peak traffic hours, special attention will be given to illegally parked cars which constitute an obstruction on roadways, and non-directed patrol time will include attention to parking enforcement in plazas and villages.

III. Procedures - Conduct:

A. Patrol deputies will perform their duties in a professional, courteous, polite and efficient manner.

B. Passengers (i.e., stranded motorists) will not be transported in patrol units without the express permission of a supervisor. Observers (i.e., members of the media or students) will only be permitted to ride in patrol units in accordance with the directives set forth in MBGO #77.

C. Patrol units shall not congregate or call for meetings unless absolutely necessary. If necessary, meetings shall be arranged as close to patrol boundaries as possible and be as brief as possible.

* D. There shall be no more than two uniformed deputies in a restaurant or diner at one time, except when there are more than two deputies assigned to a marked unit, or where a commander or supervisor(s) may meet with a unit.

E. Patrol units shall not respond to calls without first notifying the dispatcher. Should a unit require additional assistance, including fire or E.M.S., it shall be requested through the dispatcher.

F. When a deputy is assigned to assist another unit at an incident and additional assistance is no longer required, the assisting unit shall promptly notify the dispatcher and resume patrol.

G. Deputies shall request the presence of a supervisor in all investigations where death has occurred or is likely, or where a major crime has been committed. They shall also expeditiously request any and all services required (i.e., Medical Examiner, technicians, etc.).

H. Upon completion of assignments, deputies will immediately call back into service. (This shall not be construed to mean that an assignment is completed only after all reports are prepared).

I. All reports shall be written, typed, or printed legibly in black ink and shall be submitted prior to departing from duty. However, overtime for report writing should only be used in exigent situations that require immediate attention and cannot be deferred until the next tour of duty.

J. Deputies assigned to a special detail shall not leave that assignment until properly relieved or upon instruction from competent authority.

K. Use of the siren and/or emergency lighting equipment (Code 77) when not warranted is forbidden. Good judgment and common sense shall be employed in the use of emergency equipment.

L. All deputies are required to provide their name and IBM number to any person when requested.

M. The following guidelines relate to vehicle escorts:

1. Local ambulances, fire equipment, or other emergency equipment that are equipped with their own emergency warning devices shall not be escorted.

2. Ambulances and/or emergency vehicles from distant locales, not familiar with local hospital locations or other emergency services may be escorted with the approval of a supervisor.

3. Other emergency or utility equipment such as cranes, utility vehicles, etc. may be escorted only upon the approval of a supervisor and ensuring that proper permits have been obtained. The commercial vehicle inspection deputies or the TEU shall review all escort permits.

4. When escorting vehicles hauling excessively large or long loads the following procedure is required:

   a. A request for a vehicle escort must be sent to the Sheriff's Office. The request is referred to the Operations Lieutenant.

   b. The Operations Lieutenant will fax a Vehicle Escort Request Form (PB-189) to the transportation company. This document states our fee schedule, includes a space for the company to enter routing and contact person information, obligates them to pay, requests copies of permits, and has space for the deputy to record data about the escort. The Operations Lieutenant will ensure that the responsible unit's fax number is checked off on the form.

   c. The transport company faxes the completed form and permits back to the Operation's Lieutenant for approval.

   d. If approved, the deputy provides the escort service and completes the bottom section of the form. (Enter the starting and ending mileage, starting and ending time, deputy name and IBM number, and any comments such as "one additional car for 1 hour.") The completed form is forwarded to the Budget & Personnel Office through the Operations Lieutenant.

      i. The Sheriff's Office will determine the number of escort vehicles necessary to conduct a safe escort.

      ii. Prior to escorting a vehicle the reporting deputy will ensure that the transporting vehicle possesses the proper permit(s) and the vehicle is in a safe and legal condition.

   e. BPO will issue an invoice to the transport company based on the escort data and place the form in a suspense file to await payment.

   f. When payment is received, BPO will mark the account paid and deposit the check into the Police Fees revenue account. (No cash or check is handled by a deputy or driver.) BPO must follow up if payment is not made in a reasonable time.

5. Escorts of other vehicles may be authorized, when necessary, if approved by a supervisor. In medical emergencies, an ambulance should be summoned to the scene to transport the patient to a hospital unless the circumstances dictate that an immediate escort is imperative. In any event, approval for the escort must be obtained from a supervisor.

6. All hazardous material vehicles will be escorted by two marked police units, one immediately in front of the hazardous material vehicle and one directly to the rear. Escorting police units will at all times have their emergency lights in operation and will use extreme caution while en route to their destination. Hazardous material escorts will require authorization by a person holding the rank of Lieutenant or above.

7. The operator of an emergency vehicle is not relieved of the responsibility to drive with due regard for the safety of all persons, nor shall he/she be relieved of the consequences of reckless disregard for the safety of others. Extreme caution will be exercised during escorts. All available warning devices will be employed when necessary. Speed will be reduced when approaching intersections or traffic control devices. Approaches from all directions will be visually checked. The intersection or area will not be entered until clear and it is safe to proceed.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE March 21, 2006	EFFECTIVE DATE March 22, 2006	NO. 14-P-06
SUBJECT: GENERAL ORDER Accident Investigations		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 61.1.5, 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.2.5, 61.2.6, 82.2.1, 82.2.2, 82.3.5			RESCINDS PBGO 14-P-99

Purpose: To define policy regarding the investigation and reporting of motor vehicle accidents (MVAs).

Policy: Members will respond to and thoroughly investigate all reports of motor vehicle accidents. The extent of the investigation and report will depend upon the severity of the incident and other accompanying factors. Factors to consider will include whether death or injury occurred, the extent of the property damage, alcohol or drug involvement and evidence of criminal conduct. Patrol personnel are responsible for maintaining a supply of MVA reports while on duty.

I. Arrival at the Scene

Upon arrival at the scene, deputies will:

1. Protect the scene. This may be accomplished by patrol vehicle placement, use of flares or any other method that prevents further injuries or damage.
2. Care for the injured. Involvement should be limited to emergency first aid and patient comfort.
3. Summon necessary additional assistance through the dispatcher (e.g., fire/rescue equipment, medical assistance, additional police units, Haz Mat, utility companies, tow truck, etc.).
4. Establish a safe traffic pattern around the scene.
5. Maintain security of the scene until all necessary measurements, photographs and other investigatory processes have been completed.
6. Identify witnesses.
7. Clear the scene as expeditiously as possible.

II. Investigative Procedures

A. The deputy who is initially dispatched to the scene shall be responsible for completion of the investigation and report. In the absence of a supervisor, the deputy responsible for the investigation shall direct the activities of assisting deputies.

B. Statements shall be taken from drivers, passengers and witnesses as soon as possible. When statements cannot be obtained at the scene, the follow-up investigation will be promptly completed. When written statements are required, the deputy conducting the interview will prepare the written documents for the signatures of witnesses. Written statements will be taken on Supporting Depositions when criminal charges will be filed or a Statement of Fact form when no charges are filed.

C. Physical evidence should be carefully collected and documented, as in any criminal investigation.

D. Interviews and investigation should not be limited to the scene of the accident.

1. In some investigations, it will be necessary to establish the actions of one or both drivers for the time period preceding the accident.

2. The physical, mental or emotional state of the driver(s) may have relevance to the accident (e.g., heart attack and suicide attempts).

E. In serious accidents, and with the permission of a supervisor, a member who has been certified in Crash Management and/or Accident Scene Reconstruction may be summoned to the scene to assist in the investigation.

F. Photographs will be taken at all accidents involving death, serious injury, extensive property damage or those involving county-owned vehicles and property. Photographs may be taken at other accident scenes if the investigating deputy and/or supervisor deem it necessary.

G. When there is evidence that mechanical failure contributed to an accident involving death or serious injury, the vehicle will be towed to the appropriate tow agency's impounding area. A Special Report will be submitted through the appropriate Zone Captain to the Commander of Staff Services through the chain of command, requesting authorization for a member of the Sheriff's Fleet Maintenance staff to inspect the vehicle.

H. When there is damage to public property (e.g., guardrails, traffic control devices, and roadway surfaces) the dispatcher shall notify the appropriate agency upon notification by the investigating deputy.

III. Manually Written Reports

A. A New York State Department of Motor Vehicles (DMV) report form MV-104A will be utilized to document all motor vehicle accidents required by law to be investigated. The Vehicle and Traffic Law mandates a police investigation in cases involving death or injury. The report will be completed in accordance with the Police Accident Report Manual issued by the New York State Department of Transportation (DOT). Additional MV-104A forms will be required when the accident involves more than two vehicles, more than one pedestrian/bicyclist or more than eight vehicle occupants. The MV-104A may be used for accidents occurring on private property that is generally open to the public (e.g., shopping plazas, parking lots).

B. The Addendum Report shall be used to record the observations of the investigating deputy, synopses of witness statements and narrative comments when the space provided on the MV-104A is not sufficient.

C. The Standardized Incident Report (SIR) shall be used for property damage incidents occurring on private property not generally open to the public (e.g., residential driveways). The SIR may, at the discretion of the deputy, be used for situations that do not mandate use of the MV-104A (e.g., minor incidents that do not involve death or injury).

Note: In minor accidents that do not involve injuries, where no damage is apparent and with the agreement of the involved parties, the deputy need not complete a written report. In these cases, the deputy must advise the parties that there will be no report. (Deputies must still complete Driver's Exchange Slips in accordance with section F below.)

D. A Towed Vehicle Report shall be completed when a vehicle is towed from an accident scene by an authorized tow agency. The person or agency that tows the vehicle(s) is responsible for removing accident debris from the highway. Tow operators who fail to fulfill this responsibility will be reported to the zone commander.

E. A SIR and necessary court documents shall be completed when criminal charges will be filed as a result of an accident. A SIR is not required when the only criminal charge is DWI-related. Documentation may be noted on a DWI form.

F. Driver's Exchange Slips identifying pertinent data regarding each driver and owner shall be completed by investigating deputies at each accident investigation. Drivers may complete their own Driver's Exchange Slips at the direction of the deputy.

G When a DWI-related arrest is made as a result of an accident, reporting procedures in PBGO #12 shall be followed.

H. When an investigation provides probable cause to believe that a traffic infraction has been committed, the deputy shall cite the offender as appropriate.

I. Supplement Investigative Action Reports, as well as any other applicable report (e.g. MV-104A for changes) or diagrams, will be used when reporting additional information following the initial report.

J. When a deputy takes an accident victim's property into custody, a Property Custody Report shall be completed. Most personal property can be left in the vehicle. When an operator is unable to care for the property, any unusual or valuable items (e.g., significant sums of money, jewelry, firearms) left in the vehicle shall be taken by the deputy for safekeeping.

Note: The Vehicle and Traffic Law requires drivers to submit a report to the DMV regarding any accident which results in death, injury or property damage to a vehicle in excess of $1000.00. The police MV-104A report does not fulfill this requirement. Drivers should be advised that the necessary forms may be obtained from the DMV or from most insurance agents.

IV. Diagrams

A. Accident scene diagrams will be provided for every accident recorded on a MV-104A report.

B. In cases of minor two-car accidents, the appropriate preprinted diagram may be circled. If the accident does not involve a situation depicted by the preprinted diagrams, such as only one car, or three or more vehicles, a simple diagram indicating the position at impact shall be drawn in the appropriate box on the MV-104A.

C. Accidents involving death, serious injury or significant property damage requires a more extensive diagram, which shall be submitted as a supplemental document.

D. Accident diagrams shall be recorded as accurately as possible utilizing scale diagrams noting the final resting positions of the vehicle(s), physical measuring devices such as tape measured distances, and/or total station measuring devices that use triangulation to record distance, angle and elevations.

V. Special Situations

A. Deputies investigating fatal motor vehicle accidents or accidents involving serious injuries which may result in death will:

1. Request the immediate supervisor to respond to the scene, who will advise the dispatcher to notify the on-call Assistant District Attorney when deemed appropriate.

2. Summon the Medical Examiner when the victim is deceased at the scene. The Medical Examiner is responsible for the victim's property. Deputies will not search the victim's property for identification or other information.

3. Arrange for notifications of next of kin. Names of the deceased shall not be released to the media until such notifications have been made.

4. The New York State DMV requires documentation of the following information on the MV-104A for all fatal accidents (Fatal Accident Reporting System - FARS).

Note: The Police Report for Fatal Accidents (MV-104D) must also be completed for all fatal accidents and attached to the original MV-104A.

a. Posted speed limit

b. Roadway surface (e.g., concrete, blacktop)

c. Number of lanes on the roadway

d. Roadway type:

(1) One way

(2) Two-way, individual lanes

(3) Divided highway - median

(4) Divided highway - guide rail

(5) Divided highway - other barrier

e. Emergency medical services:

(1) Notification time

(2) Arrival time at scene

(3) Arrival time at hospital

f. Initial point of impact of the vehicles.

g. Name and address of all involved

h. Vehicle model (e.g., Mustang, Corvette)

i. Estimated speed of each vehicle

j. Temperature at time of MVA

k. Write "FATAL" across the top of the MV - 104A report.

5. Photographs and a detailed diagram will be completed for all fatal accidents. Whenever possible, a technician shall be summoned to the scene. When a technician is not available, the zone camera may be used for photographs.

B. Hit and run accidents involving serious physical injury or death must be reported to the CIS. CIS personnel will assist the patrol with the investigation (the use of zone or Major Crime Unit personnel to be determined by the captain assigned to CIS).

C. The Major Crime Unit will be responsible for the investigation of accidents involving serious assault or homicide with a motor vehicle.

D. Accidents involving certain trucks, tractor-trailers and buses will be investigated as any other motor vehicle accident. In addition to the MV-104A, a Truck and Bus Supplemental Police Accident Report (MV-104S) will be completed when appropriate.

E. Accidents involving a train will be investigated as any other motor vehicle accident. In addition to the MV-104A, a Train Accident Report will be completed by the investigating deputy.

F. Any accident involving a snowmobile and resulting in injuries, death or property damage over one hundred dollars ($100.00) requires the filing of a Police Snowmobile Accident Report. If a motor vehicle is involved and injuries or death occur, a MV-104A must also be prepared and a copy forwarded to the Sheriff's Special Services Group (SSG). In addition, the snowmobile operator must be provided with a Snowmobile Accident Report which he/she completes. The original and one copy are forwarded to the State of New York and one copy is forwarded to the Sheriff's SSG.

G. Accidents involving a vessel being operated on a waterway and resulting in injuries, death or property damage over one thousand dollars ($1000.00) must be reported on a Police Vessel Accident form (OPS 218). Any other boating accidents require that the operator of the boat complete a Boating Accident Report (form OPS 201), sending the original and one copy to the State and one copy to the Sheriff's SSG. A copy of the Police Vessel Accident form shall also be forwarded to the SSG.

1. When on duty, Marine Unit deputies will be responsible for conducting investigations of boating accidents. When no Marine Unit personnel are on duty, a patrol supervisor shall be responsible for completing the investigation.

2. In the event that a victim is believed to be under water, the SCUBA supervisor is to be immediately notified. Witnesses should be kept at the scene until interviewed by the SCUBA supervisor.

H. Accidents involving all-terrain vehicles (ATVs) will be reported on a MV-104A or SIR depending upon the location and severity of the accident.

I. School bus accidents involving a fatality or potential fatality must be reported to the National Response Center in Washington, D.C. as quickly as possible. The commanding officer responsible for the investigation will initiate such notification by calling (800) 424-8802 or (800) 424-8803. The center is manned twenty-four hours a day, seven days a week. The information required is contained on a Department of Transportation form which must be attached to the investigation report. A notation shall be made in the investigation report narrative as to who called the Response Center and the date and time of the call.

J. All accidents involving damage to an RG&E power pole should be so noted on the MV-104A. The letters "RG&E" shall be placed in the "Local Codes" box in the upper left-hand corner of the report. Deputies will notify the dispatcher of the pole number and location, and the dispatcher will immediately notify the RG&E.

K. Accidents involving a police vehicle require that the words "Police Involved" be written across the top of the MV-104A form. All accident investigations involving department vehicles will be guided by MBGO #32 (Patrol Vehicle Use).

Note: When an MV-104A report is prepared for an accident involving a department member operating a department vehicle, the agency address shall be entered as the driver's address. The Sheriff's vehicle will always be listed as vehicle number one and emergency operation shall be mentioned in the narrative portion of the report if the vehicle was in "Code 77" mode.

L. When an accident creates a risk of contamination from hazardous materials, a supervisor shall respond to the scene. The appropriate emergency agencies, including Haz Mat teams, shall be summoned to the scene. Sheriff's personnel shall work in conjunction with other emergency personnel to ensure the safety of the public.

M. Whenever a traffic engineering deficiency is suspected the reporting deputy shall notify the dispatcher of the problem and request that the Department of Transportation responsible for the particular roadway be advised of the problem. Long term or persistent traffic engineering deficiencies/problems will be reported to the zone commander for follow-up and resolution, and coordinated with the appropriate Department of Transportation entity.

VI. Incomplete Reports

Every effort shall be made to complete accident reports prior to the end of the shift. If for some reason this is not possible (e.g., drivers or witnesses unavailable for interview), a copy of the report shall be sent to the Records Unit for the "hold" file. The investigating deputy will be responsible for completing the report as soon as possible.

*VII. Traffic and Criminal Software Program (TraCS)

A. The goal of the TraCS program is to automate the issuance and printing of uniform traffic tickets and motor vehicle accident reports in police vehicles and to electronically transfer the ticket and accident data to and from the Department of Motor Vehicles (DMV), Department of Transportation (DOT) and the Office of Court Administration (OCA). In addition, TraCS will facilitate officer and motorist safety by:

1. Decreasing the time deputies and motorists spend parked along busy roadways, thus reducing the chance of accidents or injuries;

2. Greatly improving the accuracy of accident and violation data; and

3. Reducing the time deputies spend on paperwork, thus increasing availability for proactive patrol.

B. TraCS will be the preferred method for the generation of MVA reports and the issuance of traffic tickets. Handwritten MVA reports and UTT's should **ONLY** be performed when automated reporting is not feasible due to the absence or availability of TraCS equipment, a hardware or software malfunction or as a result of the circumstances/exceptions noted below.

C. Prior to utilizing TraCS, members will be trained by a certified TraCS instructor who will ensure the deputy has a working knowledge of the system as well as the ability to perform simple troubleshooting. Every deputy is responsible to retain their issued TraCS manual for reference when utilizing TraCS.

D. At the beginning of each shift, members will perform the "start-shift" procedure on a TraCS designated PC with their personally issued USB hard drive or "thumb drive." This will allow for DMV and software updates to occur.

E. Members will transfer their USB drive to their assigned in-vehicle computer via the USB cable and log-in to TraCS in preparation for their tour of duty.

F. At the end of each shift members will need to follow the procedures as outlined in training to remove the USB hard drive from the in-vehicle computer. Failure to follow the proper procedure could result in the loss of data.

Note: USB storage devices can only be removed after a "safe removal operation" by stopping the device first. Otherwise, damage may occur and/or data may become corrupted.

G. All MVA's will be captured via TraCS except in the following situations:

1. Agency Involved Incidents/Accidents
2. Fatal Accidents
3. Serious physical injury accidents

H. Driver Exchange Forms will be prepared, printed and issued to the driver(s) of each MVA. In an effort to expedite the removal of vehicles from the roadway, deputies will make it a priority to gain the necessary information from all drivers and passengers involved in the MVA and complete the final report at an off-road/off site location.

I. Upon completing electronic reporting, the MVA shall be validated. If there is a need to delete the accident report, the reason must be indicated.

J. At the end of each shift, an "end-shift" will be performed on the in-vehicle computer and the TraCS fixed PC to transfer all MVAs into the database. Once an MVA is placed into the database, a supervisor will be required to review it.

K. Supervisors will review every MVA to either Accept or Reject the report. When rejected, the supervisor will note the reason it is being rejected. The deputy will see the updated status as rejected and will revise the report accordingly and re-validate for Supervisory review until the report is accepted.

L. MVA's that are not approved by a supervisor or require an "on-hold" status will be printed out by the reporting deputy, marked with a highlighter and sent to Central Records for placement in the Hold File. It is the responsibility of the deputy to ensure on-hold reports are completed within **seven days**, unless approved by a supervisor for an extension.

1. On-hold MVA's will be saved in each deputy's TraCS respective account, supplemental added upon completion of the investigation and submitted to a supervisor for review.

2. Records Staff will check the Hold File weekly to ensure that MVA reports are submitted and reconciled with the TraCS MVA database to ensure electronic submission of final report.

M. TraCS Uniform Traffic Tickets (UTTs) will be issued for all violations, misdemeanors or felonies permitted by the V&T Law, CPL Law and current TraCS procedures.

1. Supporting Depositions will be provided at the time of the issuance of the traffic summons for all moving violations except for:

   a. DWI/DWAI

   b. AUO 2nd and 1st Degree

   c. Felony Arrests

   Note: For DWI arrests, deputies are required to attach paper copies of the UTT's and MVA reports (when applicable) for the Records arrest package.

2. In instances where a driver's license or other form of identification is presented, deputies will include a scan of the identification as an attachment to the issued UTT. In instances where identification is not available or provided, the scanner may be utilized to photograph the driver. Photos captured for purposes of identification should only be used for testimony purposes relating to the traffic arrest.

3. Once a ticket is printed, the ticket information will change from validated status to issued status and cannot be deleted by the deputy. In cases where printing the UTT fails, a paper ticket should be completed and the electronic ticket deleted by the deputy or voided by a supervisor.

4. In the event a ticket requires consideration for void, a supervisor must approve citing one of the following reasons:

   a. Testing/Training.

   b. Initial Violation did not Occur.

   c. Violation Corrected On Site.

   d. Verbal Warning Issued in Lieu of Summons.

   e. Hardware failure.

5. Once a UTT is changed from issued status to transmitted status (sent to the server), a void cannot be performed by a supervisor.

N. Deputies must check their contact forms in Manager each workday to determine if there are any outstanding MVA's or UTT's that require revision, correction or attention. Supervisors are also accountable to review their subordinate's TraCS manager on a daily basis to review, accept or reject submitted reports and/or UTT voids.

O. TraCS system administrators will be charged with auditing UTT voids and sending a report to the appropriate Zone Commander or Special Operations Lieutenant. The appropriate command officer shall determine if there exists any pattern of voided tickets.

***VIII. TraCS Hardware/Software Issues**

A. In the event that a TraCS problem is noted, members will report the matter by completing a TraCS Triage and Deficiency Report. After completing the report, the user will place the form in a designated mailbox at each location. The Zone Administrators will review all completed forms and triage the problem before it is sent via the chain of command to the Major of Operations. The Major of Operations will forward a copy of the completed form to Staff Services for further resolution if necessary.

B. USB devices will only be utilized for TraCS and work related purposes. No other data shall be stored or saved to the USB driver.

***IX. Records Unit**

A. In cases where a UTT is issued with an incorrect court date either the court itself or the Sheriff's Office Traffic Violations Unit will ensure the proper court date is provided to the violator.

B. In cases where fatal MVA's are completed, the reports will be provided to the Records Unit upon approval by a supervisor. Police related MVA's shall be forwarded to Staff Services through the chain of command. These types of reports and investigations will not be scanned into the Digital Repository System.

C. For completed MVA reports that cannot be completed via TraCS, the hard-copy of the report will be scanned into the DRS by Records personnel.

D. For TraCS system MVA's, the DRS administrator will be responsible for the daily upload of the XML file(s) to the Xerox DRS for proper accessibility on the DRS.

E. The Records Unit clerks assigned to the 3rd Platoon will print out the MVA's from the previous day and store the paper copy of the MVA in the appropriate file as per New York State SARA guidelines. Reconciliation of the TraCS information and the DRS information should be performed daily by the Records Staff to ensure consistency and the prevention of lost data.

Note: The Traffic Violations Unit will print out each UTT and supporting deposition generated via TraCS and send to the appropriate Court in preparation for the court docket, unless a court has specifically requested that no copy be sent to them, since many courts only receive an electronic download of data from the Office of Court Administration if their software permits.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE March 28, 2005	EFFECTIVE DATE March 29, 2005	NO. 15-P-05
SUBJECT: GENERAL ORDER Managing Criminal Investigations		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 12.1.4, 15.1.1, 42.1.3, 82.2.4, 82.3.5			RESCINDS 15-P-99

Purpose: To familiarize members regarding policy and procedure relating to the Managing Criminal Investigations (MCI) process at the zone level.

Policy: The Sheriff's Office will coordinate information, analyze crimes and patterns of criminal activity and efficiently manage criminal investigations for the purpose of reducing criminal activity.

I. Zone Personnel

A. Zone Captains shall:

1. Maintain operational control and managerial supervision over all criminal cases, excluding those cases that are referred to the Criminal Investigation Section (CIS).

2. Establish priorities to monitor criminal cases or incidents while providing input in order to enhance the MCI process. This will include, but not be limited to the analysis of crime data from field investigations, arrests, trends or identified crime patterns.

3. When appropriate, respond to major crimes and incidents in their area of responsibility, to ensure that the proper notifications and prescribed procedures are followed.

4. Assume responsibility for media relations regarding zone cases. This requirement shall not circumvent the responsibilities of the Public Information Officer, but will serve to create a professional relationship with media members.

B. Patrol Lieutenants shall:

1. Assist in monitoring criminal activity within the boundaries of their area of assignment.

2. Respond to and manage all major crimes or incidents in their area of responsibility to ensure compliance with proper notifications and police procedures.

3. Work in close harmony with the CIS and Patrol Sergeants to ensure that appropriate follow-up action is taken on all patrol investigations. Ensure that timely referrals and notifications are made in order to communicate information effectively.

C. Patrol Sergeants shall:

1. Maintain a close and continuous working relationship with the zone CIS Sergeant, particularly with regard to follow-up investigations assigned to members of their platoon.

2. Provide feedback to the zone CIS Sergeant as to the acceptance and success of those cases referred for follow-up investigation.

3. Ensure that members of their platoon appropriately complete assigned follow-up investigations.

4. Review all reports submitted by subordinates for accuracy, content, completeness, grammar and legibility.

5. Work in close cooperation with personnel in the field in managing criminal investigations, as well as other activities, to ensure that duties, orders and instructions are promptly and efficiently performed.

6. Render necessary assistance to subordinates in the preparation of case files.

7. Advise the zone CIS Sergeant of all crime trends, problems, particular methods of operation and persistent offenders that come to their attention.

8. Respond to all major calls in their zone during their tour of duty and ensure the communication of necessary information to the appropriate superior officers.

D. CIS Sergeants shall:

1. Perform each of those functions as enumerated in the CIS Sergeant's Case Coordination Manual.

2. Establish and maintain investigative action files for the zone to ensure the proper flow of all criminal reports assigned and the timely completion of those reports. Reports include, but are not limited to, Case Assignment Database, Case Tracking Database, Warrant Control Database and Grand Jury Control File.

3. Formulate statistical reports through criminal analysis and forward to the appropriate command officers and affected units to assist in decision making relating to the proper deployment of personnel. Distribution of such reports shall be in accordance with provisions as outlined in the CIS Sergeant's Case Coordination Manual. Information contained in these reports shall be utilized for the purpose of developing action plans regarding short-and long-term operational objectives.

4. Assist in quality control (i.e., content, legibility, accuracy, etc.) of Standardized Incident Report (SIR) to insure proper case management, by acting as an advisor to patrol supervisors when additional work or information relating to follow-up investigations is required.

5. Enhance communication and exchange of crime information. This may be accomplished by coordinating the efforts of patrol personnel through roll call briefings, issuance of bulletins, channeling criminal intelligence information and by actively seeking input of zone personnel and other department units to identify and develop appropriate remedial action.

6. Attend weekly county-wide Crime Coordinator meetings as well as other appropriate, regularly scheduled meetings commenced for the purpose of sharing information relating to criminal activity to ensure the proper flow of criminal information into and out of the Sheriff's Office.

7. Following initial review by first line supervisors, perform a secondary review in order to determine which crimes will be assigned for investigation by CIS (zone investigators or HQ Units) and which crimes will be assigned to uniformed personnel (modifying first line decisions when appropriate).

8. Following initial review by first-line supervisors, perform a final review of all zone-generated felony arrest packages (exclusive of DWI) in order to ensure complete and appropriate content.

9. Act as the coordinator for the zone warrant file to insure proper and expedient service of warrants of arrest.

10. Maintain a logging system designed to monitor and track those cases assigned to their respective zone investigators.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE December 29, 2009	EFFECTIVE DATE December 30, 2009	NO. 17-09
SUBJECT: GENERAL ORDER Canine Unit (K-9)		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 17.5.3, 33.6.1, 41.1.4; NYSLEAP 43.6			RESCINDS 17-08

Purpose: To establish policy and procedure for the operation of the Monroe County Sheriff's Office K-9 Unit.

Policy: The K-9 Unit will serve as a supplement to patrol and investigative functions.

I. Organization

A. The K-9 Unit will report to the Major of Operations through the Special Operations Commanding Officer. The unit is organized as follows:

1. K-9 Supervisor.
2. K-9 Handler(s)
3. K-9 Handler Trainer(s)
4. K-9 Maintenance Trainer(s) (Patrol Tracking, Narcotics & Nitrate)
5. K-9 Examiners (Patrol Tracking, Narcotics & Nitrate)

II. Selection Process

A. Assignment to the team is voluntary. Sworn Police bureau members with permanent status may request this assignment when a posting is issued by submitting an Inter-Departmental Request form (reference MB #90).

B. The candidate must participate in a selection process which may consist of a written questionnaire, operational fitness test, oral interview and any other procedure that may be required.

C. Selection to the team is based upon the results and performance of the aforementioned processes, law enforcement experience, ability to take direction, work in a team atmosphere, judgment ability, internal affairs record, work history, and reliability in addition to any other factors that may be pertinent to the assignment. Recommendations will be forwarded through the chain of command to the Sheriff.

D. Appointment to the team is contingent upon maintaining necessary skills and abilities as may be required of Unit members and satisfactory performance of assigned duties. A Unit member may be removed from the unit, at any time upon recommendation of the Unit Commander and with the approval of the Chief Deputy.

* III. Training

A. K-9 handlers will successfully complete basic K-9 training prior to being utilized for K-9 duty. K-9 handlers will meet or exceed the New York State Bureau of Municipal Police training standards. TSA K-9's are required to meet the minimum standards set forth by the National Explosive Detection Canine Team Program (NEDCTP).

B. Team members will train on a regular basis in order to maintain skills, develop additional abilities, and maintain proficiency on all team equipment. Members are required to attend all unit training unless excused by the team supervisor.

IV. Activation

A. Requests for the use of a K-9 may be made by any member of this agency at the scene of an incident when the prevailing circumstances indicate that the use of a K-9 may be advisable. Requesting members will immediately notify their supervisor of the request. All requests shall be made through the ECD dispatcher.

B. K-9 animals may be utilized for the following functions:

1. Building searches.
2. Searches for suspects or missing persons.
3. Handler protection.
4. Detection of explosives/nitrates, or narcotics (upon completion of required training).
5. The use of a K-9 animal at the scene of a civil demonstration will require the prior approval of the Sheriff, Undersheriff, Chief Deputy or Major of Operations.
5. Detection of certain controlled substances to include cocaine, heroin, marijuana and methamphetamines.
6. Detection of human cadavers to include those buried underground or underwater.

C. Teams will not be utilized for the following situations except under extraordinary circumstances and with the approval of the Special Operations Commanding Officer.

1. For sniffing suspects and/or other persons for contraband.
2. In building searches for known armed/barricaded suspects.

Note: Teams may be utilized to assist SWAT and will act under the direction of the SWAT Commander.

D. When the services of the K-9 Unit are to be utilized, every effort should be made to avoid contamination of the area with human scent. Whenever possible, a perimeter should be established around the area to be searched.

E. Upon the arrival of the K-9 Unit, the supervisor and K-9 handler will decide whether the circumstances warrant the use of the K-9 Unit. However, when safety or animal restrictions become an issue, the K-9 handler will make the final decision regarding utilization. The supervisor and the K-9 handler will also make the final determination with regard to the necessity of utilizing a second K-9 animal for a particular assignment.

F. Requests for explosive detection will require the response of at least two explosives trained K-9 dogs.

G. Requests for the K-9 Unit by other law enforcement agencies in Monroe County will be forwarded to the on-duty command officer.

H. Requests for the K-9 Unit outside of Monroe County must be authorized by the Sheriff or Undersheriff.

I. In the event that off-duty activation is required, the K-9 supervisor will be contacted for a determination as to which K-9 team(s) will be assigned.

V. Administrative Responsibilities

A. The K9 Supervisor shall report to the Major of Operations through the Special Operations Commanding Officer regarding all team issues.

B. The K9 Supervisor will provide the Special Operations Commanding Officer with updated names and telephone numbers for all team personnel.

D. The K9 Supervisor will coordinate training for K9 Unit personnel.

E. The K9 Supervisor will submit copies of all lesson plans, training attendance records, and inventory logs on a monthly basis to the Training Unit for retention.

F. The K9 Supervisor will submit a written annual report to the Special Operations Commanding Officer each calendar year summarizing the team's activations, activities or special details, training, equipment summary, and goals for the upcoming year. This report should be submitted by January 15th for the previous year.

G. The assignment of K-9 handlers relative to work location and platoon shall be at the discretion of the Sheriff. Similarly, the assignment of departmental vehicles to K-9 handlers will be in accordance with procedures established by the Sheriff.

VI. Responsibilities of K-9 Handlers

A. K-9 handlers will provide appropriate care to their animal and will report any sickness or injury of their animal to the K-9 supervisor.

B. K-9 handlers will only use authorized veterinary services for emergency and routine purposes. Any significant, out of the ordinary treatment must first be cleared by the Major of Operations through the chain of command.

C. K-9 animals will only be relieved from duty with the prior approval of the Major of Operations or authorized veterinarian.

D. K-9 animals will be boarded at authorized kennel facilities only. The reason and duration shall be reported to the K-9 supervisor prior to the boarding of the K-9 animal.

E. K-9 equipment will be kept in a state of operational readiness to include care and cleaning, preventative maintenance, repair, workability and responsiveness. Lost or worn equipment will be reported to the supervisor in writing, with the appropriate request for repair or replacement. Each K-9 officer will be issued, at a minimum, the following equipment:

1. A hard bite sleeve.
2. A hidden (soft) bite sleeve.
3. A rubber gauntlet.
*4. A muzzle.
5. A harness.
*6. Leads of various lengths.
7. A pair of bite pants.
*8. Leather and/or metal collars.
*9 K-9 first aid kit.

*Signifies TSA canine issued equipment.

F. K-9 officers will ensure, both on and off duty, that precautions are taken to prevent injury to the animal or any person who may come in contact with it.

G. Except under emergency conditions or during training, K-9 handlers will not allow others to control their animal while on duty.

H. Upon the completion of each K-9 assignment, the respective handler will submit a Canine Utilization Report to the K-9 supervisor **within 5 working days**.

I. K-9 handlers will complete and submit a Training Report to the K-9 supervisor on a monthly basis. Reports will be submitted to the supervisors by the **5th** of the month.

VII. Dog Bites

A. Accidental bites

1. The person bitten shall receive hospital treatment.

2. The supervisor in the zone of occurrence will be notified to respond. In addition, the K-9 supervisor and the Special Operations Commanding Officer will be notified.

3. A technician will respond to photograph the injury. If a technician is not available, the zone supervisor will photograph the injury.

4. In all instances of an accidental dog bite, the handler shall file a Standard Incident Report (copy to be sent to the Major of Operations through the Special Operations Commanding Officer) regarding the occurrence.

B. Non-accidental bites

In all instances of non-accidental dog bites, in addition to the above, the handler will also file a Subject Management Resistance Report. The K-9 supervisor **will** respond to the scene, in addition to a Police Bureau command officer, to conduct an investigation regarding the circumstances surrounding the use of force, as per MBGO #33, and will file the required supervisory reports with the Major of Operations through the Special Operations Commanding Officer. If the K-9 supervisor is not available or is involved in the incident, a non-involved K-9 handler will respond to assist the command officer with the investigation.

VIII. K9 Unit Operations

A. Building or Related Structure Searches with a K-9 Team for Suspects/Intruders.

1. Responding members will secure the building perimeter, to include points of entry and exits.

2. Whenever possible, the buildings owner will be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.

3. When a building search is anticipated, a preliminary search by members should be avoided when possible. Members will advise the team if they entered the building and what areas were searched.

4. Prior to commencing the search, the handler will announce three verbal warnings and wait a reasonable time for the suspect to respond, prior to sending in to search.

5. A back-up member will be assigned to the team during a search. The back-up member will assume the responsibility of a cover officer and will stay with the handler at all times, adhere to the handler's instructions, and assist with the apprehension.

B. Tracking for Suspects and Missing Persons

1. Members will:

   a. When pursuing a subject and contact with the subject is lost, stop and pinpoint the location where the subject was last seen.

   b. Establish a perimeter of the search and avoid scene contamination, to include shutting off engines of police vehicles in the area.

   c. Avoid vehicle and foot movements in the area where the subject was last seen.

   d. Protect all items of clothing, or other items from the subject that will be used for scent, from being handled.

   e. Advise the handler of the person's last seen point if possible.

2. A back-up member will be assigned to the team during the tracking search. The back-up member will:

   a. Be the cover officer for the team; will stay with the handler at all times and adhere to handler's instructions.

   b. Continually communicate the progress and direction of the track.

   c. Assist in the collection and preservation of physical evidence found during the track.

   d. Monitor radio communication for the handler.

   e. Assist in apprehending the subject.

C. Area/Open Field Searches

1. Area/Open field searches may be conducted, at the handler's discretion where there is no start or last seen point of the subject.

2. Prior to commencing the search, the handler will announce three verbal warnings and wait a reasonable time for the subject to respond.

3. Handlers may conduct the search off lead, while maintaining visual contact and control of the animal.

4. Members will:

   a. Establish a perimeter of the area to be searched and avoid scene contamination.

   b. Utilize a back up member as described in Section B.2 above.

* D. TSA canines will be the only K-9 team(s) utilized to search for explosives/nitrates within the "sterile" area of the Greater Rochester International Airport. In the event that a TSA K9 team is unable to respond, the K9 Unit Commander and Special Operations Lieutenant must be notified immediately.

E. Inventory and Maintenance of Equipment

It will be the responsibility of the K9 Unit Supervisor to maintain an inventory of all specialized agency K9 equipment. The inventory shall be updated and reviewed on an annual basis. Any equipment found to be damaged, worn or unserviceable and in need of replacement will be reported to the Special Operations Lieutenant.

It is the responsibility of each K9 handler to inventory and inspect his / her issued specialty K9 equipment. Any equipment found to be worn, damaged or unserviceable will be reported to the K9 Unit Supervisor immediately for replacement. An inspection and inventory shall be conducted on a monthly basis.

All regular individual K9 clothing or equipment will be issued and returned through the Quartermaster's Office. The Quartermaster's Office shall maintain an inventory of all regular individual's K9 issued equipment.

By Order of the Sheriff,

Patrick M. O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE January 26, 2000	EFFECTIVE DATE January 1, 2009	NO. 18-P-2000
SUBJECT: GENERAL ORDER Soft Body Armor		DISTRIBUTION Police Bureau	AMENDS
REFERENCE:			RESCINDS

Effective immediately, PBGO 18-P-2000, "Soft Body Armor", is rescinded and should no longer be utilized. Refer to MBGO 83-09 "Soft Body Armor" for guidance and direction.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 12, 2009	EFFECTIVE DATE February 12, 2009	NO. 19-09
SUBJECT: GENERAL ORDER Tow Agency Responsibilities		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYSLEAP 47.8			RESCINDS 19-07

Purpose: To familiarize Sheriff and tow agency personnel with responsibilities, requirements, and restrictions placed upon those agencies serving the Monroe County Sheriff's Office.

Policy: All tow agencies will adhere to the procedures and requirements as set forth herein or suffer cancellation of the letter of agreement.

Definitions:

Master Towing List: A list of designated towing agencies utilized by the Sheriff's Office for removal or transfer of vehicles.

Primary Tow Agency: Those agencies meeting the requirements of the Sheriff's Office who will initially be contacted for service calls.

Secondary Tow Agency: Those agencies meeting the requirements of the Sheriff's Office who will be contacted for back-up services or on those occasions when a primary agency requires additional assistance.

I. Selection Procedures

A. Any bona fide towing services within Monroe County may submit a written application for consideration of placement on the Master Towing List.

B. Only agencies which agree to render prompt and efficient service will be designated for inclusion on the Master Towing List.

C. Primary agencies selected for the list must be geographically located within or convenient to the area they serve.

D. Towing proprietors selected for the Master Towing List will be required to sign a letter of agreement consenting to abide by the terms of this order, as well as other appropriate directives from the Sheriff or other authorized designee.

II. Assignment

A. Monroe County towns patrolled by the Sheriff's Office will be divided into towing areas. Each area will be serviced by one primary and, when necessary, one secondary agency.

B. When towing services are required within a designated area, the primary agency will be notified. In the event that the primary agency is not available or needs additional assistance, the secondary agency will be called.

C. A private citizen has a right to request a specific towing agency even if the agency is not assigned to that particular area. Deputies will comply with such requests when they do not create unnecessary delay in clearing the roadway or for the deputy to report back in service.

Note: Towing areas are specifically designated. Some flexibility may be granted to ECD dispatchers to traverse area borders when an obvious need exists.

III. Requirements for Selection

A. Tow agency proprietors must agree to a voluntary inspection of their equipment and facility by a designated representative of the Sheriff's Office on an annual basis. The designated officer will use a Tow Agency Inspection form for this purpose. Agencies will be required to maintain necessary and proper equipment in good working order and available on tow vehicles at all times.

B. Primary agency tow vehicles will be equipped with cellular telephones for communications and coordination of tow assignments.

C. Tow agency vehicles must be registered as tow trucks and have a Gross Vehicle Weight Rating (GVWR) of at least 8,600 pounds or more. Further, all tow agency vehicles used for towing must meet, and be capable of passing, all Department of Transportation (DOT) requirements.

D. All tow agencies will require that their drivers be properly licensed. Drivers will be required to possess a CDL (Commercial Driver's License), Class A, B, C or non-CDL Class C, with a tow truck endorsement. Additionally, all agencies will be required to maintain driver qualification files for each driver, as required by the **NYS Vehicle and Traffic Law, Article 19-B.**

E. Tow agencies will be required to furnish proof of insurance coverage of at least $300,000 bodily injury and $25,000 vehicle damage to towed vehicles, loss of any parts or accessories from towed vehicles, or property contained therein. Insurance identification cards must indicate the tow truck designation, adjacent to the year and model information.

1. The County of Monroe MUST be listed as an insured party on the insurance policy. Prior to the commencement of any work, the tow agency must deliver to the Monroe County Sheriff's Office, certificates of insurance demonstrating the above-stated requirements and bearing notations evidencing the payment of the premiums thereon.

2. In the event that any policy furnished or carried pursuant to this Section will expire on a date during which, the tow agency is or may be expected to be engaging in work for the MCSO, the tow agency will, on a date not less than thirty (30) calendar days prior to such expiration date, deliver to the MCSO, certificates of insurance evidencing the renewal of such policies, and will promptly pay all premiums thereon due.

3. In the event that an insurance policy is, for any reason, cancelled, lapsed, or if cancellation is reasonably anticipated by the tow agency, the agency will immediately provide the MCSO with notice thereof.

4. The failure of the tow agency to provide and or maintain the required insurance coverage as set forth herein, or the failure to abide by the terms stated above, will constitute grounds for the immediate cancellation of this agreement.

F. Tow agencies will be required to maintain a storage area of sufficient size to store towed vehicles. The storage area will be at the place of business or within close proximity. Each agency will be required to provide the necessary means to prevent theft, vandalism, or damage to vehicles or their contents.

G. All tow agencies will be required to meet the demands of the **New York State Vehicle and Traffic Law, Section 1219(C)**, which states: "Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle." Therefore, all tow vehicles must be equipped with shovels and brooms to remove debris from the highway.

H. Tow agencies agree to purchase a preprinted sign, provided by the Sheriff, listing the current agreed upon rates for general towing services. This sign will be prominently posted by the agency for public inspection. In the event the sign is lost or damaged, it is the responsibility of the agency to promptly replace the sign. Failure to comply with the above requirements will result in removal from the Master Towing List.

I. Tow agencies will furnish a business card with their name, business address, business telephone number, and the address of their respective impound storage area to the drivers/owners of towed vehicles. Such business cards will also include information regarding the agency's general fee schedule on the reverse side.

