University at Albany Police Department

Operational Manual
WARNING: These directives are for departmental use only and do not apply in any other criminal or civil proceeding. Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of a directive will only form the basis for administrative action.
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CHAPTER I

LAW ENFORCEMENT OPERATIONS
## Purpose

The purpose of this Order is to establish a policy on the use of seat belts/safety restraints and to describe the procedures for the equipping, inspecting, maintaining and operation of all Department owned vehicles and associated equipment. This policy shall also outline the conditions and procedure for taking vehicles out of service (dead-lining).

## Procedure

### Vehicle Inspections

1. The Vehicle Maintenance Officer is responsible for ensuring that all Department vehicles receive their annual New York State Inspections and that those inspections remain valid.

   a. A copy of New York State Vehicle Safety/Emissions Inspection Program Guidelines is located in *Annex C* of this manual and may be found online at:
i. Items included in the New York State Safety Inspection are:

1. Seat belts must be inspected and deemed operable
2. Brakes must be inspected and deemed operable
3. Steering must be inspected and deemed operable
4. Tires must be inspected to ensure proper tread
5. Headlamps, Tail lamps, Stop lamps, Directional signals, Back up lights, Hazard warning/Four-way flashers and Directional Signal indicators must all be in working order
6. Windows and Windshield must be in good condition
7. Windshield wipers and blades must be operable and in good condition
8. Horn must be operable
9. Mirrors must be in good condition
10. Vehicle must not have any fuel leaks

b. Any vehicle found not in compliance with New York State Safety/Emissions Inspection Program requirements will be taken out of service (dead-lined).

c. At the beginning of their shifts, officers must inspect their assigned vehicle pursuant to General Order 53.1.1 Inspections. Inspection items are to include but are not limited to:

i. Motor oil and other vehicle fluids are at recommended manufacturers levels and not leaking

ii. Tires appear to have adequate air and in good condition

iii. External body damage and general cleanliness
iv. Internal vehicle cleanliness

v. Police Radio operability

vi. Emergency lighting and PA system operability

vii. Equipment

1. Marked vehicles will contain:
   a. Flares
   b. Barricade tape
   c. Reflective vest
   d. Automatic External Defibrillator (AED)
   e. Snow Brush
   f. Hazmat Guide

2. Patrol supervisors vehicles shall contain equipment as outlined above and:
   a. First Aid Kit
   b. Evidence Bags

3. Should these items not be found in the patrol vehicles, an email is to be sent to the ITRO specifying what is absent

2. The results of the officer’s inspection, including the beginning and ending mileage, will be noted on the officer’s DAR.

3. If an officer feels that a patrol vehicle is mechanically unsafe at the conclusion of their inspection, the officer may request that the car be taken out of service. The officer must be able to articulate why the vehicle’s condition is such that is felt to be mechanically unsafe.

   a. The officer will make a note in IETS specifying the issue and send an email to the Vehicle Maintenance Officer specifying the issue.
b. The officer will notify their shift supervisor of their request. If there is no supervisor on duty, the officer will contact the oncoming shift supervisor or a member of Command Staff.

i. The shift supervisor will confirm the status of the vehicle and, as appropriate, make the status updates to the white board and take the vehicle out of service. If no supervisor, the oncoming shift supervisor will do so.

ii. The shift supervisor may then assign an alternative vehicle or detail as appropriate.

4. An officer may have a patrol vehicle dead-lined at any point in time during their shift should they feel the vehicle is mechanically unsafe. The officer must be able to articulate the mechanical malfunction and reason for dead-lining.

i. **EXCEPTION:** When the reason for the dead-lining of a vehicle is due to an issue that the Vehicle Maintenance Officer, or shift supervisor, is previously aware of and the issue does not render the vehicle as mechanically unsafe, i.e. check engine light activation due to an O2 sensor, the shift supervisor may override this request.

5. If at the conclusion of their inspection the officer determined that there is a malfunction with the technology in the vehicle, i.e. MDT, printer, etc., the officer will make a note in IETS and send an email to the ITRO specifying the issue.