J. All towing service fees will be consistent with general standardized fees as established by the Sheriff's Office. When made aware of exorbitant or unreasonable fees, appropriate action will be commenced by the Sheriff's Office. The repetition of such complaints will result in the removal of the tow agency from the Master Towing List.

K. Tow agencies will agree to render, without charge, towing service and storage if necessary, to disabled Sheriff's Office vehicles and to vehicles held for evidence/investigation of a crime to the Sheriff's Office Paul Road storage facility.

1. Once a vehicle has been released from the Paul Road facility and the owner does not take custody of the vehicle, the vehicle will be towed to the original tow company's storage area. The owner will be responsible for towing and storage fees after this point.

   Note: The Property and Evidence manager is responsible for contacting the owner once the vehicle has been released. If the owner does not take custody of the vehicle, the Property and Evidence manager will contact the original tow company.

2. If the owner is a victim and not a suspect or subject of a criminal offense, the tow company will not charge for the original towing to the Paul Road facility.

L. During snowstorms or severe weather, tow agencies will maintain a log recording the date, time, location of tow, description of vehicles, registration number, and location of stored vehicles. This information will be relayed to the Sheriff's Office Records Unit as soon as possible after the severe weather subsides or at least once each day if the inclement weather continues. This log will be maintained for all requested tows, regardless of the requesting agency (Sheriff's Office, State Police, Town Police, Highway Department, etc).

M. Tow agencies will agree to contact the Sheriff's Records Unit no later than five (5) days after a vehicle is towed and an owner cannot be established or contacted. This will also apply in situations where an owner or an insurance carrier has not contacted the tow agency.

Note: Central Records staff will assist the towing company with identifying the vehicle owner and/or insurance company.

N. Tow agencies must comply with all applicable laws and governmental regulations.

IV. Restrictions

A. Tow agencies will not display any markings on their equipment or vehicles that would indicate or suggest that such agency is affiliated with the Sheriff's Office.

B. Deputies are not permitted to request a specific tow agency unless at the request of the driver/owner of a disabled vehicle. It is the responsibility of the dispatcher to call the specific agency for service.

C. Radio transmitting or receiving equipment designated for police use only will not be permitted in any tow truck/vehicle in accordance with **NYS V&T Law Section 397**.

V. Cancellation

A. The Sheriff reserves the right to cancel an agreement for services, without cause, after giving the tow agency a thirty (30) day notice, in writing, of such cancellation. The agency may request a hearing to contest cancellation. The hearing request must be submitted in writing, to the Sheriff, no fewer than ten (10) calendar days prior to the cancellation date (the cancellation is temporarily stayed after receipt of the hearing request).

B. A Sheriff's hearing board will meet within thirty (30) days and will be comprised of three (3) department members selected by the Sheriff. The hearing board will advise the Sheriff, in writing, of suggested recommendations and findings within five (5) business days of the hearing. The decision of the Sheriff is final.

* C. The Sheriff reserves the right to cancel an agreement for services, without notice, upon just and sufficient cause including, but not limited to: insurance lapse (anticipated or occurred); criminal conduct on part of the agency/agency employees; and inherent conflicts of interests. The Sheriff will provide written notice of such cancellation to the tow agency; said notice will also specify the grounds for the immediate cancellation. The agency may request a hearing to contest cancellation, in writing, to the Sheriff. The cancellation will remain in effect pending the hearing.

* **VI. No Assignment without Consent**

A. The Towing Agency will not, in whole or in part, assign, transfer, convey, sublet, mortgage, pledge, hypothecate, grant any security interest in, or otherwise dispose of this Agreement or any of its rights, titles or interests herein or its power to execute the Agreement, or any part thereof to any person or entity without the prior written consent of the Sheriff.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates significant changes from the previous order.

LETTER OF AGREEMENT

I, _____,
(Name of Proprietor - Owner - Operator)

Proprietor of _____,

(Name of Tow Agency)
Located at

_____,
(Address of Tow Agency)

do hereby agree to operate the above named tow agency in accordance with all New York State Laws and the Monroe County Sheriff's Office Police Bureau General Order number 19 (PBGO-19). A copy of the order is attached hereto, dated _____, 20___ and signed by Sheriff Patrick M. O'Flynn and any supplemental order thereto as may be promulgated by the Sheriff.

I understand and agree that such compliance is required in order to remain on the Master Towing List of the Monroe County Sheriff's Office.

By: _____ Signed: _____

Witnessed by MCSO Member,

By: _____ Signed: _____

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE January 16, 2007	EFFECTIVE DATE January 19, 2007	NO. 20-P-07
SUBJECT: GENERAL ORDER Preliminary Investigation Process		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 42.1.2, 42.1.3, 42.1.4, 42.2.1, 42.2.2			RESCINDS 20-P-05

Purpose: To familiarize members regarding the components of the preliminary investigation process and establish responsibility and accountability for that process.

Policy: Members of the Sheriff's Office shall employ the procedures recommended in the Preliminary Investigations Manual, the Criminal Investigation Manual and the New York State Manual for Police, while conducting investigations of crimes reported to this office.

Definition: The preliminary investigation process is the aggregate of specific and documented activities performed by deputies immediately after a crime is brought to their attention. During this initial phase, the majority of case-solving information is developed and qualified, determining offense solvability potential. The quality of the preliminary investigative effort and the accurate reporting of that effort directly affect the investigative outcome.

I. Duties and Responsibilities

A. Emergency Communications Department (ECD) personnel will follow their current operating procedures, which include the following policies related to incoming calls:

1. Solicit of all information required by the Sheriff's Office, including complainant's name, telephone number and location (if different than address) and immediately forward that information to the dispatcher.

2. Solicit all available information describing suspect(s), suspect vehicles(s), direction of travel, type of force or weapon used and any other pertinent information and forward it to the dispatcher.

3. Attempt to maintain contact with complainant until all available information has been received.

4. Dispatchers will immediately broadcast all available offender information to responding units and will update the broadcast, as more information becomes available.

B. Patrol Deputies shall:

1. Immediately proceed to the reported scene and be alert for possible suspect(s) or suspect vehicle(s).

2. Upon arrival at the scene, aid and comfort victims, witnesses and other persons as necessary and secure the scene to protect physical evidence (if applicable).

3. Obtain additional information to determine if a crime has been committed and immediately transmit to other units relevant information directed at intercepting the suspect or suspect vehicle.

4. Direct investigative efforts to the search for solvability factors outlined by the Standardized Incident Report (SIR).

5. Obtain and record complete description of the crime and property taken (serial numbers, model, colors, damage, etc.), if applicable.

6. Conduct a thorough preliminary investigation, taking into account the immediate demand for other police services.

7. Notify their supervisor when it is determined a felony has been attempted or committed or it is deemed necessary to utilize additional resources (investigator, K-9, technician, etc.).

8. Continue the preliminary investigation utilizing procedures as outlined in the previously referenced manuals until all useful information has been obtained from victim(s), witness(es), neighbor(s) or other people in the area and all useful evidence has been identified and preserved at the crime scene and in the immediate area.

9. At the conclusion of the preliminary investigation, ensure the victim/reporting person signs the report, advise the victim of the current case status (after explaining the meaning of that status) and provide a completed SIR copy to the victim.

10. Provide Victim Rights information as required by law and current directives by assisting victims and witnesses during the initial crisis of a crime or other serious incident and providing necessary support throughout subsequent criminal proceedings.

Note: Common sense and good judgment are essential in determining the length of time spent on and the character of preliminary investigations. The preliminary investigation process must be tailored to the gravity and character of the crime and the circumstances involved.

C. Supervisors shall:

1. Ensure that deputies conduct thorough preliminary and follow-up investigations on assigned cases, and assign appropriate resources as needed.

2. Ensure all investigations are properly documented and review preliminary investigation reports as soon as possible in order to determine investigatory completeness based upon solvability factors and the justification of it. If incomplete, the investigation shall be returned for completion. When circumstances warrant (urgency, seriousness, logistics, etc.), the case will be assigned to CIS, in consultation with the Zone CIS supervisor.

* D. All members shall ensure that victims of a crime, as defined in Article 130 or Sections 255.25, 255.26, or 255.27 of the NYS Penal Law are interviewed in a private setting.

1. A private setting shall be defined as an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard from the outside of the room. Only those persons directly and immediately interviewing the victim, victim assistance personnel, a social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim (unless the victim objects to their presence), and when appropriate, the parent(s) or legal guardian of the victim, if requested by the victim, shall be present during the interview of the victim.

2. The CIS Unit and each zone shall have a room that meets the aforementioned criteria.

3. All victims of a crime as defined in Article 130 of the NYS Penal Law, shall be provided, in writing, the name, address, and telephone number of the nearest rape crisis center.

II. Case Status Guidelines

A. For the purpose of this order, a solvability factor will be deemed to be present if any of the following factors are apparent at the conclusion of the preliminary investigation process:

1. The suspect(s) or accomplice(s) has been named (full names, partial names, nicknames, or aliases).

2. A full description or a distinctive partial description or address of the suspect or accomplice is available.

3. Significant data is available about the suspect(s) or accomplice(s), such as address or known haunts.

4. A victim or witness could possibly identify the suspect or accomplice from a photo or line-up.

5. Any property associated with the crime is traceable.

6. The suspect vehicle license plate number is completely known or sufficiently known to be traceable.

7. A good description of the vehicle is known or a distinctive description of part of the vehicle or its contents is known or traceable.

8. A latent print suitable for comparison is obtained.

9. Significant physical evidence (either traceable or uniquely distinctive) is developed.

10. Any other significant reason exists in the judgment of the deputy or supervisor to believe that the crime may be solved with a reasonable amount of investigative effort (i.e., the crime may arouse significant public interest giving rise to the possibility of the public supplying useful information on the case).

B. In determining whether a crime report should be recommended for continued patrol investigation or CIS follow-up, the investigating deputy and the supervisor assigning the case will employ the following guidelines:

1. Quality of preliminary investigation (e.g., an incomplete preliminary investigation can be assigned "field" status and returned to the reporting deputy or an investigator for resolution).

2. Presence of solvability factors.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE May 8, 2006	EFFECTIVE DATE May 11, 2006	NO. 21-P-06
SUBJECT: POLICE BUREAU GENERAL ORDER Standard Incident Report & Supplement/Investigative Action Report		DISTRIBUTION All Personnel	AMENDS PBGO 21-P-04
REFERENCE: CALEA 82.1.3, 82.2.1, 82.2.2, 82.2.4, NYSLEAP 8.2, 51.6			RESCINDS 24-P-99

Purpose: To establish policy and procedures for the use and completion of the Monroe County Standard Incident Report form and the Monroe County Supplement/Investigative Action Report. The Standard Incident Report will be utilized in order to ensure full compliance with the New York State Incident Based Reporting System (NYSIBRS).

Policy: The Standard Incident Report form shall be used by Police Bureau Personnel to record criminal incidents, stolen and recovered stolen vehicles, reported missing and returned missing persons, and non-criminal incidents that are investigated by the Monroe County Sheriff's Office and deemed appropriate for documentation as determined by the investigating member, her/his supervisor, and/or departmental policies and the New York State legal mandates. The Supplement/Investigative Action Report will be used to report any follow-up action or additional information relating to a crime, or incident, previously reported to the Sheriff's Office.

I. Criminal Incidents

A. A Standard Incident Report will be used to record all offenses prescribed by the New York State Penal Law and violations of any other law or ordinance for which arrest action could be taken.

B. A member of the Monroe County Sheriff's Office receiving information concerning the alleged commission of an offense shall prepare and submit a Standard Incident Report.

C. The conduct of preliminary investigations will be guided by the directive set forth in **PBGO #20** and the procedures delineated in the Manual for Police of New York State.

II. Stolen / Recovered Stolen Vehicles

A. The Standard Incident Report will be used to record preliminary investigative data regarding offenses that involve the loss of a vehicle. Members will use this form when a motor vehicle is stolen, taken without authorization or taken through fraudulent means.

B. The form will be used to record data related to the recovery of a stolen vehicle as defined in Article 10 of the New York State Penal Law.

III. Missing and Returned Missing Persons

A. Missing person investigations shall be conducted as outlined in **PBGO #38**.

B. Deputies shall ensure that all information required in the aforementioned order is documented on the Standard Incident Report. This includes appropriate codes that are required by NYSPIN for data entry.

IV. Non-Criminal Incidents

A. The Standard Incident Report shall be utilized by Police Bureau personnel to document the circumstances surrounding significant incidents of a non-criminal nature

B. The Standard Incident Report will be used for the following types of calls:

1. Fires of a non-criminal origin.

2. Unattended deaths.

Note: Unattended deaths are classified as DOA's and suspected suicides, which are determined by the Medical Examiner's Office. The Standard Incident Report should refer to these cases as "unattended deaths" only.

3. Miscellaneous or minor motor vehicle accidents.

4. Unsecured commercial and residential doors (alarm or patrol initiated).

5. Ambulance calls involving injuries.

6. Any situation that the investigating deputy or the supervisor feels requires complete documentation.

V. Form Preparation (See Attachment)

A. In order to ensure full compliance with the New York State Incident Based Reporting System (NYSIBRS), complete and accurate information is required when documenting events reported to the Sheriff's Office.

B. Members shall utilize the report form booklet provided with the Standard Incident Report, or the attachment at the end of this order, as a guide when answering each question. The booklet has three references that provide the format for both coded and fill-in-the-blank responses. The coded responses provide specific information that NYSIBRS uses for crime reporting, tracking, and comparisons nationwide.

C. This information clarifies the incident reporting codes for the appropriate responses to boxes "A" through "N" and "1" through "13." These boxes are listed vertically along the right margin of the report form.

D. The incident report tables reference should be utilized when completing the boxes containing light gray watermarks indicating tables "O" through "W".

E. If any question or box does not apply to the incident, members shall enter a dash (-). If the answer is unknown, members shall enter an "X".

F. The status of a criminal investigation will be based upon the presence of solvability factors.

G. Members are to refer to the attached guidelines if any additional questions regarding the completion of the Standard Incident Report arise.

H. Addendum Reports will be utilized as a continuation page of the Standard Incident Report when needed.

I. Supplemental / Investigative Action Reports will be utilized to report any follow-up action or additional information relating to a crime or incident previously reported. Addendum Reports will also be utilized as continuation pages of the Supplemental / Investigative Action Report when needed.

Note: Members will ensure that the victim(s) receives the appropriate victim information as required by law by issuing a Victim Information Notification Card.

VI. Distribution

A. Supervisory personnel shall review and approve all Standard Incident Reports and Supplemental / Investigative Action Reports. Copies will be provided as needed for the use of Zone personnel for their distribution. The original report will be forwarded to Central Records.

B. Central Records personnel shall duplicate and forward copies as required by current directives and/or as indicated on the report.

By Order of the Sheriff,

Patrick M. O'Flynn

MONROE COUNTY SHERIFF'S OFFICE

STANDARD INCIDENT REPORT

&

STANDARD SUPPLEMENT / INVESTIGATIVE ACTION REPORT

INSRUCTIONS FOR COMPLETING REPORTS

STANDARD INCIDENT REPORT

A-C Weapon Code

Enter up to 3 Weapon Codes to describe weapons **used in** the incident placing the first in Box A, the second in Box B, and the third in Box C. If no weapons were involved in the incident enter a dash (-) in Box A, B, and C. If it is unknown whether weapons were involved in the incident enter an "X" in Box A, B, and C.

Note: Weapons found on the suspect at the time of arrest will be noted on the Prisoner Data Report (PDR).

Examples:

- Three suspects hold up a bank-one armed with a revolver, one with a sawed-off shotgun and the 3rd with a machine gun. Enter "02" for 'revolver', "08" for 'shotgun' and "07" for 'machine gun'.
- Suspect commits a robbery by approaching victim and using his hands inside his jacket to simulate a gun. Enter "10" for 'simulated firearm'.
- Suspect commits a robbery using a toy gun; enter "09" for 'imitation firearm'.

D Location Type

Enter the most specific Location Type code possible describing where the incident took place. If multiple Location Types are involved enter the code where the incident originated or which best describes the location of the crime. If the location type is unknown enter an "X" in Box D.

Example:

- An assault starts in a bar ("26"), continues into the parking lot ("48") and ends in the street ("47"). Because the bar was the location where the offense originated, enter "26" for 'bar'.

E Larceny/Theft Offense Categories

Enter the code for the Larceny/Theft offense category of the incident. If there were multiple Larceny/Theft offense categories enter the code for the most significant offense. If there is no Larceny/Theft offenses associated with this incident, or if the Larceny was not the most significant offense (e.g., Burglary & Petit Larceny) enter a dash (-) in Box E.

01- POCKET-PICKING: theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.

02- PURSE-SNATCHING: grabbing or snatching of purse, handbag, etc. from the physical possession of another person (note: if more force was used than necessary to wrench the purse from the grasp of the person, then a Robbery occurred rather than a larceny purse-snatching).

03- SHOPLIFTING: theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

04- THEFT FROM BUILDING: theft from within a building which is either open to the general public or where the offender has legal access.

05- THEFT FROM COIN-OPERATED MACHINE OR DEVICE: theft from a machine or device which is operated or activated by use of coins.

06- THEFT FROM MOTOR VEHICLE (not vehicle parts or accessories): theft of articles from a motor vehicle, whether locked or unlocked.

07- THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES: theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.

08- THEFT FROM MAILBOX: theft of the contents of a mailbox, whether public mailbox or a private mailbox.

09- ALL OTHER LARCENY: all other thefts which do not fit any of the subcategories above.

10- MOTOR VEHICLE THEFT

Example:

- Person is jostled in a crowd and had his wallet removed. Code as "01" for 'pocket-picking'.
- New motor vehicle license plates are stolen from victim's mailbox. Code as "08" for 'theft from mailbox'.

F Assault/Homicide Circumstances

Enter the code for the Assault/Homicide circumstance reported in the incident. If there were multiple Assault/Homicide circumstances enter the code for the most significant offense circumstance. If there are no Assault/Homicide offenses associated with this incident, enter a dash (-) in Box F.

G Justifiable Homicide Circumstances

Enter the code for the Justifiable Homicide circumstance reported in the incident. If there were multiple Justifiable Homicide circumstances enter the code for the most significant offense circumstance. If there are no Justifiable Homicide circumstances associated with this incident, enter a dash (-) in Box G.

H Victim Type

Enter the code which best describes the type of victim.

This field must have an entry in it as each incident must have a victim. If there are multiple victims and/or suspects, those are to be added to a "Supplement/Investigative Action Report" and made a part of the original SIR.

Example:

- During a bank robbery, the offender pointed a gun at a teller, demanded and received money. The robber also assaulted a customer on the way out. There are three victims: the bank (code as 'F'), the teller (code as 'I') and the customer (code as 'I').
- Suspect is arrested for selling drugs to an undercover officer. Victim code is 'S' for 'society/public'.
- "Society" is used when the offense represents society's prohibitions on certain types of activities such as drug/narcotic offenses, gambling, pornography, or prostitution. Use **"New York State" as the victim when the crime victim type is 'Society'.**
- "Government" is used when the immediate impact of the crime if felt by a governmental entity or institution, such as welfare fraud. Use the name of the Government entity for these cases i.e., for State welfare fraud, use "New York State"; for Public Schools, use the name of the school district (e.g., Webster Central Schools) and enter the name of the specific school in the narrative.

Investigative Action Reports (or Follow-up) will be started on the "Supplement/Investigative Action Report". Additional narrative will be completed on an "Addendum Report".

I Victim Level of Injury (Apparent)

Enter the code which best describes the level of injury that the victim appeared to have sustained. **This element should be completed only for victim types I, L, or A.**

For all other non-person victim types, enter a dash (-) in Box I.

1- DEAD: victim killed.
2- SERIOUSLY INJURED: injury required more than simple first aid.
3- PHYSICALLY INJURED: injury required only first aid or no immediate treatment.
4- NOT INJURED: victim did not appear injured in incident.

J Victim Type of Injury

Enter the code which best describes the type of injury that the victim appeared to have sustained. **This element should be completed only for victim types I, L, or A.**

For all other non-person victim types, enter a dash (-) in Box J.

K Victim Medical Treatment

Enter the code which best describes the medical treatment received by the victim.
This element should be completed only for victim types I, L, or A.

For all other non-person victim types enter a dash (-) in Box K.

L Victim/Offender Relationship

Enter the code which best describes the relationship of the victim to the suspect.
This relationship should be expressed in terms of the victim (i.e., Victim was _____ to the suspect).
Example: Victim/Offender Relationship of "friend" means that the victim was a friend of the suspect whose number is listed in Field #26.

If the relationship is unknown, enter an "X" in Box L. **This element should be completed only for victim types; I, L, or A**. For all other non-person victim types, enter a dash (-) in Box L.

M Computer Related

Enter the code that describes whether or not a computer was used to perpetrate any of the offenses reported in the incident.

Use of a computer as a weapon in an assault or the fact that a computer was stolen does NOT constitute a computer-related offense.

A computer-related offense is one where the computer was used to facilitate the commission of the crime such as; a rapist who keeps track of potential victims' schedules on a computer, a burglar who uses a computer to gain access to security information about a target building, a corporation which illegally accesses a competitor's computer to steal data, a gambler who uses a computer to interfere with pari-mutuel equipment, etc. If it is not known whether a computer was used in the incident, enter an "X" in Box M.

N Bias Crime Type

Enter the code which best describes the bias motivation of the suspect(s). If the incident was not motivated by bias enter a dash (-) in Box N. If the motivation for the incident is ambiguous or unknown, enter an "X" in Box N.

A bias crime is an offense whish is or appears to be motivated primarily by race, ethnicity/national origin, religion or sexual orientation of the victim or institutional target.

M.O. Method of Operations

- ❖ Refer to inside cover of report folder for a listing of methods of operation.
- ❖ You may indicate up to (9) nine MO's for each incident.

I. **INCIDENT SECTION**

BOX:

1. AGENCY: If not pre-printed - enter the AGENCY NAME.

2. ZONE/PRECINCT: enter the Zone/Precinct where the incident occurred.

3. REPORT DATE: enter Date the Incident was *reported to police* using the format MM/DD/YY, i.e., 10/01/05.

4. REPORT TIME: enter Time of Report using military time.

5. INCIDENT TYPE: enter the INCIDENT TYPE:

   - Where this is a **CRIME enter greatest offense type: Robbery, Burglary, and PL.**
   - Where this is an **INCIDENT enter the type: Missing Person, Lost Property, etc.**

6. INCIDENT NO.: enter the Incident No. (CR#) 05-xxxxxx.

7. DATE FROM: Enter the date which is the earliest possible date the incident could have occurred using the format MM/DD/YYYY, i.e., 10/04/2005.

8. TIME FROM: Enter the earliest possible time of day the incident could have begun using military time.

9. DATE TO: Enter the date which is the latest possible date the incident could have occurred using the format MM/DD/YYYY

10. TIME TO: Enter the latest possible time of day that the incident could have occurred using military time.

11. DISPATCHED TO: Enter the address that you are dispatched. (Not Incident Address.)

12. INCIDENT ADDRESS: enter the street address where the incident occurred. (Actual address NOT mailing address.)

13. CITY, STATE, ZIP: enter the City, State, and Zip where the incident occurred.

14. WEAPONS: if applicable; list a short descriptions of any weapon(s) used.
    - If not applicable place a (-) in the box.

15. OFF. NO.: If the incident is a CRIME enter the under the **OFF.NO. (OFFENSE NUMBER)** - Enter the top three charges, in order of seriousness.

    - **LAW** - Enter law abbreviation, i.e., PL - Penal Law, CPL - Criminal Procedure Law, ABC – Alcohol Beverage Control Law.
    - **SECTION** - Enter Article and Section of Law, i.e., 120.00.
    - **SUB (SUBSECTION NUMBER)** - Enter subsection, if any. If none, enter leave blank.
    - **CL (CLASS)** - A, B, C, D, E, or U-Unclassified. In the case of an "attempted" crime, enter the class as though the crime had been completed, and enter "A" in the Attempt Code Field.
    - **CAT (OFFENSE CATEGORY)** - Enter the letter as follows: F - Felony, M -Misdemeanor, V - Violation, I - Infraction.
    - **DEG (DEGREE)** - Enter the degree of crime. Enter a dash (-) if not applicable.
    - **ATT (ATTEMPTED)** - Enter "A" for attempted crimes, "C" for completed crimes.
    - **OFFENSE NAME** - Enter the name of offense for which the incident report is taken, using standard abbreviations when applicable, i.e., ASSAULT-2ND, ROB-1ST.
    - **CTS (COUNTS)** - Enter the number of counts for each offense.

    ** **If during "Supervisor Review" the Offense is found to be incorrect or has changed the review supervisor is to place a line through the original charge (in red ink) and add the revised or new charge.**

    ** **If there is no additional room on the Incident Report a *Supp/IA* face sheet must be completed with the "Incident", and "Administrative" sections completed.**

    - NON-CRIMINAL INCIDENT: leave #15 blank.

II. VICTIM SECTION

16. VICTIM NAME: enter Victim's (V1) name **(Last, First, Middle)**.
    - If not a PERSON- enter the name of business / group.

17. (V1)ADDRESS: enter Victim's address- Street, City, State, Zip, and City/Town/Village. (Actual address- not mailing address.)

18. TELEPHONE No. W/H/C: enter Victim's (V1) telephone numbers indicating (W/C/H) W-work, H-home, and C-cell.

19. DATE OF BIRTH: enter Victim's (V1) date of birth using the format MM/DD/YY, i.e. 11/04/68. (***Victims D.O.B.s are Mandatory***.)
    - If not a PERSON- leave blank.

20. AGE: enter Victim's (V1) age or age range using the following table:

    NN = under 24 hours old (neonate)
    NB = 1 to 6 days
    BB = 7 to 364 days
    01-98 = Actual age in years

99 = Over 98 years old

An age range may also be entered in this field with the lower age followed by the higher age, e.g., a range of 19 to 21 would be written "1921".

- If not a PERSON- leave blank.

21. SEX: place an X in the appropriate box to record the Victim's sex. M , F, UNK
    - If not a PERSON- leave blank.

22. RACE: Place an X in the appropriate box to record the Victim's race. If other or unknown, explain in the narrative section. The categories are defined as follows:

    White- Any person having his/her origins from any of the original peoples of Europe, North Africa, or the Middle East.

    Black- Any person having origins from any of the black racial groups.

    American Indian or Alaskan Native- A person having origins in any of the original peoples of the Americas, and who maintains cultural identification through tribal affiliation or community recognition.

    Asian or Pacific Islander- Any person having origins from any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippines Islands, and Samoa.

    NOTE: **Hispanic is an ethnic category.**
    People of Hispanic ethnicity should make every effort to select a racial category from one of the four choices listed above.

    Unknown- Any person whose race is unknown.

    - If not a PERSON- leave blank.

23. ETHNIC: Place an X in the appropriate box to record the Victim's ethnicity (in *addition* to race). The categories are defined as follows:

    Hispanic Any person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

    Non-Hispanic Any person not covered by the above category.

    Unknown Any person whose ethnic origin is unknown.

24. RESIDENCE STATUS: Place an X in the appropriate box to record the Victim's residence status in relation to where the incident occurred. The categories are defined as follows:

    Resident The Victim is a permanent, legal resident of the location where the incident occurred. (Individual resides in Monroe County, New York)

    Commuter The Victim is a commuter, living outside Monroe County, but entering Monroe County on a regular basis to work.

    Tourist The Victim lives outside Monroe County and was visiting for vacation or other recreational purpose at the time the incident occurred.

Military The Victim is a member of the armed forces (Army, Navy, Marines, Air Force, and Coast Guard) and lives in Monroe County temporarily and only in connection with his or her military assignment.

Student The Victim attends school within Monroe County and either lives outside the County as their legal residence, or has a temporary domicile in Monroe County only because of school attendance.

Temporary Resident/Foreign National- The Victim is a foreign national (includes both legal and illegal aliens) who has a temporary or seasonal domicile in Monroe County where the incident occurred, e.g., migrant workers, live-in domestic servants, foreign drug dealers.

Homeless The Victim has no permanent address.

Other Status The Victim's residence status, as described in the report, is different from any of those described above.

Unknown (Unk) There is not enough information to determine the victim's residence status.

- Additional Victims must be listed on a "Monroe County Supp/IA Report".
- If not a PERSON- leave blank.

III. ASSOCIATED PERSONS SECTION

C. **TYPE/NO.** - is used to identify and number each person associated with the incident using the abbreviation for PERSON TYPE. Use number designations if additional types within the same category are entered (e.g. PK1, PK2).

R=Reporting Person
W=Witness
PK=Person with knowledge
NI=Not interviewed
NO=Interviewed, no information

Note: Additional Victims (V2, V3, etc.) must be added on a "Monroe County SUPP/IA" Report to ensure that all applicable information is being recorded.

1. **NAME-** Enter each person's last name, first name, middle initial, and title if applicable.
2. **DATE OF BIRTH** - Enter each person's date of birth using the format MM/DD/YY. **Note: in order for a person to be entered into ILEADS, we must have a DOB. (*Associated Persons DOB's are mandatory.*)**
3. **Sex**
4. **Race**
5. **STREET** - Enter each person's full address including street number, street name, apartment number, city, state, and zip code.
6. **TELEPHONE** - Enter each person's telephone number including area code for both business and place of employment, and residence.

Note: Additional Associated Persons a must be listed on a "Monroe County Supp/IA Report" under the section:

VII. SUSPECT/ ARRESTED/ MISSING PERSONS SECTION

26. **TYPE/NO**: Use a code from **TABLE O** followed by a number to identify the Suspect/Arrested/Missing Persons, e.g. **S1, S2, A1, A2, M1, M2.**

27. **NAME**: Enter last name, first name, middle name of the suspect, arrested suspect or missing person. If unknown leave blank.

28. **ALIAS/NICKNAME/MAIDEN**: enter aliases, nicknames, or any other name by which a Suspect/Arrested/Missing Persons may be known. If this person also has another full name, list it here as last name, first name, and middle initial. If unknown or none leave blank.

29. **APPARENT CONDITION**: place an X in the appropriate box to record the apparent physical condition of the Suspect/ Arrested / Missing Person's *at the time of the incident as described by the victim or witnesses.* If entering data for a missing person this may be left blank. The categories are as follows:

    Appears to be Impaired with Drugs
    Appears to be Impaired with Alcohol
    Appears to be suffering from a Mental Disorder
    Appears to be Injured/Ill
    Apparently Normal
    Unknown

30. **ADDRESS**: enter street number, street name, building number, apartment number, city, state, and zip code for each Suspect/ Arrested / Missing Person. If unknown leave blank.

31. **TELEPHONE NUMBER**: enter phone numbers including area codes for the Suspect/ Arrested / Missing Person: W (work), H (home), and/or C (cell). If unknown leave blank.

32. **MORIS No.**: enter the Suspect/ Arrested / Missing Person, MoRIS Number; if unknown leave blank.

33. **EMPLOYER/SCHOOL**: enter the Suspect/ Arrested / Missing Person employer or school name.

34. **D.O.B.**: enter the Suspect/ Arrested / Missing Person date of birth using the format MM/DD/YY. (**Arrested or Missing Person D.O.B. is Mandatory. Suspect D.O.B. is Mandatory if known, if unknown leave blank.**)

35. **AGE**: enter the Suspect/ Arrested / Missing Person age or an age range using the following table:
    NN = under 24 hours old (neonate)
    NB = 1 to 6 days
    BB = 7 to 364 days
    01-98 = Actual age in years
    99 = Over 98 years old

    An age range may also be entered in this field with the lower age followed by the higher age, e.g., a range of 19 to 21 would be written "1921". If unknown, leave blank.

36. **SEX**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person sex.

37. **RACE**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person race. The categories are defined as follows:

    White- A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

    Black- A person having origins in any of the black racial groups.

    American Indian or Alaskan Native- A person having origins in any of the original peoples of the Americas, and who maintains cultural identification through tribal affiliation or community recognition.

    Asian or Pacific Islander- A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippines Islands, and Samoa.

    NOTE: Hispanic is an ethnic category. People of Hispanic ethnicity should make every effort to select a racial category from one of the four choices listed above.

    Unknown- Any person whose race is unknown.

38. **ETHNIC**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person ethnicity. The categories are defined as follows:

    Hispanic- A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

    Non-Hispanic- A person not covered by the above category.

    Unknown- Any person whose ethnic origin is unknown.

39. **BUILD**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person build. If unknown leave blank.

40. **SKIN COLOR**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person skin tone. If unknown leave blank.

41. **HEIGHT**: enter the Suspect/ Arrested / Missing Person height, in feet and inches. If unknown leave blank.

42. **WEIGHT**: enter the Suspect/ Arrested / Missing Person weight, in pounds. If unknown leave blank.

43. **HAIR**: enter the Suspect/ Arrested / Missing Person's hair color using codes from **TABLE P**. If unknown leave blank.

44. **EYE COLOR**: enter the Suspect/ Arrested / Missing Person eye color using codes from **TABLE Q**. If unknown leave blank.

45. **GLASSES**: place an X in the appropriate box to indicate if the Suspect/ Arrested / Missing Person wears glasses (mark Yes), or contacts (mark Contacts), or neither (mark No). If unknown leave blank.

46. **S/M/T** (Scars/Marks/Tattoos): enter the location and description of any scars, marks, tattoos, or any other physical characteristics that may be used to identify the Suspect/ Arrested / Missing Person. If more space is required, use the narrative section. If unknown leave blank.

47. **CLOTHING DESCRIPTION**: Enter a description of the clothing worn by the Suspect/ Arrested / Missing Person. If unknown leave blank.

48. **MISSING PERSON CODE**: enter the Missing Person Code using codes from **TABLE R**. If not applicable, leave blank.

49. **MOTHERS MAIDEN NAME**: (Required for Missing Persons)

50. **MISC.**: where applicable enter the School District and/or Place of Birth. May enter any additional relevant information concerning the suspect or missing person. For a missing persons enter type of clothing, anything that the MP may have with them, any medications or violent tendencies, and any other relevant information that would assist in locating or identifying the person. If more space is required, use the narrative section.

V. PROPERTY SECTION

All Stolen, Damaged and/or Seized property must be listed. If more than three pieces of property are to be listed as stolen then the additional pieces of property should be listed on a **SUPP/IA/** Report or in the narrative (addendum report).

All property should be reported using the most specific level of detail possible, e.g., not 3 bicycles but rather 1 Schwinn, 1 Trek and 1 Columbia. All other additional associated data should be recorded, as much as possible, for each item. If any of the property fields change, the data should be entered on a separate line.

51. **VICTIM OR SUSPECT NO.** (Enter only one number for each line) - Enter from Field #16 and/or #25 and/or #26.

    For multiple victims and/or suspects describe the property for each victim and/or suspect beginning on the SIR which identifies them. If additional space is required use a Monroe County SUPP/IA/PCR form.

    For property to be ascribed to all suspects within an incident write "ALL" in this field, e.g., Drugs seized during a raid are attributed to all suspects.

    NOTE: Do not list property which is inventoried and receipted to the suspect /arrestee when the suspect is taken into custody. For suspects, Field #51 should only describe property that has been seized from them for use as evidence only.

- **PROPERTY STATUS**- Enter what has happened to the property being described using codes from **TABLE S**.

a) 01-None: no property
b) 02-Burned: includes damage caused in fighting a fire
c) 03-Counterfeited/forged: property such as checks
d) 04-Destroyed/damaged/vandalized: such as in a criminal mischief
e) 05-Recovered: where you impound property which was previously reported stolen
f) 06-Seized: to impound property not previously reported stolen
g) 07-Stolen, etc: includes bribed, defrauded, embezzled, extorted, ransomed, robbed, etc.
h) 09-Lost: used in non-criminal incidents
i) 10-Found: used in non-criminal incidents
j) 11-Returned to owner: used in non-criminal incidents

- **PROPERTY TYPE** - Enter the type of property being described using codes from **TABLE T**.
  a) **Be specific.** If a purse is stolen with items inside, attempt to list ALL items within the purse.

- **QUANTITY/MEASURE** - Enter only the quantity or amount of the items recorded in the PROPERTY TYPE, unless the PROPERTY TYPE is a Drug. For drugs, enter the quantity and a measurement unit code from TABLE U, e.g., 10 gm. This is an estimated amount.

  a) **For non**-drugs, if two identical items were recorded, enter '2'.

- **Color**- Where applicable, indicate the color of the item.

- **MAKE / MODEL** - Enter the brand name (make) and/or model of any non-drug item recorded in PROPERTY TYPE, e.g., RCA/X-100, SONY/TRINITRON, etc. If the PROPERTY TYPE is Drugs, enter the suspected drug type name (e.g., Heroin).

- **SERIAL NO.** - Enter the Serial Number or VIN of the item recorded in PROPERTY TYPE.

- **DESCRIPTION** - Enter a brief description of the item recorded in PROPERTY TYPE. **For Firearms include the Caliber, Barrel Length, and Finish. If additional space is required use the narrative section.

- **TT No.** - Where applicable enter the NYSPIN TT Number assigned to the Stolen Property Recorded.

- **VALUE** - Enter the value of the item recorded in PROPERTY TYPE, (e.g., if the property is a TV and the quantity is "1", the VALUE field should contain the value of the TV. If the property is 2 bottles of alcohol, the VALUE field should contain the value of both bottles of alcohol added together. (Item multiplied by quantity) **For drugs, enter X (unknown).**

- **TOTAL** – Total value of all items in the incident (from all victims).

VI. VEHICLE SECTION

52. **VEHICLE STATUS**: enter a code number from **TABLE V** to describe the vehicle Status.

53. **LICENSE PLATE**: enter the license plate number. Check the appropriate box to indicate if it is a full or partial License Plate Number.

54. **LICENSE STATE**: enter the two-character abbreviation for the State issuing the license plate.

55. **EXPIRATION YEAR**: enter the year the plate expires.

56. **PLATE NUMBER**: enter the License Plate type, e.g., passenger, commercial, etc.

57. **VALUE**: enter the value of the vehicle as stated by the owner.

58. **VEHICLE YEAR**: enter the model year of the vehicle.

59. **VEHICLE COLOR**: enter the vehicle color. For two-tone vehicles list the top color, slash, then bottom color (e.g., black/white = black top/white bottom).

60. **VEHICLE MAKE**: enter the make of the vehicle, e.g., Ford, Chevrolet, etc.

61. **MODEL**: enter the model of vehicle, e.g., Taurus, Monte Carlo, etc.

62. **STYLE**: enter the style of vehicle, e.g., 2dsd, 4dsd, etc.

63. **VIN**: enter the Vehicle Identification Number of the vehicle.

64. **INVENTORY SEARCH**: indicate YES/NO whether an inventory search was completed on the vehicle.

65. **TOWED**: where applicable enter who towed the vehicle and where it was towed to.

66. **WORKING/RECOVER CR#**: where applicable enter the working or recovery CR#.

67. **HOLD FOR**: indicate whether or not the vehicle is being held for any person, unit, or agency.

68. **OWNER NOTIFIED**: on a recovered stolen vehicle was the owner notified YES/No and by whom.

69. **TT MESSAGE**: if a TT message was sent regarding the vehicle what is the TT No.

VII. NARRATIVE Section

70. Enter a brief narrative description of the incident as well as any miscellaneous or additional relevant information. When appropriate, reference text by Field Number. You may continue on Addendum forms.

VIII. ADMINISTRATIVE SECTION

71. **INQUIRIES**: place an X in each appropriate box to identify sources for inquiries made regarding this incident by the reporting officer.

72. **NYSPIN MESSAGE #**: enter the teletype number of any NYSPIN Message sent.

73. **COMPLAINTANT'S SIGNATURE**: the officer writing the report should attempt to get the complainant to sign the incident report. Enter 'refused' if complainant refuses to sign.

74. **REPORTING OFFICER'S SIGNATURE**: enter the reporting officer's signature, include rank.

75. **ID NO.**: enter the reporting officer's IBM#.

76. **SUPERVISOR'S SIGNATURE**: enter the supervisor's signature and rank.

77. **ID NO.**: enter the supervisor's IBM#.

78. **STATUS: TO BE COMPLETED BY THE REVIEWING SUPERVISOR**. Indicate the case status by placing an X in the box which identifies the current case status as:

- FIELD– more field work to be completed

- CLEARED BY– check additional box to the right to describe why CLEARED.
  - Where the case is cleared the supervisor must indicate to the right by placing and X in the box on how the case was "Cleared by:"
    (1) ARREST- ADULT
    (2) ARREST- JUVENILE
    (3) PROSECUTION WAS DECLINED- for other than lack of probable cause. Example: case is cleared by the confession of an offender already in jail; or offender is being prosecuted in another jurisdiction and the other jurisdiction will not release him.
    (4) DEATH OF OFFENDER
    (5) VICTIM REFUSED TO COOPERATE- victim fails to cooperate in the prosecution of the suspect
    (6) JUVENILE- NO COURT- when a juvenile suspect is either orally reprimanded or has written notice sent to his parents or legal guardian in instances involving minor offenses, and no referral is made to juvenile court.
    (7) EXTRADITION DENIED- when authorities of another state or country refuse to remand the suspect to the custody of the jurisdiction that wishes to prosecute him for the offense in question.
    (8) UNFOUNDED- through the investigation it was determined that the incident never occurred.

- INCIDENT- the report was taken on a non-criminal incident.

- CBI- Closed by investigation/ **"Filed"**. Applicable when the case is deemed permanently inactive for reasons of not being solvable, elapsed time since occurrence, etc.

- WARRANT ADVISED- paperwork has been submitted to the court for an arrest warrant.

79. **REVIEW DATE**: enter the date using the format MM/DD/YY, e.g., 12\01\04 that the case status was determined, NOT the date that the form is being completed.

80. **NOTIFIED/TURNED OVER TO**: enter the agency, division, or officer to whom this case was notified or referred/turned over to (TOT).

**Enter the page number and total number of pages of the report, e.g., pg. 1 of 2.

HOW TO COMPLETE FORMS WITH MULTIPLE VICTIMS, SUSPECTS & MISSING PERSONS

Q: How to complete forms with multiple VICTIMS?

A. A separate Supp/IA Report must be completed for each victim of the incident, including non-person victims.

NOTE: Since the majority of incidents involve only one victim, most incidents will require only one SIR form. When reporting multiple victims of an incident, first number and complete "Supp/IA Report" for the person victims, then number and complete SIR's for non-person victims in the Associated Persons Section.

Q: How to complete forms with multiple SUSPECTS?

A. When reporting multiple suspects, first determine the suspect who has the most significant relationship to the victim identified as V1 on the SIR.

B. Record this suspect's information in the SUPSECT/ARRESTED/MISSING PERSON Section of the SIR.

C. Complete a separate **"Supp/IA Report"** form for all other suspects.

NOTE: Since the majority of incidents involve only one suspect, then in most incidents only one SIR form is necessary.

"SUPPLEMENT/ INVESTIGATIVE ACTION REPORT"

I. **INCIDENT SECTION**

BOX:

Indicate whether the report is a ☐ SUPPLEMENT or an ☐ INVESTIGATIVE ACTION REPORT by checking the appropriate box.

1. **AGENCY:** enter the AGENCY NAME.

2. **ORIGINAL REPORT DATE**: enter Date the Incident was *reported to police* using the format MM/DD/YY, e.g., 10/01/05.
   - This should be the same as Box 3 on the SIR.

3. **ORIGINAL INCIDENT TYPE**: enter the INCIDENT TYPE:
   - ❖ This should be the same as Box 5 on the SIR.

   - Where this is a CRIME enter the type: Robbery, Burglary, Petit Larceny, etc.
   - Where this is an INCIDENT enter the type: Missing Person, Lost Property, etc.

4. **ORIGINAL INCIDENT NO.**: enter the Incident No. (CR#) 05-xxxxxx.
   - This should be the same as Box 6 on the SIR.

5. **INCIDENT ADDRESS**: enter the street address where the Incident occurred.
   - This should be the same as Box 12 on the SIR.

6. **CITY, STATE, ZIP**: enter the City, State, and Zip where the Incident occurred.
   - This should be the same as Box 13 on the SIR.

7. **If the Original Charges on the SIR have NOT been CHANGED, ADDED TO, or MODIFIED THIS SHOULD BE LEFT BLANK.**
   a) If the original charge has been CHANGED, ADDED TO, OR MODIFIED the new charges must be added to the SUPP/IA REPORT.
   b) Indicate whether the charge is "N" new or "R" revised from the original.

   - LAW - Enter law abbreviation, e.g., PL - Penal Law, CPL - Criminal Procedure Law, ABC – Alcohol Beverage Control Law
   - SECTION - Enter article and section of law, e.g., 120.00
   - SUB (SUBSECTION NUMBER) - Enter subsection, if any. If none, enter "00".
   - CL (CLASS) - A, B, C, D, E, or U-Unclassified. In the case of an "attempted" crime, enter the class as though the crime had been completed, and enter "A" in the Attempt Code Field.
   - CAT (OFFENSE CATEGORY) - Enter the letter as follows: F - Felony, M - Misdemeanor, V - Violation, I - Infraction.
   - DEG (DEGREE) - Enter the degree of crime. Enter a dash (-) if not applicable.
   - ATT (ATTEMPTED) - Enter "A" for attempted crimes, "C" for completed crimes.
   - OFFENSE NAME - Enter the name of offense for which the incident report is taken, using standard abbreviations when applicable, e.g., ASSAULT-2ND, ROB-1ST.
   - CTS (COUNTS) - Enter the number of counts for each offense.

** **If during "Supervisor Review" the Offense is found to be incorrect or has changed the review supervisor is to place a line through the original charge (in red ink) and added the revised or new charge.**

** NON-CRIMINAL INCIDENT: leave # 7 blank.

II. **VICTIM SECTION**

- **There is room for two additional victims on each SUPP/IA REPORT. If additional spaces is required for more victims another SUPP/IA REPORT must be completed.**

8. **TYPE/NO.**: enter the Victims number- V2, V3, etc.

9. **VICTIM NAME**: enter Victim's name (last, first, middle).

10. **ADDRESS**: enter Victim's address- Street, City, State, Zip, and City/Town/Village.

11. **TELEPHONE No. W/H/C**: enter Victim's telephone numbers indicating W-work, H-home, and C-cell.

12. **DATE OF BIRTH**: enter Victim's date of birth using the format MM/DD/YY, e.g., 11/04/68. (***Victims D.O.B.s are Mandatory***.)

13. **AGE**: enter Victim's age or age range using the following table:

    NN = under 24 hours old (neonate)
    NB = 1 to 6 days
    BB = 7 to 364 days
    01-98 = Actual age in years
    99 = Over 98 years old

    An age range may also be entered in this field with the lower age followed by the higher age, e.g., a range of 19 to 21 would be written "1921".

14. **SEX**: place an X in the appropriate box to record the Victim's sex. M , F, UNK

15. **RACE**: Place an X in the appropriate box to record the Victim's race. If other or unknown, explain in the narrative section. The categories are defined as follows:

    White- Any person having origins from any of the original peoples of Europe, North Africa, or the Middle East.

    Black- Any person having origins from any of the black racial groups.

    American Indian or Alaskan Native-Any person having origins from any of the original peoples of the Americas, and who maintains cultural identification through tribal affiliation or community recognition.

    Asian or Pacific Islander- Any person having origins from any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippines Islands, and Samoa.

    NOTE: **Hispanic is an ethnic category.**
    People of Hispanic ethnicity should make every effort to select a racial category from one of the four choices listed above.

Unknown- Any person whose race is unknown.

16. **ETHNIC**: Place an X in the appropriate box to record the victim's ethnicity (in *addition* to race). The categories are defined as follows:

Hispanic Any person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

Non-Hispanic Any person not covered by the above category.

Unknown Any person whose ethnic origin is unknown.

17. **RESIDENCE STATUS**: Place an X in the appropriate box to record the victim's residence status in relation to where the incident occurred. The categories are defined as follows:

Resident The Victim is a permanent, legal resident of the location where the incident occurred. (Individual resides in Monroe County, New York)

Commuter The Victim is a commuter, living outside Monroe County, but entering Monroe County on a regular basis to work.

Tourist The Victim lives outside Monroe County and was visiting for vacation or other recreational purpose at the time the incident occurred.

Military The Victim is a member of the armed forces (Army, Navy, Marines, Air Force, and Coast Guard) and lives in Monroe County temporarily and only in connection with his or her military assignment.

Student The Victim attends school within Monroe County and either lives outside the County as their legal residence, or has a temporary domicile in Monroe County only because of school attendance.

Temporary Resident/Foreign National- The Victim is a foreign national (includes both legal and illegal aliens) who has a temporary or seasonal domicile in Monroe County where the incident occurred, e.g., migrant workers, live-in domestic servants, foreign drug dealers.

Homeless The Victim has no permanent address.

Other Status The Victim's residence status, as described in the report, is different from any of those described above.

Unknown (Unk) There is not enough information to determine the victim's residence status.

- Additional Victims must be listed on a "Monroe County Supp/IA Report".
- If not a PERSON- leave blank.

In addition, the CODES associated with each VICTIM (H-L) must be completed.

- **H** **Victim Type**

Enter the code which best describes the type of victim.

This field must have an entry in it as each incident must have a victim. If there

are multiple victims and/or suspects that are identified, they are to be added to a "Supplement/Investigative Action- Incident Names Report" and made a part of the original SIR.

Example:

- During a bank robbery, the offender pointed a gun at a teller, demanded and received money. The robber also assaulted a customer on the way out. There are three victims: the bank (code as 'F'), the teller (code as 'I') and the customer (code as 'I').
- Suspect is arrested for selling drugs to an undercover officer. Victim code is 'S' for 'society/public'.
- "Society" is used when the offense represents society's prohibitions on certain types of activities such as drug/narcotic offenses, gambling, pornography, prostitution. Use **"New York State" as the victim when the crime victim type is 'Society'.**
- "Government" is used when the immediate impact of the crime if felt by a governmental entity or institution, such as welfare fraud. Use the name of the Government entity for these cases e.g., for State welfare fraud, use "New York State"; for Public Schools, use the name of the school district (e.g., Webster Central Schools) and enter the name of the specific school in the narrative.

Investigative Action Reports (or Follow-up) will be started on the "Supplement/Investigative Action Report". Additional narrative will be completed on an "Addendum Report".

- **I** **Victim Level of Injury (Apparent)**

Enter the code which best describes the level of injury that the victim appeared to have sustained. **This element should be completed only for victim types I, L, or A.**

For all other non-person victim types, enter a dash (-) in Box I.

1- DEAD: victim killed
2- SERIOUSLY INJURED: injury required more than simple first aid
3- PHYSICALLY INJURED: injury required only first aid or no immediate treatment
4- NOT INJURED: victim did not appear injured in incident

- **J** **Victim Type of Injury**

Enter the code which best describes the type of injury that the victim appeared to have sustained. **This element should be completed only for victim types I, L, or A.**

For all other non-person victim types, enter a dash (-) in Box J.

- **K** **Victim Medical Treatment**

Enter the code which best describes the medical treatment received by the victim. **This element should be completed only for victim types I, L, or A.**

For all other non-person victim types enter a dash (-) in Box K.

- **L** **Victim/Offender Relationship**

Enter the code which best describes the relationship of the victim to the suspect. This relationship should be expressed in terms of the victim (i.e., Victim was _____ to the suspect).

Example: Victim/Offender Relationship of "friend" means that the victim was a friend of the suspect whose number is listed in Field #27 on the SIR or Field# 20

on the SIR/IA Report.

If the relationship is unknown, enter an "X" in Box L. **This element should be completed only for victim types; I, L, or A**. For all other non-person victim types, enter a dash (-) in Box L.

III. ASSOCIATED PERSONS SECTION

18. **TYPE/NO.** - is used to identify and number each person associated with the incident using the abbreviation for PERSON TYPE. Use number designations if additional types within the same category are entered (e.g. PK1, PK2).

R=Reporting Person
W=Witness
PK=Person with knowledge
NI=Not interviewed
NO=Interviewed, no information

- **NAME**- Enter each person's last name, first name, middle initial, and title if applicable.
- **DATE OF BIRTH** - Enter each person's date of birth using the format MM/DD/YY. **Note: in order for a person to be entered into ILEADS, we must have a DOB.** ***Associated Persons DOB's are mandatory.***
- **SEX**
- **RACE**
- **STREET** - Enter each person's full address including street number, street name, apartment number, city, state, and zip code.
- **TELEPHONE** - Enter each person's telephone number including area code for both business and place of employment, and residence.

Note: Additional Associated Persons a must be listed on a "Monroe County Supp/IA Report" under the section:

IV. SUSPECT/ ARRESTED/ MISSING PERSONS SECTION

- **There is room for two additional victims on each SUPP/IA REPORT. If additional spaces is required for more victims another SUPP/IA REPORT must be completed.**

19. **TYPE/NO**: Use a code from **TABLE O** followed by a number to identify the Suspect/Arrested/Missing Person, i.e., S1, S2, S3, A1, A2, M1, M2.

20. **NAME**: Enter last name, first name, middle initial of the suspect, arrested suspect or missing person. If unknown leave blank.

21. **ALIAS/NICKNAME/MAIDEN**: enter aliases, nicknames, or any other name by which a Suspect/Arrested/Missing Persons may be known. If this person also has another full name, list it here as last name, first name, and middle initial. If unknown or none leave blank.

22. **APPARENT CONDITION**: place an X in the appropriate box to record the apparent physical condition of the Suspect/ Arrested / Missing Person's *at the time of the incident.* If entering data for a missing person this may be left blank. The categories are as follows:

Appears to be Impaired with Drugs
Appears to be Impaired with Alcohol
Appears to be suffering from a Mental Disorder
Appears to be Injured/Ill
Apparently Normal
Unknown

23. **ADDRESS**: enter street number, street name, building number, apartment number, city, state, and zip code for each Suspect/ Arrested / Missing Person. If unknown leave blank.

24. **TELEPHONE NUMBER**: enter phone numbers including area codes for the Suspect/ Arrested / Missing Person: W (work), H (home), and/or C (cell). If unknown leave blank.

25. **MORIS No.**: enter the Suspect/ Arrested / Missing Person, MoRIS Number; if unknown leave blank.

26. **EMPLOYER/SCHOOL**: enter the Suspect/ Arrested / Missing Person employer or school name.

27. **D.O.B.**: enter the Suspect/ Arrested / Missing Person date of birth using the format MM/DD/YY. **(Arrested or Missing Person D.O.B. is Mandatory. Suspect D.O.B. is Mandatory if known, if unknown leave blank.)**

28. **AGE**: enter the Suspect/ Arrested / Missing Person age or an age range using the following table:
    NN = under 24 hours old (neonate)
    NB = 1 to 6 days
    BB = 7 to 364 days
    01-98 = Actual age in years
    99 = Over 98 years old

    An age range may also be entered in this field with the lower age followed by the higher age, e.g., a range of 19 to 21 would be written "1921". If unknown, leave blank.

29. **SEX**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person sex.

30. **RACE**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person's race. The categories are defined as follows:

    White- Any person having origins from any of the original peoples of Europe, North Africa, or the Middle East.

    Black- Any person having origins from any of the black racial groups.

    American Indian or Alaskan Native- A person having origins in any of the original peoples of the Americas, and who maintains cultural identification through tribal affiliation or community recognition.

    Asian or Pacific Islander- Any person having origins from any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes China, India, Japan, Korea, the Philippines Islands, and Samoa.

    NOTE: Hispanic is an ethnic category. People of Hispanic ethnicity should

make every effort to select a racial category from one of the four choices listed above.

Unknown- Any person whose race is unknown.

31. **ETHNIC**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person ethnicity. The categories are defined as follows:

    Hispanic- Any person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

    Non-Hispanic- A person not covered by the above category.

    Unknown- Any person whose ethnic origin is unknown.

32. **BUILD**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person build. If unknown leave blank.

33. **SKIN COLOR**: place an X in the appropriate box to record the Suspect/ Arrested / Missing Person skin tone.

34. **HEIGHT**: enter the Suspect/ Arrested / Missing Person height, in feet and inches.

35. **WEIGHT**: enter the Suspect/ Arrested / Missing Person weight, in pounds. If unknown leave blank.

36. **HAIR**: enter the Suspect/ Arrested / Missing Person hair color using codes from **TABLE P**.

37. **EYE COLOR**: enter the Suspect/ Arrested / Missing Person eye color using codes from **TABLE Q**.

38. **GLASSES**: place an X in the appropriate box to indicate if the Suspect/ Arrested / Missing Person wears glasses (mark Yes), or contacts (mark Contacts), or neither (mark No). If unknown leave blank.

39. **S/M/T (Scars/Marks/Tattoos)**: enter the location and description of any scars, marks, tattoos, or any other physical characteristics that may be used to identify the Suspect/ Arrested / Missing Person. If more space is required, use the narrative section. If unknown leave blank.

40. **CLOTHING DESCRIPTION**: Enter a description of the clothing worn by the Suspect/ Arrested / Missing Person. If unknown leave blank.

41. **MISSING PERSON CODE**: enter the Missing Person Code using codes from **TABLE R**.

42. **MOTHERS MAIDEN NAME**: (Required for Missing Persons)

43. **MISC.**: where applicable enter the School District and/or Place of Birth. May enter any additional relevant information concerning the suspect or missing person. For a missing persons enter type of clothing, anything that the MP may have with them, any medications or violent tendencies, and any other relevant information that would assist in locating or identifying the person. If more space is required, use the narrative section.

V. **NARRATIVE Section**

44. Enter a brief narrative description of the incident as well as any miscellaneous or additional relevant information. When appropriate, reference text by Field Number. For example, Field #32 - Victim is blind. You may continue on Addendum forms.

VI. ADMINISTRATIVE SECTION

45. **INQUIRIES**: place an X in each appropriate box to identify sources for inquiries made regarding this incident by the reporting officer.

46. **NYSPIN MESSAGE #**: enter the teletype number of any NYSPIN Message sent.

47. **WORKING INCIDENT NO.**: where applicable enter the working CR#.

48. **DATE OF SUPP/IA REPORT**: enter the date the SUPP/IA Report was completed.

49. **REPORTING OFFICER'S SIGNATURE**: enter the reporting officer's signature, include rank.

50. **ID NO.**: enter the reporting officer's IBM#.

51. **SUPERVISOR'S SIGNATURE**: enter the supervisor's signature and rank.

52. **ID NO.**: enter the supervisor's IBM#.

53. **STATUS**: **TO BE COMPLETED BY THE REVIEWING SUPERVISOR**. Indicate the case status by placing an X in the box which identifies the current case status as:

- FIELD– more field work to be completed
- CLEARED BY– check additional box to describe why closed
  - Where the case is cleared the supervisor must indicate to the right by placing and X in the box on how the case was "Cleared by:"
    (1) ARREST- ADULT
    (2) ARREST- JUVENILE
    (3) PROSECUTION WAS DECLINED- for other than lack of probable cause. Example: case is cleared by the confession of an offender already in jail; or offender is being prosecuted in another jurisdiction and the other jurisdiction will not release him.
    (4) DEATH OF OFFENDER
    (5) VICTIM REFUSED TO COOPERATE- victim fails to cooperate in the prosecution of the suspect
    (6) JUVENILE- NO COURT- when a juvenile suspect is either orally reprimanded or has written notice sent to his parents or legal guardian in instances involving minor offenses, and no referral is made to juvenile court.
    (7) EXTRADITION DENIED- when authorities of another state or country refuse to remand the suspect to the custody of the jurisdiction that wishes to prosecute him for the offense in question.
    (8) UNFOUNDED- through the investigation it was determined that the incident never occurred.
- INCIDENT- the report was taken on a non-criminal incident.
- CBI- Closed by investigation/'office'. Applicable when the case is deemed permanently

inactive for reasons of not being solvable, elapsed time since occurrence, etc.

- WARRANT ADVISED- paperwork has been submitted to the court for an arrest warrant.

54. REVIEW DATE: enter the date using the format MM/DD/YY, e.g., 12\01\04 that the case status was determined, NOT the date that the form is being completed.

55. NOTIFIED/TURNED OVER TO: enter the agency, division, or officer to whom this case was notified or referred/turned over to (TOT).

**Enter the page number and total number of pages of the report, e.g., pg. 1 of 2.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
POLICE BUREAU	October 29, 2008	November 5, 2008	22-P-08
SUBJECT: BIAS-BASED PROFILING		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 1.2.9			RESCINDS 22-P-02

Purpose: To communicate the position of the Office of Sheriff on bias-based profiling to all employees and to institute the means by which this position will be reinforced and monitored.

***Definition:** Biased-Based Profiling is defined as the selection of individuals based solely on a common trait of a group.

Policy: At no time will race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other such narrowly defined characteristic be the sole basis for stopping or detaining any person. Stereotypic profiling is inappropriate and will not be tolerated by this Office.

I. General Prohibition

A. Members of the Office of Sheriff are trained and expected to use proper and reasonable judgment to assess all situations they encounter in the field.

B. Decisions surrounding traffic contacts, field contacts, investigative matters, and personal stops and detentions must be based on the totality of the circumstances which are based on the deputy's training and experience.

* C. At no time will race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable trait be the sole basis for stopping or detaining any person. This prohibition also applies to all traffic contacts, investigative matters, including efforts related to asset seizure and forfeiture activities.

II. Training

A. Members will receive initial training on the position of the Office of Sheriff with respect to bias-based profiling provided during the Basic Course for Police Officers provided at the training academy.

B. Training on the legal aspects of bias-based profiling will be incorporated in the legal updates in-service provided supervisors, deputies and investigators.

III. Monitoring and Corrective Measures

A. Supervisors will regularly review the field/investigative activities of members to ensure consistent compliance with this policy.

B. Should noncompliance be found or a complaint sustained, all appropriate counseling measures will be taken and if necessary and warranted, disciplinary action pursued.

* C. On an annual basis, the Standard and Compliance Unit will assess practices and citizen concerns through a case review process or review of Internal Affairs files.

* Denotes changes to order

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE September 3, 2012	EFFECTIVE DATE September 4, 2012	NO. 23-12
SUBJECT: GENERAL ORDER Polygraph Unit		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYS CRIMINAL PROCEDURE LAW 160.45; AMERICAN POLYGRAPH ASSOCIATION RULES, REGULATIONS, & BY-LAWS. CALEA 32.2.4, 32.2.5, 32.2.6, 33.6.1, 42.2.6 NYSLEAP 50.6			RESCINDS 23-P-08

Purpose: To establish policy and procedure for conducting polygraph examinations by the Monroe County Sheriff's Office Polygraph Unit.

Policy: It shall be the policy of the Monroe County Sheriff's Office (MCSO) to provide polygraph examinations to this and other law enforcement agencies. Polygraph examinations shall only be conducted by fully trained examiners and administered consistent with all applicable federal, state and local laws within the guidelines set forth in this order.

Definitions: The polygraph is an instrument that records certain physiological changes in a person undergoing questioning, in an effort to obtain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

Note: The polygraph examination is a valuable investigative tool when used in conjunction with, but not as a substitute for, a thorough investigation.

I. Authorization

Polygraph examinations may be authorized when consistent with federal, state, and local laws and MCSO policy.

II. Polygraph Situations

Polygraph examinations may be requested under the following circumstances:

A. Verify, corroborate or refute statements including those of suspects, witnesses and/or victims; except those victims prohibited by law (CPL Section 160.45).

B. Narrow or focus criminal investigations.

C. Obtain additional investigative leads.

D. As requested by the District Attorney's Office as part of an agreement with a defense attorney or for other investigative purposes.

Note: In accordance with Section 160.45 of the NYS Criminal Procedural Law, no district attorney, police officer or employee of any law enforcement agency will request or require any victim of a sexual assault crime to submit to any polygraph test or psychological stress evaluator examination. A victim of a sexual assault crime is

defined as any person alleged to have sustained an offense under article 130, or section 255.25 of the penal law.

E. Pursuant to requests from other authorized criminal justice agencies.

F. As an element of a background investigation of a candidate for a sworn or civilian position in the Office of Sheriff.

G. Any other authorized purpose.

III. Who May Request Polygraph Examinations

A. Police Bureau members of the Monroe County Sheriff's Office Patrol or Criminal Investigation Section may initiate polygraph requests.

B. District Attorney's Office.

C. Outside Law Enforcement agencies.

IV. Procedure for Requesting Polygraph Services

A. Police Bureau Road Patrol Personnel:

1. A deputy should have his/her request for polygraph services reviewed by a CIS Sergeant.

2. When the CIS Sergeant decides that a polygraph examination is in order, the deputy will contact an agency examiner.

3. Upon being advised for the need of a polygraph examination, the examiner will note the CIS Sergeant approving the examination, review the specifics of the investigation and may direct that other investigative attempts be conducted prior to the examination. If the examiner determines that an examination is appropriate, the deputy and the examiner will schedule same.

B. CIS Personnel

1. Members of the Criminal Investigation Section may contact a polygraph examiner directly to schedule an examination.

2. The specifics of the investigation will be reviewed with the examiner to determine if an examination is feasible and to schedule a time.

C. Outside Agencies

1. Any examination requests from outside agencies require the approval of the commanding officer of the Criminal Investigation Section and/ or the Major of Operations.

2. Requests for polygraph examinations from another law enforcement agency pursuant to any internal investigation will be based on the contractual guidelines established by the individual's collective bargaining unit.

V. Polygraph Examination Procedure

Polygraph examinations shall only be conducted by fully trained examiners. Any submission to a polygraph examination will be a voluntary action by the subject. No polygraph examination will be administered without a signed waiver. Under no circumstances will any member release the results of a polygraph examination to anyone not authorized by law to receive the results. Generally those individuals who can receive test results are the examinee, and anyone specifically designated in writing by the examinee, the person, firm, corporation or governmental agency which requested the examination and others as may be required by due process of law.

A. Requesting Deputies will:

1. Review ALL pertinent information surrounding the case with the examiner including:

   a. Any information withheld from the public that would be valuable during a polygraph examination.

   b. Evidence available and withheld from the subject.

   c. Statements made by the subject, complainants and witnesses.

   d. Background information on the subject to be examined, to include criminal record and possible motivation.

   e. Newspaper articles or other general information concerning the case.

2. Provide the examiner copies of any and all documents of the case under investigation.

3. Contact the examiner and the subject and arrange for a date and time of the examination.

4. Provide transportation for the subject to and from the examination site if necessary.

5. Be present during the examination to answer any questions the examiner may have about the subject and the case.

6. Conduct the follow-up interview of the subject with the assistance of the examiner.

7. Complete any follow-up reports, documenting the results of the examination as follows:

   a. Inconclusive.

   b. No Deception Indicated.

   c. Deception Indicated.

B. Polygraph examiners shall:

1. Be solely responsible for authorizing any persons inside the examination or observation rooms before, during and after the examination.

2. Explain the nature of the polygraph examination to the subject.

3. Obtain a signed waiver from the subject to proceed with the examination.

4. Review Miranda Rights with the subject where applicable.

5. Determine if the subject is a viable candidate for an examination by reviewing the subject's:

   a. Medical history, including the submission of a physician's waiver.

   b. Present health, including any medications and/ or illicit drugs the subject may be presently taking or has taken in the past to determine if they may interfere with the examination.

   c. Emotional history.

   NOTE: Polygraph examinations shall not be conducted on any person whom the examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include but is not limited to persons with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with test results. When in doubt, the examiner may seek guidance from medical or psychological professionals as authorized by this agency and/or request the examinee to obtain a medical certificate from an appropriate health care provider. Further, an examiner shall not conduct a polygraph examination upon a subject if it is felt for any reason that an unbiased examination cannot be given. In any case, the final decision whether or not to administer a polygraph examination rests with the examiner.

6. Be responsible for preparing all questions used in the examination. Prior to the examination, each test question shall be reviewed with the person being tested.

7. Immediately cease an examination when requested to do so by the subject.

8. Independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions:

   a. No Deception Indicated

   b. Deception Indicated

   c. Inconclusive

9. Determine if a second polygraph examination is necessary and appropriate.

10. Release the results to the subject upon completion of the examination.

VI. Pre-Employment Polygraph Examinations

A. Polygraph examinations shall not be used as the sole determinant of suitability for employment. In the event of suspected deception, a Background Investigator will be required to conduct additional interviews, investigations or inquiries into the matter.

B. The results of all pre-employment examinations, including chart tracings, polygraph reports and related examination results, shall be maintained in a secure storage location, separate from criminal polygraph files.

C. The Training and Recruitment Unit, in accordance with present hiring procedures and existing civil service guidelines, shall schedule pre-employment polygraph examinations in a timely manner so as not to place undue time restraints on the selection process.

D. Polygraph Examiners will not discuss the applicant's status of hire before, during or after administering a polygraph examination.

E. Polygraph Examiners will:

1. Review all relevant applicant(s) screening reports, personal history summaries and any other reports prepared by this agency before conducting the examination.

2. Provide the applicant with the Polygraph Questionnaire Booklet to be completed upon their arrival for the examination.

3. Obtain a waiver from the applicant to conduct the examination.

4. Review the Polygraph Questionnaire Booklet along with the original background questionnaire booklet to determine discrepancies between them.

5. Review the discrepancies with the applicant and have him/her document any changes between the two booklets and the appropriate departmental form.

6. Review all questions that will be asked during the polygraph examination.

7. Administer the examination using the most recent acceptable testing format.

8. Review all completed charts.

9. Re-interview the applicant if applicable and determine if a second examination should be administered.

10. Have the applicant document any admissions of deception on the appropriate departmental form.

11. Complete a final report on the findings of the polygraph examination.

VII. Equipment

A. Department Polygraph Examiners will be responsible for the maintenance of all polygraph equipment.

B. Polygraph Equipment and practices will be consistent with the by-laws and guidelines set forth by the American Polygraph Association.

VIII. Professional Development

* A. Polygraph Examiners will be trained and certified by an accredited polygraph school (I.E. NCTC Polygraph Training Program, American International Institute of Polygraph).

* B. Departmental Polygraph Examiners will maintain membership in a nationally recognized Polygraph Association such as, but not limited to, the American Association of Police Polygraphist (AAPP) or the American Polygraph Association (APA).

* C. Departmental Polygraph Examiners shall maintain current polygraph practices by receiving continuing education through attendance at the respective certified examiners polygraph association approved training courses (I.E. AAPP or APA annual conferences). Credit hours of continuing education will consist of at least the minimum set forth by each respective certified examiners polygraph association by-laws.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates a change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE March 29, 1999	EFFECTIVE DATE July 20, 2007	NO. 24-P-99
SUBJECT: GENERAL ORDER Investigative Action Report		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS

Effectively immediately, PBGO 24-P-99, "Investigative Action Report", is rescinded and should no longer be utilized. Refer to PBGO 21-P-06, "Standard Incident Report & Supplement/Investigation Action Report for further guidance and direction.

By Order the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE July 18, 2014	EFFECTIVE DATE July 28, 2014	NO. 025-14
SUBJECT: GENERAL ORDER Search & Seizure without a Warrant		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 1.2.4, 70.1.1			RESCINDS 025-13

Purpose: To provide guidelines and procedures for members of the Monroe Country Sheriff's Office to follow in conducting searches that have not been reviewed and authorized by judicial personnel.

* **Policy:** It is the policy of the Monroe County Sheriff's Office to abide by all current constitutional, statutory, and judicial guidelines regarding searches and seizures conducted without a warrant. Members will familiarize themselves with all applicable laws governing non-warrant searches and seizures, and will not conduct a search without a warrant unless it meets criteria as an exception to the warrant requirement or is expressly authorized by statute. When there is a question regarding search and seizure without a warrant the District Attorney's Office should be consulted. No strip search will be performed by Police personnel unless there is reasonable suspicion to believe the prisoner is in possession of evidence, weapons, or contraband, and that a strip search is necessary to recover such items. Strip searches may also be conducted as authorized by a search warrant.

* **Definitions:**

Strip Searches: A search that requires the prisoner to completely disrobe. Each item of the prisoners clothing is searched and their entire body is visually inspected, including a visual inspection of the mouth and ears. A strip search will **NOT** include the invasion of any body cavity below the neckline.

Visual Body Cavity Searches: A visual inspection of a prisoner's anal or genital cavity, without touching, generally while the person is bent over.

Manual Body Cavity Searches: A manual and instrumental inspection of the interior of any private orifice (anus & vagina). This search will **ONLY** be performed in an established medical facility by duly licensed medical personnel and by virtue of a valid search warrant directing such a search. The only instance wherein a manual body cavity search is permitted without a search warrant is if the prisoner is in extreme medical distress and it appears that his/her health will be jeopardized if the item(s) remains inside the body cavity.

I. **Searches without a Warrant in General**

A. The Fourth Amendment to the United States Constitution guarantees the right of the people to be free from "unreasonable searches and seizures." Only in specific, well-defined exceptions will search and seizures be permissible in the absence of a warrant. Warrantless searches that fall outside of these exceptions may be found to be unreasonable and unlawful, and may lead to the exclusion of any evidence obtained.

1. The courts have identified four levels of police/citizen encounters. The lowest level, which is a **request for information**, is limited in scope and narrow in purpose. It is used to gather information and involves basic, non-threatening questions, including inquiries regarding identity, destination, and purpose of presence. The only requirement needed is an objective, credible reason for interference, not necessarily indicative of criminality. At this level, the police have no authority to conduct a search or request consent for a search.

2. The next higher level of police/citizen encounter is a **common law right of inquiry**. Unlike a request for information, this level of intrusion involves more extensive and intimidating, invasive and accusatory questions. This level is activated by a founded suspicion that criminal activity is afoot. A police officer may only now request permission for consent to search, but the individual may still deny that request. In fact, neither of these levels of encounter involves the seizure of the subject, and there is no obligation on the part of the subject to answer any question or to remain on scene.

B. The results of a search do not affect the initial validity of the search itself; a search is valid or invalid from its inception, and is not determined by its outcome. The burden of justifying the lawfulness of a warrantless search and seizure rests with the prosecution.

II. Search by Consent

A. A voluntary consent to search is considered a major exception to the general warrant requirement, however there remains a heavy burden on the part of the prosecution in proving such voluntary consent.

1. The New York State Court of Appeals has held that consent is voluntary "when it is a true act of will, a product of an essentially free and unconstrained choice," and is "incompatible with official coercion, actual or implicit, overt or subtle."

2. The voluntary nature of consent is a question of fact that will be determined from a totality of the circumstances in any particular case.

3. No single factor, in and of it, will determine whether the consent is voluntary, and may include but is not limited to any of the following:

   a. Whether or not the subject is in custody,

   b. Whether or not the subject was threatened or coerced by the police.

   c. The number of police officers present,

   d. Whether or not the police officers have their guns drawn,

   e. The background of the subject, and/or,

   f. Existence of deception by the police.

B. The form in which consent to search is given also does not determine the voluntary nature of the consent and may be written, oral or implied by specific conduct.

1. Written consent is the preferred method of conducting a search by consent. MCSO personnel should utilize Consent to Search Form.

2. Oral consent should nonetheless be documented on the appropriate departmental form. Documentation will include the actual words used by the subject granting consent; the subject's authority and competency to grant consent, and the identities of witnesses to the consent.

C. In addition to consenting to a voluntary search, the subject granting consent must have apparent legal control or authority over the object or premise of the search. Examples of people who have legal rights of possession, control, or authority over property include:

1. A homeowner,

2. A homeowner's spouse,

3. A parent, permitting the search of a non-rent paying child's room within the parent's home.

4. A roommate, permitting the search of the common areas of an apartment or dorm room,

5. The registered owner of a motor vehicle, and/or,

6. The operator of a motor vehicle.

D. Consent to search may be granted only to a specific area, and must then be limited to that area. Consent may also be withdrawn at any time; if consent is withdrawn, the search must be terminated.

III. Stop and Frisk

A. Authority to "stop and frisk" is derived from Criminal Procedure Law Section 140.50(3).

1. Stop and frisk constitutes the most intrusive level of police conduct short of an arrest.

2. Authority to do so in limited to a "search" for deadly weapons and/or dangerous instruments, when the police officer has an articulable reason to fear for his or her safety.

a. A "search" in this instance is in reality a frisk or "pat down," a limited touching of the subject for the purpose of identifying the presence of a potential weapon.

b. The manner, in which the frisk is conducted, for example, standing or prone, is left to the discretion of the officer.

3. An investigatory search (unconnected to weapons) or a search for evidence under these circumstances is not permitted.

a. The police officer may not request the subject to empty his pockets, unless the subject repeatedly reaches into a pocket, nor can the officer reach into the subject's pocket or waistband.

b. If the police officer has specific information about the location of a weapon, or if the subject makes a threatening motion to an area of his person in which the officer has reason to believe there is a weapon, then the officer may conduct an immediate protective search of that specific area.

c. There is no "plain touch" doctrine; therefore, only items reasonably believed to be weapons might be removed from the subject at this stage. Contraband inadvertently seized under the belief that it was a potential weapon, should not be returned to the subject, but rather is submitted to the Property Clerk as evidence. The conduct of the police officer will be judged by the courts based upon the reasonableness of his or her actions.

B. Stop and frisk may extend beyond the subject's person under certain circumstances.

1. Authority to frisk or pat down a subject's property does not exist absent authority to frisk the subject himself.

2. If otherwise authorized, the subject's property must be physically located within the subject's reachable area in order to be frisked.

C. In order for a frisk to be justified, the police officer must have a reason to fear for his or her safety and be able to articulate that reason.

1. No requirement exists that the officer be "certain" that the subject is armed; the officer may rely upon reasonable suspicion that the subject is armed.

2. The reasonable suspicion must be derived independently from the reason for the stop, unless the reason for the stop involves the commission of a violent crime. In that case, the reasonable suspicion justifies both the initial stop and the ensuing frisk.

3. The police officer may also take other self – protective measures aside from the frisk, if justified by the circumstances.

a. The officer may draw his or her weapon upon approach; this action does not necessarily convert the encounter to an arrest.

b. The officer may grab the subject's hand, or order the subject to remove his hands from his pockets.

c. The officer may ask the subject is he has anything on his person, which might cut or injure the officer during course of the pat-down.

d. The officer may handcuff the subject temporarily, but must be able to articulate why it was necessary (i.e. officer and/or subject safety).

IV. Strip Searches Conducted Without a Search Warrant

A. Prior to **ANY** strip search being conducted, the arresting Deputy will confer with a Supervisor and advise them of the circumstances surrounding the arrest and the basis of the reasonable suspicion upon which the search would be based. The Supervisor will then decide whether to authorize the strip search.

1. If Deputies have reasonable suspicion to believe that a weapon or dangerous instrument is secreted on a prisoner's person that presents an imminent safety concern, Deputies will immediately attempt to retrieve the weapon or dangerous instrument in accordance with Sheriff's Department policy. Deputies will then notify a Supervisor and fully document their reasonable suspicion and take steps to retrieve the weapon or dangerous instrument.

B. All strip searches will be conducted in the presence of two (2) Deputies of the same sex as the prisoner, if available. If two (2) Deputies of the same sex are not available, the actual search will be conducted by at least one (1) Deputy of the same sex.

C. In instances where the prisoner has been remanded to the Monroe County Jail, Patrol Deputies can utilize the services of Jail Deputies to perform a strip search pursuant to **JBGO-028 Searches of Persons**.

D. The arresting or searching Deputy will fully document the reasonable suspicion justifying the strip search in his/her SIR, DIR, or Investigative Action Report and include the identity of the Supervisor approving the strip search.

* **V. Strip Searches Conducted Pursuant to a Search Warrant**

A. Strip searches authorized by a search warrant may be conducted at Zone Substations, Headquarters, Monroe County Jail, or at the scene of the search warrant as directed by the Supervisor responsible for the search warrant execution or upon specific directions noted by the warrant.

B. All strip searches will be conducted in the presence of two (2) Deputies of the same sex as the prisoner if available. If two (2) Deputies of the same sex are not available the actual search will be conducted by at least one (1) Deputy of the same sex.

C. The Deputy(ies) conducting the strip search will fully document the circumstances of the strip search in an Investigative Action Report as appropriate.

* **VI. Body Cavity Searches**

A. A visual body cavity search man be conducted if there is reasonable suspicion that contraband, evidence, or a weapon is hidden inside the prisoner's body, provided that the search is conducted in a reasonable manner.

B. If, based on reasonable grounds, it is believed that contraband or evidence is secreted inside a body cavity below the neckline of a prisoner and such prisoner refuses to surrender the contraband or evidence, a Command Officer will be notified immediately and such prisoner will be kept under constant observation. Any subsequent search of a body cavity will be accomplished **ONLY** by duly licensed medical personnel in an established medical facility and by virtue of a valid search warrant direction such search. The only instance wherein a manual body cavity search is permitted without a search warrant is if the prisoner is in extreme medical distress and it appears that his or her health will be jeopardized if the item(s) remains inside the body cavity.

C. The Command Officer will attempt to notify the Major of Operations, through the chain of command, prior to conducting a body cavity search if practicable. If prior notice is not practicable, the Major of Operations will be notified as soon as possible after the search.

D. In any situation where a strip search or body cavity search is required, Deputies will conduct the search with the utmost regard to decency and privacy, out of public view, and with due regard for human dignity.

VII. Search of Automobiles

A. Justification for stopping a motor vehicle cannot be based on police officers' "mere whim, caprice, or idle curiosity."

1. A vehicle may be stopped for a violation of the Vehicle and Traffic Law or other law, where the officer reasonably suspects a violation of it, based upon specific and articulable facts.

   a. When a police officer determines that the driver's paperwork is in order, and has issued a traffic summons, the initial justification for stopping the vehicle has ended, and if the driver is further detained for additional questions or for permission to search the car, the ensuing search and seizure may be deemed unlawful.

   b. If, however, the driver's paperwork offers a false identity, a founded suspicion that criminal activity is afoot will exist, entitling the officer to conduct a common law right of inquiry,

2. A vehicle may be stopped for an "investigative stop" when the officer has a reasonable suspicion that its occupants have been, are presently, or are about to be engaged in a violation of the law.

   a. A officer's approach to a stationary vehicle is comparable to approaching a citizen on the street, and may be based upon a level one "request for information" police/citizen encounter, under *People v. Debour.* However, an investigative stop of a moving vehicle must be based upon the higher standard of "reasonable suspicion".

   b. A stop made for this purpose is considered a limited detention for the purpose of making inquiries. Once these inquiries have been answered satisfactorily, the purpose of the stop has been achieved. If, however, the driver's paperwork offers a false identity, a founded suspicion that criminal activity is afoot will exist, entitling the deputy to conduct a common law right of inquiry.

3. A vehicle may be stopped by the use of a roadblock or checkpoint stop.

   a. The validity of a roadblock stop will be based in large part upon whether the officer had discretion to select which cars to stop and which ones to let pass.

   b. The roadblock must be based upon a legitimate function or purpose, like detecting and deterring intoxicated driving.

c. The reasonableness of the roadblock must be determined, based upon the establishment of written guidelines, procedures, etc. Refer to PBGO-029 with regard to the Office of the Sheriff's policy with regard to roadblocks.

4. A police officer may stop a vehicle any time there is a probable cause to believe that the driver of an automobile has committed a traffic violation, and the primary motivation of the deputy is no longer a relevant concern for the courts when evaluating the legality of the stop. The use of a traffic infraction as a pretext for stopping a motor vehicle for the investigation of a more serious crime is not a violation of Fourth Amendment.

Note: Any time a pre-textual stop leads to the issuance of criminal charges, the deputy shall also issue a UTT for the underlying violation.

B. Once a motor vehicle has been stopped, the officer may undertake a number of actions with regard to the operator of the vehicle.

1. The officer may open any of the doors to the vehicle.

2. The officer may require the driver to turn off the ignition and step out of the car, or to remain inside the car and turn on the interior lights.

3. The officer may shine a flashlight into the car, but once the occupants have been removed, a search will be deemed to have been conducted if an officer moves his head inside the car to conduct a visual inspection.

4. The driver may be required to produce identification.

5. The officer may conduct a brief inquiry with regard to the basis for the stop.

6. Based solely upon the traffic stop, the officer will not be justified in reaching into the vehicle and examining the contents of a bag or container.

7. When there are "suspicious circumstances" surrounding the traffic stop, an officer may grab a container when the occupant of the vehicle makes a sudden effort to seize it.

8. The driver of the vehicle may be searched incidental to a lawful custodial arrest.

C. The officer may also take a number of actions with regard to the passengers of the stopped vehicle.

1. The officer may order the passenger to keep his hands in view while the driver's paperwork is examined.

2. The passenger may be ordered out of the vehicle.

3. If a passenger has been removed from the vehicle, he cannot be detained absent reasonable suspicion that the passenger has been or is committing a criminal offense.

D. The search of a vehicle itself may sometimes be conducted.

1. As previously stated, once the occupants have been removed from the vehicle, if an officer sticks his head inside the car to conduct a visual inspection, opens the door to check a vehicle identification number, or places a flashlight inside the vehicle to better view the interior, the courts have held that a search has been conducted.

2. It should be noted that there is a lesser expectation of privacy in one's vehicle than in one's home. In part due to this reduced expectation of privacy, and the extensive regulation and inspection that they receive, the courts have carved out an automobile exception to the warrant requirement.

3. Under the automobile exception, police may search a vehicle and any containers found inside when they have probable cause to believe that it contains contraband, a weapon, or evidence of a crime.

   a. The circumstances, which give rise to the probable cause, may be independent from the arrest, and may exist before any arrest is made.

   b. The circumstances, which give rise to the probable cause to arrest the occupants of a car, may also give rise to the probable cause required to search the vehicle itself.

   c. Where probable cause exists, police may search a locked trunk, glove compartment, and any containers found in the vehicle, but it must be clear that the probable cause would justify the search of the vehicle. If questionable, a search warrant should be obtained.

4. Police may search the driver or other occupant of the vehicle incident to a lawful arrest.

   a. This exception to the warrant requirement exists to protect against the destruction of evidence and prevent the suspect's access to a weapon.

   b. This search is limited to the suspect's person, and his reachable area, the space within his or her immediate reach. Space outside of the subject's immediate reach should not be searched without probable cause.

VIII. Plain View

A. Under certain circumstances, the police may seize contraband, evidence, or instrumentality of a crime without a warrant under the plain view exception to the warrant requirement. Two factors must exist for the seizure to be lawful.

   1. The items seized are in plain, open view;

   2. The police officer observes the items from a lawful vantage point, that is, he or she has a right to be in the position from which the observations are made.

B. For items to be lawfully seized under this exception, it must be immediately apparent to the police officer that the items observed are evidence, contraband, instrumentality of a crime, or otherwise subject to seizure.

IX. Exigent Circumstances

A. Under certain exceptional circumstances, warrantless entry of premises will be permitted. In each of these circumstances, the police have probable cause to enter, but due to the urgency of the situation, they do not have time or opportunity to obtain a warrant. The burden of showing the exigency why a warrant could not be obtained remains with the prosecution.

Note: A warrant needs to be obtained after the area is secured and the concerns listed below are no longer evident.

1. Exigent circumstances involving evidence, weapons, and contraband may permit a warrantless search, in order to assist in the gathering of evidence.

   a. Warrantless entry may be permitted to prevent the imminent use of weapons.

   b. Warrantless entry may be permitted to prevent the destruction of evidence.

   c. Warrantless entry may be permitted to prevent the removal of contraband.

2. Police may also enter premises without a warrant under the "emergency doctrine", in order to protect life and property.

   a. Warrantless entry may be permitted to protect an individual in distress.

   b. Warrantless entry may be permitted to assist the victim of a crime.

   c. Warrantless entry may be permitted to investigate a suspicious condition or some sign of impending danger.

   d. Once responding to such an emergency, the police have the right to take a variety of intrusive actions in order to restore control to the situation.

3. Police may enter the premises without a warrant in "hot pursuit", to search for a subject who has fled after committing a crime. The police must have probable cause to believe that the suspect has both committed a crime, and that he fled to the specific premise to be searched.

B. Types of exigent circumstances, which justify a warrantless arrest, are not necessarily the same that may justify a warrantless search.

X. Inventory Searches

A. Inventory searches have been held to be an exception to the warrant requirement, as they serve several interests.

1. An inventory search protects the owner's property while it is in the custody of the police.

2. It insures against claims of lost, stolen, or damaged property.

3. It protects the police from danger.

B. Searches of closed containers, bags, or luggage of an arrestee can be made at a later time as part of an inventory search during the booking process, as an "administrative care taking function," as opposed to a search for evidence.

C. Inventory searches of vehicles may also be done following an arrest.

1. When the driver of a motor vehicle has been arrested for an offense unrelated to the operation of the vehicle, and the vehicle is taken into custody, the police are authorized to inventory its contents.