6. All dead-lined vehicles will remain out of service until the vehicle has been inspected by the VOC, or other automobile service provider, and deemed safe to operate.

7. Each officer is responsible for removing all trash and ensuring the cleanliness of the interior of the vehicle at the end of each shift.

8. Exterior cleanliness of the patrol vehicles is a high priority for this department. All officers are responsible for maintaining the cleanliness of the patrol vehicle’s exterior. At the shift supervisor’s discretion and should call volume and shift staffing allow, officers are to have the vehicle’s exterior cleaned through the service the department is currently under contract.

9. Vehicles will be fueled at the University operated fuel pumps. Vehicle fuel level is to be topped off if less than half full prior to the end of your shift.

10. Shift supervisors may perform “random inspections” of patrol vehicles to ensure compliance with this General Order.
11. Shift Supervisors will perform bi-weekly inspections of patrol vehicles to ensure proper operating conditions, cleanliness, presence of equipment and compliance with this General Order.

12. All maintenance and repairs will be coordinated by the Vehicle Maintenance Officer.

**Usage of Authorized Emergency Equipment on Patrol Vehicles**

1. Operation of police vehicles while using emergency lights and sirens shall be in accordance with all applicable New York State statutes and specifically sections 1104 and 1144(b) of the New York State Vehicle and Traffic Law. Generally, when Emergency Lights are used the siren will also be used, the exception being when a silent response is required.

2. Officers that make the decision to use emergency equipment must be prepared to justify this decision. Consideration must be given to the nature of the call, time of day, current traffic conditions, and officer and citizen safety.

3. Officers are expected to use proper discretion when using emergency lights and sirens in situations not specifically mentioned in this directive. In no case will emergency equipment be used in a manner that violates New York State Law, University rules and regulations, or Department policy or procedure.

4. New York State Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operations from some restrictions of the Vehicle and Traffic Law. This exception, however, "shall not relieve the driver of an authorized emergency vehicle from duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of their reckless disregard for the safety of others". (V & T Section 1104-4c).

**Responding to Calls for Service**

1. Emergency Response (Priority 1)
   a. This response outlines when it is acceptable to the use of emergency lights and siren, proceeding in accordance with provisions of state law which give exemptions from speed limits and traffic laws under emergency conditions. This response is indicated in the following types of calls.
      i. Reports of life threatening crimes in progress
      ii. Reports of active fire where human life is thought to be endangered
      iii. Requests for emergency rescue services in life threatening situations
iv. Reports of officer needing immediate assistance due to life threatening situation

b. There may be instances when it is necessary to respond in an expedited mode while not activating the emergency lights and sirens, i.e. responding to a suicidal subject or catching up to a vehicle.

c. Officers will operate their vehicles in a manner that is reasonable and prudent given the circumstances of the situation, environment, etc. while operating their vehicle in Emergency Mode.

2. Urgent Response (Priority 2)

a. This response requires an immediate and direct response obeying all traffic regulations and speed limits. Utilization of Emergency lights and siren during this response may only be used in cases of extreme traffic congestion which will prevent expeditious response or a change in priority of the call. A response without delay call has priority over all other police activities except emergency response calls. The following types of calls are priority two responses.

i. Examples of calls that would receive Urgent Responses include but are not limited to:

1. Fire Alarms, Burglar Alarms, Suspicious vehicles, etc.

3. Routine Response (Priority 3)

a. This Routine response requires obeying all traffic regulations and speed limits. Priority three is indicated for the following types of calls.

i. Service Calls

ii. Cold crime reports

iii. Property checks

iv. Safety escorts

v. Minor law violations and disturbances

vi. Reports of property crime
Call Response

1. IETS automatically determines the priority of the call for the Communications Officer.

2. The number of units will be determined by the Communications Officer receiving the complaint, but may be revised by the Communications Officer after receiving additional information from the shift Supervisor/Commander or the first officer on the scene.

3. Police officers will adhere to the response codes assigned, unless conditions, circumstances or good judgment and discretion dictate a lesser response.