2. During the inventory search, any closed container or article found within the vehicle may be searched.

3. Evidence found as a result of a lawful inventory search may be used in a subsequent prosecution.

D. The legitimacy of an inventory search will depend upon a determination of its reasonableness.

1. The inventory search must be conducted in a manner pursuant to PBGO-006.

2. It must be administrative in nature and not an investigative search for evidence.

XI. Procedures During and Following Searches without a Warrant

A. All information relative to a search and seizure shall be documented on the appropriate departmental form, containing information that will include the following:

1. A statement of the events that led up to the search;

2. The reason for the search;

3. The identity of the person conducting the search;

4. The specific location of property discovered;

5. A chronology of times for significant events, including consent, search, seizure of contraband, withdrawal of consent, etc.;

6. A description of the chain of custody of the property seized.

7. The failure to locate specific items during the execution of the search should nonetheless still be documented on the appropriate agency form.

B. All property seized shall be processed pursuant to current directives, and shall be fully described on the Property Custody Report, pursuant to MBGO-016. In the case of an inventory search, if there is no property contained within the vehicle to be catalogued, this too shall be documented on the appropriate agency form (SIR, DIR, etc.)

C. A copy of the Property Custody Report shall be given to the owner of the property as a receipt for items seized by Sheriff's Office personnel.

D. All seized property shall be delivered in a timely fashion to the custody of the Property Clerk's Office, pursuant to MBGO-016.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates change from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 2, 2012	EFFECTIVE DATE February 3, 2012	NO. 27-12
SUBJECT: GENERAL ORDER Domestic Disputes/Violence Reporting		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYSLEAP 44.1			RESCINDS 27-P-09

Purpose: To familiarize members regarding procedures relating to the resolution of domestic disputes and/or domestic violence complaints.

Policy: Members will respond to and document every complaint involving a domestic dispute and will consider domestic violence as criminal conduct. Informal on-scene dispute mediation will not be used as a substitute for an arrest in domestic violence cases.

I. Definitions

A. **Members of the same family or household:** Persons related by consanguinity or affinity, persons who are legally married to one another, persons formally married to one another regardless of whether they still reside in the same household, persons who have a child in common regardless of whether such persons have been married or have lived together at any time, and 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 the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of 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 (2) individuals in business or social contexts will be deemed to constitute an "intimate relationship".

B. **Domestic Dispute:** Any incident involving arguments or disagreements between persons in a domestic relationship, family members, or members of the same household, which requires police intervention but does not involve a criminal offense.

C. **Domestic Issue:** Any issue involving members of the same family or household or a domestic relationship that does not constitute a domestic dispute, domestic violence, or family offense.

D. **Domestic Violence:** Any action involving the use or threatened use of physical force in which the offender and victim share or have shared a relationship as described above.

E. **Family Offense:** Defined under the **New York State Penal Law** and the **Family Court Act** as any act between members of the same family or household that constitutes a violation of any of the following **Penal Law** sections:

1. Harassment in the first or second degree.

2. Assault in the second or third degree.

3. Attempted assault (any degree).

4. Disorderly conduct (need not occur in a public place).

5. Reckless endangerment.

6. Menacing in the second or third degree.

7. Aggravated harassment in the second degree.

8. Stalking in the first, second, third, or fourth degree.

9. Criminal Mischief – see **Note** below.

   Note: The statutory definition of "property of another" for the purposes of the crime of criminal mischief and related offenses includes property jointly or co-owned by another person. It further provides that there will be no defense to a charged criminal mischief offense that a person believes he or she has a reasonable ground or right to destroy property because he or she owns such property with one (1) or more persons, unless all such persons have given their consent to destroy such property.

F. **Court Order:** All orders, judgments, and decrees, excluding Orders of Protection, issued by a Federal Court or a New York State Court.

II. Procedures

A. Complaints

1. When Deputies investigate a complaint that is clearly a domestic dispute, but does not involve a criminal offense, they will utilize appropriate resolution techniques.

   Note: Deputies, under no circumstances, will become involved in a domestic issue that is not law-enforcement related.

2. Resolution techniques such as mediation or reconciliation of the parties will not be used as a substitute for appropriate criminal proceedings when probable cause exists to affect an arrest charging a felony, per **CPL 140.10(4)**.

3. In all cases involving a domestic relationship, Deputies will document the nature of the domestic dispute on a **New York State Domestic Incident Report Form** and provide the appropriate copy to the victim. Deputies must additionally read (when necessary) and provide the incorporated **Victim's Rights Notice** to the victim in accordance with **CPL 530.11 (6)**.

4. Deputies will also ensure that the victim is referred to the respective victim assistance counselor by providing the name and telephone number of the appropriate zone counselor.

5. When it is necessary for the victim to temporarily leave the residence, the Deputy will offer the victim assistance in locating lodging with family, friends, in public accommodations, or a shelter.

B. Arrest Decisions

1. Deputies may effect an arrest when there is probable cause to believe that the suspect has committed a misdemeanor or a felony, in accordance with **CPL 140.10(1) (b)**.

2. When dealing with the victim of a family offense, Deputies will advise the victim that the case may be heard either in Family Court or Criminal Court, or concurrently in both courts.

3. Family Court will adjudicate cases that deal with family offenses or a violation of a Family Court Order of Protection. All other investigations involving domestic relationships will be adjudicated in Criminal Court.

4. At a victim request, an arrest is mandatory when there is probable cause to believe that a suspect has committed a crime. This information may be based upon a signed statement from a witness, a statement from a suspect, or where physical evidence indicates that the suspect committed the crime.

5. When investigating misdemeanor offenses involving a domestic relationship and probable cause exists, an arrest must be effected unless the victim specifically declines prosecution. Decisions relating to arrest must be made by the victim alone and cannot be influenced by the investigating Deputy. Deputies will not inquire as to whether the victim seeks an arrest. In situations where the victim does not wish to prosecute, Deputies will nonetheless effect an arrest when the offense has been committed in the presence of the Deputy.

6. If the victim declines prosecution for a misdemeanor offense involving a domestic relationship situation, Deputies will, when deciding whether an arrest may be a more appropriate course of action, consider all relevant factors including the following:

   a. Past history of incidents involving the suspect and victim.

   b. Evidence of alcohol or drug use/abuse.

   c. Whether a weapon was used to intimidate or threaten the victim.

   d. The likelihood that further violence or injury may result in the event that no action is immediately taken.

   e. Threat to any children present.

* 7. All offenses will be fully investigated and where there is probable cause to believe a felony was committed by the suspect (with the single exception noted below) an arrest will be effected regardless of whether the victim desires prosecution of the suspect or not. The lone exception to this mandatory arrest policy for felony offenses shall be when the suspect has committed a violation of Penal Law Section

155.30(3); 155.30(4);155.30(9); or 155.30(10). Under those circumstances *only*, shall the victim's desire for prosecution be a consideration.

8. Persons of "special status" (i.e. police officers, Judges, politicians, television/movie personalities, professional athletes, etc) are not exempt from the provisions of this Order. No one is absolved from arrest where there is probable cause to believe that a crime has been committed.

   Note: Any allegation of domestic violence on the part of an agency employee will be referred directly to the Internal Affairs Unit in accordance with **MBGO 21 – Internal Affairs Unit**.

9. When there is a **Penal Law** violation, regardless of whether prosecution is requested, a **Domestic Incident Report Form**, rather than a **Standardized Incident Report** will be completed.

C. Arraignment

1. When the victim has decided not to have the case heard in Criminal Court, but does wish to proceed in Family Court, criminal information is not required. Instead, Deputies must provide the arraigning court with a Family Court petition.

2. When the victim has decided to have the case heard in both Family Court and Criminal Court, Deputies must provide the arraigning court with criminal information only.

3. When a victim is undecided with regard to Family Court, or specifically wants the matter heard in Criminal Court, criminal information must be provided to the arraigning court. Under these circumstances, a Family Court petition is not required.

D. Court Orders & Orders of Protection

1. Family Court will instruct petitioners of Orders requiring immediate service, to present the Order to their local police agency. Deputies will assist with the serving of Orders of Protection when requested to do so by any court or petitioner. When the service of an Order of Protection is completed, Deputies are required to complete the **Affirmation of Personal Service Form** which is attached to the Order. The Affirmation will then be sent to the court of issuance. Additional Affirmation forms will be kept at each zone in the event that the original copy is misplaced. Unsuccessful attempts to serve the Order will be recorded on the **Affirmation of Personal Service Form** on the line(s) provided. If not served, the entire package will be returned to the petitioner for further attempts of service.

2. Orders of Protection are issued by Family Court, local Criminal Courts, County Court, and State Supreme Court. Deputies responding to a complaint of a violation of an Order of Protection will ensure that the Order is signed and still in effect. The prohibited behavior as described in the Order will be noted.

3. If the complainant does not have his/her copy of the Order, Deputies will contact the court clerk, issuing Judge, local law enforcement agencies, or the Records Unit to verify the Order.

4. When Deputies have probable cause to believe that an Order of Protection has been violated, the violator will be arrested and charged in accordance with the most appropriate section of the **Penal Law** pertaining to the crimes of Criminal Contempt in the First or Second Degree or Aggravated Criminal Contempt, as applicable. A copy of the Order of Protection will be included in the arrest package. Deputies will not take the complainant's copy of an Order of Protection.

5. Deputies will not violate, or assist anyone in violating, a court order or an Order of Protection.

6. If a Deputy is advised of the existence of an Order of Protection pertaining to members of the same family, household, or parties to a domestic relationship, the Deputy will review the contents of the Order of Protection to ensure that he/she is in compliance with the issuing Court's directive. If a member of the same family, household, or party to the domestic relationship does not have his/her copy of the Order of Protection, the Deputy will contact the court clerk, issuing Judge, local law enforcement agencies, or the Central Records Unit to verify the Order of Protection and its contents.

E. Victim Assistance Program

1. The Victim Assistance Program can provide victims with short-term counseling, court process information, accompaniment at court proceedings, can provide assistance in obtaining Orders of Protection, and provide referrals to appropriate counseling and social agencies in accordance with the directives set forth in **MBGO 52 – Victim/Witness Assistance Program.**

2. When a victim assistance counselor is needed, but not on-duty, the field supervisor/command officer will initiate the request for victim assistance.

3. All family offense related reports will be referred to the appropriate victim assistance counselor regardless of whether an immediate contact has been made.

F. Weapons

1. The Deputy on scene will determine whether the defendant is a pistol permit holder and document such in the **Domestic Incident Report**.

* 2. The deputy will confiscate weapons and handguns that were *used or threatened to be used as instrumentalities of the crime(s).*

NOTE: If general violence with a firearm is threatened, all firearms should be confiscated. However, if only one weapon was used or threatened as the instrumentality of the crime, any remaining guns in the residence may not be legally taken into custody without obtaining consent (see number 3 below). All weapons taken into custody as instrumentalities of a crime will be held in the Property Clerk's Office and marked as evidence. At arraignment, the deputy will ensure that the judge is notified of the confiscation, so the judge can make a determination as to the suspect's pistol permit, etc.

NOTE: Where one weapon is threatened and the deputy is not able to obtain consent to remove all weapons (see number 3 below), every possible effort should be made to immediately take the suspect before a magistrate for arraignment so that a judge may make a determination about any other weapons in the home. The deputy shall make the judge aware of the circumstances relative to potential firearms remaining inside the home when he/she calls the judge seeking arraignment. In this type of situation, if the magistrate refuses to perform the arraignment, the deputy shall contact a magistrate from a contiguous town in an attempt to ensure that arraignment occurs as soon as possible.

* 3. In the event that the deputy does not believe he or she can legally confiscate all firearms present within the home based upon the circumstances of the incident, the deputy should nonetheless attempt to obtain consent from the defendant or any other person in the home qualified to give consent permitting the deputy to remove all firearms present within the home.

NOTE: Pursuant to the New York State Family Court Act and Penal Law, the arraigning judge will make determinations regarding the surrender of firearms and/or pistol permits.

4. The minimum release time for a weapon in a dispute involving an arrest will be at least thirty (30) days following the final disposition of the court case.

G. The **New York State Domestic Incident Report (DIR)** allows for additional information to be documented and includes an additional page for the victim's statement/deposition. The following items are also included in the report form.

1. A safe contact follow-up for the victim (name and phone number).

2. Additional suspect actions in a check-box format.

3. Additional evidence and Order of Protection information.

4. Recommended questions to be asked of the victim as well as space for notes on what the victim and the offender said to the responding Deputy.

H. The **DIR** should be filled out according to the guidelines delineated in the **New York State Domestic Incident Report Reference Manual.** Information boxes that do not pertain to the MCSO will be noted as N/A. Agency specific information will be documented as follows:

1. **Agency** - Enter MCSO.

2. **ORI/NY** - Enter 02700.

3. **Incident Report No.** - Enter CR number.

4. **Pct. of Report** - Enter zone of report.

5. **Sector** - Enter platoon, zone, and area of assignment (i.e. C-6, 2-A-2, etc).

6. **Beat** - Enter car number.

I. Distribution of copies:

1. A copy will be sent to the Central Records Unit. The Central Records Unit will be responsible for mailing a copy to the **Division of Criminal Justice Services (DCJS)**.

2. One (1) copy is given to the complainant/victim(s). This copy must contain the addresses and phone numbers of local assistance agencies, including Family and Criminal Courts and the District Attorney's Office. Deputies are to indicate the local criminal court in the space provided on the **Victim's Rights Notice**.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates changes from the previous General Order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 25, 2011	EFFECTIVE DATE February 25, 2011	NO. 28-11
Subject: General Order Bias/Hate Crime Investigations		DISTRIBUTION All Personnel	AMENDS
REFERENCE:			RESCINDS 28-10

Purpose: To define the procedure to be followed when investigating bias/hate related incidents.

Policy: The Office of Sheriff shall maintain a Bias/Hate Crime Unit within the Criminal Investigation Section. This unit will be responsible for the coordinating the investigation of all bias and hate related incidents. 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.

Definition: **New York State Penal Law § 485.05 Hate Crimes**

A. A person commits a bias/hate crime when he or she commits a specified offense and either:

1. 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 (means sixty years old or more), disability (means a physical or mental impairment that substantially limits a major life activity)or sexual orientation of a person, regardless of whether the belief or perception is correct, or

2. Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding 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.

B. 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 this section.

C. For the purposes of this section:

1. The term "age" means sixty years old or more.

2. The term "disability" means a physical or mental impairment that substantially limits a major life activity.

I. General Procedures

A. This Bias/Hate Crime Unit shall be supervised by the Lieutenant of the Criminal Investigation Section. The Lieutenant shall utilize personnel from the Major Crimes Unit to investigate and determine whether an incident is bias/hate related. Zone investigators/deputies may be used when appropriate.

B. It is the responsibility of all deputies to report the suspicion of bias/hate related incidents. The suspicion may be brought to the attention of the deputy by the victim or through interview and investigation.

II. Specific Procedures

A. Any deputies investigating an incident in which bias or hate is the suspected motivation will notify their immediate supervisor/command officer.

1. Upon notification, the supervisor/command officer will determine whether the case will be referred to the CIS Lieutenant.

2. If the incident is suspected to be bias/hate related, the supervisor/command officer will decide if immediate notification of the CIS Lieutenant is warranted.

3. If immediate notification is not warranted, the supervisor/command officer will ensure that the case is referred to the bias crime unit coordinator (CIS Lieutenant).

4. The supervisor/command officer will make the proper notifications based on established guidelines. Copies of reports of suspected bias/hate related incidents will be forwarded to the Zone Captain, CIS Lieutenant, Victim Assistance Advocate, Chief Deputy, Undersheriff and Sheriff.

5. When a determination is made that an offense is bias/hate related, the victim will be contacted both at the onset of the investigation and at the conclusion.

B. The following criteria may be used in making a determination as to the authenticity of the bias/hate related complaint:

1. Motive.

2. Victim's feelings about the incident.

3. Display or use of offensive symbols/words or acts which relate to race, religion, national origin or sexual orientation.

4. Statements of suspects at the time of the incident.

5. Offense of similar patterns or M.O.'s in the same vicinity.

6. Common sense review of the facts.

7. Childish prank vs. serious concern.

C. The Bias/Hate Crime Unit will investigate the complaint and report their findings in writing to the CIS Lieutenant. A copy of the report will be forwarded to the Information Services Unit for proper reporting to DCJS. The CIS Lieutenant shall be responsible for determining if the offense meets the elements of the Federal Hate Crimes Statute, 18 U.S.C. §249, which criminalizes only violent acts resulting in bodily injury or attempts to inflict bodily injury, through the use of fire, firearms, explosives and incendiary devices, or other dangerous weapons. Should the offense appear to meet these elements then the CIS Lieutenant shall notify the United States Attorney, Western District of New York Office.

D. The Victims Assistance Advocate will initiate a follow-up contact in all cases that have been confirmed to be bias/hate related. This contact will take place within fifteen (15) days of the conclusion of the investigation. Notification of the appropriate Victim Assistance counselor will be made by the Bias/Hate Crime Unit coordinator.

III. Report Preparation

A. Standardize Incident Reports should clearly indicate the following information:

1. Offense: Hate Crime designated Penal Law. (See Attachment A)
2. Victim age, gender, race and ethnicity.
3. Offender age, gender, race, and ethnicity.
4. The narrative portion of the report should that the victim(s) was intentionally selected because of bias/hate of the perpetrator.

IV. Arrest Processing / Classification of Crimes

When an arrest is being processed for a bias/hate crime, the arresting deputy is 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".

Examples:

PL section 120.00, subdivision 1- Assault 3rd
120.00(01**H**), when it is a Hate Crime

PL section 140.15- Criminal Trespass 2nd
140.15(00**H**), when it is a Hate Crime

V. Accusatory Instrument

The accusatory paperwork filed with the court should also contain the "H" designator. The narrative portion of the accusatory instrument must include 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.

VI. Records Management

The Information Services Unit shall submit all incidents of reported hate crimes to DCJS using the State form 3294 (Attachment B). Forms must be submitted each month. If no hate crimes were reported, the form must be completed by checking the "Nothing to Report (NTR)" box.

By Order of the Sheriff,

Patrick M. O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE May 17, 2006	EFFECTIVE DATE May 19, 2006	NO. 29-P-06
SUBJECT: GENERAL ORDER Roadblock & Traffic Checkpoint Procedures		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 1.3.2, 41.2.2, 61.1.1, 61.3.4; NYSLEAP 43.5			RESCINDS 29-P-97

Purpose: To define the parameters and establish guidelines under which roadblocks and vehicle checkpoints may be permitted. Traffic checkpoints may be established to verify operator's licenses, inspection and registration certificates, equipment violations, to detect impaired or intoxicated operators, and to detect other vehicle-bound threats to life or limb. Roadblocks may also be established when individual emergency situations require their presence. Roadblocks and traffic checkpoints may not be established for general crime control purposes.

Policy: It is the policy of the Monroe County Sheriff's Office (MCSO) to establish roadblocks, traffic checkpoints or vehicle checks to detect and deter intoxicated drivers to verify operator's licenses, inspection and registration certificates, to enforce vehicle equipment requirements, and to detect other vehicle-bound threats to life or limb. Any such checks that do not conform to this order are expressly prohibited.

I. Types of Roadblocks / Checkpoints

A. **Crime scene perimeters**: established in order to locate and apprehend a suspect(s) fleeing or attempting to flee from the scene of a crime known to have been committed.

B. **Traffic checkpoints**: established for the purposes of checking operators' licenses, certificates of registration, inspection certificates, equipment condition, loads, detection of impaired/intoxicated drivers, and detection of other vehicle-bound threats to life or limb.

C. **Traffic control points**: established for the purpose of limiting access to or egress from crime scenes, accidents or other emergency situations involving the need to restrict or re-route vehicular traffic.

D. **Pursuit blockades**: established for the purpose of limiting or denying avenues of escape for a suspect(s) who is being pursued by police units.

***II. Site Selection**

A. The location of any traffic checkpoint or roadblock must be approved by the Zone Commander prior to commencing the checkpoint. Any alternative locations must be approved by the Zone Commander prior to the commencement of the checkpoint or roadblock.

B. The selected site must be in an area that will minimize the risk to deputies and~~/or~~ the public. Impact on the safe flow of traffic must be a consideration when selecting the site for a checkpoint.

C. The Zone Commander will ensure that all guidelines established by this general order are in effect and are communicated to the deputies staffing the checkpoint. This will include a detail briefing prior to going to the site which will outline the site(s) selection, time(s), method of vehicle selection (i.e. every vehicle, every third vehicle, etc.), and the inquiries made to each motorist who is stopped at the checkpoint. The briefing will also include a review of **PBGO #07**.

D. The Zone Commander will complete and forward an after action report to the Major of Operations detailing the location of the checkpoint, deputies assigned, method of selection, number of violations issued, type of violation, duration of the checkpoint, and any other related information. This report will also include any unusual events at the checkpoint, including any changes from the established parameters, and the reason for the deviation from those established parameters. If utilizing grant funding, the supervisor will forward the original traffic grant activity report and a copy of each overtime slip to the Special Operations Commanding Officer.

*III. Initiating Traffic Checkpoints

A. Criteria to consider when planning a checkpoint:

1. Time of day.
2. Type of roadway.
3. Weather conditions.
4. Traffic volume.
5. Specific primary purpose.
6. Proper instruction to personnel.
7. Safety equipment (cones, barriers, vehicle, etc.).
8. Availability of sufficient personnel.
9. Adequate supervision.
10. Availability of a judge or magistrate.

B. Warnings will be set out to alert traffic whenever a checkpoint is established. Such warnings may consist of the following: turbo flares, regular flares, checkpoint warning signs, police vehicles with flashing lights and/or traffic cones. The warning devices will be utilized in such a manner so as to alert the approaching traffic of the checkpoint and to direct traffic to the checkpoint area in a safe manner.

C. The checkpoint will be located in such a place that will provide for an area to which vehicles can be directed when a more in-depth inquiry becomes necessary. This "pull off" area will not interfere with the safe and efficient operation of the checkpoint.

D. Deputies staffing the traffic post will wear their uniform hats, traffic vests and / or issued raincoats, high visibility side out. Each deputy will also be equipped with a flashlight for optimum visibility and traffic direction.

E. An appropriate number of deputies will be assigned to monitor the roadway approaches to the checkpoint for vehicles avoiding the checkpoint.

*IV. Selection of Vehicles

A. The checkpoint will be configured so that all vehicles will pass through the checkpoint. The method for selecting vehicles moving through the traffic checkpoints that are established must be uniform and non-discriminating. A pattern must be established and strictly adhered to in application (i.e., if pattern is every third car, deputies may not check fourth, fifth and seventh cars, only third, sixth, ninth, etc. unless individualized suspicion arises).

Note: Checkpoints may pose many legal problems when used unjustifiably and/or where careful planning and proper staffing have not been provided. In general, courts will not condone checkpoints merely as an inquisitorial device to discover chance law violators or for the purpose of indiscriminate searching of individuals and/or the vehicles in which they are riding. Deputies will **not** have discretion to follow any other method of selecting vehicles for the checkpoint.

B. If traffic should become congested to the point where excessive delays occur, the detail supervisor will determine if traffic should be directed to continue through the checkpoint without being stopped for purposes of checking the established parameters. When the detail supervisor determines that the traffic congestion has eased so that the checkpoint may safely be resumed, vehicles will again be checked under the established parameters. The detail supervisor must note on the after action report the start/ end times and reason for any deviation from the original established parameters.

Note: It should be understood that during certain instances, i.e. elevated threat levels, or a response to an actual terrorist alert, checkpoints may not necessarily be suspended because of traffic congestion.

C. Vehicles making an apparent attempt to avoid a checkpoint or roadblock may be stopped if such behavior gives rise to an individualized suspicion of unlawful activity, if a violation of the Vehicle and Traffic Law or Penal Law is observed, or if it can be determined that the vehicle would have been stopped at the roadblock in accordance with the predetermined vehicle selection process. Upon making such a stop the deputy's inquiry of the motorist is the same as is stated below.

*V. Deputy's Inquiry at Checkpoints

A. Deputies assigned to checking vehicles will deliver the following statement, "I am _____ of the Monroe County Sheriff's Office. We are conducting a [seatbelt, traffic, sobriety, etc.] checkpoint. Where are you coming from? Where are you heading?" If there is any indication of intoxication or impairment, the Deputy will also inquire, "Have you had any alcoholic beverages to drink today / tonight?"

B. Deputies may further inquire into any apparent violations (e.g. headlight not operational) and request the following documents;

1. Vehicle registration.

2. Proof of valid inspection.

3. Driver's license.

4. Valid insurance card.

C. Violations shall be appropriately cited. If there are no violations and no founded suspicion to believe that other violations exist, including any violation of the Penal Law, the vehicle and driver shall be courteously directed to proceed without delay.

***VI. Intoxicated Drivers**

While inquiring into the information stated above, the operator shall be observed. If observations raise reasonable grounds to believe that a person is operating in violation of Section 1192 of the NYS Vehicle & Traffic Law, inquiry will be made regarding the operator's alcohol consumption or use of drugs. The operator may then be requested to exit his/her vehicle for psychomotor and/or alcohol screening tests in accordance with agency directives.

***VII. Suspected Penal Law Violations**

Nothing in this General Order shall be construed to limit the investigation of a driver or other occupant of a vehicle stopped in accordance with this Order for violations of the Penal Law if there is reasonable suspicion to believe such a violation exists (e.g., unlawful drugs or weapons in plain view).

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates additions or deletions from previous order.

* **Attachment –Traffic Checkpoint Overview**

Traffic Checkpoint Overview

1. Review PBGO 29, highlighting the checkpoint outline.

2. Site Selection: Coordinate with the respective Captain and Special Operations commanding Officer, the specific detail location and plan of action.

3. Multi-Jurisdictional Details: It is recommended that these details be conducted in cooperation with other agencies. For assistance with appropriate agency contact information, please contact the Special Operations Commanding Officer.

4. Select detail personnel. Verify that they will be working the detail and inform them where to report, time to report and the necessary equipment that will be needed.

5. Arrange for the appropriate amount of patrol vehicles and safety equipment (e.g. flares, hi-visibility vests, Cones, signage, etc.). The supervisor will ensure that all equipment is properly returned and that the vehicles are re-fueled.

6. Notify & coordinate detail actions with the on-duty Lieutenant and the respective Zone Sergeants.

7. If appropriate, coordinate with a Sergeant of the Traffic Enforcement Unit for the purpose of assigning the TEU van or assistance from the TEU personnel.

8. Notify ECD of the location, members assigned to the detail and car assignment numbers.

9. Prepare and conduct a detail briefing. Instruct personnel to use the appropriate overtime code. See grant activity report.

10. Ensure that all detail members are deployed promptly.

11. Readily submit a copy of the detail briefing, original traffic checkpoint after action report, and any grant required reports (activity reports, overtime slip copies, summary reporting forms, etc.) to the Special Operations Commanding Officer.

****Please exercise good officer safety, especially at night, with motorists approaching the checkpoint.**

Note: Traffic grants will require a media release. Please coordinate this with the PIO in advance.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
POLICE BUREAU	October 17, 2011	October 18, 2011	30-P-03
SUBJECT: GENERAL ORDER Terrorist Alert and Preparedness		DISTRIBUTION POLICE BUREAU	AMENDS
REFERENCE:			RESCINDS

Effective immediately, PBGO 30-P-03, "Terrorist Alert and Preparedness", is rescinded and should no longer be utilized. Refer to MBGO 89-11 "Terrorist Alert and Preparedness" for guidance and direction.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE August 22, 2007	EFFECTIVE DATE August 28, 2007	NO. 31-P-07
SUBJECT: GENERAL ORDER Cold Case Investigations		DISTRIBUTION Police Bureau	AMENDS
REFERENCE: C.A.L.E.A. 42.2.9			RESCINDS

Purpose: To establish a formal set of guidelines for processing cases that have exhausted all leads and remain unsolved. These cases are commonly referred to as "cold cases".

Policy: Members of the Monroe County Sheriff's Office will process "cold cases' utilizing the following procedures. Case evaluation, reviews and considerations for processing "cold cases" is organizationally defined for effective implementation.

I. Cold Case Investigations

A. The term "cold case" refers to a criminal investigation or "case" that remains unsolved after all leads has been exhausted. "Cold cases" are violent or other major felony crimes such as: murder, attempted murder, missing adult where foul play is suspected, missing child, rape or other sexual related crimes with serious injury; which unlike unsolved minor crimes are generally not subject to statue of limitations.

B. A cold case is considered unsolved until a suspect has been identified, charged, and tried for the crime. Cases may or may not have a suspect named at the time of the crime or developed during the original investigation. With the advent of improved DNA testing and other forensic technologies, cold cases once considered unsolvable will be reviewed:

1. To properly review the case file and evidence to determine if new techniques exist that were not previously available that may help solve the case; or
2. To permit a fresh perspective by either the same or different investigator for the possibility that a new approach might be considered for an additional follow-up;
3. To possibly reopen the case as an active investigation when circumstances indicate the opportunity to develop new information; or
4. Upon the request from the Criminal Investigation Captain or Sheriff, a case may be taken off the cold case list if circumstances allow

II. Evaluation Criteria

A. Cold cases will be classified in the department's Case Management System using the minimum solvability factors:

1. Physical evidence collected such as, but not limited to: DNA analysis, ballistics, or fingerprint databases which may substantially advance a case beyond its original level
2. Witnesses
3. Suspect known or named
4. Does case meet Cold Case criteria? Y=Yes, N=No

B. Investigators may also choose to consider other solvability factors that may lead to the classification of meeting Cold Case criteria.

III. Cold Case Review

A. All cases meeting the Cold Case criteria will be reviewed at least on a five year cycle. Nothing prevents a case from being opened at any time information becomes available that may further the investigation.

B. At least annually, the Criminal Investigation Captain or a designee will generate a report against all cases meeting Cold Case criteria. This process requires a Captain, or a designee, to review the new information and make a determination as to what course of action is appropriate. The available options are:

1. Acknowledge a review of the information in supplemental form but take no action; or
2. Reopen the case as an active investigation (All cases reopened will follow the guidelines in PBGO 15-P-05, Managing Criminal Investigation, for the recording of investigative actions or activities).

IV. Consideration(s) for Reopening a Cold Case

A. The following criteria will be considered prior to reopening a cold case:

1. Limit on statute of limitation
2. Technological considerations, such as the nature and condition of the evidence as originally collected, stored and in some instances subject to other forensic testing
3. Practical considerations, such as the availability of witnesses in the event further testing or investigation would identify a suspect and lead to an arrest and a trial

4. Interview with victim or victim's family. (Victim(s) may not want to relive the events of the crime and choose not to participate in the investigation.)
5. Consultation with District Attorney's Office`

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE March 21, 2006	EFFECTIVE DATE March 22, 2006	NO. 32-P-06
SUBJECT: GENERAL ORDER Center for Dispute Settlement		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS PBGO 32-P-99

Purpose: To define an alternative process by which patrol deputies may assist citizens of the community in the resolution of disputes, which may not warrant traditional disposition, such as arrest or litigation.

Policy: Agency members and employees of the Monroe County Sheriff's Office shall utilize the Center for Dispute Settlement (CDS) in accordance with the procedures set forth in this order.

I. General Procedure

A. Police Bureau:

1. Deputies should use good judgement when deciding to proceed with a CDS referral. Referrals should not be made in cases involving criminal matters, under circumstances encompassing serious violations of other laws, such as domestic disputes as defined in PBGO #27, or in instances where the circumstances dictate that an Internal Affairs notification be made in accordance with MBGO #21. In any case, each party should be cautioned on the consequences of a continuation of a dispute.

2. Supervisors shall screen each referral. Sound judgement must prevail in cases that border on criminal arrest. The supervisor shall determine the required action whenever a referral is not appropriate.

3. A referral shall be distributed as prescribed: Copy 2 shall be given to the complainant. Copy 3 shall be given to the respondent. Return copies 1 and 4 to the supervisor.

4. Supervisors shall ensure the entire form is completed and delivered daily to Central Records. A response by CDS to the deputy's referral shall be routed through the Zone Commander's Office.

B. Juvenile Delinquency Prevention Case:

1. All referrals to CDS involving juveniles shall be reviewed by the Zone Commander, who will make copy distribution (refer to A3).

2. Contacts with juveniles shall be handled in the manner prescribed by existing orders. The deputy may recommend a referral to CDS.

C. Central Records

1. Copy 4 of the referral shall be detached and placed in the Incident File and attached to the Incident Report.

2. Copy 1 shall be placed in a convenient location for daily pick-up by personnel from CDS.

3. Central Records Unit personnel shall receive all responses from CDS addressed to the deputy. These letters shall be routed to the Zone Commander. A copy of the CDS response will be filed with the referral and Incident Report.

By Order of the Sheriff,

Patrick M. O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE APRIL 21, 2011	EFFECTIVE DATE APRIL 22, 2011	NO. 33-11
SUBJECT: GENERAL ORDER Unattended Property Inspection and Special Attention Requests		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS 33-P-01

PURPOSE: To familiarize employees with established procedures for the inspection of unattended property and special attention checks.

POLICY: Personnel will honor citizen requests for unattended property inspections and special attention checks.

I. Unattended Property Inspection / Special Attention Requests.

Upon request for an Unattended Property Inspection by a home, business owner or for a request for Special Attention checks by a citizen, the following procedure will be adhered to:

1. The person making the request will be advised that the inspection or special attention will be done as patrol time allows.

2. An **Unattended Property Inspection/Special Attention Request Form (PB-018)** will be completed in its entirety and forwarded to the appropriate Zone Clerk.

II. Patrol Division

A. Zone Clerk

1. Will maintain the Unattended Property Inspection / Special Attention database and will update it at least twice weekly.

2. Will remove from the active database all requests that have expired.

3. Will provide an updated copy of the database for all zone personnel.

4. Upon expiration, the Unattended Property Inspection/Special Attention Request form is to be destroyed.

B. Patrol Deputies

1. Primary, but not exclusive responsibility for Unattended Property Inspections will be maintained by second platoon personnel. First and third platoon members are to be aware and knowledgeable of all unattended property inspections taking place in their areas.

2. Property inspections and special attention checks will be conducted during routine patrol duty time. Deputies will make as many property checks and S/A checks as possible during their shift.

3. To document these checks, the deputy will make a job card for each residential and business property inspection and/or special attention check completed. The job card will reflect the date and time that the check or inspection was completed.

4. A physical check of each residence or business will include walking the premises and checking doors, windows, etc. If after inspecting the property, the deputy finds a potential area of security risk, the deputy will take appropriate action, including notify to a contact, and will notify the Crime Prevention Deputy to provide crime prevention material when appropriate.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

COUNTY OF MONROE

OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE June 09, 2014	EFFECTIVE DATE June 10, 2014	NO. 034-14
SUBJECT: GENERAL ORDER Investigative Undercover Funds		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: C.A.L.E.A. 17.4.2, 42.2.7, 43.1.3, NYSLEAP 5.3			RESCINDS 34-P-07

Purpose: To establish procedures relating to accountability of disbursed investigative undercover funds in conjunction with specific investigations.

Policy: Physical custody of monies constituting the fund shall be maintained by the Confidential Assistant to the Sheriff (Director of Budget and Personnel). All requests for undercover funds must be submitted for approval, in writing, to the captain assigned to the Criminal Investigation Section (CIS) prior to disbursements by the custodian of the fund.

Required Procedures

A. Completion of form PB #105 (Request for Investigative Undercover Funds) by members requiring such monies.

1. Request forms must contain the following information:

   a. Sequence number (assigned by CIS)

   b. Date of request

   c. Amount requested

   d. Purpose of request

   e. Name of individual or identifying data of person to be paid

   f. CR number assigned to the investigation or detail

   g. Signature of member making request

   h. Signature of Immediate Supervisor

   i. Signature of approval (Captain assigned to CIS, Captain assigned to Special Operations or Major, Chief Deputy or Undersheriff)

   j. Date request granted

   k. Signature of member acknowledging receipt of the funds

l. Signature of Budget Office personnel disbursing funds

m. Signature of CI or Non MCSO member being paid.

n. Amount returned

o. Date returned

p. Signature of member returning funds

q. Signature of Budget Office personnel receiving returned funds

r. Final disposition of funds

2. Request forms shall be numbered in sequence to coincide with the succession of requests for that particular year. Upon the start of a new year, the numbering process will begin again. The sequence number shall be assigned by the Captain assigned to CIS.

3. Each transaction will require the submission of a new request form (one transaction per form).

4. Original request forms will be maintained by the Captain assigned to CIS. copies will be maintained by the Budget Office.

B. The Captain assigned to CIS will be responsible for maintaining records of all relevant data concerning each transaction.

C. Members expending undercover funds shall submit written reports which will document the nature of the investigation, CR number of the case, reasons for the disbursement of funds and a final disposition of the case. The original crime or incident report will suffice, provided the disbursement of funds is explained in the narrative portion. In those instances when monies have been withdrawn but not expended, and the full amount is returned, then no additional written report is necessary.

1. Reports shall be submitted as per current directives.

2. All monies drawn, but not expended during the course of the investigation, for which they were received, shall be returned to the Budget Office within ten calendar days.

3. Investigative undercover funds which have been drawn for ongoing investigation will be stored in the CIS safe during non-business hours.

4. All informant payments will be accounted for in the receipt (Request for Investigative Undercover Funds **PB-105**) signed by the individual receiving the funds. In cases where the individual refuses to sign a receipt, a report will be written which shall include the reason for the refusal, name of the informant, time, and date and location of the transaction. A copy of said approved report will be attached to the Request for Investigative Undercover Funds PB-105 and provided to the Captain assigned to CIS.

5. A Supervisor or Command Officer shall approve and witness all informant payments.

* D. A log containing the following information will be maintained by the Captain to CIS:

1. Sequence number
2. CR number
3. Date
4. Description of intended use
5. Name of Deputy / Investigator requesting the funds
6. Amount requested
7. Amount expended

E. The Budget Office will maintain a record of expenditures that includes a balance sheet, ledger or other system that identifies initial balance, credits (cash received), debits (cash disbursed) and current balance.

F. The Budget Office will conduct a monthly audit of the account. Balance amounts will be provided to the captain assigned to CIS for verification.

G. Any requests for funds in excess of $20,000 will require prior authorization of the Sheriff or other authorized designee.

H. A periodic audit and staff inspection of the account will be conducted by the Standards and Compliance Unit. A report documenting the findings and recommendations of the inspection will be submitted to the Sheriff and Undersheriff.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

* Indicates additions and deletions from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 4, 2013	EFFECTIVE DATE February 5, 2013	NO. 35-13
SUBJECT: GENERAL ORDER Mounted Unit Responsibilities		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 17.5.3, 41.1.4; NYSLEAP 43.6			RESCINDS 39-P-05

Purpose: To define the duties, responsibilities, and objectives of the Monroe County Sheriff's Office Mounted Unit.

* **Policy:** The Monroe County Sheriff's Office Mounted Unit will serve as a supplement to the patrol function. Utilization of the Mounted Unit will require approval of the Sheriff, Undersheriff, Chief Deputy, Major of Operations, Special Operations Captain or Lieutenant or Special Services Group (SSG) Sergeant.

I. Program Administration

* The Special Services Group (SSG) Sergeant will supervise the Mounted Unit.

II. Assignment

* A The Special Services Group (SSG) Sergeant will establish a monthly schedule for the Mounted Unit. The monthly schedule will be forwarded to the Special Operations Commanding Officer at the beginning of each month.

B. Mounted Unit duties will generally consist of, but are not limited to the following:

1. Vehicular and pedestrian traffic control at special events, major shopping malls, parks and villages.
2. Searches.
3. Crowd control.
4. VIP visits.
5. Special details, such as parades, funerals, etc.
6. Pro-active patrol.

* C. Requests for service will be directed to the Special Services Group (SSG) Sergeant.

III. Supervisory Responsibilities

* The Special Services Group (SSG) Sergeant will be responsible for certain duties, including but not limited to, the following:

A. Maintaining a log of all Mounted Unit expenditures.

B. Maintaining a log of all equipment issued to Mounted Unit deputies, as well as equipment and supplies maintained at the Mounted Unit's facility.

* C. Ensure the completion of a monthly inventory of Mounted Unit equipment, and report the unit inventory to the Sheriff's Quartermaster annually.

D. Maintaining files of all receipts, copies of utilization reports, training records, calls for service that are dispatched or self-initiated, and arrests by unit members.

E. Ensuring that all Mounted Unit deputies receive adequate and periodic training.

F. Ensuring the prompt notification to the Special Operations Commanding Officer and completion of subsequent documentation of all injuries to mounts and/or deputies.

IV. Responsibilities of Deputies

Each member assigned to the Mounted Unit will be responsible for:

A. The complete care of assigned mounts.

* B. Ensuring that all equipment is kept in a state of operational readiness to include care and cleaning, preventative maintenance, repair, workability and responsiveness. Lost or worn equipment will be reported to the Special Services Group Sergeant (SSG). Mounted Unit members will be equipped, at a minimum, with each of the following:

1. Helmet.
2. Spurs.
3. Boots.
4. Saddle, bridle, and blanket.
5. Appropriate inclement weather gear.
6. Hi-visibility traffic vest.

C. Complete daily cleaning and maintenance of the Mounted Unit's facility, including agency vehicles and trailers.

* D. When an individual (non-employee) is injured as a result of, or during a Mounted Unit activity, the riding member shall file a Standardized Incident Report (SIR) with a copy sent to the Special Services Group (SSG) Sergeant and through the chain of command to the Major of Operations regarding the occurrence.

1. The person injured will be encouraged to receive medical treatment.

* 2. The Special Services Group (SSG) Sergeant or Zone Sergeant will be notified to respond.

3. A technician will respond to photograph the injury and otherwise document the scene. If a technician is not available, the responding supervisor will complete these tasks.

E. Only members who are assigned to the Mounted Unit and who are properly trained will ride and/or control his/her assigned mounts.

* **V. Training**

A. Newly appointed members to the Mounted Unit must demonstrate a working knowledge of Mounted Unit related topics to include:

1. **Stable Management:** To include no less than (8) hours of instruction in the proper way to clean, bed, water and prepare a horse stall. In addition, hay storage and handling, feed storage, manure handling and disposal and maintenance of County horse barn facility.

2. **Horse care and horse health issues:** To include no less than (8) hours of general horse care. Basic equine first aid, grooming techniques, nutritional needs, hoof care, signs of most common illnesses.

3. **Tack and Equipment:** To include no less than (4) hours of equipment nomenclature and use and care of issued horse tack and equipment.

4. **Trailering:** will include (8) hours of trailering a horse. To include safe loading, unloading, driving and maneuvering both the two horse and four horse trailers in daily patrol and under EVOC conditions.

5. **Basic Equitation:** Prior to patrolling on horseback, all newly appointed members must demonstrate his or her ability to safely and effectively ride in a secured environment. This will be accomplished in the Mounted Unit training arena or other similar training environment(s) deemed suitable for the safe instruction in basic equitation. Time necessary for this training component is highly variable based on several factors to include the new member's prior riding experience, physical condition, ability and willingness to learn. A training regimen will be tailored to the individual needs of the new appointee. Horse mounted patrol is a blend of horsemanship and law enforcement duties where one's riding must become secondary to the Deputy's tasks at hand. Regardless of the appointee's prior experience, instruction must be given to ensure the ability to properly perform police work while on horseback. Topics will include mounting, dismounting, arrest procedures, controlling the horse in the midst of both passive and aggressive crowds, gunfire, maneuvering through traffic, etc.

B. Team members will train on a regular basis in order to maintain skills, develop additional abilities and maintain proficiency with mounts and equipment.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE May 09, 2014	EFFECTIVE DATE May 15, 2014	NO. 036-14
SUBJECT: GENERAL ORDER Traffic Enforcement/Tactical Unit (T.E.U.)		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 17.5.3, 61.1.1, 61.1.5, 61.1.9, 61.1.10, 82.3.5 NYSLEAP 42.4, 43.6, 47.4			RESCINDS 36-12

Purpose: To define the duties, responsibilities, and objectives of the Monroe County Sheriff's Office Traffic Enforcement/Tactical Unit (T.E.U.).

Policy: Members of the T.E.U. shall be primarily responsible for the aggressive enforcement of the Vehicle and Traffic Laws, particularly offenses involving individuals driving while under the influence of alcohol or other drugs.

I. Unit Administration

Two patrol sergeants shall be designated as the T.E.U. supervisors and will report to the Special Operations Lieutenant. One Sergeant will be responsible for the night patrols and one Sergeant will be responsible for the daytime patrols. Specific attainable objectives will be developed annually by the Special Operations Lieutenant.

II. Duties

A. Enforcement methods to be used shall include, but not be limited to, the use of radar and selective enforcement techniques. An annual evaluation of selective enforcement techniques shall be included in the unit's annual report. The T.E.U. Supervisors shall assign personnel to specific areas of patrol, which shall be determined based upon one or more of the following:

1. A compilation of traffic collision and traffic enforcement data will be provided by the Information Services Unit. A comparison of collision data and enforcement activities shall be completed on an annual basis and forwarded to the Major of Operations for review.

2. Special attention requests identifying problem areas needing intensive enforcement shall be forwarded from a Zone Captain to the Special Operations Lieutenant.

3. Concentrated enforcement at special events where there is a propensity for alcohol or drug use (e.g., concerts, sporting events, carnivals, etc.).

B. Members of the T.E.U. shall be available to assist other patrol units with the processing of DWI arrests.

C. Mobile Processing Center (MPC)

1. The MPC will be used to respond to arrest scenes to expedite the DWI testing and arrest process.

2. The MPC will be staffed by a certified breath test operator from the T.E.U. who is designated by the unit supervisor and who is authorized to operate the vehicle.

3. The MPC may be requested by any agency in Monroe County through the ECD dispatcher. Requests for use of the MPC outside of Monroe County must have prior approval by the Sheriff or Undersheriff.

4. MPC operators are responsible for the condition of the vehicle and will report any mechanical problems to the unit supervisor who will make arrangements with Fleet Maintenance for repair. Additionally, MPC operators must comply with **Agency Vehicles, Vessels and Motor Bicycles (MBGO 32)** as it relates to the MPC.

5. The MPC will carry, at a minimum, those items listed in **Agency Vehicles, Vessels and Motor Bicycles (MBGO 32)**, in addition to properly calibrated breath test equipment and related forms.

D. Alcoholic Beverage Control Law (ABC) Enforcement: At the direction of the Major of Operations, the T.E.U. shall conduct undercover details to identify violators of the ABC law and other applicable laws involving the sale of alcohol to persons under the age of 21.

* E. Members of the T.E.U. shall be responsible for insuring maintenance and weekly calibrations of all department breath test instruments. They shall ensure that all breath test instruments, infrared, simulator solutions and radar/lidar equipment are certified as having the proper specifications by the appropriate agency as required by law or other regulation. They shall maintain an inventory of all equipment, including current location.

* F. All Police Bureau members shall operate radar/lidar units as outlined in the manufacturer's operational manual and upon the Bureau of Municipal Police Training and Certification. Members will be responsible for the care and upkeep of assigned radar/lidar units. Prior to use, members will check that the radar/lidar unit is operating within normal operating parameters. Equipment specifications are located in the respective manufacturer's owner's manual.

* **Note:** This shall include the state-mandated certifications of Data Master DMT and radar/lidar units.

* G. Maintenance of records: The T.E.U. shall maintain all documents and certifications for breath test instruments and radar/lidar equipment, and will provide such documents to courts, Deputies or members of the District Attorney's Office as needed.

* H. Alco-Sensor/radar/lidar inventory: The T.E.U. shall maintain an inventory of Alco-Sensor and radar/lidar units and shall reassign the units as necessary.

I. Public relations: Members shall maintain liaison with community groups (e.g., MADD, SADD, RAID, etc.) and may be called upon to speak to groups, give demonstrations or provide displays on matters relating to DWI issues.

J. Other police duties: In an emergency situation, or at the direction of a supervisor or command officer, deputies assigned to the T.E.U. will be responsible for assisting the patrol division (e.g., providing back-up or covering calls when patrol units are unavailable).

K. With the authorization of the Special Operations Lieutenant, the members of T.E.U. may participate in a special detail or criminal investigation based upon operational needs.

III. Reports

The T.E.U. supervisors shall be responsible for completing reports on unit activities (e.g., monthly reports and annual report).

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE January 31, 2011	EFFECTIVE DATE February 1, 2011	NO. 37-11
SUBJECT: GENERAL ORDER Bad Check Complaints		Distribution Police Bureau Personnel	Amends
REFERENCE:			RESCINDS PBGO 37-P-99

Purpose: To establish a uniform procedure for the Monroe County Sheriff's Office regarding the processing of bad check complaints in the towns and villages of Monroe County.

Policy: Members will adhere to the countywide uniform procedure promulgated by the Monroe County District Attorney's Office when processing bad check complaints.

* **I. Bad Check Complaint Procedures**

The complainant will first be advised to initiate the following process:

A. Notification to the individual issuing the check, advising that the check has been returned by the bank. This notification may be accomplished by telephone or mail.

B. Confirm identity and date/time of contact in case needed later in process.

C. If payment or other acceptable resolution is not forthcoming, the complainant must then protest the check. The protest should occur no later than thirty days after the check is issued.

D. A certified or registered letter should be sent to the individual issuing the check, advising of the protest. The letter should be sent on the same day that the check is protested.

E. Ten days should be allowed for receipt of payment.

F. If payment is still not received, and check is valued under $5,000.00, matter will be referred to the District Attorney's Check Enforcement Program by contacting 1-888-235-2452.

G. If payment is still not received, a formal complaint should then be initiated with the MCSO. A Standardized Incident Report (SIR), signed Information, and Supporting Deposition will then be completed and prosecution will subsequently commence.

II. Procedures for Answering Complaints

Members responding to calls regarding bad checks shall adhere to the following procedures:

A. Complainants will be advised that the above referenced process must be completed before criminal charges can be initiated. The complainant shall be provided with copies of Addendums I and II, if necessary.

B. When procedures in **Section I, (A-F)** have been completed, a Standardized Incident Report (SIR), signed information and Supporting Disposition will be completed. The Supporting Deposition must verify that a photo identification of the suspect was made at the time the check was accepted, based on DMV driver's license or non-driver's license or non-driver ID card. Photocopies of the bad check, protest form, letter and return receipt will be attached to the information. The complainant will retain custody of the original documents. The Records Unit will forward the information, supporting deposition and photocopies to the appropriate court for issuance of a warrant.

C. No postdated, stop payment or partial payment checks will be accepted for criminal prosecution.

D. Charges should be filed within six months of the date that the check is issued.

E. Following the filing of criminal charges, payment should not be accepted by the complainant. Payment should be directed through the appropriate court.

F. When a particular check writer is writing a considerable number of checks, or is believed to have fled this jurisdiction, the Financial Crimes Unit or the District Attorney's Financial Crime Unit should be contacted for authorization to waive the registered letter and ten day delay procedure.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

Addendum I – Basic procedures to be followed in Bad Check Complaint.

Addendum II – Sample letter.

Addendum I

Basic procedures to be followed in a Bad Check complaint:

1. Notify the individual issuing the check that the check has been returned by the bank. (This may be accomplished by telephone or mail.)

2. If payment is not forthcoming, protest the check.

3. Send a certified or registered letter to the individual issuing the check stating that the check was protested. (Sample letter attached should be sent for notification.)

4. Wait ten (10) days for payment.

5. Refer complainant to the District Attorney's Check Enforcement Program at 1-888-235-2452.

6. If payment has not been received and the complaint procedure has been properly followed, a complaint will be taken by the Sheriff's Office.

The following information/documentation must be made available by you during the outlined procedure.

1. A photocopy of the actual letter sent to the individual issuing the bad check.

2. A photocopy of the certified/registered mail return receipt.

3. A photocopy of the protest form.

4. A photocopy of the check.

Once charges are filed, do not accept payment for the check from the defendant. All payments will be made through the court at the time of the disposition of criminal charges. Additionally, do not withdraw charges.

Addendum II

Sample Letter

Date:

Dear: _____

You have written the following check(s) (at our store) (to me) and (it has) (they have) been returned (to us) (to me) for the indicated reason:

Check #	**Check Date**	**Amount**	**Bank**	**Reason for Return**

Please take note that issuing a bad check is a crime under the New York State Penal Law, Section 190.05. If you are convicted, you may face up to three months imprisonment and up to $500.00 in fines.

(We) (I) must insist that you make restitution to (us) (me) for the above mentioned check(s) immediately. If you do not pay (us) (me) within ten (10) days of the date of this letter, (we) (I) will have no choice but to file a criminal complaint against you. An arrest warrant will be issued by the court and it will be served upon you.

(We) (I) urge you, therefore, not to delay in paying (us) (me). Once criminal charges are filed, (we) (I) will not withdraw the charges.

Sincerely,

_____

If you have any questions, please contact _____ at _____.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE April 4, 2013	EFFECTIVE DATE April 5, 2013	NO. 038-13
SUBJECT: GENERAL ORDER Missing Persons, Amber Alert, Vulnerable Adult Alert		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 41.2.4, 41.2.5, 41.2.6, 82.2.1, 82.3.5 NYS – DCJS Missing & Exploited Children			RESCINDS PBGO 38-12

Purpose: To establish guidelines relative to obtaining, recording, and disseminating information regarding persons and children reported as missing to the Monroe County Sheriff's Office.

Policy: It shall be the policy of this agency to thoroughly investigate all calls of missing persons and complete all required reports. Reports of missing persons and children meeting the below listed criteria shall be immediately investigated and documented **at the scene** and pertinent information shall be provided to New York State as legally mandated.

I. Reporting requirements

A. In all incidents of missing persons, there is no mandated waiting period before a missing person entry can be made. Reporting requirements listed below are state mandated maximum times for data entry.

B. The zone of occurrence will assume responsibility for the immediate and thorough investigation of all reports of missing persons. When extenuating circumstances dictate the need, Criminal Investigation Section (CIS) personnel will conduct follow-up.

C. Specific criteria to be placed in the applicable box on the Standard Incident Report should denote the following codes as appropriate for DCJS: Ensure the entry code is consistent with the circumstances/conditions.

1. **Disability (Code D):** A person of any age who is missing under proven physical/mental disability or who is senile, thereby subjecting themselves or others to personal and immediate danger. Information **must** be forwarded **immediately** by Records personnel to the Division of Criminal Justice Services (DCJS) through the eJusticeNY IJ Portal. Continuing investigation will be the responsibility of the Patrol Division. An Investigator will assume control of the investigation after 30 days.

2. **Vulnerable Adult (Code A):** 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.

3. **Endangered (Code E):** A person of any age who is missing and in the company of another person under circumstances indicating that their physical safety is in danger. Information **must** be forwarded **immediately** by Records personnel to DCJS through eJusticeNY IJ Portal. Continuing investigation will be the responsibility of an investigator.

4. **Involuntary (Code I):** A person of any age who is missing under circumstances indicating that the disappearance was not voluntary. Information **must** be forwarded **immediately** by Records personnel to DCJS through eJusticeNY IJ Portal. Continuing investigation will be the responsibility of an investigator.

5. **Juvenile (Code J):** A person who is missing and is under the age of eighteen (18) and does not meet any of the above criteria. Criminal Records Unit personnel must forward information to DCJS through eJusticeNY IJ Portal **immediately.**

   Continuing investigation will initiate with the patrol deputy and may become the responsibility of a CIS investigator after initial investigative leads are exhausted.

6. **Disaster Victim (Code V):** A person of any age who is reported missing after a disaster. Criminal Records personnel must forward information as soon as possible to DCJS through eJusticeNY IJ Portal. Continuing investigation will be the responsibility of CIS.

7. **Other (Code O):** A person of any age who is missing under circumstances not described by above codes (e.g., missing for unknown reasons). This will require an immediate entry into the eJustice IJ Portal. Continuing investigation will be the responsibility of the Patrol Division. An investigator will assume control of the investigation after 30 days.

D. Amber Alert

The Amber Alert program has been designed as a public resource to expeditiously broadcast details of a child's abduction to the public in the hopes of facilitating a rapid recovery of such child. Only command officers can activate this alert. Specific criteria states that the child must be:

1. Under the age of eighteen (18) and;

2. In imminent danger of serious bodily harm or death at the hands of another or due to the child having a mental or physical disability.

3. If Amber Alert is activated it will be entered into the eJustice IJ Portal as Involuntary (Code I), Disability (Code D), or Endangered (Code E).

E. Missing Child/College Student Alert

1. A missing student is any person who is a "student of an institution (college or university) who resides in a facility owned or operated by such institution on or off campus and who is reported as missing from his or her residence."

2. There is no age limit specified in the law (for a college student).

Note: When a case does not meet the AMBER Alert activation criteria, but a missing child, college student or young adult (under 21, non-college student) is deemed to be endangered, this alternative Alert is available.

F. Missing Vulnerable Adult Alert

The Missing Vulnerable Adult program has been designed as a means for Law Enforcement to establish a mechanism, through the Missing Persons Clearinghouse for rapidly disseminating information about missing vulnerable adults to the public and other law enforcement agencies. This program will also be used to assist in identifying

unidentified, living persons who may be listed in the missing vulnerable adult database. A command officer will activate this program for cases that involve the following criteria:

1. The missing person is 18 years of age or older AND has a cognitive disorder, mental disability or brain disorder.

2. There is a credible risk of harm to such missing person.

(Note – A suicidal missing person who does not have a cognitive disorder, mental disability or brain disorder is not eligible for this program.)

II. Procedures

A. Deputies shall:

1. Respond to the scene in a timely manner and conduct an "at risk" assessment.

2. Identify those at the scene and preserve the scene if deemed appropriate.

3. Notify a supervisor of **all** missing person investigations. Determine if extenuating circumstances exist (e.g., foul play suspected, age factor, questionable mental health/impaired physical conditions).-

Note: If criteria for Amber Alert, Missing Child/College Student Alert, or Vulnerable Adult Alert exist refer to Section IV of this order in addition to continuing with the subdivisions of this section.

4. Prepare a Standard Incident Report as outlined in Section V, obtaining as much information as possible and indicating unknown or N/A (when information is not available).

5. When possible, two recent photographs of the missing person will be obtained and attached to the report. One photo shall be attached to the original report and one to the primary follow-up report.

6. Provide the Emergency Communications Department (ECD) with the description of any person who is missing under extenuating circumstances for dissemination via MDT/MDC messaging for up to 24-hours.

7. Immediately check or request another unit to investigate and document any area or address the reporting person has indicated as a possible location of the missing person.

8. Commence search if warranted and if needed, assist with the preparation of fliers with investigative staff.

9. Be responsible for continuing investigations described as Code-O (where no extenuating circumstances exist) for 30 days, after which time the investigation will be turned over to the zone investigator for further follow-up.

10. Submit completed report to supervisor for review/approval as follows:

a. Immediately, regarding missing persons involving extenuating circumstances, after which the deputy shall contact the Records Unit with the appropriate information for immediate entry to DCJS through the eJusticeNY IJ Portal system, or

b. Ensure teletype is sent in the appropriate timeframe.

c. At completion of tour of duty in those instances lacking extenuating circumstance, after which the supervisor shall forward the report to the Records Unit through interdepartmental mail.

Note: Situations involving custodial interference, unlawful imprisonment, kidnapping or other crimes will also be documented on a Standard Incident Report (SIR).

B. Supervisors shall:

1. Respond to the scene of a missing person upon request of reporting deputy and assess the situation.

2. Ascertain if suspicious circumstances or age of the victim require immediate special attention (e.g., search, radio broadcast, etc.) and coordinate follow-up investigation as necessary.

* 3. Contact the zone investigator, Major Crimes Sergeant, and patrol/zone commander when foul play is suspected or suspicious circumstances exist or an unexplained prolonged absence exists. The patrol/zone commander shall be contacted regarding the necessity for addition personnel.

4. Establish a command post if warranted, direct media inquiries, and update notifications as needed.

5. Arrange logistics for search if needed.

6 In cases of juveniles missing without extenuating circumstances, ensure that a follow-up contact is made with the reporting person/persons within 48 hours to determine whether the juvenile is still missing.

* 7. In cases of reported missing juveniles, forward a copy of the report to the Zone Administrative Sergeant and Zone Captain.

8. When reports of missing persons fall into the following categories: Code D – Disability, Code E – Endangered and Code I – Involuntary. Ensure that the Records Unit is immediately contacted with appropriate information for Teletype entry into eJusticeNY IJ Portal.

9. In cases of an Amber Alert, Missing Child/College Student Alert, or Missing Vulnerable Adult Alert, the supervisor will ensure that the deputy is following the Amber Alert/Vulnerable Adult Alert procedure in section IV.

10. The appropriate zone commander as well as the CIS Captain is notified.

* C. Zone Administrative Sergeants shall:

1. Review copies of all Standard Incident Reports involving missing persons.

2. Track all investigations regarding missing persons.

3. Ensure continued follow-up investigation after 30 days of initial Standard Incident Reports that are coded Code – D and/or Code - O.

D. Records Unit Staff shall:

1. Enter data regarding missing persons through ejustice portal to DCJS. Those designated as immediate shall be entered as such; 48-hour designation shall be entered upon notification. Entries for a Missing Vulnerable Adult must include the missing person condition of "Vulnerable Adult".

2. After 30 days forward DCJS form 1508, Missing Person Data Collection Guide to the appropriate zone commander who will in turn ensure that the document is taken to the reporting person to be completed and then returned to the Records Unit.

III. Cancellations

A. Reporting deputy shall:

1. Either respond to the location of the individual initiating the cancellation or, by competent authority, verify the well being of the previously reported missing person.

2. Complete an Investigative Action Report (IAR) upon receiving a cancellation of a missing person, indicating the original CR number, victim's name, age and date of return, and circumstances relating to the incident.

3. Notify the Records Unit of information necessary for Teletype cancellation.

4. Submit completed IAR to supervisor upon completion of tour of duty.

B. Supervisor shall review all IARs and forward it to Records Unit for distribution.

C. Records Unit personnel shall ensure that reported missing person information entered into eJusticeNY IJ Portal is removed from it upon receiving cancellation information from IARs or from reporting deputies.

IV. Amber Alert/Missing Vulnerable Adult Alert Procedures, Missing Child/College Student Alert

A. Deputy Shall:

1. Conduct preliminary interviews and contact a supervisor if circumstances fit the Amber Alert, Missing Child/College Student Alert, or Vulnerable Adult Alert Criteria.

2. Once an Amber Alert, Missing Child/College Student Alert, or Vulnerable Adult Alert has been activated by a command officer, the deputy will complete the applicable **Amber Alert Submission Form, Missing Child/College Student Alert Submission Form,** or **Vulnerable Adult Alert Submission Form. All forms can be located on the MCSO intranet under other forms.**

B. Supervisors Shall:

1. Determine if an Amber Alert, Missing Child/College Student Alert, or Vulnerable Adult Alert is warranted and recommend activation of the alert to a command officer.

2. Ensure that the **General Authorization Form** has been completed and signed for non-urgent/missing child case/college student case.

3. For an Amber Alert, review the Amber Alert Submission Form and fax it to the NYSP Communication Section at 518-457-3207. The command officer listed on the Amber Alert Submission Form will be contacted by the NYSP Communications Center for final verification. Also notify the NYSP to the incoming fax at 518-457-6811. The submission form can also be accessed and submitted via eJusticeNY IJ Portal. The hard copy of the form is to be kept with the Missing Person's Report and submitted together.

4. For Missing Child/College Student Alert, contact the Missing Persons Clearinghouse at 1-800-346-3543 and speak to a Case Manager for approval. If approved, review the Missing Child/College Student Alert Submission Form and fax it to the Missing Persons Clearinghouse at 518-457-6965 or e-mail it to missingpersons@dcjs.ny.gov. The hard copy of the form is to be kept with the Missing Person's Report and submitted together.

    a. Ensure that a photo of the missing person is available (jpg preferred)

    b. Determine regions that will be activated

    c. Provide DCJS with a phone number (24/7) that will be able to handle leads as they are received

5. For Missing Vulnerable Adult Alert, contact the Missing Person Clearinghouse at 1-800-346-3543 and speak to a Case Manager for approval. If approved, review the Missing Vulnerable Alert Submission Form and fax it to the Missing Persons Clearinghouse at 518-457-6965 or e-mail it to missingpersons@dcjs.ny.gov. The hard copy of the form is to be kept with the Missing Person's Report and submitted together.

    a. Ensure that a photo of the missing person is available (jpg preferred)

    b. Determine regions that will be activated

    c. Provide DCJS with a phone number (24/7) that will be able to handle leads as they are received

    Note: You also have the option of e-mailing this form directly from either website or to e-mail it directly from a computer to missingpersons@dcjs.state.ny.us. In any case, once it is sent you will have to then call to confirm that it was received.

6. When an unidentified, living person is located who may be listed in the Missing Vulnerable Adult database, contact the Missing Person Clearinghouse at 1-800-346-3543 in an attempt to identify the found missing vulnerable adult. The Missing Person Clearinghouse's website is: http://www.criminaljustice.ny.gov/missing/va-alpha1.htm

7. Dispatch a Deputy to the Records Unit to assist with incoming calls and leads.

C. Records Unit Shall:

1. Complete and send a NCIC missing person entry (File 6).

2. Generate a eJusticeNY IJ Portal abduction message (File 11A).

D. Termination of an Amber Alert

In the event that the alert needs to be terminated either by recovery or determination that the abductee no longer qualifies for the Amber Alert, immediate notification to the NYSP communications center needs to be made by a command officer, or designee, by fax (518) 457-3207 and telephonic notification (518) 457-6811, canceling the broadcast.

E. Termination of a Vulnerable Adult Alert/Missing Child/College Student Alert

In the event that the alert needs to be terminated either by recovery or determination that the missing person no longer qualifies for the Vulnerable Adult Alert/Missing Child/College Student, immediate notification to the Missing Person Clearinghouse needs to be made by a command officer, or designee, by fax (518) 457-6965 and telephonic notification 1-800-346-3543, canceling the Alert.

NOTE: An Alert will expire after 14 days, if a person is still not located DCJS will continue to publicize as a regular case and not as an alert

V. Completion of Standard Incident Report

A. Members will utilize a Standard Incident Report form and accompanying booklet when answering each question. The coded responses provide specific information that NYSIBRS utilizes for crime reporting, tracking and nationwide comparisons.

B. Any questions that do not apply to the incident will be marked with a dash (-). If the answer to the question is unknown, it will be marked with an "X".

C. The form will be completed utilizing the guidelines delineated in **Standard Incident Report and Supplement Investigative Action Report (PBGO 21).**

VI. Distribution

	Page 1	Records Unit
	Copy 2	Records Unit
	Copy 3	Investigating Deputy/Investigator
*	Copy 4	Zone Administrative Sergeant, follow-up file
	Copy 5	Reporting Person

By Order of the Sheriff

Patrick M. O'Flynn

* Indicates a change from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE September 19, 2012	EFFECTIVE DATE September 20, 2012	NO. 39-12
SUBJECT: GENERAL ORDER Special Services Group (SSG)		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 17.5.3 NYSLEAP 43.6			RESCINDS 39-P-05

Purpose: To define the duties, responsibilities, and objectives of the Monroe County Sheriff's Office Parks and Marine Units, hereinafter referred to as the Special Services Group (SSG).

Policy: Members of these units shall be responsible for maintaining law and order in the areas of their respective assignments and in accordance with this General Order.

I. Administration

A. The SSG will be under the supervision of one or more sergeant(s) who shall be accountable to the Special Operations Commanding Officer.

B. A deputy sheriff patrol shall assist the sergeant(s) with the administrative duties and the guidance of seasonal and part-time deputies on a year round basis. A second deputy sheriff patrol will be assigned from the 1st of May through the 31st of October.

C. All requests for SSG services will be directed to the Special Operations Commanding Officer.

II. Supervisory Responsibility

The Sergeant will:

A. Be responsible for the overall supervision of deputies assigned to the SSG. Duties include scheduling, conducting roll calls, assisting deputies in the performance of their duties and meeting with individual deputies at their assigned posts at least once per shift.

B. Schedule safe boating and snowmobile seminars.

C. Authorize and schedule personnel for special events, coordinating the same with other agencies, to include all details utilizing members of the Parks and Marine Units.

D. Review and approve all reports and submit completed forms to the appropriate outside agencies.

E. Respond to all serious incidents occurring in their area of responsibility.

F. Coordinate all vehicle repairs with the Fleet Maintenance supervisor. Vessel repairs will be coordinated with the contracted Marine vendor.

G. Designate specific specialized equipment and conduct a monthly inventory to ensure operational readiness.

H. Maintain files of all receipts, copies of utilization reports, training records, calls for service both dispatched and self-initiated, and arrests by unit members.

III. Unit Member Responsibilities

A. The full time patrol Deputies assigned to SSG shall:

1. Assist the Sergeant with the administrative duties of the SSG.
2. In the absence of the Sergeant, serve as group coordinator.
3. Assist and provide guidance to seasonal deputies.

B. Deputies assigned to the Parks Unit shall:

1. Enforce all laws and maintain the peace within assigned parks.
2. Provide assistance to all users of the parks.
3. Consult with park guards to become aware of any large gatherings, hazardous conditions or other areas of concern.
4. Remain within assigned parks except:
   a. When traveling to and from his/her area of assignment.
   b. When directed elsewhere by the dispatcher and with supervisory approval.
   c. When authorized by a supervisor.

C. Deputies assigned to the Marine Unit shall:

1. As soon as practical, attend the Marine Law Enforcement School offered through the New York State Office of Parks and Recreation, as directed by the Staff Services Bureau Training Unit.
2. Enforce all laws and maintain the peace on County waterways.
3. When not on assignment, patrol assigned waterways, giving close attention to known problem areas.
4. Render assistance to vessels in distress.
5. Monitor appropriate police and marine radio channels.
6. Operate vessels at a safe speed, particularly when responding to emergencies or when in pursuit.

By Order of the Sheriff,

Patrick M. O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE November 7, 2013	EFFECTIVE DATE November 8, 2013	NO. 040-13
SUBJECT: GENERAL ORDER Product Tampering		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: Title 18, U.S. Code, Section 1365; NYSPL 145.40, 145.45			RESCINDS PBGO 40-P-06

* **Purpose:** To familiarize members and employees regarding procedures for response to information and investigating reported incidents of possible or suspected product tampering with consumer products.

Policy: The Monroe County Sheriff's Office will respond to information about incidents involving suspected or possible product tampering so as to ensure the safety of the public as well as notify and coordinate activities with other agencies and businesses that share these responsibilities. It is the responsibility of the MCSO to gather and preserve evidence as appropriate, investigate, and take measures to help minimize damage to the private property of any businesses affected.

Definitions: **Consumer Product** – Any food, drug, device, cosmetic, or any article, product, or commodity that is produced or distributed for consumption by individuals as defined by the Federal Food, Drug and Cosmetic Act (Section 201, 21 U.S.C. 321).

Tampering – The alteration of a product, its label or container, with reckless disregard for the risk that another person will be placed in danger of death or bodily injury, or to cause serious injury to the business of another person, or an attempt to do so.

False Information – Communication of information that is false, and that the communicator knows is false, under circumstances in which the information may reasonably be expected by one to be believed.

Threats – Communication of a threat to engage in conduct under circumstances in which the threat may reasonably be expected by one to be believed. Such conduct, if it occurred, would constitute actual tampering.

Conspiracy – Agreement of two or more persons to engage in tampering of a consumable product if any party intentionally engaged in conduct in furtherance of such tampering.

I. Reports of Possible Product Tampering

A. Reports of suspected product tampering are to be considered and investigated as a crime until evidence is developed to prove a crime has not been committed (such as a packaging error, processing malfunction, etc.).

B. Information and property are to be safeguarded as evidence until evidence is developed to prove a crime has not been committed.

II. Duties of the Investigating Deputy

A. Contact the complainant and verify the information received from the initial report. Determine the scope and the specific details of the incident.

B. Contact the manager or individual in charge of the establishment to determine if there is any history of previous threats, if the product is dispensed from that location, if the product appears to have evidence of tampering, or if there are any suspects or potential witnesses at the scene.

C. Secure the scene, isolate potential physical evidence, request to see if there is any video surveillance, and administer aid to any victims, if necessary.

D. Notify a patrol supervisor.

* E. Complete a **Consumer Product Tampering Database Report Form (PB-133)** as well as a Standardized Incident Report documenting the applicable section of the NYS Penal Law (145.40 / 145.45).

F. Obtain the following information for use by the appropriate regulatory agency:

1. Specific name of the product and its manufacturer.
2. Distributor.
3. Code or lot number from the actual package.
4. Type, size and weight of the container or package.
5. USDA seal and if available the control number.

III. Duties of the Patrol Supervisor

A. Respond to the scene and coordinate an appropriate investigative response with a representative (manager or individual in charge) from the establishment (conduct a risk assessment, coordinate considerations of securing evidence, interview witnesses, and establishing a perimeter to further secure the scene).

B. Notify the Technical Services Unit for collecting and handling evidence (to be inclusive of any medical testing of the victim as evidence) and to assist with the investigation.

Note: Members of the Technical Services Unit shall ensure that the chain of custody of evidence (product) is maintained and properly handled, and that the evidence (product) is stored and that any storage arrangements are made for perishable items and/or large volumes of a product. The Commander of the Staff Services Bureau must also be notified to make arrangements for specialized storage facilities.

C. If deemed appropriate, contact an Investigator from CIS.

* D. Notify the Monroe County Health Department at 585-753-5064 during regular business hours or an on-call representative at 585-753-5905 after normal business hours to request assistance from the Food Inspection Officer for a referral to the appropriate regulatory agency.

Note: A representative from the Monroe County Health Department will be responsible for contacting the appropriate regulatory agency (FDA, Agriculture and Markets, etc.).

* E. Ensure completion of the **Consumer Product Tampering Database Report (PB-133).**

* F. Notify the New York State Police Statistical Recording Personnel of any incidents or suspected incidents of product tampering via the designated police use only 24-hour telephone number at 800-648-0881. Provide appropriate information as specified on the **Consumer Product Tampering Database Report form (PB-133)**. Such information must be forwarded within five (5) hours of receiving the initial complaint. The information must include:

1. Name and title of the person reporting the case to the aforementioned number.
2. The name of the agency investigating the case.
3. Whether this agency is requesting assistance from the New York State Police in investigating the case.
4. The type of product.

G. Advise the Zone commanding officer of the situation.

IV. Duties of the Zone Commander

A. Initiate the proper agency notifications as delineated in the notification matrix under general news-attracting incident.

B. Ensure that all directives of this general order are properly carried out.

V. Duties of Central Records Unit Personnel

A. Process all SIRs.

* B. Input all information from the **Consumer Product Tampering Database Report (PB-133)** into the E-Justice Portal.

B. Maintain a file for Consumer Product Tampering Database Report forms (PB-133).

* C. Update the NYSP when the investigation is complete.

VI. Release of Information to the Media

All news information released regarding an investigation of this type must not cause undue alarm or unnecessary damage to the reputation of the product or business involved. Premature disclosure of certain information may endanger innocent parties or aid perpetrators and as such, will be coordinated between the establishment representative and the Sheriff or other authorized designee.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous orders.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE July 25, 2007	EFFECTIVE DATE July 27, 2007	NO. 41-P-07
SUBJECT: GENERAL ORDER Daily Activity Report		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS 41-P-90

Purpose: To familiarize patrol deputies about the types of activities expected of them during non-directed periods of time and to provide a means of more accurately recognizing and evaluating self-initiated activity.

Policy: Patrol deputies will enter their daily activities either via MDT (Mobil Data Terminal) , or MCT (Mobil Computer Terminal) . Deputies are responsible for entering self-initiated activity via the MDT.

I. Duties and Responsibilities

A. On a periodic basis, the Zone captain will review MDT productivity logs ensuring that proper procedures are being followed.

B. Zone lieutenants also will review MDT generated productivity logs periodically from personnel under their command and provide input to sergeants regarding individuals whose self-initiated activity should be redirected.

C. Zone sergeants will monitor the performance of deputies to determine if there is a need to redirect self-initiated activities.

D. Zone patrol deputies will:

1. Enter all self-initiated activity via the MDT.

2. To the extent possible, use non-directed time to perform activities, which are enumerated in Section II of this order. While it is understood that each activity cannot be performed on a daily basis, deputies and investigators should attempt to perform as many of the appropriate activities as possible.

3. Insure that all self-directed or self-initiated activities are logged via MDT. Each deputy will insure that there is no extended lapse of recorded entries that exceed 30 minutes.

4. Complete handwritten Daily Activity Reports in the event of computer or MDT down time or as directed by a unit supervisor or Commander.

II. Explanation of Self-Initiated Activity Codes

- Self-initiated Investigation

Investigation of incidents which the deputy/investigator develops, including crimes which are discovered while checking buildings or neighborhoods, disturbances or disputes which are discovered on routine patrol or other similar situations.

- Patrol Residential Tracts

Patrolling housing areas, including neighborhoods, apartment complexes, etc. for the purpose of deterring and detecting crime, and promoting public relations.

- Intelligence Gathering (F.I.R.)

Development and/or documentation of information regarding criminal activity or any other activities requiring police attention.

- Building Checks

Checking businesses, parking lots, etc. for the purpose of deterring and detecting crime (applies both during business and non-business hours).

- House Checks

Unattended property inspections as outlined in PBGO-33.

- Special Attention Checks

Checking special attention assignments that are given at roll call, assigned by the supervisor or dispatcher, listed in district books, etc.

- Check Suspicious Person/Condition

The routine check of suspicious persons, vehicles, activities and other situations which are originally detected by the reporting deputy/investigator.

- Community Leader Contact

Any non-assigned meeting with town, village or other governmental representatives, including supervisors, town clerks, court employees, etc. Second and third platoon deputies/investigators are encouraged to make these contacts for the purpose of maintaining good relations.

- Business Contact

A routine stop at businesses within the district to develop a rapport with business owners and employees.

- School Contact

A routine stop at grammar schools, high schools, and colleges in the district to develop a rapport with principals, deans, security personnel, etc.

- Foot Patrol

Walking in business districts, shopping plazas and malls, etc. for the purpose of increasing visibility, establishing good relations and deterring and detecting crime.

- Community Projects

The formulation and implementation of a program designed to benefit a particular group or community. This could include developing a Neighborhood Watch Program, holding a meeting to explain a crime pattern in a particular neighborhood, etc.

- Citizen/Motorist Assistance

Rendering assistance to the public in a situation, which the deputy/investigator locates (e.g., disabled vehicles, giving directions, providing information, lockouts, etc.).

- Traffic Enforcement

Any activity directly related to enforcement of traffic laws (i.e., running radar, issuing a UTT, monitoring an intersection, making a DWI arrest, traffic stops, etc.).

- ABC Check

Self-initiated checks of licensed establishments for possible Alcoholic Beverage Control Law violations.

- Warrant Investigation/Service

Any time spent attempting to serve warrants or processing warrant arrests. Applies both in situations where the warrant is assigned to the deputy/investigator and those situations where a record check in a routine contact shows a current outstanding warrant.

- Other

Used to code self-initiated activities, which do not fit any of the aforementioned categories. When using "Other", it is important to give a specific description of the activity.

By Order of the Sheriff,

Patrick M. O'Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE April 13, 2007	EFFECTIVE DATE April 23, 2007	NO. 43-P-07
SUBJECT: GENERAL ORDER Child Abuse Investigations		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS 43-P-99

Purpose: The purpose of this order is to provide a procedure for the investigation of child abuse, neglect complaints.

***Policy**: All incidents of suspected child abuse or maltreatment will be reported on a Standardized Incident Report or a Domestic Incident Report. The investigating deputy will also complete a N.Y.S. Department of Social Services Form DSS-2221-A and submit both to his/her supervisor for review.

*I. General Overview

A. Pursuant to Chapter 740 of the Laws of 2006 (FCA 1034 (2) and SSL 424) that require, in part, that a Family Court Judge be available at all times to hear **pre-petition applications** for an order requiring access to a child who is the subject of a child protective investigation. The law allows for 24 hour access to a Family Court Judge to obtain "Access to Child" or "Access to the Home" judicial orders for action by CPS workers.

Note: Off hours calls should not be made directly to a Judge. Off hours calls from local service districts seeking access orders must be made to 1-800-430-8457.

B. This law allows local CPS the ability to seek assistance from the court when unable to access a child during a Child Protective Services investigation.

C. CPS has the burden to show "reasonable cause to suspect" that the child's "life or health may be in danger" and they cannot locate child or have been denied access to the child "sufficient to determine their safety." Or, in instances where access to the home is necessary, CPS must have "probable cause to believe that an abused or neglected child may be on the premises" and CPS has been denied access to the home sufficient to evaluate the home.

1. In the event of these situations, CPS is **not required to call** law enforcement.

2. If requested by CPS, deputies will respond and assist CPS with their investigation.

3. If a court order is required pursuant to this law, deputies will be required to remain at the location until the court order is received.

4. Absent exigent circumstances, deputies are to comply with Constitutional requirements regarding entry to a citizen's home in the absence of a warrant or court order.

5. The judicial order, once obtained, will indicate and allow the authorization for CPS to perform the following actions:

   a. Enter the home.

   b. Determine if the child is present.

   c. Conduct a "home visit".

   d. Evaluate the home environment.

II. Procedure

A. Patrol Operations:

1. Deputies will refer to page two of form DSS 2221-A for definitions of child abuse and child maltreatment. "Persons legally responsible", mentioned in the definitions, include parents, guardian, day-care center personnel, in-home day-care workers, or any persons continually or at regular intervals found in the same household as the child. Teachers and babysitters are not included in this definition, but can be subject to charges of endangering the welfare of a child, assault, etc.

2. The deputy filing the DSS 2221-A Form will immediately report the incident by telephone (**1-800-635-1522**) to the Child Protective Service of the Monroe County Department of Social Services. The patrol supervisor will also be notified at that time. The name of the person notified will be included in the narrative of both the Standardized Incident Report, or Domestic Incident Report, and the DSS 2221-A Form.

3. Patrol supervisors will review the DSS 2221-A Form for content completeness, clarity and legibility. If approved, the report will be forwarded to the Zone Criminal Investigation Section Sergeant. If the case is of such a nature that immediate follow-up is required, the investigation will be assigned to an on-duty investigator, zone investigator or the Impact Investigator.

4. If more than one agency is involved with the suspected child abuse incident, each agency is responsible for filing a DSS 2221-A Form and notifying the Child Protective Service by telephone. The Sheriff's Office must file a DSS 2221-A Form, even though hospital, school personnel, or others may have filed a report. The DSS 2221-A Form will include the name of all Monroe County Sheriff's Office personnel involved with the case.

5. If immediate danger to the victim is present, regardless of arrest action, protective custody may be taken. This should be done with the consultation of a DSS caseworker and a supervisor.

6. Deputies will ensure that photographs and/or physical evidence are obtained when appropriate. If the zone camera is used for photographs, the film should be removed from the camera and forwarded immediately for processing.

B. Patrol Supervisors shall:

1. Respond to the scene if necessary and, if the patrol supervisor feels that the investigation should begin immediately, determine if this is an investigation that will be referred to the Impact Investigator or remain at the zone CIS, and obtain the services of an investigator in the following order:

   a. An on-duty investigator from within the zone of occurrence, Impact Investigator, the Major Crime Unit or

   b. If not available, contact the on-call zone investigator, Impact Investigator, or Major Crime Unit.

2. If the patrol supervisor determines that the investigation can wait until the service of the zone investigator is available, the investigation can be continued when such investigator reports for regular duty. However, in no case is the time lapse between the initial call and the arrival of the investigator to be longer than twenty-four (24) hours.

C. If the referral is from DSS, the Zone CIS Sergeant in the zone of occurrence will arrange for the assignment of an investigator as outlined in this order.

D. The Investigator will:

1. Respond to the scene or other appropriate location.

2. Contact the department of Social Services worker to respond to the scene.

   Note: If DSS initiates the investigation, the investigator will contact the Child Protective Service worker as soon as possible.

3. If not already done, initiate or complete the investigation by completing the appropriate report, filing DSS 2221-A Form, interviewing the victim, etc.

4. Maintain coordination with personnel at CIS HQ when applicable.

E. Project IMPACT scope and responsibilities:

1. Project IMPACT is a multi-disciplinary team of investigators primarily responsible for child abuse, child neglect and/or sexual abuse where the suspect is sixteen years of age or older. In the following cases Project IMPACT will be consulted to determine if a referral for a follow-up investigation is appropriate:

   Assault, any degree (where suspect is the parent)
   Rape, first and second degree
   Rape, third degree, subdivision 2
   Criminal Sexual Act, first or second degree
   Criminal Sexual Act, third degree, subdivision 2
   Sexual Abuse, any degree
   Aggravated Sexual Abuse, any degree
   Endangering the Welfare of a Child (where sex abuse is a factor)

2. If the responding deputy or supervisor determines this is an IMPACT case, he/she will:

   a. Conduct a preliminary investigation and complete the appropriate report(s) (including DSS 2221).

      Note: If it is necessary to interview a juvenile victim, personnel properly trained in this area should be utilized.

   b. Refer the follow-up to IMPACT (the victim should not be interviewed).

   c. Contact his/her supervisor to determine if IMPACT needs to be contacted immediately.

3. The patrol supervisor shall:

   a. Determine the need for immediate call-in or follow-up during normal hours.

   b. Contact the CIS Major Crime Unit Sergeant, if a call-in is needed.

   c. Review reports and forward follow-up to the IMPACT Investigator.

4. IMPACT Deputy Investigator shall:

   Conduct investigations according to departmental policy and procedure, as set forth in PBGO #3-P.

5. The IMPACT Investigator is part of an investigative Task Force and shall be considered part of the CIS Headquarters organizational structure.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates additions or deletions from previous order.

LDSS-2221A (Rev. 11/97)

REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT

New York State — Office of Children and Family Services

Report Date	Case ID	Call ID
/ /		
Time AM/PM	Local Case #	Local Dist/Agency

SUBJECTS OF REPORT

List all children in household, adults responsible and alleged subjects.

Line #	Last Name	First Name	Aliases	Sex (M, F, Unk)	Birthday or Age Mo/ Day/ Yr	Ethnic Code	Relation Code	Role	Lang.
1.									
2.									
3.									
4.									
5.									
6.									
7.									

☐ MORE

List Addresses and Telephone Numbers (Using Line Numbers From Above)	Telephone No.

BASIS OF SUSPICIONS

Alleged suspicions of abuse or maltreatment. Give child(ren)'s line number(s). If all children, write "**ALL**".

_____ DOA/Fatality	_____ Child's Drug/Alcohol Use	_____ Educational Neglect
_____ Fractures	_____ Poisoning/Noxious Substances	_____ Emotional Neglect
_____ Internal Injuries (i.e. Subdural Hematoma)	_____ Choking/Twisting/Shaking	_____ Inadequate Food/Clothing/Shelter
_____ Lacerations/Bruises/Welts	_____ Lack of Medical Care	_____ Lack of Supervision
_____ Burns/Scalding	_____ Malnutrition/Failure to Thrive	_____ Abandonment
_____ Excessive Corporal Punishment	_____ Sexual Abuse	_____ Parent's Drug/Alcohol Misuse
_____ Inappropriate Isolation/Restraint(Institutional Abuse Only)	_____ Inadequate Guardianship	_____ Other specify)_____
_____ Inappropriate Custodial Conduct(Institutional Abuse Only)	_____ Swelling/Dislocation/Sprains	

State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.