4. The communications officer or shift Supervisor may revise a response priority based on additional information.

Assignment of Officers in Response to Certain Situations

1. The following situations or the potential for the following situations require the response of at least two officers.

   a. Assault on a police officer

   b. The on-scene arrest for a felony or violent misdemeanor

   c. Resisting arrest

   d. Use of Force

   e. Crimes in progress

   f. A fleeing suspect

2. Communications will insure that two officers are assigned to these categories of calls. An officer will request backup assistance when he or she initiates a call or becomes involved in a situation where the above circumstances occur, or where the potential for such exists.

3. In these situations it may be appropriate for communications to request assistance from an outside jurisdiction if a second officer is not available on campus, or additional officers are needed.

4. The shift Supervisor will be notified, respond to, and assume control of the following types of incidents. The shift Supervisor will, in turn, notify a member of the Command staff.
a. Serious injury to a police officer

b. Accident involving a police vehicle

c. Barricade/ hostage/”Active Shooter” situations

d. Disasters, catastrophes, or serious weather causing emergency conditions

e. Any other situation in which Command Staff is requested

**Seat Belts/Safety Restraints**
The use of seat belts has a significant effect on reducing the number of deaths and the severity of injuries resulting from traffic crashes and in assisting officers to maintain proper control of their vehicles in emergency operation.

Absent exigent circumstances, the following rules shall apply:

1. Department personnel shall use the safety belts installed by the vehicle manufacturer properly adjusted and securely fastened when operating or riding in any vehicle so equipped if used while on duty.

2. Lap belts shall be properly secured in those vehicles equipped with automatic safety belt systems that require the lap portion of the belt manually secured.

3. No person shall operate a Departmental vehicle in which any safety belt in the driver’s seating position is inoperable.

4. No person shall modify, remove deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and without expressed authorization of the Chief of Police.

5. Any non-Departmental personnel; being transported in Department vehicles are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer. The driver of the vehicle is responsible for insuring compliance.

6. A Department member in an undercover capacity may be exempt only if they believe the use of the safety belt will comprise their identity.

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

The uniformed patrol officer is the most conspicuous element of the police department. This Order is provided in order to establish Department policy and to provide guidelines for uniformed patrol officers and supervisors in the various tasks associated with the patrol function.

Patrol Function

1. Role of the Department

   a. The responsibilities and activities of the University at Albany Police Department are grouped into three broad categories which support the educational process and all are part of our basic police philosophy of community policing. The categories are:

      i. Law Enforcement
      ii. Crime Prevention
      iii. Service Calls

2. Patrol Assignments
a. The patrol component is under the command of The Deputy Chief of Operations or their designee. The patrol component consists of, but is not limited to, three patrol shifts:
   
i. A-Line (2045 – 0700)
   
ii. B-Line (0645 – 1700)
   
iii. C-Line (1645 – 0300)

b. Each shift is supervised by a Lieutenant.

3. Patrol Responsibility

   a. To provide safety and security to members of the university community and our visitors through community policing best practices. The primary functional responsibilities of patrol include:
   
i. Prevention and investigation of crime
   
ii. Protection and security of property
   
iii. Enforcement of NYS laws and regulations as well as university rules and regulations.
   
iv. Provide safety and security for university functions.
   
v. Reporting hazardous/unsafe conditions affecting the university community.
   
vi. Provide general services to the community as outlined by Department policy/procedure.

**Performance Objectives**

1. The Deputy Chief of Operations, or their designee, and supervisors will formulate specific written goals and objectives based on the Department’s mission, goals, and needs at the first Lieutenants’ meeting of the year.

2. Supervisors will discuss individualized performance measures and goals with employees when completing annual evaluations and document same.
Purpose

The purpose of this policy is to identify circumstances when a supervisor is required at the scene of an incident, and command protocol at incident scenes.

Policy

This policy establishes guidelines for when supervisors are to be notified and respond to the scene of incidents, and command protocol when patrol and investigative units respond to the same incident scene.