(If known, give time/date of alleged incident) ____/____/____ Time_____(AM/PM)

The Mandated Reporter Requests Finding of Investigation YES☐ NO☐

SOURCES OF REPORT

CONFIDENTIAL NAME	TELEPHONE	NAME	TELEPHONE *CONFIDENTIAL*
ADDRESS		ADDRESS	
AGENCY/INSTITUTION		AGENCY/INSTITUTION	

RELATIONSHIP (✓ = REPORTER, **X** = SOURCE)

☐ Med. Exam/Coroner ☐ Physician ☐ Hosp. Staff ☐ Law Enforcement ☐ Neighbor ☐ Relative ☐ Instit. Staff
☐ Social Services ☐ Public Health ☐ Mental Health ☐ School Staff ☐ Other Specify)_____

For Use By Physicians Only	Medical Diagnosis on Child	Signature of Physician who examined/treated child X	Telephone No.
	Hospitalization Required: ☐ None	☐ Under 1 week ☐ 1-2 weeks	☐ Over 2 weeks
Actions Taken Or About To Be Taken	☐ Medical Exam ☐ X-Ray ☐ Photographs ☐ Hospitalization	☐ Removal/Keeping ☐ Returning Home	☐ Not. Med Exam/Coroner ☐ Notified DA

Signature of Person Making This Report	Title	Date Submitted Mo. Day Yr.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

ETHNICITY CODES	RELATION CODES		ROLE CODES	LANGUAGE	
	FAMILIAL REPORTS				
AA: African-American	AU: Aunt/Uncle	XX: Other	AB: Abused Child	CH: Chinese	KR: Korean
AS: Asian	CH: Child	PA: Parent	MA: Maltreated Child	CR: Creole	MU: Multiple
CW: Caucasian	GP: Grandparent	PS: Parent Substitute	AS: Alleged Subject	EN: English	PL: Polish
HL: Hispanic	FM: Other Fam. Member	UH: Unrelated Home Mem.	(Perpetrator)	FR: French	RS: Russian
UK: Unknown	FP: Foster Parent	UK: Unknown	NO: No Role	GR:German	SI: Sign
XX: Other	IAB REPORTS ONLY		UK: Unknown	HI: Hindi	SP: Spanish
	AR: Administrator	IN: Instit. Non-Prof		HW: Hebrew	VT: Vietnamese
	CW: Child Care Wkr	IP: Instit. Pers/Vol.		IT: Italian	XX: Other
	DC: DayCare Fac/Prov	PI: Psychiatric Staff		JP: Japanese	
	DO: Director/Operator				

Abstract Sections from Article 6, Title 6, Social Services Law

Section 412. Definitions

1. **Definition of Child Abuse** (see N.Y.S. Family Court Act Section 1012(e)
   An "abused child" is a child less than eighteen years of age whose parent or other person legally responsible for his care:

   (1) Inflicts or allows to be inflicted upon the child serious physical injury, or
   (2) Creates or allows to be created a substantial risk of physical injury, or
   (3) Commits or allows to committed against the child a sexual offense as defined in the penal law.

2. **Definition of Child Maltreatment** (see N.Y.S. Family Court Act, Section 1012(f)
   A "maltreated child" is a child under eighteen years of age whose physical, mental or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:

   1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
   2) in providing the child with proper supervision or guardianship; or
   3) by unreasonable inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
   4) by using a drug or drugs; or
   5) by using alcoholic beverages to the extent that he loses self-control of his actions; or
   6) by any other acts of a similarly serious nature requiring the aid of the Family Court.

Section 415. Reporting Procedure. Reports of suspected child abuse or maltreatment shall be made immediately by telephone* and in writing within 48 hours after such oral report...written reports shall be made to the appropriate local child protective services on this form (Report of Suspected Child Abuse and Maltreatment, DSS-2221-A). Submit the written DSS-2221-A form for Residential Institutional abuse reports directly to the State Central Register 40 N. Pearl St. Albany, N.Y. 12243.

Section 419. Immunity from Liability. 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 of any person required to report cases of child abuse or maltreatment shall be presumed.

Section 420. Penalties for Failure to Report.

1. Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.
2. Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

***NYS CHILD ABUSE AND MALTREATMENT REGISTER: 1-800-635-1522 (FOR MANDATED REPORTERS ONLY)**
1-800-342-3720 (FOR PUBLIC CALLERS)

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE August 28, 2008	EFFECTIVE DATE August 28, 2008	NO. 44-P-08A
SUBJECT: GENERAL ORDER Vehicle & Traffic Law Enforcement		Distribution Police Bureau Personnel	Amends
REFERENCE: CALEA 1.2.5, 1.2.6, 61.1.1,61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.10, 61.1.12, 82.2.2 NYSLEAP 47.1, 47.2			RESCINDS PBGO 44-P-08

Purpose: To familiarize members regarding proper procedures relative to violations of the New York State Vehicle and Traffic law.

Policy: It is the policy of the Monroe County Sheriff's Office to vigorously enforce the New York State Vehicle and Traffic Law. Uniformed personnel are to be sensitive to enforcement activity in the areas of DWI, DWAI, speed violations, distracted driving, equipment violations, newly enacted laws and/or regulations, other hazardous violations (such as reckless driving), public carrier and commercial vehicle violations and all other non-hazardous violations.

I. Member/ Violator Contact:

Traffic violation enforcement is one of many routine tasks performed by Police Bureau members and should strive to leave the violator with the impression that the member has performed a necessary task in a professional manner.

Note: Upon stopping violators for any reason, the member's safety is paramount. Members will take all steps and precautions necessary during traffic stops to ensure their safety and well being.

II. High Risk / Unknown Risk Stops

Prior to engaging in a high risk or unknown risk stop, if possible, the member should consider methods to ensure their safety, the safety of other responding members and safety of the citizens, and in accordance with experience and training.

III. Suspended or Revoked Driver's License

If the member has probable cause to believe the violator's license has been suspended or revoked, he/she should effect a physical arrest of the subject and assume custodial responsibility for the subject and his/her property.

IV. Enforcement Options

A. Verbal Warnings:

Personnel may issue a verbal warning at their discretion for a minor or inadvertent violation.

B. Uniform Traffic Ticket:

1. When the decision is made to issue a summons in connection with a violation, the violator will be advised of:

   a. Location of court

   b. Date and time of appearance

   c. Plea by mail option
   d. Specific violation(s) charged.

2. The violator will be given the defendant copy of the Uniform Traffic Ticket and completed Supporting Deposition Form.

C. Physical Arrest:

Circumstances may arise which lead to the physical arrest of a traffic violator. Procedures as stated in MBGO 17 will be adhered to.

V. Enforcement Methods and Deployment

A. Routine Patrol:

1. All members will advise E.C.D. of their location each time a vehicle traffic stop is conducted via the mobile data terminal, or if circumstances warrant a more timely response, by utilizing the voice radio or verified by GPS.

2. Members will inform violators (when practicable) of the reason for the stop.

3. Personnel will monitor high frequency accident areas during non-directed patrol time. Enforcement activity in these areas should aid in the reduction of motor vehicle accidents. Locations such as these are identified by analytical studies completed by the Sheriff's Office Information Services, County Traffic Engineering, New York State Department of Transportation and other traffic-related calls for service data.

4. Uniformed personnel are to advise their supervisors of any problem areas they deem to deserve more enforcement action. In addition, these areas may be referred to County Traffic Engineering for a more thorough analysis of accident and traffic volume.

B. Enforcement goals will be accomplished through:

1. High visibility in the identified area

* 2. Area Patrol- moving patrol or stationary observation in an area that includes a number of streets, roads, or sections of highways.

3. Stationary observation

a. Stop signs

b. Traffic signals

c. Use of radar

d. Traffic checkpoints will be established only under the following guidelines:

(1.) Only as approved by the Zone Commander

(a.) A site which minimizes risk to the public and personnel assigned.

(b.) Emergency lights, adequate personnel and flares, etc. will be utilized to alert traffic.

(c.) A non-discriminatory system of stopping vehicles will be used (such as every second, third or fourth vehicle).

(d.) In accordance with PBGO #29.

* 3. Line Patrol- moving patrol or stationary observation on a specific road between two points, usually on one street.

* 4. Directed Patrol- moving patrol or stationary observation at a specific location at specified times for a particular traffic problem.

5. Use of unmarked vehicles

a. When circumstances dictate the use of an unmarked vehicle for traffic enforcement, it will be equipped with a flashing red light, alternating headlights and a siren.

b. Unmarked vehicles will only be used when approved by the Zone Commander.

VI. Processing of Non-Routine Violators

A. Non-residents and military personnel

Violators issued U.T.T.s, who are non-residents of New York State or who are on active duty from the military, are to be advised that they may attach an affidavit with the plea by mail to the court, in lieu of personal appearance.

B. Foreign Diplomats

Should a violator claim diplomatic immunity, personnel will advise the violator to submit to the court written verification from the U.S. Mission to the United Nations confirming their immunity and the U.T.T. will be dismissed (Ref: PBGO #47).

C. Juvenile Violators

Traffic violators found to be juveniles will be handled in accordance with PBGO #8.

D. Legislators (or other V.I.P.s)

No special consideration is given to violators in this category.

E. Multiple Violations

Violators apprehended for multiple violations will be handled at the discretion of the arresting deputy; taking into account the number and seriousness of the violations. The arresting deputy may issue Uniform Traffic Tickets for one serious violation, a combination of serious and minor violations, or all violations committed.

F. Bicycle and Pedestrian Enforcement

1. Members are to be cognizant of violations committed by pedestrians and bicyclists in suburban, village and rural areas.

2. Violators are to be processed pursuant to the N.Y.S. Vehicle and Traffic Law and/or current juvenile procedures.

VII. Off-Road Vehicle Enforcement

A. Personnel will process traffic violators operating off-road vehicles pursuant to the N.Y.S. Vehicle and Traffic Law, town ordinances and Monroe County Parks Law.

B. Unregistered vehicles may be towed at the owner's expense if operated on a public highway.

C. Special Attention will be given to illegal use on public trails and improper crossing of highways.

D. Juvenile Offenders

1. Vehicle may be towed.

2. Parent or guardian will be advised of circumstances.

3. Juveniles will be processed pursuant to current directives.

IIX. Identifying Physically - or Mentally - Impaired Drivers

A. Through routine enforcement and traffic accident investigation, members may identify drivers who are believed to be physically or mentally impaired from exercising reasonable and ordinary care in the operation of motor vehicles. In cases such as this personnel will complete and forward a "Request for Review" forms to the Department of Motor Vehicles. This form enumerates the reasons why the driver review is being requested.

B. When the driver is involved in a Motor Vehicle Accident, a copy of the MV-104A will be attached to the Review Request.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M O'Flynn

* Indicates additions or deletions from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE May 27, 2013	EFFECTIVE DATE May 28, 2013	NO. 045-13
SUBJECT: GENERAL ORDER Traffic Control & Direction		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS 45-P-06

Purpose: To familiarize members regarding procedures necessary to ensure the safe and efficient movement of vehicles and pedestrians during situations dictating manual traffic control.

Policy: Members will ensure the safe and efficient passage of vehicles and pedestrians when manual direction of traffic becomes necessary.

I. Procedures

* A. Certain situations may require members to manually direct traffic or manually operate traffic control signals. These situations include, but are not limited to the following:

1. Major intersections where the traffic control signal is malfunctioning.
2. Motor vehicle accident scenes.
3. Disaster scenes (i.e. floods, tornadoes, earthquakes, etc.)
4. Major crime scenes.
5. Large civic or public events.
6. Major highway construction areas.
* 7. Adverse weather conditions (i.e. ice, heavy snow, rain).

B. Members will wear their issued high visibility reflective-type vest, high visibility reflective raincoat, or winter coat with high visibility reflective "Sheriff" flaps displayed, at all times when directing traffic or in the roadway controlling traffic. These items will be issued to all sworn Police Bureau personnel.

C. Deputies will not leave their traffic posts until properly relieved or the necessity for traffic direction is no longer required.

D. Temporary traffic control devices such as barricades, portable stop signs, school zone signs, etc. may be utilized to control vehicular and pedestrian traffic in the following situations:

1. Large civic and sporting events.
2. Visits by dignitaries.

3. At intersections where traffic control devices are not operational, immediate repairs cannot be made, and at the discretion of local, county or state Department of Transportation.

4. To temporarily replace traffic control signs that have been damaged.

5. To designate and control parade routes.

6. At scenes of natural disasters.

Note: When it is determined that temporary traffic control devices are needed, a supervisor will contact the appropriate highway agency to arrange for the delivery and setup of such devices.

E. Fire Scene Responsibilities

1. Members responding to fire scenes will, upon arrival, determine the extent of the fire and the necessity to reroute traffic. When it is necessary to re-route traffic, deputies will work with the fire police if available, to prohibit non-essential traffic, prevent vehicles from driving over fire hoses, and to keep roadways clear for responding emergency vehicles.

2. Private vehicles belonging to volunteer firefighters will be directed to a specific area to park, so as not to interfere with responding emergency equipment.

3. Deputies will assist fire police with traffic control when needed by providing additional flares, utilizing emergency lighting on patrol vehicles, etc. When fire police are not available, deputies on scene will be responsible for traffic control.

4. Deputies will ensure that pedestrian traffic does not interfere with the firefighting duties and shall provide crowd control as needed.

By Order of the Sheriff,

Patrick M. O Flynn

* Indicates change from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE January 9, 2012	EFFECTIVE DATE January 10, 2012	NO. 46-12
SUBJECT: GENERAL ORDER Communications		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 41.2.1 NYSLEAP 43.2, 55.1, 55.3, 55.4			RESCINDS 46-P-04

Purpose: To familiarize members with established procedures governing the use of mobile data computers (MDC), two-way radios and departmentally assigned cellular phones.

Policy: Radio communications will be conducted in a professional manner at all times. The Emergency Communications Department (ECD) shall be responsible for dispatching all Sheriff's Office calls for service. All radio operations will be conducted in accordance with the directives set forth in this order as well as all Federal Communications Commissions (FCC) procedures and requirements

I. Standard Mobile and Portable Channel Configuration

A. Channels

1	MCSO Dispatch	9	RPD West Dispatch
2	MCSO Administrative East	10	RPD Tactical
3	MCSO Administrative West	11	MCSO Detail 1
4	Airport	12	MCSO Detail 2
5	Airport Car to Car	13	Scene
6	Towns West	14	Tactical County
7	Towns North	15	Tactical West
8	RPD East Dispatch	16	Tactical East

B. Through promotion or assignment to a specialized unit, a member may be authorized to change channel configuration. Any member wishing to change channel configuration on a radio (portable or mobile) must first request written authorization from a command officer. When approved, requests will be forwarded to the Staff Services Bureau for a Radio Center work order. Staff Services personnel will prepare the work order and return it to the member requesting the change. The member will then make the necessary arrangements with Radio Center for the modification. No modifications will be performed unless accompanied by a work order.

II. Channel Selection

A. The Primary channel will be used for:

1. All ECD dispatched calls.
2. Request for back-up or emergency assistance (ambulance, etc.).
3. Advising the dispatcher of a priority self-initiated assignment.

B. The administrative channel will be used for:

1. All activities performed by the Civil Bureau.

2. Requests for tow truck, AAA notifications and other non-emergency assistance.

3. Notifications to a public utility (e.g., highway department, telephone, etc.).

4. The administrative channel may be used as a dispatch channel when directed by the ECD shift supervisor or a Sheriff's command officer.

C. The MDC will be used for:

1.	Messaging.	6.	Tracs
2.	Data checks (27, 28, or 29).	7.	Tracs Transfer
3.	Detailed calls for service information.	8.	MCAC
4.	Intellibook	9.	Sheriff's Intranet
5.	Pictometry	10.	Email

III. Radio/MDC Procedure

A. All calls for service will be voice dispatched by ECD. Upon receiving a call for service deputies shall:

1. Acknowledge the call by voice and then keying or pressing "en-route" on the MDT/MDC.

2. Notify the dispatcher (voice) of code 77, if the situation necessitates an emergency response.

3. Notify the dispatcher upon arrival at the call by keying or pressing "on scene" and cancel assigned back-up units (voice) if the situation does not require their presence.

4. Report subsequent action code(s), etc., using the "clear unit" form.

B. When deputies provide assistance to another field unit they must advise the dispatcher (voice) and also indicate:

1. That they are responding as a back up.

2. Code 77 if situation necessitates an emergency response.

3. Arrival at the scene (key or press "on scene").

4. Action code at completion of assignment ("clear unit" form).

C. When engaging in any self initiated activity, deputies will notify the dispatcher using the "self initiated" form or voice radio, if the situation is urgent.

D. When leaving assigned areas, deputies are required to seek supervisory approval and notify the dispatcher when permission is granted.

E. Shift supervisors are responsible for notifying the dispatcher when roll call is held past the hour.

F. Deputies will monitor the radio at all times when not on assignment and, whenever possible, while on assignment. The dispatcher will notify the patrol supervisor, or command officer, if a deputy fails to respond to an ECD call in a reasonable period of time.

* G. Radio use must be limited to appropriate transmissions. Lengthy conversation must be conducted via telephone, scene channel or tactical channel. Patrol supervisors will note violations in addition to any corrective actions taken.

H. Patrol supervisors will monitor the radio at all times with regard to proper assignments of district patrols, the use of back-up units, etc.

I. The recreational use of any audio or video equipment by a member of the Sheriff's Office is prohibited. However, citizen band or monitor radios may be placed in patrol cars with the written permission of the Commander of the Staff Services Bureau.

IV. Portable Radios

A. Members issued a portable radio will also receive a charger unit, a battery, a microphone and a radio case or porta clip.

B. Members will report for duty with their issued radio. It will be the member's responsibility to ensure that the battery is charged before their tour of duty.

C. Deputies assigned to a road patrol function will wear the radio microphone attached to the epaulet of the uniform.

D. Those members assigned to the Police Bureau in administrative or plainclothes assignments are not required to utilize the microphone. However, when the microphone is not used, the cover plate must be securely in place over the exposed metal tab.

E. Uniformed personnel who are issued a portable radio will carry it all times in the case or on their porta clip.

F. The portable radio will be turned on at all times when the deputy is not in the patrol car monitoring the radio and MDC, except when officer safety dictates otherwise.

G. Deputies will not leave their charger unit and battery at the substation, unless he/she has an office. Deputies may secure their portable radio without the battery in a locked locker and recharge the battery at home. However, deputies are encouraged to take the entire unit to and from work.

H. Deputies will store the charger unit and battery in a location that will ensure security and guard against the possibility of misuse.

I. Members assigned to a specialized unit that is subject to call out will take the portable radio to and from work each day.

J. When a portable radio, battery or charger is in need of repair, members will (with permission of a supervisor) make arrangements with Radio Center for immediate repair.

K. When it is not possible for the member to take the unit to Radio Center, the respective second platoon sergeant will make arrangements to deliver the unit to Radio Center without delay. Radio Center will prepare an invoice for the repair, which will be returned to the member.

L. There will be no repairs, channel adjustments, or alterations made to the portable unit by anyone other than Radio Center personnel.

M. In the event that a member's radio or other equipment is damaged, a Special Report detailing the circumstances surrounding the incident will be submitted to his/her supervisor. The supervisor will then forward the report to the Commanding Officer of the Staff Services Bureau through the chain of command. If it is determined that the damage to any of the equipment is the result of misuse or abuse, it may result in disciplinary action against the member.

N. Zone substations will maintain a limited quantity of loaner radios, which will be used in the event that a radio malfunctions and immediate repair is not possible. These units are not meant to be used in situations where a member merely forgets his/her radio. The loaner radio must be issued and logged out by a supervisor and must be returned at the end of the member's tour of duty.

* O. Off Duty Use

1. All members assigned to a specialized unit will take their portable radio to and from work each day. For example, members of the HDS, K-9, H.R.T., SWAT, etc., will not leave their portable radio at work.

2. Command officers and other members who have personally assigned vehicles/numbers (ie Internal Affairs, K-9) will continue to use their three (3) digit call numbers to summon the dispatcher when off duty.

3. Other members, when calling the dispatcher on the Sheriff's frequency will use "Sheriff" followed by the member's IBM number. This will identify the caller as being an off duty member of the Sheriff's Office, as well as the identity of the member.

4. The use of the portable radio during a part-time job is strictly prohibited.

V. Miscellaneous Procedures for Use of the Radio Systems

A. At the start of a shift deputies will log onto the MDC system using the "sign-on" form, indicating their car number and platoon designator, as follows: A-1st Platoon, B-2nd Platoon, C-3rd Platoon, D-STAR, E-Restricted (requires authorization).

* B. All members will use their three digit unit number at all times when using voice transmissions.

C. Assignments will be voiced by the dispatcher with the following information:

1. Three digit unit number.

2. Call type.

3. Location.

4. Officer safety and suspect information.

Note: Additional information on the assignment will be available on the MDC or directly from the dispatcher.

D. All emergencies shall be voiced on the dispatch channel. The red emergency button or computer touch screen shall be used only if the voice radio is inaccessible. Use of the emergency button or touch screen does not indicate location unless already logged out at a specific location.

E. All members must advise the dispatcher as to whether on portable, in-vehicle, status out of the vehicle, available or unavailable, by pressing the appropriate status key or touch screen area on the MDC to ensure that an accurate record is kept by the dispatcher for purposes of electronic activity reports.

F. Deputies will notify their supervisor and the dispatcher if the MDC is inoperative, in order that operational status is changed to voice radio.

G. When viewing an event and "DNI" (do not identify) appears next to the caller's name, it indicates that the caller has requested anonymity and confidentiality. Do not interview, contact or reveal the caller's name, etc.

H. The dispatcher via the MDC will approve requests for a lunch or personal break.

I. All traffic stops must be reported to the dispatcher utilizing the "traffic stop" form or voiced (dispatch channel) if exigent circumstances warrant. Do not use both the MDC and voice radio, as two events will be generated.

J. The primary unit must clear assignments with the appropriate action code(s). Assisting units must clear individually. The "clear unit" form must be utilized.

K. All MDC activity is logged and reviewed each month. Transmissions must be Sheriff's Office official business related and professional at all times. Obscene, derogatory, racial, demeaning or sexual remarks are prohibited.

L. A unit already assigned, that breaks to respond for an assist, traffic stop or higher priority call is responsible for the original assignment, but placed on pending status by the dispatcher. When the assigned unit cannot take the original call, the dispatcher must be advised in order to reassign the call. When taking the original assignment no action need be taken until clear.

M. All assignments not completed must be turned over to the dispatcher via voice radio for reassignment prior to logging off the MDC.

N. MDC or voice radio information is confidential and cannot be released to private investigators, attorneys (except ADA) or other individuals, unless for official police use or pursuant to Freedom of Information Act requests (only by FOIA designated representative).

O. Every attempt shall be made to stop patrol vehicles prior to viewing or operating the MDC. However, when this is impractical, safety must always be foremost.

VI. Responsibility and Accountability

A. All broadcasts of calls and assignments from the ECD shall be considered an order. Brief, clarifying questions may be asked by the member. Any apparent discrepancy in a call received will be reported to the immediate patrol supervisor.

B. Patrol deputies may not cancel or reassign a call that has been dispatched. They may inform the ECD if reassignment is considered necessary. The dispatcher will retain final authority to make reassignments.

C. Patrol supervisors may reassign a call if necessary but must notify the dispatcher prior to making the reassignment.

D. No other agency has the authority to cancel calls dispatched to a Sheriff's unit.

E. Complaints against ECD shall be recorded on a Special Report and submitted through the chain of command to the Chief Deputy.

F. Minor issues can be brought to the direct attention of the ECD supervisor, by a sergeant or lieutenant.

VII. Cellular Telephones

A. The use of department assigned cellular telephones is restricted to official department business, unless a personal use waiver has been signed and applicable fee paid by the member.

B. Calls, whether incoming or outgoing, shall be of a priority nature or of such urgency/special circumstances that the use of other telephonic communication is impractical. Whenever possible, conventional lines of communication will be utilized.

VIII. Repair of MDC's

* A. When a MDC is in need of repair, members shall make arrangements with Radio Center by calling 473-6969, 24 hours a day, seven days a week. During non-business hours, if the issue cannot be resolved over the phone with the on-call technician, then the deputy should go to the zone and utilize another vehicle if practical. If no other vehicles are available, then the on-call technician will respond to fix the vehicle.

* B. When a vehicle has been switched due to an MDC problem as noted above, the respective second platoon sergeant will make arrangements to deliver the unit to Radio Center without delay.

By Order of the Sheriff,

Patrick M. O'Flynn

*Indicates a significant change from previous order.

MONROE COUNTY LAW ENFORCEMENT CODES

1. CRIME INVESTIGATION REPORT
2. MOTOR VEHICLE ACCIDENT REPORT
3. STOLEN VEHICLE REPORT
4. INVESTIGATIVE ACTION REPORT
5. ARREST REPORT
6. CRIME INVESTIGATION/ARREST REPORT
7. TOWED VEHICLE REPORT
8. CRIMINAL INTELLIGENCE/FIELD INTERVIEW
9. INCIDENT REPORT
10. TECHNICIANS EVIDENCE & PHOTO REPORT
11. PROPERTY CUSTODY REPORT
12. UNABLE TO LOCATE COMPLAINANT
13. UNABLE TO LOCATE VEHICLE
14. UNABLE TO LOCATE VICTIM
15. DEFECTIVE/ACCIDENTAL ALARM
16. SPECIAL CRIMINAL INVESTIGATION
17. REFERRED TO ANOTHER JURISDICTION
18. CIVIL CASE OR ADVISE OTHER SOCIAL AGENCY
19. SERVICE BUREAU OR PUBLIC UTILITIES NOTIFIED
20. ANIMAL IMPOUND (BY ANIMAL CONTROL)
21. DIRECTED PATROL (FOOT PATROL)
22. VEHICLE DISABLED -WILL BE MOVED
23. VEHICLE DISABLED -ORANGE TAGGED
24. VEHICLE MOVED BY OWNER
25. SUSPICIOUS VEHICLE (ALL OK)
26. SUSPICIOUS PERSON (ALL OK)
27. ROUTINE SICKNESS
28. SUBJECTS AGREED TO DESIST
29. DISPERSED OR SENT ON WAY
30. GONE ON ARRIVAL
31. CHECK PREMISES (ABC) -NO ACTION TAKEN
32. CHECK SPECIAL ATTENTION
34. ASSIST OTHER UNIT/AGENCY
35. ASSIGNMENT CANCELED
36. SECURITY SURVEY/VACANT HOUSE (HOUSE CHECK)
37. REQUEST PERSONAL SERVICES
38. REQUEST LUNCH
39. NO ARREST (WARRANT ATTEMPT)
40. SERVICES RENDERED
41. TRANSPORT/ESCORT
42. MATTERS ADJUSTED
43. MISSING PERSON REPORT
44. NO CAUSE
45. NOTIFY NOT MADE
46. NOTIFY MADE
47. CITATIONS ISSUED
48. DIRECT TRAFFIC
49. COMPLAINANT REFUSED REPORT
50. MISSING PERSON RETURNED -NO REPORT

AIRPORT CODES

ALERT ONE –	SMALL AIRCRAFT INCIDENT
ALERT TWO -	STAND-BY (MECHANICAL PROBLEM)
ALERT THREE -	MAJOR AIRPORT EMERGENCY

TEN CODES

10-4 AFFIRMATIVE
10-27 DRIVERS LICENSE INFORMATION
10-28 VEHICLE REGISTRATION
10-29 CHECK RECORDS (WANTED/STOLEN)
10-33 CALL DISPATCHER FOR EMERGENCY
10-77 RESPONDING LIGHTS & SIREN
10-78 MENTAL
10-84 CALL HOME
10-92 BOMB EMERGENCY

PLAIN LANGUAGE

STAND BY
OUT OF SERVICE
REPEAT
LOCATION
ON SCENE
TIME
ON PAGER
IN SERVICE

MONROE COUNTY SHERIFF'S OFFICE
LAPTOP TRIAGE FORM

USERS NAME:_____ **IBM#:** _____
USERS LOCATION: _____ **SHIFT:** _____
CAR# _____

1. What were you doing?

Laptop Miscellaneous

- ☐ Did you have trouble turning your laptop on?
- ☐ Did you have trouble logging into your laptop?
- ☐ Did the laptop boot into the Windows Desktop after logging in?

Hardware

- ☐ Are there any disconnected cables?
- ☐ Are there any broken cables?

Printer

- ☐ Did you have trouble turning on your printer?
- ☐ Does your printer print?
- ☐ Is there paper in the printer?

Scanner/TRACS

- ☐ Does the scanner work ok?
- ☐ Does the scanner work OK with TRACS?
- ☐ Can you initiate the TRACS Software?
- ☐ Can you log into the TRACS Software?
- ☐ Can you print tickets from the TRACS software?

PSI Software

- ☐ Can you initiate the PSI software (ECD Software)?
- ☐ Can you log into the PSI Software?
- ☐ Do you receive dispatch calls in the PSI software?
- ☐ Can you accept/acknowledge dispatched calls and information in the PSI Software?
- ☐ Can you retrieve a signal or change the channels by hitting control, alt, C buttons simultaneously?
- ☐ Can you send messages to other logged in/active deputies in the PSI software?
- ☐ Can you do a self initiated call in the PSI Software?
- ☐ Can you search for a license plate in the PSI Software?
- ☐ Can you search for a drivers license # in the PSI Software?

Modem

- ☐ Are the modem and radio turned on?
- ☐ Are the modem and radio receiving power?
- ☐ Is the modem receiving a signal?

2.Did the Supervisor confirm problem?

☐ Yes ☐ No

3.Where is the laptop being sent? (Sheriff's Help Desk only)

☐ Integron ☐ Fleet ☐ Information Services

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 1, 2005	EFFECTIVE DATE February 2, 2005	NO. 47-P-05
SUBJECT: GENERAL ORDER Foreign Diplomats, Consular Officials, Immunities & Special Privileges		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 61.1.3, 74.3.1; NYSLEAP 47.1 47.2, 50.2; Vienna Convention Articles 36 &37			RESCINDS PBG0 47-P-99

Purpose: To familiarize employees with the responsibilities and procedures relating to incidents involving diplomatic and consular officials.

Policy: Diplomatic and consular officers should be accorded their respective privileges, rights and immunities as directed by international law, federal statute and the agreements and obligations set forth by the Vienna Convention. These officials should be treated with the courtesy and respect that befits their positions.

Note: It is a well-established principle of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

I. Definitions

A. **Foreign National:** Any person who is not a United States citizen. This policy applies to every foreign national whether or not they are in this country legally. The term "alien" also applies to this definition.

B. **Personal Inviolability:** This individual may not be handcuffed, arrested, or detained. His/her property or vehicles may not be searched, nor homes entered or searched.

C. **Disturbing the Peace:** A violation or disturbance of the public tranquility and order. Breach of the peace is a generic term, and includes all violations of public peace or order and acts tending to a disturbance thereof.

D. **Diplomatic Immunity:** Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, and servants. Diplomatic officers should not be arrested or detained except for the commission of a crime of an extremely serious nature. Family members of diplomatic officers, servants, and employees of a diplomatic mission are entitled to the same immunities under current U.S. Law (22 USC 252), provided they are not nationals of or permanent residents in the receiving state (country).

Associated with this personal immunity is the inviolability enjoyed by the premises of the mission of the sending state (country), the private residence of a diplomat including property, papers and correspondence.

II. Classification Status

A. Ambassadors

Ambassadors and ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles include minister counselor, counselor, first, second and third secretary and attache. These officials are located either in Washington, D.C. or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanent residents in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

B. Consular Officers

Consular officers are consuls-general, deputy consuls-general, consuls, and vice consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities as described below.

1. Immunities - Under prevailing international law and agreement, a foreign career consular officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by competent judicial authority. Immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

2. Identification - Career consular officers can be identified by credentials issued by the State Department and by other locally-issued official identification papers. Should a newly arrived member of a diplomatic mission not yet have his/her identification card, verification of the individual's status may be obtained by contacting the Department of State **202-647-4415** (normal business hours) or **202-647-1512** (during non-business hours. Fax number is 202-736-7559.

Note: Staff can accurately identify the status and immunities of a person through only one legal document. This is the identity card issued by the United States Department of State, Office of Protocol or by the United States Missions to the United Nations. Credentials bear an official seal, the name of the officer, title, and the signatures of State Department officials.

C. Honorary Consuls

1. Often, nationals or permanent residents of the receiving state are appointed and received as honorary consular officers to perform the functions generally performed by career consular officers. Such officers do not receive identification cards from the State Department of the type issued to a career consular officer, though they may exhibit reduced-sized copies of the exequatur or diplomatic note evidencing recognition by the United States Government.

2. These individuals are not immune from arrest or detention. They are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions.

3. Appropriate steps must be provided to accord to such officers the protection required by virtue of their official position.

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

D. Families of Consular Officers

Family members of consular officers do not enjoy the same privileges and immunities, with respect to the civil and criminal jurisdiction of the receiving state, as do consular officers. However, they should be accorded appropriate courtesy and respect.

E. Consular Premises

Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post, a designee or the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

F. Consular Archives, Documents, Records, and Correspondence

The consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular post, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

III. Handling Selected Incidents, Violations or Minor Offenses by Consular Officers

Different foreign national dignitaries have different immunities or privileges. The highest of these is personal inviolability. Foreign nationals who commit a crime may be prosecuted, but only after their immunity is waived by the sending state (country). All arrested foreign nationals must be advised of the right to have the consular of their country notified. Notification of the consular is mandatory for some countries, even if the arrested person does not want or request it (see attached list).

A. Moving Traffic Violations

When a consular officer is stopped for a moving traffic violation, the deputy on the scene, upon being advised by the driver that he/she is a consular officer and ascertaining that he/she possesses the proper credentials, should exercise discretion based on the nature of the violation and either let him/her go with a warning of the danger of his/her actions or proceed with issuance of appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above.

B. Driving under the Influence/While Intoxicated

The primary consideration in this type of incident should be to see that the consular officer is not a danger to himself/herself or the public. Based upon a determination of the circumstances, the following options are available:

1. Transport to a location where he/she can recover sufficiently to enable him/her to drive safely.

2. Transport to a telephone so that he/she can call a relative, or a friend, to come for him/her and who will care for and take responsibility for the individual.

3. Call a taxi for him/her.

4. Transport him/her home.

Note: The official should not be handcuffed, subjected to any sobriety test, or mistreated in any way unless extraordinary circumstances exist. The official should be treated with respect and courtesy, but should not be allowed to continue to drive. It should be impressed upon him/her that the deputy's primary responsibility is to care for his/her safety and the safety of others. A supervisor or command officer will be required to respond to the scene of any such incidents.

C. Offenses Involving Family Members of a Consular Officer

Family members of a consular officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through a "Warrant Advised" status. The individual should be released once positive identification is established and relationship with the consular official is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent consular officer.

III. Reporting of Incidents to Office of the Governor

In the event that a consular officer or member of his/her family or personal staff should become involved in any action taken by a member of the department, the Office of the Governor shall be immediately furnished with all pertinent information by the Sheriff or an authorized designee.

*IV. Consular Notification

A. In all physical arrests, deputies shall determine if the prisoner(s) is a US citizen. Deputies shall print the name of prisoner's home country, including US citizens, on the Prisoner Data Report.

B. When deputies encounter a foreign national in an arrest situation, they shall determine if the person possesses any immunities or privileges by examining the identity card issued by the United States Department of State, Office of Protocol, or by the United States Missions to the United Nations.

1. In determining if a person is a foreign national, criteria to be considered may be unfamiliarity with the English language, basic American customs, and/or a document or claim that the subject was born outside the United States.

2. Deputies are reminded that the most effective way to identify a foreign national is through documentation issued by the United States Bureau of Immigration and Customs Enforcement, or United States Department of State.

3. The most common documents encountered are; an Alien Registration Card (Form I-551, referred to as a "Green Card," Permanent Resident Card, or passport from his/her home country with a Form I-94 attached.

4. Questions regarding a foreign national's United States can be directed to the Bureau of Immigration and Customs Enforcement by telephone or by using an NLETS query through Criminal Records.

C. If the person is not immune from being arrested, and an arrest is made, deputies will immediately inform the person of the right to have the consular of the sending country notified.

1. A copy of the Consular Notification & Access booklet shall be maintained in the Central Records Unit, Emergency Communications Department and the Central Booking area with a complete listing of fax numbers for consulate offices.

2. The web site; www.travel.state.gov may also be used to provide the most current telephone/fax numbers.

D. After informing the person of this right, his or her response shall be documented on the Consular Notification Form (see attached) in all cases even if notification is not mandatory or requested.

1. Notification is either mandatory or requested.

After the arrest of a foreign national the arresting officer shall go to Central Records, complete the Consular Notification Form and ensure that the notification is faxed if it is considered mandatory or requested by the foreign national. The Central Records Unit will fax all required or requested Consular Notifications. A copy of the completed form will be included with the arrest package or maintained by Central Records.

2. Notification is not mandatory or not requested.

If the person is not from a country on the mandatory list or does not request notification, the officer is still required to complete the Consular Notification Form and document on the form that consular notification was not requested. The completed form does not need to be faxed. However, the form shall be turned in with all other case information prior to the end of shift.

Central Records shall maintain a file of original Consular Notification Forms and place a copy of the completed form in the arrest case folder.

E. Shift Command Officers will review all documentation to ensure that it is complete, and/or notification has been made, as outlined above, when an arrest involves a foreign national.

Note: Should sworn staff conduct an investigation involving foreign nationals who possess immunity from giving witness testimony or from being arrested, contact should be made with the Unites States Department of State at 202-647-4415 or 202-647-1512.

*V. ~~Military Personnel~~

A. Active duty military personnel possessing a United States military license are exempt from a New York State operator's license when operating a military vehicle.

B. Any United States military personnel, who possess a driver's license issued by the US Armed Forces, will be permitted to drive his/her personally owned vehicle in New York State for a maximum of 60 days after entering the State. After 60 days, the individual must either possess a valid driver license from New York or another State, or must apply for an original NYS driver license to drive in New York State.

C. A dependant of military personnel who has only a military driver license cannot drive in New York State.

D. A military driver's license cannot be exchanged for a NYS driver's license.

By Order of the Sheriff,

Patrick M. O'Flynn

*Indicates a significant change from the previous order.

MANDATORY NOTIFICATION: COUNTRIES AND JURISDICTIONS

Antigua and Baruda
Armenia
Azerbaijan
Bahamas, The
Barbados
Belarus
Belize
Brunei
Bulgaria
China (1)
Costa Rica
Cyprus
Czech Republic
Dominica
Fiji
Gambia, The
Georgia
Ghana
Grenada
Guyana
Hong Kong (2)
Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan
Malaysia
Malta
Mauritious
Moldova
Mongolia
Nigeria
Philippines
Poland (non-permanent residents only)
Romania
Russia
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Seychelles
Sierra Leone
Singapore
Slovakia
Tajikistan
Tanzania
Tonga
Trinidad and Tobago
Turkmenistan
Tuvalu
Ukraine
United Kingdom (3)
USSR (4)
Uzebkistan
Zambia
Zimbabwe

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(1) Notification is not mandatory in the case of persons who carry Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), The unofficial entity representing Taiwan's interest in the United States can be notified at their request.

(2) Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "SAR". Under paragraph 3(f)(2) of the March 25, 1997, U,S,- China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest of Detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports - i.e., immediately, and in any event within four days of the arrest or detention.

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

(4) Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

SUMMARY OF DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES

Category	May be: Arrested or Detained	Search of Residence to Include Hotel Rooms	Search of Automobiles	May be Issued a Traffic Citation	May be Arrested for DUI	Family Members
Diplomatic Agent	NO [2]	NO	NO	YES May not be compelled to sign citation or arrested for failure to sign	NO YOU MAY NOT: 1. Compel submission to sobriety tests. 2. Physically restrain person unless he's a danger to himself or others. 3. Search or seize the vehicle he's driving. 4. Impound or boot the vehicle. YOU MAY: 1. Transport individual to DUI Testing Facility where he can recover. 2. Call a friend or relative to pick him up.	FULL IMMUNITY
Member of Diplomatic Administration and Tech. Staff	NO [2]	NO	NO	YES		FULL IMMUNITY
Service Staff	YES [1]	YES	YES	YES	YES	NO IMMUNITY

1. This table represents general rules. Particularly in the cases indicated, the employees of certain foreign countries may enjoy higher levels of privileges on the basis of special bilateral agreements.
2. Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

SUMMARY OF DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES

Category	May be: Arrested or Detained	Search of Residence to Include Hotel Rooms	Search of Automobiles	May be Issued a Traffic Citation	May be Arrested for DUI	Family Members
Career Consular Officers	[1] YES If for a felony and pursuant to a warrant	[3] YES	YES	YES	[1] YES	[1] NO IMMUNITY
Honorary Consular Officers	YES	YES	YES	YES	YES	NO IMMUNITY
Consular Employees	[1] YES	YES	YES	YES	[1] YES	[1] NO IMMUNITY

1. This table represents general rules. Particularly in the cases indicated, the employees of certain foreign countries may enjoy higher levels of privileges on the basis of special bilateral agreements.
2. Consular residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
POLICE BUREAU	December 13, 2011	December 14, 2011	48-11
SUBJECT: GENERAL ORDER Sergeant and Investigator Sergeant Training Program		DISTRIBUTION POLICE BUREAU	AMENDS
REFERENCE: CALEA 33.8.2, 35.1.1			RESCINDS 48-P-99

Purpose: To provide a formal training process for newly promoted sergeants and investigator sergeants, and to provide a means of monitoring performance during the probationary period.

Policy: It is the policy of the Sheriff's Office to utilize a formal training/evaluation process for newly assigned sergeants and investigator sergeants.

I. Organizational Structure

A. The Police Bureau is responsible for the line supervision of sergeants and investigator sergeants involved in the process.

B. The Staff Services Bureau shall be responsible for staff control and guidance of the training process.

II. Duties and Responsibilities

A. Captains shall:

1. Monitor the progress of probationary sergeants and investigator sergeants assigned under their command.

2. Review evaluation reports regarding probationary sergeants and investigator sergeants and forward them to the Major of Operations.

B. Platoon Commanders/CIS Lieutenant shall:

1. Observe the performance of probationary sergeants and investigator sergeants assigned to the platoon or CIS, providing guidance and assistance when required.

* 2. Complete 45 day review reports and forward them to their Captain.

C. The Training Unit Sergeant Shall:

1. Schedule new sergeants in the Sergeants Training Program, following the guidelines in section IV.

2. Disseminate the 45 day evaluations to command officers and maintain the complete evaluations record.

3. Provide remedial training for new sergeants.

D. Sergeants designated as training sergeants shall:

1. Provide instruction and assistance to the probationary sergeant during the initial training period.

2. Explain and demonstrate the procedures specified on the training checklist.

III. Sergeants' and Investigator Sergeants' Manual

A. The All Bureau Training Unit will develop and update the Sergeants' Manual and disseminate copies of the manual to all Police Bureau Sergeants.

B. In addition to the manual, probationary sergeants shall also be issued a checklist of the tasks listed in the manual.

IV. Training Period

A. The training period for new sergeants shall consist of:

1. Two weeks with one training sergeant.

2. One week with a second training sergeant, in a different zone.

3. One week with a third training sergeant in the remaining zone.

4. One final week with the original training sergeant.

Note: In this process, the term "week" shall refer to a minimum of four work days. During the training period, the new sergeant shall remain with the training sergeant.

B. The training period for new investigator sergeants shall consist of:

1. Two weeks assigned to MFU/HQ (including CIS orientation).

2. One week assigned to investigator sergeant at zone.

3. One week assigned to a road patrol training sergeant.

4. One final week with original training sergeant (CIS).

C. Training sergeants shall explain and demonstrate the tasks on the checklist, and shall afford the new sergeant the opportunity to perform as many tasks as possible.

1. In conjunction with performance evaluation rater training received in supervisor school, training sergeants will ensure that new supervisors are familiar with the performance evaluation process.

2. It will be the Training Unit's responsibility to coordinate this activity. At a minimum, performance evaluation training will consist of the following:

a. Measurement definitions (understanding and utilizing).

b. Procedures for the use of forms.

c. Rater responsibilities.

d. Review of MBGO 30.

V. Training Checklist

A. Training sergeants shall date and initial each task on the checklist as they explain or demonstrate the task.

B. When the probationary sergeant or investigator sergeant properly performs an activity, the performed column must be initialed and dated by a person with the rank of lieutenant or above.

C. Upon completion of the initial training period, the probationary sergeant or investigator sergeant shall keep the checklist and finish all of the tasks that have not yet been initialed, having the checklist initialed by a lieutenant or above. When all tasks have been performed or at the end of the probationary period, the checklist will be forwarded to the Training Unit.

VI. Review Process

A. For the duration of the probationary period, the sergeant's immediate commander shall complete a review report every 45 days. The review report shall include the categories from the performance evaluation and each category shall be graded as "acceptable" or "needs improvement."

Note: In order for performance to be acceptable, it must meet or exceed performance evaluation guidelines for a rating of "4."

B. The completed review reports will be signed by both the rater and the sergeant and forwarded to the Chief Deputy through the Chain of Command.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates change from previous order

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE January 14, 2011	EFFECTIVE DATE January 15, 2011	NO. 49-11
SUBJECT: GENERAL ORDER Investigators Evaluation Process		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 33.8.2			RESCINDS 49-P-04

Purpose: To provide a formal evaluation process for probationary investigators for the purpose of monitoring performance during the period of probationary assignment.

Policy: It is the policy of the Sheriff's Office to utilize a formal training/evaluation process for newly assigned investigators.

I. Organizational Structure

A. The Criminal Investigation Section (CIS) Commanders and Supervisors are responsible for the line supervision of probationary investigators assigned to their units.

B. The Staff Services Bureau shall be responsible for staff control and guidance of the evaluation process.

II. Duties and Responsibilities

A. CIS Command officers shall:

1. Monitor the progress of probationary investigators assigned to their respective units.

* 2. Review biweekly evaluation reports submitted by the appropriate CIS Sergeant/Investigator Sergeant regarding probationary investigators The CIS Lieutenant will forward copies to the Captain of CIS, who will forward copies to the Major of Operations.

B. CIS Sergeants/Investigator Sergeants shall:

1. Observe the performance of probationary investigators assigned to their units, providing guidance and assistance when required.

2. Explain and demonstrate, if appropriate, the item(s) listed in the investigator training manual and checklist.

* 3. Complete a biweekly Investigator Evaluation Report (**PB #194**) and forward to the CIS Lieutenant within 3 business days.

III. Evaluation Period

A. CIS Sergeants/Investigator Sergeants shall explain and demonstrate desired behaviors delineated in the evaluation guidelines and shall provide probationary investigators the opportunity to perform as many tasks as possible during the period of evaluation.

NOTE: This would include, but is not limited to job related training such as specialized schools, courses, etc.

B. The evaluation process for a probationary investigator shall continue throughout the course of their probationary assignment and will remain in effect until such time as the candidate achieves permanent status as an investigator.

IV. Review Process

A. CIS Command Officers shall review evaluation reports throughout the probationary period.

B. Five Month Review Board

1. The Review Board will convene at the end of the fifth month of the probationary investigator's assignment and will be comprised of the following:

    a. Chief Deputy
    b. Major of Operations
    c. Commanding Officer of Staff Services
    d. CIS Captain
    e. Zone Commanders
    f. CIS Lieutenant
    g. CIS Sergeants
    h. CIS Investigator Sergeants

2. The Review Board will discuss each probationary investigator's progress and development based upon the biweekly evaluations that are completed by the CIS Supervisors.

C. Recommendations by the Review Board will indicate one of the following findings:

1. Permanent Status

2. Demotion

3. Probationary period extended. A continuation of the probationary period will be considered only in cases of extenuating circumstances (i.e. injury, extended sick leave/light duty, maternity leave, military leave, etc.). The reason and length of the continuation will be stated. In accordance with the Monroe County Civil Service Commission, in no case shall the probationary period be less than twelve (12) weeks nor shall it exceed twenty-six (26) weeks.

D. Continued probationary period – The review board, as in IV. B above will re-convene at the completion of the predetermined continuation period to review the probationary investigator's progress and again recommend 1, 2, or 3.

E. The completed evaluation reports will be signed by the probationary Investigator, the supervisor and the CIS Commander, and forwarded to the Chief Deputy through the Chain of Command as noted in Section II A 2.

Note: In order for performance to be acceptable, it must meet or exceed performance guidelines of a rating of "4".

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates additions/deletions from previous order

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 2, 2011	EFFECTIVE DATE February 3, 2011	NO. 50-11
SUBJECT: GENERAL ORDER PART-TIME AND SEASONAL DEPUTIES		DISTRIBUTION All Personnel	AMENDS
REFERENCE: CALEA 16.3.1, 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.3.6, 16.3.7, 22.2.6			RESCINDS 50-P-03

Purpose: To familiarize employees with the duties of both part-time and seasonal deputies and the requirements for such employment.

Policy: Part-time and seasonal deputies will be responsible for supplementing full-time patrol deputies in Monroe County parks and waterways, the Greater Rochester International Airport (GRIA), the Mounted Unit, the Traffic Enforcement Unit and select county buildings. Such members will retain the same law enforcement authority as full-time sheriff's deputies.

I. Requirements

A. The selection process for part-time and seasonal deputies will be modeled after that used to select full-time candidates.

* B. Part-time and seasonal deputies will assume their duties only after completion of state mandated recruit training. New hires that have already received New York State training / certification as a police officer will not be required to complete another formal State training program.

C. Part-time deputies will be employed on a year-round basis, with a weekly schedule of up to 20 hours. Seasonal deputies will be employed from late spring through early fall, depending on weather conditions, and will work a 40-hour week schedule. While so employed, deputies in this category shall serve to augment full-time patrol deputies in the delivery of law enforcement services, as outlined in the above policy statement.

D. All part-time and seasonal deputies will be equipped with and wear the standard police uniform, as per **MBGO #26**. Marine Division personnel will be equipped with official lightweight Sheriff's uniforms, specifically designated for such duty.

E. Part-time and seasonal deputies are required to attend all scheduled in-service training that is available or mandated during their employment tenure. Instruction will include, at a minimum, in-service training addressing the use of force and firearms proficiency as scheduled for all Police Bureau members.

II. Indemnification

A. The County of Monroe shall be responsible for providing, at no cost to employees, the defense in all cases where a civil suit is brought against such employees alleging false arrest or abuse of power arising out of their action in the performance of their duties, provided, however, that the County shall not be obligated to provide such a defense where it is reasonably established that the suit arises from intentional wrongdoing or gross negligence on the part of the employee.

B. The County of Monroe, in addition to providing the legal defense for employees, shall indemnify such employees from any judgment rendered against them as a result of any civil suit arising in the performance of their duties and in the scope of their employment, provided that the judgment did not result from the intentional wrongdoing or gross negligence of the employee.

C. The County of Monroe shall provide the legal defense for employees as stated above and, should a judgment be rendered against any employee in a civil suit arising out of the employee's actions in the performance of his duties, the County of Monroe shall indemnify the employee provided that the judgment against the employee did not result from the intentional wrongdoing or gross negligence of the employee. Indemnification and public liability protection will be the same for part-time and seasonal deputies, as that for full-time deputies.

D. Any employee involved in an action in which physical force was utilized or in which the employee discharges a firearm shall file the necessary reports as required by departmental regulations and orders. Any other action of an employee which the employee may reasonably believe may lead to a claim against the employee or the County shall require the employee to file a Special Report (MB #3) in accordance with established departmental procedures within seventy-two hours of such action.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates additions or deletions from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 2, 2011	EFFECTIVE DATE February 3, 2011	NO. 51-11
SUBJECT: GENERAL ORDER Temporary Detention		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 42.2.10, 71.1.1, 71.2.1, 71.3.1, 71.3.2,71.3.3, 71.4.1, 71.4.2, 71.4.3, 71.5.1 NYSLEAP 50.4			RESCINDS 51-10

Purpose: To establish and maintain guidelines for the temporary detention of suspects during an investigation.

Policy: Temporary detention holding cells will be used to detain or hold persons, for a period not to exceed (24) hours, for the purpose of processing, questioning or testing. If the investigation necessitates a time period longer than (24) hours, a command officer of the rank of Captain or higher is to be contacted for approval or the detainee must be transported and held at the Monroe County Jail, issued an appearance ticket or released.

Definitions:

Temporary Detention Holding Cell – A room, area or space within a Zone substation, the airport, or headquarters CIS, constructed specifically as a holding cell designed to prevent damage to the facility, reduce the potential for self-inflicted injury by the detainee and prevent escape, and specifically designated as TEMPORARY DETENTION.

Interview Room – A room, area or space within a Zone substation, the airport, headquarters, or CIS, constructed for the primary purpose of conducting interviews of victims, witnesses and/or suspects. An interview room may be designated as such or may have an alternate primary purpose.

Detainee – A person suspected of a violation of law that is being held in a department facility for the purpose of investigation, interview, questioning, processing, or testing.

Processing / Testing Areas – A room, area or space within a zone substation, the airport, or the Mobile Processing Center used for booking or administering breath tests or other procedures.

I. Authorization, Supervision and Accountability

A. Members may use a temporary detention holding cell to detain suspects during an investigation when there is a need to secure an individual during processing, questioning or testing. Interview rooms may be used for the purpose of conducting interviews in a custodial or non-custodial manner.

B. Detention in a temporary detention holding cell without continuous control, observation, and supervision will not exceed (24) hours. Detention in an interview room without continuous control, observation, and supervision will not exceed fifteen (15) minutes.

C. Members will ensure that detainees are not a threat to themselves or others and that they do not have the opportunity to damage department facilities, property, or to escape from custody.

This is to include leaving a detainee unsupervised with any item that may be used as a weapon against themselves or staff (i.e. lighters, soda can, pen, etc).

D. Detainees of opposite genders will not be held in the same temporary detention holding cell or interview room. Juvenile detainees will not be held with adults. **Exception** – parents/guardians/attorneys, etc. of juveniles being interviewed will be allowed in the interview room as required by law. Every effort should be made to ensure that a sight and sound separation from detained adults is maintained at all times.

E. The member in charge of the investigation is primarily responsible to see that the provisions of this order are carried out; however, all members are accountable for procedures as set forth herein.

II. Temporary Detention Holding Cells

A. Detainees who are a security risk will only be held in designated temporary detention holding cells. When the designated temporary detention holding cells are not available, other rooms or areas may be used for holding purposes **only** if necessary and the member can maintain constant control, observation, and supervision of the detainee and prevent injury and/or escape.

B. Temporary detention holding cells will be constructed specifically as a holding cell to prevent damage to the facility, reduce the potential for self-inflicted injury by the detainee, and to prevent escape. Such cells will be specifically designated as TEMPORARY DETENTION. All cells will have doors that are lockable only from the outside, have a secure, reinforced window to allow observation of the detainee, and will have a method for securing a detainee to an immovable object which is designed and intended for such use (i.e. a wall mounted handcuff ring). Zone substations will have at least one set of handcuffs, one waist-chain, and one set of leg shackles for each holding cell. Members will have the discretion to either utilize a waist-chain and handcuffs to secure the detainee, full chain-cuffs and shackles (CCS), or to attach one handcuff to the wall/seat mounted handcuff ring, with the remaining handcuff placed on the detainee's wrist. The cell will be of adequate size as required by appropriate building codes and will have adequate ventilation and lighting; controlled from the outside.

C. Temporary detention holding cells will be located in close proximity to restrooms and detainees will be allowed access to water and restrooms and other personal needs when necessary. The member must use good judgement in allowing this access without compromising officer safety, the safety of the detainee, or enhancing the risk of escape.

D. Smoking is not allowed. Members will ensure that all necessary steps are taken to prevent fires and, in the event an evacuation becomes necessary, the member will remove the detainee from the cell immediately.

1. If detainees are not already secured by a waist-chain and handcuffs, or full CCS when removed, they will be handcuffed behind their back and will be taken out of the building via the nearest exit.

2. Detainees will then be secured in the rear of a screened vehicle or secured in another acceptable location, to ensure the safety of the detainee and to prevent escape.

3. Members will contact the on-duty supervisor as soon as possible, who will respond and take action according to current directives.

4. If necessary, the member will summon appropriate assistance (i.e. fire department, EMS, etc.) to suppress the fire and treat the injured. Facility fire extinguishers shall be used when appropriate.

5. If medical attention becomes necessary, the member will immediately request it through the dispatcher or by dialing 9-1-1(reference MBGO #22).

E. Holding Procedures – Temporary Detention Holding Cell

1. When using a temporary detention holding cell, members shall remove his/her agency issued weapon and secure it in an acceptable, locked location, i.e. lock boxes, shotgun cabinet, locked desk drawer, fleet vehicle trunk. Members will not enter a temporary detention holding cell while armed with a weapon.

2. The member will inspect the temporary detention holding cell before securing the detainee and after the detainee's release, to ensure that no weapons or contraband are present and that the security features of the cell are in good order. Security inspections will be noted in the logbook provided for that purpose.

3. Members will check the safety and security of the detainee at least every fifteen minutes while a detainee is in the temporary detention holding cell. The time of detainee checks will be noted in the logbook, as will the time the detainee is placed in and removed from the cell. Additionally, the condition of the detainee as well as his/her activities will be noted.

4. Detainees will be searched in accordance with agency directives prior to entering the cell and will be secured to the immovable ring, or placed in a waist-chain and handcuffs, or placed in CCS at all times while in the temporary detention holding cell.

5. All personal property belonging to the detainee (i.e. wallets, lighters, pocket change, etc.), will be removed and processed by inventorying and securing all items in a sealed evidence bag. Sealed evidence bags will be secured outside the temporary detention holding cell and will be returned to the subject upon his/her release, or turned over to Jail Bureau Booking staff if the subject is remanded to custody. All weapons confiscated will be processed according to current directives (reference MBGO #16).

6. Only members or other officers involved in the investigation, supervisors, and when necessary, medical personnel are allowed access to the cell and detainee.

7. In the absence of a panic or duress alarm system, members will keep their portable radio with them while in a temporary detention holding cell in the event assistance needs to be summoned.

8. Members will take all necessary steps to prevent escape from temporary detention holding cells. If an escape does occur, procedures as set forth in MBGO #22 will be followed.

9. Pursuant to guidelines established by the New York State Commission of Corrections, detainees being held in temporary detention during the established breakfast, lunch and dinner time periods will be offered a meal. Additionally, each detainee will be supplied a blanket or bedroll should they complain of uncomfortable temperatures.

10. As soon as possible, detainees will either be released from temporary detention or be transported to the Monroe County Jail for booking.

11. Zone/Unit Commanders will ensure that an inspection of the temporary detention holding cells is conducted monthly and that it is documented on the Zone Monthly Inspection Form. The inspection will include, but not be limited to, logbook entry and accuracy, condition of the area, security measures and appropriate use of the cells.

III. Temporary Detention Cell Log

A. An entry shall be made for every person held in a temporary detention holding cell in the Detention Cell Log Book.

B. All completed log books will be retained and stored at each zone for at least one year and then properly archived pursuant to agency directives.

C. Each substation and the GRIA office will maintain a log book for their holding cells. Each individual will have an entry documented as follows:

1. Column 1 - Indicate the holding cell location/number.

2. Column 2 - Indicate the date, time, and the Deputy's initials of the initial security check. A security check will be performed prior to allowing a detainee access to the cell. In addition, monthly security inspections will be performed in concert with the monthly zone inspections. A notation will be indicated in the log when such inspection is performed.

3. Column 3 - Indicate the name and DOB of the detainee.

4. Column 4 - Indicate the CR# and charges or reason for detention.

5. Column 5 - Indicate the arresting Deputy's name and IBM.

6. Column 6 - Indicate the date and time of placement in the cell. At a minimum of every 15 minutes the Deputy will note his/her initials and time of the security and wellness check of the detainee. Upon departure, the Deputy will also indicate the date and time.

7. Column 7 - Indicate any offers, acceptance or requests for food, bedding, telephone calls, etc. and the time the request was made.

8. Column 8 - Indicate the date, time and Deputy's initials for the final security check of the holding cell upon departure in every situation.

D. The log book will be utilized until all pages have been completed at which time a new book is to be opened. Pages will not be removed, as they are numbered to ensure the integrity of the log.

IV. Processing/Testing Areas

A. Members will accompany arrestees, suspects and detainees at all times, until such time as they are placed in a temporary detention holding cell, interview room, transported out of the building, or custody is formally transferred to another Deputy or agency.

B. When processing a detainee at a Zone Substation, members shall remove his/her agency issued weapon and secure it in an acceptable, locked location.

C. While administering breath tests or other procedures, members will remain responsible for the safety and security of his/her agency issued weapon.

D. In the absence of a panic or duress alarm system, members will keep their portable radio with them in the event assistance needs to be summoned.

E. Members will take all necessary steps to prevent an escape. If an escape does occur, members will adhere to procedures set forth in MBGO#22.

V. Interview Rooms

A. Interview Rooms will be designed for the primary purpose of conducting custodial or non-custodial interviews and may have locking mechanisms that allow the room to be locked from the outside. They also may have a method for securing a detainee to an immovable object, which will be designed and intended for such use, such as a wall mounted handcuff ring.

B. Interview rooms will be located in close proximity to restrooms and detainees will be allowed access to water and restrooms and other personal needs when necessary. The member must use good judgement in allowing this access without compromising officer safety, the safety of the detainee or enhancing the risk of escape.

C. Holding Procedures – Interview Rooms

1. When using an interview room, members are not required to remove their issued weapon however they remain responsible for the safety and security of their issued weapon(s).

2. Members will maintain constant control, observation, and supervision of the detainee from inside the interview room. In the event that the member must leave the room and lock the detainee inside, the member will ensure that the time period that the detainee is secured in the interview room does not exceed fifteen minutes. If detention will exceed that time period and the member cannot maintain constant control, observation, and supervision, the detainee will be moved to the designated temporary detention holding cell and Section I of this order will be followed. Detention in an interview room will be only for as brief a period of time as possible and will only be authorized to allow the member to consult with a supervisor or investigator or for some other legitimate purpose.

* **Note:** In situations of custodial interrogation, an interview form **must** be completed detailing **all** activities with respect to the interview to include but not limited to: times detainee was placed in an interview room, the Deputy's departure and return to the interview room, bathroom and refreshments provided, and the times of placement into a holding cell, when applicable. As an alternative, members may specifically document all of the aforementioned information on a supplemental Investigative Action Report in chronological order. **In situations were the custodial interrogation is video taped, the video tape will be used in lieu of the interview form.**

3. The member will inspect the interview room before leaving a detainee alone and after removal from the room, to ensure that no weapons or contraband are present and that the security features of the room are in good order.

4. Equipment or items to be kept in an interview room may include, but not limited to a table and any number of chairs, based on the physical characteristics of the room, and the circumstances surrounding the interview.

5. Detainees will be searched according to agency directives prior to entering and will be secured to the immovable ring while left unsupervised in an interview room.

6. Personal property of the detainee that may pose a threat to the member or the detainee will be removed and processed according to directives set forth in MBGO #16.

7. In routine situations, one person should be interviewed at a time by one or two Deputies/Investigators. However, if circumstances warrant, members or other officers involved in the investigation, supervisors, or medical and legal personnel will be allowed access to the interview room and the detainee. In juvenile matters, parent(s) or legal guardian(s) will be allowed access as required by law.

8. Interview rooms do not have panic or duress alarms. Members will take this into account when deciding if a telephone or portable radio should be brought in during an interview in case assistance needs to be summoned.

9. Members will take all necessary steps to prevent escapes. If an escape does occur, procedures as set forth in MBGO #22 will be followed.

VI. Training

Zone/Unit Commanders, along with the All Bureau Training Unit, will ensure that all personnel with any responsibility for detainees in temporary custody receive initial training in accordance with the procedures as set forth herein as well as the proper use of mechanical restraining devices and retraining at least once every three years.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates a significant change from the previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE May 09, 2014	EFFECTIVE DATE MAY 10, 2014	NO. 052-14
SUBJECT: GENERAL ORDER Special Events		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 46.2.7			RESCINDS 52-P-07

Purpose: To establish procedures regarding the planning and staffing of a special event.

Policy: The Monroe County Sheriff's Office will provide those services necessary to maintain order, deter crime and enhance public safety at any special event.

Definition: Special Event: Any activity, such as a significant parade, entertainment or sporting event, public demonstration, festival or other situations in which there is a need for control of traffic, crowds or crimes and which is usually scheduled in advance, allowing for planning of required police services prior to the event.

I. Command and Supervision

* A. The Captain of Special Operations will assume overall responsibility and control for all special events.

B. A designated command officer will be assigned as the event coordinator.

C. Additional command/supervisory personnel may be assigned specific tasks by the event coordinator.

II. Procedures

* A. The Captain of Special Operations will:

1. Receive all information relative to the event.

2. Designate an event coordinator and forward all available information

3. Maintain liaison with the event coordinator and related staff to provide necessary resources and logistics.

4. Review all special event plans prior to implementation to ensure that they are consistent with department policy and that resources are available to properly implement the plan.

5. Review all special event after action reports, ensuring that suggestions for changes and/or improvement are researched and, if appropriate, incorporated into future event planning.

* B. The event coordinator is accountable to the Captain of Special Operations and will:

1. Initiate logistical planning specific to the special event, including:

a. Estimate of traffic, crowd control and crime problems anticipated or expected for the event, including ingress and egress of vehicles and pedestrians, parking and public transportation.

b. Staffing needs and anticipated overtime expenditures.

c. Posts to be staffed, a schedule of specific hours, number and type of personnel, procedures for relief and related issues.

d. Contingency plan for traffic direction and control, including alternate traffic routes and emergency vehicle access.

e. Contingency plan for additional police response (i.e., disturbance, crowds larger than expected, etc.).

f. Anticipated need and mission for specialized unit assistance (i.e., Mounted Unit, STAR Unit, K9, Marine Unit, SWAT, HDS, etc.).

g. Equipment requirements such as mobile command post, vehicles, flares, traffic barricades or cones, radios, riot gear, flex cuffs, transport equipment, report forms and other needs.

2. Coordinate with other bureaus, divisions or units, as well as other public safety agencies to provide needed resources and assistance.

3. Coordinate with the news media as per MBGO #20.

4. Maintain liaison with the person or organization planning the event to ensure proper communication and timely flow of information.

5. Prepare, or cause to be prepared, a written plan outlining the information listed in II.B.1.a through g., as well as any other pertinent information, for submission to the Captain of Special Operations.

6. Prepare an order, for issuance by the Sheriff, outlining the event, command and supervisory staff, personnel and shift assigned, uniform and equipment required.

7. Prepare, or cause to be prepared, an after action report discussing pertinent details of the event, including size of crowd, police action taken and adequacy of initial plan, as well as any suggested changes or improvements, for submission to the Captain of Special Operations.

C. Command/supervisory personnel assigned to the event are accountable to the event coordinator and will:

1. Assist the event coordinator with logistical planning and other tasks as may be assigned.

2. Ensure the procedures of the event plan are carried out in accordance with current department policy and procedures.

3. Inspect all personnel reporting for duty, ensuring that they are properly uniformed and equipped and project the proper image of the Sheriff's Office.

4. Brief personnel as to their specific duties and responsibilities for the event.

5. Perform their traditional police related duties as outlined in PBGO #2.

D. Members and employees assigned to duty at a special event are accountable to the event supervisor and will:

1. Report to the designated command post fifteen minutes prior to their assigned shift, properly uniformed and equipped, for briefing.

2. Remain at their assigned post until properly relieved.

3. Take police action as appropriate and provide assistance to citizens.

4. Maintain communication with event supervisors, apprising them of unusual circumstances, changes in the event plan or the need for additional resources.

5. Present a proper image of the Sheriff's Office.

6. Perform typical police duties as outlined in PBGO #2.

7. Perform other tasks as may be directed by competent authority.

By Order of the Sheriff,

Patrick M. O'Flynn

* Indicates a significant change from the previous order

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE March 23, 2017	EFFECTIVE DATE March 24, 2017	NO. 053-17
SUBJECT: GENERAL ORDER Identification Procedures		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 42.2.11, 42.2.12			RESCINDS 53-11/12

Purpose: To establish procedures and provide guidelines for conducting eyewitness identifications.

I. Definitions

A. Show-up Identification Procedure – a physical identification procedure wherein the law provides members an opportunity to conduct a physical display of individual suspect(s) to victim(s) and/or witness(es) for the purpose of potential identification during the first two (2) hours following the commission of an offense. Such procedure should be conducted at the scene of the crime, if possible.

B. Physical Lineup Procedure – a physical identification procedure in which a suspect either sitting or standing in a row, is known or unknown to the victim(s)/witness(es),and is displayed with four (4) or five (5) other persons who have similar physical characteristics for the purpose of identification by the victim(s) and/or witness(es).

C. Photographic Lineup Identification ("Photo Array") – a Lineup identification procedure in which a suspect's photograph or a computer generated still-motion video image, known or unknown to the victim(s)/witness(es), is displayed with five (5) other photographs of persons with similar physical characteristics for the purpose of potential identification by the victim(s)/witness(es).

D. Composite Procedure – a procedure in which a facial image of the unknown suspect is composed based on descriptive physical attributes given by the victim(s)/witness(s).

E. Filler – A person is included in a lineup or whose photograph is included in a photo array, but is not a suspect in the crime.

F. Administrator of the Photo Array – The person who is conducting the identification procedure. Depending on 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 order 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 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.

G. Lineup Room-Room where fillers and the suspect are arranged for viewing by the witness.

H. Viewing Room-Room from which the witness, the administrator, and on some occasions the defense attorney, view the lineup.

I. Administrator of the Lineup-The person who is conducting the identification procedure. Depending upon the circumstances of the case, a lineup administrator may be the member assigned to the case or a "blind" administrator (someone who does not know which person in the lineup is the suspect). The procedures described in this order apply equally to both types of administrators.

II. Policy

A. Members of the Monroe County Sheriff's Office (MCSO) shall comply with all legal mandates guiding identification procedures.

B. Show-up identifications, physical Lineups, and photographic Lineup identification shall be conducted as outlined herein.

C. The MCSO **ID Lineup Form (PB-063), and the MCSO Photo Array Form (PB-332)** shall be completed as outlined in this Order, depending upon the identification procedure used.

D. **CPL Section 710.30 - 1 & 2** requires that the District Attorney provide formal written notice of any identification procedure (i.e. show-up, Lineup, photographic display) within fifteen (15) days after arraignment. In the case of a felony arrest, it is imperative that any identification be noted prominently in the Grand Jury package.

III. General Procedures

A. In every investigation, the determination of the best identification procedure to be used shall be made based on the circumstances present at the time of the investigation.

B. If a composite of the suspect is to be attempted by the Technicians Unit or a rendering by a Graphic Artist, the attempts shall be made prior to the victim(s)/witness(es) viewing physical Lineups or video displays.

C. Inviting the witness to participate in an Identification Procedure

1. No Known Suspect: The member shall call the witness and invite them in to view photos, or a lineup, to possibly identify the perpetrator of the crime.

2. Suspect is Known: When a suspect is known and the member calls a witness to arrange for the viewing of a photo array, either at the substation, the witnesses home or place of business; or a lineup, the member shall simply advise the witness that they intend to conduct an identification procedure and shall not say anything about the suspect.

3. Member shall remain neutral: The member shall not give opinions about the witness' ability to make identification.

4. What to avoid communicating: Unless the witness specifically asks if someone is in custody, the member shall not inform the witness that an arrest has been made and that we have a suspect that they will be viewing. Members shall in no way communicate that they believe the individual that they are presenting to the witness is the actual perpetrator.

D. When conducting identifications, members shall:

1. Keep all victim(s)/witness (es) separated and takes precautions to avoid:

   a. Observation, contact, or conversation between the suspect, victim(s), or witness (es) prior to the procedure.

   b. Advisement to victim(s)/witness (es) by anyone, of identification made or not made, by others viewing the procedure.

   c. Any statement by members, to include radio transmissions (i.e., transporting a possible suspect to be identified), indicating their belief that the perpetrator is present for the procedure, or their position in the procedure, when applicable.

2. Give the victim(s) or witness (es) instructions per current directives.

3. Document the exact words, and note any mannerisms (i.e. shaking, crying, and rage) of the person making the identification at the time of the procedure.

4. Advise victim(s) and/or witness(es) to refrain from outbursts, which may be seen or heard by other potential victim(s)/witness(es), when identifying the perpetrator.

5. Give no indication to the victim(s) or witness (es) whether or not the victim(s) or witness(es) have identified the correct suspect.

IV. Show-Up Identification Procedure

A. Justification for a Show-Up Identification exists when:

1. An exigency exists because the witness's health is so poor or uncertain that any delay in arranging a confirmation risks the loss of the witness's identification* or,

2. A prompt crime scene identification will either secure the immediate release of an innocent person or secure the identification of the suspect when the witness's memory is fresh.*

***New York Identification Law Sect. 4.04[2]**

B. Factors to be considered to determine whether the use of a show-up is justified are ***Temporal and Spatial proximity to the crime,*** **(New York Identification Law Sect. 4.04 [2]).**

C. A show-up identification shall be conducted in circumstances when a suspect is taken into custody within two (2) hours following the commission of a crime, *(People v. Rodriguez, 267 AD2d 61, 1999).*

D. When conducting show-up identifications, members shall:

1. Conduct the show up identification within two (2) hours following the commission of a crime. (People v. Rodriguez, 267 AD2d 61, 1999)

2. Return the suspect, victim(s) and witness(es) to the crime scene as soon as possible, taking into account the totality of circumstances, or location where the victim(s)/witness(es) observed the suspect, unless circumstances exist to prevent this, (i.e. the victim(s)/ witness(es) are hospitalized or disabled).

   Note: The suspect may be brought to the hospital to conduct the show-up to injured victim(s)/ witness(es).

3. Return the suspect(s) to a police facility only if the crime was committed there.

4. Transport the suspect in accordance with procedures outlined in **Prisoner Custody, Transport, and Treatment (MBGO-022).**

5. If possible, make an effort to conceal the handcuffs from the viewing victim(s)/ witness(es).

6. If possible, members shall not place their hands on the suspect during the show-up.

7. Document all aspects of the show-up identification procedure, to include but not limited to, the date, time, location, environmental factors (i.e., lighting, weather), member(s)/civilian(s) present, terminology used by members, and the victim(s)/ witness(es) exact responses and mannerisms.

V. Physical Lineup Procedure

A. A physical Lineup shall be conducted in circumstances when an identification procedure is needed to complete the case, a suspect is in custody, or a show-up identification cannot be conducted as outlined in **Section IV** of this Order.

B. To schedule a physical Lineup, members shall contact the Jail Administration Office (585-753-4183) during normal business hours or the Jail Duty Sergeant (585-753-4021) during non-business hours, with a minimum of four (4) hours notice.

C. **New York State Criminal Procedure Law** does not require using video and/or audio recording at a lineup. However, Evidence Technicians shall photograph all physical Lineups, complete a **Technical Services Report (PB-110)**, and submit such for supervisory review.

   Note: The District Attorney's Office may request the need for physical Lineup photographs for court testimony purposes.

D. Right to Counsel

   1. When a suspect is arrested upon probable cause, (i.e., no arrest warrants, no accusatory instrument filed, no indictment, etc.), members are not required to advise the suspect(s) of their right to have an attorney present for a physical Lineup.

   2. A suspect does not have a right to an attorney at a physical Lineup unless:

      a. The case has commenced by arraignment, indictment (i.e., a "not-in-custody" Grand Jury Referral), or the filing of an accusatory instrument (i.e., A Felony Complaint or an arrest warrant has been issued).

      b. The suspect specifically requests the presence of counsel.

c. Members are aware that counsel regarding the investigation for which the physical Lineup is being held represents the suspect.

d. The physical Lineup is being held pursuant to an exparte court order (i.e., the order was obtained by the District Attorney's Office alone without notice to the suspect(s) and/or their attorney) and involves a suspect who is incarcerated and represented by counsel on an unrelated matter.

3. If the suspect specifically requests the presence of an attorney, members must:

   a. Make a reasonable effort to contact the suspect's attorney.

   b. Allow the attorney a reasonable amount of time to appear, (usually two hours, except in unusual circumstances).

4. A defense attorney is permitted to make limited suggestions as to how the physical Lineup is conducted. Members may consult with the Assistant District Attorney regarding the suggestion. However, members are in charge of conducting the physical Lineup and shall decide whether to accept the suggestions for the physical Lineup procedure. All suggestions shall be documented.

   Note: The attorney shall not participate in the conversation between the member and the victim(s) or witness(es).

5. If an attorney represents a defendant at a physical Lineup, the questioning of the witness regarding whether identification can be made shall be in the presence of the attorney, unless waived in writing by the attorney.

E. Composition of a physical lineup

1. Number of Fillers: Where practicable, there should be 5 fillers, in addition to the suspect, but in no case shall there be less than 4 fillers. There shall be only one suspect per lineup.

2. Similarities of Fillers: The fillers shall be similar in appearance to the suspect in the lineup. Similarities shall include gender, clothing, facial hair, race, age, height, extraordinary physical features, or other distinctive characteristics. Fillers should not be known to the witness.

3. Fillers Seated: All members of the lineup shall be seated, if necessary, to eliminate any extreme variations in height.

4. Suspect picks position: The suspect shall be allowed to pick his/her own position in the lineup. If there was an identification based upon a photo array prior to the lineup, the suspect shall not knowingly be placed in the same numerical position in the lineup as they appeared in the photo array, unless the suspect insists on that position.

5. If asked, All Lineup Members Must Speak, Move or Change Clothing: If any lineup member is asked to speak, move or change clothing, all members must do so. Everything the lineup members are asked to do shall be documented. If a witness's request of the lineup members is not feasible and cannot be accommodated, the request shall also be documented.

6. Fillers Must Remain Neutral: The fillers shall be instructed not to speak with each other or make any unnecessary gestures, but should remain still, and perform as instructed.

7. Photo Array Fillers: Fillers from a photo array previously viewed by the witness shall not be used as fillers in a lineup.

F. Instructions to Witnesses Viewing a Lineup: Instructions shall be given before the identification process begins and not while the witness is in the process of view in the lineup. This will alleviate confusion and minimize any allegations that the member provided cues to the witness. Witnesses shall be told to take whatever time they want when they view the lineup.

1. Written Instructions: Using the **MCSO Lineup Form (PB-063)** the member shall read the instructions to the witness and have them initial and date the form. This form also contains instructions to the Administrator showing the lineup and areas to document the administrator's questions and the witness's responses. Care shall be taken to ensure that this form is followed and filled out accurately and completely prior to being signed by the witness.

2. No Comments by the Administrator until the Identification Procedure is completed and Documented. Until the information about the identification procedure is documented, the administrator shall 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 got a good look at #2?" or "Can you take another look at #6?" shall not be made before, during or after the procedure.

3. Witnesses Cannot Speak to Other Witnesses about the Identification Procedures. If there are multiple witnesses who will be viewing a lineup, they shall be told not to speak to each other about the identification procedure before, during and after the process.

G. **Procedures for Viewing a Lineup:**

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 person to the witness. Comments that could potentially focus a witness' attention to one person 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?" shall not be made before, during or after the procedure. If a witness seeks guidance about whom to pick, the administrator shall simply direct the witness to focus on the lineup.

2. Give Instructions before the Procedure begins: refer to Section V. F.

3. **Administrator Not in the Witness' Line of Sight, Where Practicable**: After being instructed about how to view the lineup, where practicable, the witness should view the lineup in such a way that the witness cannot see the administrator at the time the witness is viewing the lineup. Where practicable, the administrator shall be positioned to see and hear what the witness says as the witness views the lineup, but shall remain out of the witness' line of sight while the witness views the lineup. 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 shall neither crowd the witness nor interrupt the concentration of the witness. The administrator shall never tell the witness to look at a particular person.

H. **Documenting the Identification Procedure:**

1. **Forms: MCSO Lineup Form (PB-063)** shall be used to document the identification procedure. All members who conduct the identification procedures shall be familiar with the use of this form.

2. **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.

3. **Document all Persons Present for the Procedure**: Document all the people present for the identification procedure, where it took place, and the date and time it took place, as well as any members present for security purposes or for escorting.

4. **Recording the Witness' Statement and Physical Reaction**: Any comments made by the witness at the time of the identification shall be written down. The documentation shall not merely state: "positive" or "negative" results. The witness' words uttered during and after the identification procedure shall 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 shall 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 shall say: "You said [*I think it is #3*], what do you mean by that? The witness' answer shall be documented.

6. **Signing the Lineup Form:** To record the result of the lineup, the witness shall sign and date the Lineup Form.

I. **Speaking with the Witness after the Identification Procedure**:

1. **Record the Witness' Statements Before Discussing Next Steps:** The administrator, or another appropriate person, shall 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 should 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 member to accurately answer question about the case, including whether an arrest will be made.

3. **Do Not Comment on the Identification:** The administrator shall 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 shall remain neutral about the identification when speaking with the witness.

4. **Do Not Discuss the Identification with Other Witnesses:** The witness shall be told not to discuss what was said, seen or done during the identification procedure with other witnesses, nor shall the administrator speak to the witness about other identification procedures conducted.

VI. Photographic Lineup Identifications

A. Members shall conduct photographic Lineup identifications when the victim(s)/witness(es) located can possibly identify a suspect, and the suspect is not in custody.

B. Members shall follow procedures as directed in departmental training in accordance with the MoRIS Training Manual when conducting MoRIS query viewings and/or MoRIS identifications.

C. Sealed MoRIS still-motion video images, photographs, fingerprints, and scanned Prisoner Data Reports will routinely be unavailable for use. However, the use of sealed images may be authorized under limited circumstances in accordance **with Section 160.50 of the NYS CPL.** This will require a court order be presented to the Commanding Officer of the Technical Services Unit who shall make appropriate arrangements to obtain sealed images.

D. When preparing a Lineup, preparers shall recall stored prior Lineups for all witness(es) as outlined in the MoRIS Training Manual, to insure that the witness(es) has not previously viewed a Lineup that included the same suspect.

E. When a suspect is known to the victim(s)/witness(es), members shall generate a MoRIS Lineup or photographic Lineup (containing six still-motion video images or photographs) and conduct a Lineup viewing with the victim(s)/witness(es) for remote identification purposes. This computer generated Lineup eliminates the claim that members assembled an intentionally biased array.

Note: A MoRIS Lineup or photographic Lineup must contain either color or black/white printed images, not a mixture of both.

F. **New York State Criminal Procedure Law** does not require using video and/or audio recording during a Photographic Lineup.

G. **Instructions to Witnesses Viewing a Photo Array:** Instructions shall be given before the identification process 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 member provided cues to the witness.

1. **Written Instructions:** Using the MCSO Photo Array Form (PB-332) the member shall read the instructions to the witness and have them initial and date the form. This form also contains instructions to the Administrator showing the photo array and areas to document the administrator's questions and the witness's responses. Care shall be taken to ensure that this form is followed and filled out accurately and completely prior to being signed by the witness.

2. **No Comments by the Administrator Until the Identification Procedure is Completed and Documented.** Until the information about the identification procedure is documented, the administrator shall 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 got a good look at #2?" or "Can you take another look at #6?" shall not be made before, during or after the procedure.

3. **Witnesses Cannot Speak to Other Witnesses about the Identification Procedures.** If there are multiple witnesses who will be viewing a photo array, they shall be told not to speak to each other about the identification procedure before, during and after the process.

4. **Showing the Same Array to Multiple Witnesses.** Witnesses must view photo arrays separately. However, one photo array per suspect can be shown to multiple witnesses, provided there are no markings on the photo array. Duplicate copies are acceptable. The member shall consider shuffling the photos before showing to another witness.

H. **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?" shall not be made before, during or after the procedure. If a witness seeks guidance about whom to pick, the administrator shall simply direct the witness to focus on the array.

2. **Instructions before the Procedure Begins:** The witness shall be instructed on how to view the array *before* being handed the array. Witnesses shall be told to take whatever time they want when they view the array.

3. **Cover the Photo Array:** The photo array shall be handed to the witness in a plain, unmarked envelope, or in a folder, so neither the witness nor the member can see the pictures. This shall 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 shall be positioned to see and hear what the witness says as the witness views the array, but shall 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 shall neither crowd the witness nor interrupt the concentration of the witness. The administrator shall never tell the witness to look at a particular photograph.

5. **Location of Identification Procedure:** The witness shall 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.

I. **Documenting the Identification Procedure:**

1. **Forms:** MCSO Photo Array Form (PB-332) shall be used to document the identification procedure. All members who conduct the identification procedures shall be familiar with the use of this form.

2. **Preserving the Photo Array:** The photo array shall be preserved in the original form it was shown to each witness.

Standardized procedures shall be developed for preserving the witness' identification procedure, for example, when identification is made, the witness could sign the photo array or a form and indicate the number chosen. A copy of the photo array used shall 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 shall be written down. The documentation shall not merely state: "positive" or "negative" results. The witness' words uttered during and after the identification procedure shall 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 shall 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 shall say: "You said [*I think it is #3*], what do you mean by that? The witness' answer shall 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.

J. **Speaking with the Witness after the Identification Procedure**:

1. **Record the Witness' Statements before Discussing Next Steps:** The administrator, or another appropriate person, shall 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 member to accurately answer questions about the case, including whether an arrest will be made.

3. **Do Not Comment on the Identification:** The administrator shall 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 shall remain neutral about the identification when speaking with the witness.

4. **Do Not Discuss the Identification with Other Witnesses**: The witness shall be told not to discuss what was said, seen or done during the identification procedure with other witnesses, nor shall the administrator speak to the witness about other identification procedures conducted.

VII. Report Distribution

A. Physical Lineup Identifications:

1. If a physical Lineup is made, members shall:

   a. Include the original **ID Lineup Form (PB-063)** in the Grand Jury Package and appropriately mark the Grand Jury Referral Report and all applicable accusatory instruments.

   b. Upon supervisory review and approval, forward the Grand Jury Package to the District Attorney's Office.

2. If a physical Lineup identification is not made but the participant in the Lineup is a suspect in the crime being investigated, members shall:

   a. Include the original **ID Lineup Form (PB-063)** in the Grand Jury Package.

   b. Upon supervisory review and approval, forward the Grand Jury package to the District Attorney's Office.

B. Electronic Query Viewings, Electronic Lineup Identifications, and Photographic Lineup Identifications:

The Sheriff's Office routinely contracts with software vendors who produce electronic databases for such use. i.e., Booking modules, JMS, RMS, among others. If an Electronic or photographic identification procedure is conducted, whether identification was made or not, members shall:

1. Include the original report and the **Photo Array Form (PB-332)** in the Grand Jury Package.

2. Upon supervisory review and approval, forward the Grand Jury package to the District Attorney's Office or attach to accusatory instruments as applicable.

By Order of the Sheriff,

Patrick M. O' Flynn

COUNTY OF MONROE

OFFICE OF THE SHERIFF

ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE September 10, 2015	EFFECTIVE DATE September 11, 2015	NO. 054-15
SUBJECT: GENERAL ORDER License Plate Readers (LPR's)		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 41.3.9. NYS SUGGESTED GUIDELINES: OPERATION OF LICENSE PLATE READER TECHNOLOGY 2011			RESCINDS 054-13

Purpose: To establish policy and procedure for the use of department ELSAG and Vigilant license plate readers (LPR's), management and security of LPR data, and maintenance of LPR equipment.

Policy: It is the policy of the Monroe County Sheriff's Office to utilize license plate readers in a non- discriminatory manner to assist in proactive vehicle traffic enforcement, detect violations of the law, recover stolen property, apprehend fugitives and assist in criminal investigations.

I. General Operation

A. LPR data may be accessed by members and employees of the MCSO as well as, but not limited to, Homeland Security Personnel, County Information Services Personnel, Probation, MCAC, and Public Safety Police Agencies for a legitimate law enforcement purpose.

B. Sharing of Department LPR information is only authorized for legitimate law enforcement purposes and only with the approval of the Captain of CIS or his/her designee.

II. Responsibility of Deputy

A. Prior to a tour-of-duty, members using an ELSAG LPR will ensure that an upload of hot lists has been performed for that day. The upload of hot lists for the Vigilant LPR's are automatic with no intervention from MCSO or County Information Services.

B. The following information may be included in the host list file:

1. NYSPIN – Y – Wanted or Missing Person (Drivers Client ID)
2. NYSPIN – W – Wanted Person (Registration)
3. NYSPIN – V – Stolen Vehicle (Registration)
4. NYSPIN – P – Stolen Plate (Registration)
5. NYSPIN – M – Missing Person (Registration)
6. NCIC – W – Wanted Person (Registration)
7. NCIC – V – Stolen Vehicle (Registration)
8. NCIC – P – Stolen Plate (Registration)
9. NCIC – M – Missing Person (Registration)
10. NCIC – R – Canadian Stolen Plate (Registration)
11. NCIC – T – VGTOF (Registration)
12. NCIC – S – Sex Offender (NCIC raw data uses "X" for this indicator) (Registration)
13. NCIC – C – Probation or Supervised Release (Registration)
14. NCIC – H – Protection Order (Registration)
15. NCIC – N – Immigration Violator (Registration)
16. NCIC – K – Protective Interest File (Registration)
17. DMV – X – NY Suspended/Revoked (Registration)
18. DMV – Z – NY Suspended/Revoked (Drivers Client ID)

C. When you activate Mobile Hit Hunter in the Vigilant software in the patrol vehicle, the software will check the hotlist scans for repossessions from the last 24 to 48 hours.

D. Members may request that certain license plate numbers be entered into the Department's hot list Examples may include, but not limited to:

1. Sex Offenders
2. Crime Suspects
3. Fugitives
4. Search Warrant Targets
5. Amber Alerts

E. When enforcement action, investigation or prosecution results from an ELSAG LPR hit, the hit will be preserved via the wireless network to the Monroe County Information Services Server. The Vigilant LPR hit will be preserved via the wireless network to the LEARN Server which is housed in Virginia. The LPR hit from both systems will be noted on the **LPR Scoring Log (PB-137)** and be retained and made part of the case file.

F. When the LPR indicates a HIT, the system operator must verify the HIT via NYSPIN prior to any enforcement action.

G. If the **LPR Query Log (PB-134)** contains a hit with an arrest associated with it, the LPR Query Log must be retained as part of the case file.

H. Data Searches will be done by using a Web Interface to look at uploaded images. Members can either call MCAC, CIS, Zone Administrative Sergeant or the TEU Sergeant to have these data searches completed.

I. Members making inquiries must make a log entry into the **LPR Query Log (PB-134).**

J. Members using the LPR will complete a **LPR Scoring Log (PB-137)** that will be forwarded to the Zone Administrative Sergeant who will after review send it to the Captain of CIS.

III. Responsibility of Supervisor

A. Requests for data searches of LPR data will be the responsibility of either the CIS, Zone Administrative Sergeant, or the TEU Sergeant.

B. The CIS, Zone Administrative Sergeant, or TEU Sergeant will fill out the LPR Query Log with the date, plate number, IBM number, name of member, reason and CR number.

C. Forward LPR Query Logs, when completed, to the Captain of CIS and retained and secured for a period of five years for future audits.

IV. Responsibility of County Information Services for ELSAG LPR Server

A LPR Data will be stored on the Monroe County Information Services Server for a period of no less than five (5) years except for the following circumstances:

1. Final deposition has been reached in the particular case.

2. LPR hits associated with a criminal investigation/arrest will be maintained in criminal case file and retained for a maximum period of time associated with such record.

3. Whenever otherwise directed by the Captain of CIS or his/her designee.

B. Monroe County Information Services will be responsible for the maintenance of the ELSAG server including backing up of the LPR data.

C. LPR hot lists and data gathered by the LPR's will be maintained securely.

V. Responsibility of Staff Services Project Manager

A. Will be responsible for the hardware maintenance of all LPR cameras.

B. ELSAG hotlists will be automatically downloaded and uploaded to the ELSAG Server daily.

C. Responsible for all hardware and software maintenance/support.

D. Responsible for adding and/or changing users into the Vigilant Learn Server.

E. Responsible for forwarding Learn Detection Share notification requests to the Captain of CIS for approval or denial.

VI. General Installation and Maintenance

A. All LPR installs will be completed by the Sheriff's Fleet Maintenance Unit.

B. Any LPR defects, damage or other maintenance problems will be reported to the Zone Administrative Sergeant or TEU Sergeant, who will contact the Staff Services Bureau to make arrangements for necessary maintenance and/or repairs. Prior approval from the Commander of Staff Services will have to be made for all hardware repairs.

C. The maintenance of internal hot lists will be the responsibility of the vendor(s).

VII. Training

A. LPR's will only be used by members who have been properly trained in the use of the LPR.

B. Members authorized to use the LPR shall receive training in the operation, guidelines, security and maintenance of the LPR.

C. Training shall be coordinated by the Zone Administrative Sergeant or TEU Sergeant.

D. All manuals associated with the LPR's are located on the Intranet.

By Order of the Sheriff

Patrick M. O'Flynn

Patrick M. O' Flynn

COUNTY OF MONROE

OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE June 09, 2014	EFFECTIVE DATE June 10, 2014	NO. 055-14
SUBJECT: GENERAL ORDER ELECTRONIC RECORDING OF CUSTODIAL INTERVIEWS		DISTRIBUTION POLICE BUREAU PERSONNEL	AMENDS
REFERENCE: NYS DEPARTMENT OF CRIMINAL JUSTICE SERVICES CALEA 42.2.10, 1.2.3			RESCINDS

Purpose: To establish policy and procedure for members of the Monroe County Sheriff's Office Criminal Investigation Section in the use of electronic recording of custodial interviews and the associated use, management and storage of such recordings.

Policy: Investigators with the Monroe County Sheriff's Office will have at their disposal the use of electronic recordings in order to enhance the investigative process and assist in the prosecution of criminal cases. Investigators will, when practicable electronically record custodial interviews involving a suspect suspected of committing a Class C Felony or higher.

Definitions: **Custodial Interview** – Questioning initiated by a Law Enforcement Officer while an individual is in custody that requires the advice of constitutional rights.

Electronic Recording – Any digital, electronic, audio, video or other recording on electronic media.

Practicable – Capable of being done, effected or put into practice with the available means.

Procedure:

I. General Requirements

A. Investigators of the Monroe County Sheriff's Office shall, when practicable, electronically record custodial interviews of a suspect who is the target of an investigation in any Class C Felony or higher Felony Offense or any other criminal investigation at the discretion of Sheriff or his designee.

B. Such interviews, when practicable, will be conducted at one of the designated interview rooms located at the sub-stations or the designated interview rooms located on the fourth floor of the Monroe County Public Safety Building. The names of all parties present in the interview room during the interview will be documented on the investigator's official report.

C. It is recommended that the recording begin prior to the suspect entering the interview room, but if this is not possible, the recording should be started as soon as possible after the suspect has entered the room and prior to the advisement of the Miranda Warnings. Where Miranda has previously been given, and a valid waiver obtained prior to the suspect being brought to the interview room, Investigators are strongly encouraged to attempt to have the suspect reiterate the waiver on the recording at some point during or at the conclusion of the interview. However,

there is no absolute necessity that the warnings be repeated solely for the purpose of video recording.

D. If a suspect leaves the interview room (e.g., Use of the restroom facilities) but it is expected the interview will continue once the suspect returns, the recording should continue throughout the period of the suspect's absence.

E. Electronic recordings should be accomplished covertly. The suspect does not need to be advised that the interview is being recorded even if the suspect asks if it is being recorded.

F. It is understood that recording may not be possible due to the following circumstances:

1. Electronic recording is not feasible (e.g., recording equipment malfunctions, already in use in another interview, etc.)

2. Spontaneous statements are made, which are not in response to an interview, or which take place outside the custodial interview.

3. Statements are made in response to questions that are routinely asked during the process of arresting a person.

4. Statements are given in response to a custodial interview at a time when the interviewer is unaware that a serious crime has occurred.

5. Statements are made during a custodial interview that is conducted at another location (e.g., out of state, subject in a correctional facility) not equipped with recording devices and the reasons for using that location are not to circumvent this policy.

6. The failure to record was due to an inadvertent error or oversight and was not the result of intentional conduct of law enforcement personnel.

G. If a recording is not completed due to the above or other circumstances, the Investigator will document the reasons that a recording was not made in their official report.

H. Juveniles over the age of seven and less than sixteen years old are not to be interviewed in the recorded interview rooms as they are not designated as a juvenile room. This does not preclude the Investigator from recording the interview by other means in an approved juvenile room. An individual between the ages of thirteen and fifteen may be recorded in a recorded interview room if they will be prosecuted as an adult in criminal court as a juvenile offender. CPL 1.20(42) [defining "juvenile offender"]

I. If the subject of a recorded interview has an attorney, the subject and the attorney shall be offered a separate, private area in which to confer if one is available. The recording should be continued while the subject and the attorney are out of the room. If the interview is to recommence after the attorney visit, there should be documentation of the attorney's agreement to allow the questioning to continue and the time that the interview began again. In no event shall the visit between the attorney and the suspect be recorded.

II. Operation Process

A. Electronic recording will be accomplished by using the computer and software installed in the designated interview rooms expressly for that purpose.

B. Video Recording System

1. The computer used for video recording and the audio switching unit should be turned on. Investigators will log onto the computer using their Novell Log On. Investigators will place a DVD in the appropriate drive before the interview is started. Investigators will open the recording program utilizing their username and password and activate the appropriate interview room and begin recording. Investigators should confirm the program is operating properly.

2. At the conclusion of the interview process, Investigators should stop the recording at the computer used to start the recording. After the recording is stopped, the interview will automatically burn to the DVD already in the computer. If additional DVDs are needed, the computer will prompt for additional DVDs. These DVDs should be marked as Original and placed into the Property Unit as evidence. Additional copies can be made, see Section E – 1(a).

3. The computer must be kept on as the interview is transferred to the host server located at County Information Services.

C. Interview Rooms

1. Interview Rooms will be designed for the primary purpose of conducting custodial or noncustodial interviews and may have locking mechanisms that allow the room to be locked from the outside. They also may have a method for securing a detainee to an immovable object, which will be designed and intended for such use, such as a wall mounted handcuff ring.

2. Interview rooms will be located in close proximity to restrooms and detainees will be allowed access to water and restrooms and other personal needs when necessary. The member must use good judgment in allowing this access without compromising officer safety, the safety of the detainee or enhancing the risk of escape.

3. Holding Procedures - Interview Rooms

   a. When using an interview room, members are not required to remove their issued weapon however they remain responsible for the safety and security of their issued weapon(s).

   b. Members will maintain constant control, observation, and supervision of the detainee from inside the interview room. In the event that the member must leave the room and lock the detainee inside, the member will ensure that the time period that the detainee is secured in the interview room does not exceed fifteen minutes. If detention will exceed that time period and the member cannot maintain constant control, observation, and supervision, the detainee will be moved to the designated temporary detention holding cell and Section I of this order will be followed. Detention in an interview room will be only for as brief a period of time as possible and will only be authorized to allow the member to consult with a supervisor or investigator or for some other legitimate purpose.

Note: In situations of custodial interrogation, an interview form must be completed detailing all activities with respect to the interview to include but not limited to: times detainee was placed in an interview room, the Deputy's departure and return to the interview room, bathroom and refreshments provided, and the times of placement into a holding cell, when applicable. As an alternative, members may specifically document all of the aforementioned information on a supplemental Investigative Action Report in chronological order. **In situations where the custodial interrogation is videotaped, the video tape will be used in lieu of the interview form.**

c. The member will inspect the interview room before leaving a detainee alone and after removal from the room, to ensure that no weapons or contraband are present and that the security features of the room are in good order.

d. Equipment or items to be kept in an interview room may include, but are not limited to, a table and any number of chairs, based on the physical characteristics of the room, and the circumstances surrounding the interview.

e. Detainees will be searched according to agency directives prior to entering and will be secured to the immovable ring while left unsupervised in an interview room. PBGO 51-11

f. Personal property of the detainee that may pose a threat to the member or the detainee will be removed and processed according to directives set forth in MBGO #16.

g. In routine situations, one person should be interviewed at a time by one or two Deputies/Investigators. However, if circumstances warrant, members or other officers involved in the investigation, supervisors, or medical and legal personnel will be allowed access to the interview room and the detainee. In juvenile matters, parent(s) or legal guardian(s) will be allowed access as required by law.

h. Interview rooms do not have panic or duress alarms. Members will take this into account when deciding if a telephone or portable radio should be brought in during an interview in case assistance needs to be summoned.

i. Members will take all necessary steps to prevent escapes. If an escape does occur, procedures as set forth in MBGO #22 will be followed.

4. A working clock will be placed in the interview room within view of the camera, and should display approximately the same time as the recording computer.

D. Periodic Testing

1. The Monroe County Sheriff's Office Surveillance Technician or a designee will conduct a test of all the audio/video recording systems installed in the designated interview rooms every other month. A log of all tests conducted for each of the different interview rooms will be maintained and forwarded to the CIS Lieutenant.

2. If the test fails, the Surveillance Tech or his designee will triage the equipment or contact the equipment vendor for repair and the CIS Lieutenant will be notified.

E. Storage Procedures

* 1. The removable media of choice will be the DVD+R, DVD-R or DVD-9. All are acceptable.

   a) One (1) DVD will be the first copy from the hard drive of the computer that has the interview recorded. This DVD will consist of the mpeg file that was recorded from the recording program. This DVD will be labeled as "Original" using an indelible ink pen (such as a "Sharpie") with the date, case CR# and the Investigator's name. The "Original" recording will then be secured as Evidence at the Property Management Office by the investigating Investigator with an appropriate Property Custody Report referencing the original CR #.

   b) Two (2) additional DVDs will be made and labeled as "Copy" using an indelible ink pen (such as a "Sharpie") with the date, case Cr# and the Investigator's name. These two DVD's will consist of the WMA files that were downloaded from the server. The copies will be distributed as such:
      a. Investigator
      b. District Attorney

* 2. The recorded interview will remain on the host server located at County Information Services for one (1) year after the interview takes place. This will ensure that if the original DVD becomes corrupt for some reason, then another original can be produced.

* 3. If County Information Services has determined that the storage space on the server is down to 10%, the Lieutenant of CIS will be notified.

By Order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O'Flynn

* Indicates additions and deletions from previous order.

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE August 20, 2015	EFFECTIVE DATE August 21,2015	NO. PBGO-056-15
SUBJECT: GENERAL ORDER Body Worn Cameras		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYSLEAP 41.3 CALEA 41.3.8			RESCINDS

Purpose: To establish policy and procedure for the use and activation of Body Worn Cameras. This policy is intended to provide deputies with instructions on when and how to use Body Worn Cameras so that deputies may reliably record their contact with the public in accordance with the law.

Policy: It is the policy of the Monroe County Sheriff's Office (MCSO) that deputies shall activate the Body Worn Camera when such use is appropriate in the proper performance of the deputies' official duties and consistent with Monroe County Sheriff's Office policy and the law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

Definitions: **Body Worn Camera (BWC)** - is a video recording system, either a camera or flex glasses, that is typically utilized by law enforcement to record their interactions with the public and gather video evidence at crime scenes.

Program Administrator- The Major of Police Bureau Operations shall act as the Program Administrator.

Staff Services Project Manager-The Information Services Project Manager assigned to the MCSO shall act as the Project Manager.

I. Procedures:

A. **Administration:** The MCSO has adopted the use of the Body Worn Camera to accomplish several objectives. The primary objectives are as follows:

1. Body Worn Cameras allow for accurate documentation of deputy-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of deputies' reports and testimony in court.

2. Audio and video recordings also enhance MCSO's ability to review probable cause for arrest, deputy and suspect interaction, and evidence for investigative and prosecutorial purposes.

3. The Body Worn Camera may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. **When to use the Body Worn Camera:**

1. Deputies may activate the Body Worn Camera when the use of said equipment may be beneficial in the performance of their duties.

2. Deputies may in their discretion, inform individuals that they are being recorded unless doing so would be unsafe, impractical, or impossible. In the event an individual requests that the deputy cease recording, the deputy may, in their discretion, comply with the individuals' request. Once the Body Worn Camera is activated by the deputy it should remain activated until the event is completed in order to ensure the integrity of the recording.

3. If interruption occurs, the deputy shall document the reason for the interruption or termination of recording in a written report. If a deputy believes it is necessary to stop recording (e.g., talking to victim of a sexual assault, or a confidential informant) within the constraints of policy, the deputy may verbally indicate their intent to stop recording before stopping the device, and upon reactivation of the Body Worn Camera, also state that the camera was restarted. Written documentation will be in the form of an incident report, arrest report, or other electronic means approved by the Sheriff.

4. Deputies may, in their discretion, record the following types of events: traffic stops, pursuits, vehicle searches, confrontational citizen contacts, use of force situations and statements made by subjects. Deputies are not limited to recording the aforementioned types of events and may use the Body Worn Camera at any time when they believe it is beneficial to the performance of their duties.

C. **Procedures for the use of Body Worn Cameras:**

1. Deputies who are assigned Body Worn Cameras must complete a MCSO approved training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

2. MCSO deputies shall use only Body Worn Cameras issued by the MCSO. The Body Worn Camera equipment and all data, images, video, and metadata captured, recorded or otherwise produced by the Body Worn Camera are the sole property of the MCSO.

3. Body Worn Camera equipment is the responsibility of individual deputies and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the deputy's supervisor as soon as possible so that a replacement unit may be procured, if available.

4. Deputies shall inspect and test the Body Worn Camera prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

5. Deputies shall note in an incident, arrest, and related reports when recordings were made during the incident in question. However, Body Worn Camera recordings are not a replacement for written reports.

6. Deputies may review Body Worn Camera videos to assist with the preparation of written reports and to prepare for their testimony for court proceedings.

7. Written requests for deletion of all, or portions of, recordings (e.g., in the event of a personal recording) must be submitted utilizing Body Worn Camera Deletion Request Form PB-144 and shall be approved or denied by Zone Command in accordance with current policies and in accordance with New York State record retention laws. All written requests shall be kept on file in the Major of Police Bureau Operations office.

D. **Restrictions:**

1. Body Worn Cameras shall be used only in conjunction with official law enforcement duties. Deputies may not use the Body Worn Camera to record the following situations without direction from the deputy's supervisor, or unless an immediate law enforcement need is identified by the deputy.

   a. Communications with other police personnel, including but not limited to, roll calls and deputy counseling sessions, without the permission of the Sheriff or his designee or the person being recorded.

   b. Encounters with undercover officers or confidential informants.

   c. Personal activity, both on and off-duty.

   d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room. Every effort should be made to ensure that Body Worn Cameras are turned off inside law enforcement facilities such as police stations, Central Booking (Jail), and courts during official judicial proceedings unless it is necessary to record interactions with subjects or if authorized by a supervisor.

   e. Any training MCSO personnel receive or take part in such as firearms, defensive tactics, EVOC or classroom settings.

   f. When victims or witnesses are reluctant to provide testimony while the deputy's Body Worn Camera is recording.

2. Deputies are prohibited from doing the following:

   a. Alter, erase, duplicate, copy, share or otherwise distribute in any manner Body Worn Camera recordings.

   b. Access, copy or release any media obtained using Body Worn Camera for reasons other than official law enforcement purposes except as required by law. All digital media collected using Body Worn Cameras is considered property of the MCSO.

   c. Utilize Body Worn Cameras unless they are specifically authorized to do so by a supervisor.

   d. Allow civilians to view recordings without the consent of the Sheriff or his designee, except as required by law.

   e. Possess the Body Worn Camera, associated equipment or accessories while off duty without authorization from the Program Administrator.

E. **Supervisory Responsibilities:**

1. MCSO Supervisory personnel shall ensure that deputies equipped with Body Worn Camera devices utilize the cameras in accordance with policy and procedure defined herein.

2. Once during each calendar month, auditors designated by the Sheriff or his designee shall randomly review Body Worn Camera recordings to ensure that the equipment is operating properly and that deputies are using the devices appropriately and in accordance with policy and procedure and to identify any areas in which additional training or guidance is required.

3. When a deputy advises a supervisor that their Body Worn Camera is not functioning properly it will be the supervisor's responsibility to see that the Body Worn Camera is replaced with another Body Worn Camera, if one is available, and to ensure that the malfunctioning Body Worn Camera is taken out of service by delivering the Body Worn Camera to the Staff Services Project Manager.

4. No supervisor shall assign a Body Worn Camera to a deputy without the authorization of the Program Administrator.

F. **Storage:**

1. All recordings shall be securely downloaded to Evidence.com by the completion of each shift. Each recording shall contain information related to the date, unique identifier, category, and assigned deputy.

2. All images and sounds recorded by the Body Worn Camera are the exclusive property of MCSO. Accessing, copying, or releasing files and or images for non-law enforcement purposes is strictly prohibited.

3. All access to Body Worn Camera files must be specifically authorized by the Sheriff or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

4. Recordings will be securely stored in accordance with current department polices and in accordance with New York State records retention laws and for no longer than useful for purposes of training or for use in an investigation or prosecution.

G. **Evidentiary Procedures:**

1. When an arrest/investigation is captured on a Body Worn Camera, written documentation will be in the form of an incident report, arrest report, or other electronic means approved by the Sheriff.

2. Personnel identified by the Program Administrator will arrange for a copy of the evidence footage to be transferred to the District Attorney's Office, or produced in response to a FOIL request.

By order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE September 14, 2015	EFFECTIVE DATE September 15, 2015	NO. PBGO-057-15
SUBJECT: GENERAL ORDER Stolen Vehicles / Stolen Vehicle Recovery		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS

Purpose: To familiarize members with policy and procedures regarding the investigative and reporting process pertaining to vehicles stolen from within the MCSO jurisdiction and the recovery of said stolen vehicles regardless of the jurisdiction of recovery.

NOTE: Water craft (vessels) and snowmobiles shall be investigated/documented utilizing the methods etc. delineated herein.

Policy: Investigation and documentation of reported stolen vehicles and recovered stolen vehicles is a responsibility of the MCSO. Any vehicle unlawfully taken from the rightful owner within the jurisdiction of the MCSO shall be properly documented (SIR) and the requisite teletype generated via Monroe County Sheriff's Records personnel. Any stolen vehicle recovered within the jurisdiction of the MCSO shall be documented (SIR/IAR) and associated teletype cancelled via the Monroe County Sheriff's Records personnel.

Definitions: **Vehicle:** Every device in, upon, or by which any person or property is or may be drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. **NYSV&T law Article 1 §159**

Vessel: Every description of watercraft or other artificial contrivance propelled in whole or in part by mechanical power and, which is used or capable of being used as a means of transportation over water, and which is underway and not at anchor or made fast to the shore or ground. **NYS Navigation law §2**

Snowmobile: Any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats. **NYSV&T law Article 47 §2221 (1)**

I. Duties and Responsibilities

A. **Stolen Vehicles** – Upon being dispatched to a reported stolen vehicle from within the MCSO's geographic area of responsibility responding personnel shall adhere to the guidelines outlined in **PBGO-20-P-07 Preliminary Investigation Process.**

1. Upon arrival on scene MCSO personnel will determine the validity of the reported stolen vehicle through their preliminary investigative process.

2. Upon determining that a vehicle has in fact been stolen the responding deputy shall complete the Standard Incident Report (SIR) which will serve as the" Investigative Action". When a vehicle is taken as the result of a Domestic Incident, a Domestic Incident Report (DIR) and DIR Deposition referencing the vehicle along with a Standardized Incident Report (SIR) will be completed.

3. Reporting deputies shall utilize Box #53 Table V on the Standardized Incident Report entering "Code 9" (Stolen) therein.

4. Reporting deputies shall also complete, with the victim, the **Stolen Vehicle Deposition (see attachment A).**

   a. Stolen vehicle Deposition Distribution

      1. Original filed with SIR to MCSO records.

      2. Copy retained by reporting personnel.

      3. Copy filed with SIR maintained at Zone level.

   b. Upon the arrest of the individual(s) responsible for the motor vehicle theft, MCSO personnel shall make every reasonable effort to obtain the original stolen vehicle deposition from MCSO records and submit same to the court during arraignment of the suspect(s). Deputies shall document the submission of the original deposition to the court of jurisdiction within their report.

5. The responding deputy shall contact the MCSO records unit requesting a teletype be generated and said TT number shall be documented in Box #70 of the Standard Incident Report.

   MCSO records shall include the following in the teletype:

   a. Instructions requesting any outside agency to hold the vehicle for the performance of tech work by a MCSO technician.

   b. That a victim deposition is on file with MCSO records.

6. Stolen vehicle reports shall be completed in a timely fashion and shall **NOT** be placed on "Hold".

7. **ALL** stolen vehicle/stolen vehicle recovery reports shall be reviewed by the Shift Supervisor and assigned/distributed at the Shift Supervisor's discretion.

B. **Stolen Vehicle Recovery – All** stolen vehicles recovered within the geographical jurisdiction of MCSO shall be documented utilizing the methods specified within this section.

1. MCSO personnel upon discovering, via routine patrol or otherwise, a previously reported stolen vehicle shall confirm via OEC that the vehicle is in fact stolen. Personnel shall promptly notify their immediate supervisor of same.

2. MCSO personnel on scene will determine the likelihood of suspect(s) potential return to the vehicle along with any and all solvability factors potentially leading to the capture of those responsible.

3. A technician shall respond to any and all stolen vehicle recoveries within the MCSO jurisdiction and perform the necessary tech work unless specific instructions to the contrary are contained within the stolen vehicle teletype.

4. Recovered vehicles where MCSO is the originating agency shall be documented on an Investigative Action under the **original** crime report number utilized for the **original** Stolen Report Number.

   a. Responding MCSO personnel shall contact MCSO records and provide the necessary information required to cancel the original teletype. The teletype cancelation shall be documented by the deputy within their report.

   b. Responding personnel shall forward a copy of their completed/signed stolen vehicle recovery report to the original reporting staff member as well as MCSO records.

5. Those vehicles where MCSO is **NOT** the original reporting agency shall be documented utilizing the Standardized Incident Report.

   MCSO records shall notify the originating agency of the recovery of the confirmed stolen vehicle for the purposes of instruction regarding tech work and notification of the owner.

6. Those vehicles recovered by an outside agency originally reported to MCSO shall be documented utilizing the Investigative Action Report.

   a. An MCSO technician shall be assigned and respond for tech work and completion of Investigative Action Report detailing circumstances of the recovery to include but not limited to recovery location, time and any other potential solvability factors. Said tech work will be performed in accordance with the **NYSPL §450.10 (4c).**

   b. At the discretion of the Watch Commander, MCSO shall make every reasonable effort to perform tech work on stolen vehicles recovered outside MCSO jurisdiction.

   c. A copy of the tech report and IAR recovery report shall be forwarded to the original reporting MCSO personnel or current case agent.

Note: Under NO circumstances is any member of MCSO to contact the rightful owner of the recovered stolen vehicle without first having notified the originating agency of their intent to do so.

The vehicle release procedure of any recovered stolen vehicle shall be consistent with the New York State Penal Law, the New York State Criminal Procedure Law as well as the current MCSO General Order delineating same and shall be documented accordingly.

By order of the Sheriff,

Patrick M. O'Flynn

Patrick M. O' Flynn

Attachment A

STATE OF NEW YORK : COUNTY OF MONROE MCSO CR# _____

_____ **COURT** _____ **OF** _____

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

SUPPORTING DEPOSITION
GENERAL
(Stolen Vehicle)

_____ _____
Defendant(s) D.O.B.

BE IT KNOWN THAT, by this deposition that _____ as the deponent herein, **(is employed at / resides at)** _____, and can be reached at **(telephone number)** _____, and further states that I **(am / am not)** the owner (if not the owner, state relationship to the owner _____) of a_____(veh.year) _____(make)_____(model), color_____ bearing _____ State registration _____ (plate #), with a vehicle identification number _____. That on the _____ day of _____(month), _____(year), I reported this vehicle stolen to the Monroe County Sheriff's Office. At no time did I authorize, allow, or give consent to the above said person(s) or anyone else to take, operate, steal, exercise control over, ride in, or otherwise possess this vehicle. I reasonably estimate the value of the above described vehicle as $_____. The reasonable basis for the value of this vehicle is _____. That at the time the vehicle was stolen I **(had / had not)** left the keys in the vehicle ignition.

ADDITIONAL VEHICLE INFORMATION:

☐Company Vehicle ☐Rented ☐Privately Owned, if so, what is owed on the vehicle $_____.
☐Leased, if so, what is the expiration date _____, Lease Term ___ **(months / years)**,
Leasing Company _____.
Current mileage of the vehicle _____. Current damage on the vehicle_____.
Recent repairs, if any _____ on date _____.
Keys in vehicle **(yes / no)**. Vehicle was locked **(yes / no)**. Vehicle was running **(yes / no)**.
Alarm system **(yes / no)**. GPS system **(yes / no)**. Title in vehicle **(yes / no)**. Registration in vehicle **(yes / no)**.
Insurance company _____. Policy # _____.
Ever had a vehicle stolen before? **(yes / no)**. If yes, when and where? _____.
List any aftermarket items installed in the vehicle: _____.

I request that the above said person(s) or anyone else who did without my permission take, operate, steal, exercise control over, ride in, or otherwise possess this vehicle be arrested and prosecuted to the fullest extent of the law.

VERIFICATION BY SUBSCRIPTION AND NOTICE
UNDER PENAL LAW SECTION 210 45

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE

AFFIRMED UNDER PENALTY OF PERJURY THIS
_____ DAY OF _____, _____

_____
DEPONENT

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE MAY 16, 2017	EFFECTIVE DATE MAY 17, 2017	NO. 058-17
SUBJECT: GENERAL ORDER Digital Forensics Unit		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: CALEA 83.2.5			RESCINDS PBGO-004-11

PURPOSE: To establish policy and procedure for conducting digital forensic examinations by the Monroe County Sheriff's Office Digital Forensics Unit.

POLICY: It shall be the policy of the Monroe County Sheriff's Office (MCSO) to provide digital forensic examinations, digital evidence recovery services and expert witness testimony of digital evidence seized during the course of a criminal investigation to this and other law enforcement agencies. Digital forensic examinations shall only be conducted by trained examiners and administered consistent with all applicable federal, state and local laws within the guidelines set forth in this order while also following current best practices for digital forensics.

Definitions: Digital forensics – the identification, acquisition, authentication, reconstruction, examination and analysis of digital information on electronic media. It often involves creating a faithful copy of the media in a manner that does not alter the original.

Digital Evidence - Internal or external hard drives, solid state drives (SSD), USB flash drives, compact discs/DVDs, floppy disks, smart cards, tape, computers (desktop, laptop, servers), personal digital assistants (PDAs), media players, digital cameras, tablets, global positioning system (GPS) devices, mobile communication devices (cellular telephones, "smartphones"), wearable devices (smart watches, fitness trackers) or other devices designed to hold, interpret or manipulate information stored in digital format.

Digital Evidence Collection Specialist -- A sworn or civilian member of the Monroe County Sheriff's Office trained in the collection of digital evidence.

Digital Forensics Examiner – A sworn or civilian member of the Monroe County Sheriff's Office trained in digital evidence seizure and recovery.

I. Authorization

Digital forensic examination may be authorized when consistent with federal, state and local laws and MCSO policy.

II. Who may Request Digital Forensic Services

A. Police Bureau members of the Monroe County Sheriff's Office Patrol or Criminal Investigation Section (CIS) may initiate a request for digital forensic services

B. District Attorney's Office.

C. Outside law enforcement agencies.

III. Procedures for Requesting Digital Forensic Services

A. Police Bureau Road Patrol Personnel

1. A deputy should have his/her request for digital forensic services reviewed by a CIS Sergeant.

2. When the CIS Sergeant decides that digital forensic services are in order, the deputy will contact an agency examiner or the unit supervisor.

3. Upon being advised for the need of digital forensic services, the examiner will review the specifics of the investigation and may direct that other investigative attempts be conducted prior to beginning forensic services.

B. CIS Personnel

1. Members of the Criminal Investigation Section may contact the unit supervisor or an examiner directly for digital forensic services.

2. The specifics of the investigation will be reviewed with the examiner to determine if digital forensic services are feasible.

C. How to Handle Requests by Outside Agencies or Other MCSO Bureaus

1. Any examination requests from outside agencies require the approval of the Captain of the Criminal Investigation Section (CIS) or his designee.

2. Upon approval for services, the specifics of the investigation will be reviewed with the examiner to determine if digital forensic services are feasible.

IV. Procedures for Digital Forensic Services

This policy shall apply only in those cases where data residing on computer systems, recording devices and media are being sought as evidence in an investigation.

A. Seizure

Seizure is a vital part of digital evidence collection. It may involve the process of capturing live, volatile data (such as data existing in a computer's memory while powered on) that could be lost if not captured at the time of collection. It could also include preserving data on a device so that it cannot be altered at a later time, such as placing a mobile communication device in "airplane mode" to prevent outside communication to/from the device. In addition, if data encryption is discovered on a powered-on device, imaging the device at the time of seizure may be the only chance one has of obtaining any data from it. Properly seizing data will ensure that the evidence is not altered or lost

1. No member, except those designated employees who are properly trained in handling digital evidence or who are acting under the direction of such employees, shall power-off, disconnect, power-on or access a computer system, recording device or recording media that is to be seized.

2. When it is determined that digital evidence is to be seized and processed, and neither an examiner nor collection specialist is available,

MCSO personnel shall contact the digital forensic examiner or unit supervisor for assistance. This assistance may be provided verbally to those personnel located on-site.

3. With prior approval, digital forensic examiners from the Monroe County Crime Lab may be contacted to assist with seizure of digital evidence if a MCSO digital forensic examiner or evidence collection specialist is not available.

4. Any questions regarding equipment seizure (wording of search warrants, etc.) can be addressed by contacting the digital forensic examiner or unit supervisor.

B. Transport

1. The digital forensic examiner or digital evidence collection specialist tasked with the seizure in question will handle the transportation of the seized equipment, unless other approved arrangements are made. A qualified digital forensic examiner or digital collection specialist must give approval in these instances.

2. If a digital forensic examiner or evidence collection specialist is unable to physically assist in the transportation of the seized items, then the following precautions must be adhered to:

   a. All items should be packaged in a manner suitable for safe/secure transport;

   b. All items shall be labeled so they are readily identifiable; and,

   c. At no time should items be placed on or near devices that produce strong magnetic fields (i.e. radio equipment in the trunk of a patrol vehicle, etc.).

C. Storage

1. All digital evidence seized for the purposes of analysis will be secured in the Property Management Office or in the digital forensics room by a digital forensics collection specialist (unless directed by a member of the digital forensics unit) prior to the end of the member's tour of duty. If the Property Management Office is closed, the evidence will be secured in accordance with MCSO general orders. Digital evidence may be stored in an approved area until analysis is complete.

2. If a computer, or related media, is collected solely for the purposes of determining ownership, it is not necessary for a digital forensic examiner or digital evidence collection specialist to assist. In these instances, the assigned member may handle the collection and subsequent submission of the item(s) to the Property Management Office through normal procedures. The member may contact the digital forensic examiner for assistance at his/her convenience.

D. Reviews and Examinations/Analysis

1. All requests for reviews, examinations and analysis must include a copy of the search warrant or signed consent form before a digital forensic examiner can take action. Absent a search warrant, the decision to go forward with an examination is at the discretion of the digital forensic examiner, per MCSO guidelines. In the event of abandoned property or the owner is otherwise unknown, a search warrant or consent form may not be required.

2. A request form must also be submitted to the digital forensic unit. The request should include a reason for the examination as well as a description of the particular evidence the member is seeking to locate (photographs, financial records, email, documents,

etc.). The request should also include possible search terms to target the evidence sought.

In addition, any usernames, passwords, encryption keys, personal identification number (PIN), swipe patterns or other types of security information should be included, if known. Deputies should make every effort to ascertain passwords or other security information prior to the collection of devices.

3. Other relevant documentation such as reports, FIFs, etc., may be submitted to assist with the examination.

4. The time frame for completion will depend on the volume of materials seized in combination with the reason for seizure. Reasons for seizure will generally fall within one of the following categories:

   a. Reviews- These are the least obtrusive investigations and generally involve an overall look at the system type, size and operating system. They are often done for the purposes of determining the existence of such things as pornography or Internet access to unauthorized sites. As stated above, they may also be done to determine ownership on lost and found or stolen property.

   b. Examinations- These are normally done in an effort to locate a specific file or piece of data, involving a specific crime or activity, which is known or highly suspected to exist on the media in question.

   c. Analysis- Involves a complete and detailed review of the submitted media. This is the most obtrusive investigation and will generally take the longest period of time to complete.

5. Priority for reviews/examinations/analysis will be given to MCSO investigations. Digital evidence may be submitted by other agencies, but they will be subject to the needs of the MCSO.

6. With prior approval from the Captain of CIS or his designee, digital evidence may be taken to the Monroe County Crime Lab, the Regional Computer Forensics Laboratory (RCFL), the New York State Police digital forensics unit or any vendor with expertise in digital forensics for examination.

E. Dissemination

Upon completion of analysis, the digital forensic examiner will:

1. Send a report of the findings to the requesting deputy/investigator or other agency representative.

2. Maintain a copy of the findings in the digital forensics unit.

F. Disposition

1. Final dispositions or destruction of evidence shall be done in accordance with general orders or, when applicable, at the discretion of the court or the District Attorney's office.

2. Evidence released by the court or District Attorney's office shall be returned to the owner as soon as practical.

3. If the evidence contains contraband (such as child pornography), the original evidence item(s) and all copies will be disposed of according to best practices for data sterilization/destruction prior to returning to the owner, at the discretion of the Captain of CIS or his designee.

V. Roles and Responsibilities

A. Deputy/Investigator

1. It is the responsibility of the officer or investigator on-scene to notify his/her immediate supervisor in those instances where handling digital media is required.

2. Any deputy or investigator who knows that digital media may be encountered on a search warrant is responsible for making arrangements before the execution of the warrant to have a person trained in proper handling techniques available as set forth in this general order.

B. Supervisor

In those instances where digital media is encountered and no on-scene personnel are trained in the seizure of such media, it is the responsibility of the digital forensics unit supervisor to contact the digital evidence collection specialist.

C. Digital Evidence Collection Specialist

1. The digital evidence collection specialist will ensure that all procedures set forth in this general order are adhered to with regards to the seizure, transportation and analysis of digital media.

2. In those circumstances where it is necessary to have a digital evidence collection specialist called out, it will be the responsibility of the digital forensics unit supervisor to coordinate a response to the scene or to make other arrangements for the proper handling of the media under the guidelines set forth in this general order.

VI. Training and Maintenance

A. The Monroe County Sheriff's Office shall maintain the equipment, tools, software, licenses and supplies necessary to collect and preserve electronic evidence and to conduct forensic examinations of the digital evidence.

B. Digital forensic examiners will be trained and certified by an accredited digital forensics training program. Examiners will work within the scope of their training and certification(s).

C. Departmental digital forensic examiners will ensure they adhere to guidelines required to maintain their certification with the organization that certified him/her.

D. Departmental digital forensic examiners shall maintain proficiency and knowledge of current forensic practices by receiving continuing education. This can be accomplished through attendance at digital forensics conferences or training courses, or through online digital forensics training offered via the Internet, or through any other means deemed appropriate. The forensic examiner will ensure he/she attains at least the minimum number of continuing education credits/hours set forth by the organization granting his/her certification.

E. Training of digital evidence collection specialists shall be conducted by a digital forensic examiner or via an approved training program (such as the NW3C).

By Order of the Sheriff,

Patrick M. O' Flynn

COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE OCTOBER 16, 2017	EFFECTIVE DATE OCTOBER 17, 2017	NO. PBGO-060-17
SUBJECT: GENERAL ORDER Crisis Intervention Team (CIT)		DISTRIBUTION Police Personnel	AMENDS
REFERENCE: CALEA 41.2.7			RESCINDS

PURPOSE: To establish policy, procedure, and operational guidelines regarding the Crisis Intervention Team; hereafter known as CIT

POLICY: MCSO will maintain a Crisis Intervention Team (CIT), consisting of Police Bureau Deputies on various patrol shifts and platoons. CIT team members will be specially trained to deal with a variety of situations including; suicidal persons, persons exhibiting irrational behavior, handing of psychiatric patients, and any other situations that deal specifically with the needs of the mental health community and emotionally disturbed persons. This order shall not replace **EMGO-112 Hostage Recovery Team.**

DEFINITIONS: ***Crisis Intervention Team (CIT)*** - A team of specially trained deputies as noted above in "Policy", selected on a volunteer basis and responsible for responding to, and following up with, certain types of services related to mental health and emotional disturbance.

CIT Supervisor- a deputy with the rank of Sergeant or above, responsible for overseeing the selection process of CIT members, the on-going training for members, the tracking and quarterly reporting of MCSO CIT results, coordinating and overseeing communications between CIT and Mental Health providers as appropriate and within HIPPA, and assisting in coordinating staffing issues during acute emotional crisis incidents.

CIT Assistant Supervisor- a CIT member charged with assisting the CIT Supervisor and acting on the CIT Supervisor's behalf in his or her absence.

CIT Database- a Microsoft ACCESS database on the MCSO "H" drive for CIT use only.

Note: Refer to **MBGO-066 Mental Hygiene Intervention** for additional definitions.

I. CIT Member Responsibilities

A. Take all reasonable measures to ensure the safety of its members, the community, and the emotionally disturbed person. Officer safety will remain a priority in dealing with those with mental illness or experiencing emotional disturbance.

B. Ensure that mentally ill and emotionally disturbed people are cared for with understanding and compassion during MCSO contact.

C. Be willing to be utilized in situations where their specialized training may be helpful in dealing with persons who are suffering from an emotional disorder or illness.

D. Facilitate the diversion of persons suffering from emotional disorders or mental illness to a mental health facility or other appropriate agency pursuant to the New York State Mental Health Act and **MBGO-066 Mental Health Intervention.**

II. CIT Structure

A. The CIT Supervisor and CIT Assistant Supervisor will be determined by the Sheriff or his designee.

B. The CIT Supervisor will report to the Major of Operations.

C. The CIT Supervisor will be responsible for:

1. Determining, in consultation with the Major of Operations, the number of employees assigned to CIT.

2. Maintaining a roster of CIT members

3. Monitoring the effectiveness of CIT for training needs, deficiencies, and overall performance, as well as reporting issues, concerns, and needs to the Major of Operations.

4. Ensuring that all CIT members meet and maintain established performance standards set forth in the CIT curriculum and selection procedures.

5. Ensuring the maintenance of the CIT database for all contacts and after action reports.

6. Complete quarterly and annual reports of CIT activities and submitting the report to the Major of Operations.

7. The overall daily operations, functions, and maintenance of the CIT.

III. Activation

A. Criteria

1. On duty members may be activated via ECD under the following conditions;

a. Threat of or attempted suicide by known means or appearance of a plan.

b. An individual threatens to, or inflicts harm upon themselves or others **and** exhibits signs and/or symptoms of a mental health problem.

c. Request for transport by an authorized agent such as a MHL 9.45, or Office of Mental Health Form 474 signed by doctor or other authorized authority.

d. ALL successful suicide scenes where family and friends of the decedent are, or are anticipated to be, present.

e. During any activation of the Hostage Recovery Team (HRT), for purposes of hospital and post-procedures involving mental health intervention.

2. Off-duty CIT members may be activated by the Watch Commander after consulting with the CIT Supervisor.

3. CIT members may, when their specialized expertise may be helpful, respond to the following situations involving Emotionally Disturbed Persons (EDP) when the EDP has;

   a. Demonstrated conduct that they are a danger to themselves, which includes a person's refusal or inability to meet their essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization.

   b. Chronic EDP situations that do not meet the criteria outlined in Section 9.41 of the Mental Health Law and may require the diversion to other more appropriate services.

B. Procedures

1. Patrol Supervisors will be responsible for notifying Emergency Communications Department (ECD) of CIT members via the MDC or by notifying ECD, that they are a CIT member at the beginning of their shift.

2. With MCSO Supervision approval, ECD may dispatch CIT members, when available, who are assigned to the zone that covers the geographical area required for police response, regardless of district. If a CIT member assigned to a specific patrol area is unavailable, ECD may dispatch any available CIT member, regardless of geographical patrol assignment, with the consent of the responding CIT member's Sergeant or, Watch Commander.

4. If a supervisor determines that a CIT member may be helpful or appropriate, the supervisor may request that CIT member's response, regardless of Zone or District the CIT member is responding from.

   NOTE: Utilization of a CIT member does not relieve supervisors or members of their duty regarding transporting, reports, custody, etc.

5. Supervisors are encouraged to utilize the recommendations of CIT members in circumstances outlined in Section I.

C. Hospital and Post Procedures

1. In circumstances where a Mental Health Arrest (MHA) occurs, and the CIT member is involved, the arresting deputy will write "CIT" on the bottom of the MHA form.

2. If a CIT member is involved in an MHA and transport to the hospital, the CIT member will not secure from the hospital until reasonable measures have been taken to have a dialogue between the CIT member and the Psychiatric Assignment Officer or Psychiatric Doctor, or Charge Nurse.

3. CIT members will complete an after action memo form by the end of their shift, for any and all mental health and emotionally disturbed persons in crisis incidents they respond to, regardless of if an MHA is done or if the CIT member is primary.

IV. Selecting CIT Members

A. Members shall volunteer to be part of the CIT Program.

B. CIT members should possess patience and compassion for those individuals with mental illness.

C. Members should have a history of experience and interest in mental health and emotionally disturbed person work history.

V. Training

A. CIT members will complete either the DCJS Crisis Intervention 40 hour course or have previously completed the Emotionally Disturbed Persons Response Team training, either the 80 or 40 hour course.

B. CIT members will complete annual training. The CIT Supervisor will be responsible for identifying training needs, facilitating the training, and coordinating with Staff Services to deliver the training.

By Order of the Sheriff,

Patrick M. O' Flynn

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