Supervisor Presence

1. Generally, supervisors should be summoned to respond to all major crimes, situations which pose a significant threat to the safety of officers and/or the community at large, incidents involving potential complaints against officers and those likely to garner media attention. This would include, but is not limited to:

   a. Any serious injury to an officer.

   b. Incidents involving use of deadly force.

   c. Major motor vehicle accidents and accidents involving serious injuries or police vehicles.

   d. Missing persons.

   e. Fires, hazmat incidents, and first-aid calls involving serious injuries.

   f. Complaints involving Department personnel.
g. Any major disruption to normal operations such as severe weather conditions and power outages.

h. Any other incident having overtones of a consequential nature where a supervisor is requested or feels one is needed.

**Command Protocol**

1. Generally, the highest ranking officer at the scene is in charge unless authority is clearly delegated to a subordinate. This may be the senior police officer at the scene in situations where no supervisor is available.

2. The exception is at crime scenes where the Incident Commander turns over control of the scene to the Criminal Investigative Unit. While Unified Command may be applied to overall supervision of the incident, the assigned Investigator is responsible for the crime scene.

3. In the absence of a Supervisor, this policy shall apply to the Officer in Charge (OIC) or most senior officer on duty.
Purpose

The purpose of this Order is to establish procedures for determining minimum staffing at the University at Albany Police Department.

Policy

Minimum shift coverage is established to provide the required staffing to achieve desired levels of service to the University community. Additionally, it provides Lieutenants with a point at which overtime is authorized without prior specific approval from a member of the Command Staff.

Procedure

1. The established levels are based on experience of the requirements for each day of the week during the academic year when residential areas are occupied and classes are in session.

2. Special events may require additional staffing. Scheduling will be done in advance by the Deputy Chief of Operations based on requirements of the supervisor on whose shift the event will occur.

3. Officers are to conduct periodic foot patrols of the buildings and grounds within their assigned zones and make appropriate entries in RMS and their Daily Activity Report.

4. Minimum staff levels established herein is not to be construed to permit release of officers above that level to annual or personal leave. Officers above the minimum will permit the Department to provide better protection to the University Community.
Purpose
The purpose of this Order is to establish the procedures for pre-shift briefing.

Policy
The University at Albany Police Department’s patrol section shall conduct daily briefing sessions prior to the beginning of each shift. Briefing attendance is mandatory, unless otherwise assigned.

Introduction
The use of briefing sessions accomplishes several basic tasks. These tasks include, but are not limited to: briefing officers on daily patrol activities; notifying officers of changes in schedules and assignments; distributing and briefing officers on new General Orders; evaluating officer readiness to assume patrol (inspections, formal and informal); and, conducting training.

Procedure
Briefing begins promptly at the beginning of the shift in the Briefing room and is scheduled for fifteen minutes. During briefing, the shift supervisor (Member of Command Staff, Captain, Lieutenant or OIC) will review the following areas with shift personnel.

1. Review activity summary for information on report offenses that occurred since the last review.
2. Review ‘preliminary report’ board for events or activities that may require action by the shift.

3. Review RMS entries for information occurring since the last review.

4. Review State and National law enforcement computer information (EJustice) for stolen vehicles, wanted persons, and other operational or administrative information.

5. Review current special events, training, overtime assignments, and other administrative or operational information.

**Identifying and Communicating Police Hazards**

Police hazard information is usually contributed by patrol officers, investigators, crime analyses, and from adjacent jurisdictions. Personnel shall immediately report actual or potential police hazards to the shift supervisor.

Police hazard information may include a variety of actual or potential situations such as bad road/weather conditions, unsafe structures or areas, potentially dangerous persons or situations, etc.

Hazards identified on a shift will be immediately brought to the attention of the shift supervisor, who will insure that all shift personnel are informed, and will relay the information to the incoming shift supervisor for dissemination.

**Briefing Training**

The shift supervisor (Lieutenant) or IDS/IDC certified (Instructor Development School/Certification) officer is responsible for conducting briefing training. Organized briefing training is conducted in coordination with the Deputy Chief of Administration on specific subjects. Briefing training may also include training by the shift supervisor on areas they feel the shift needs improvement or refresher training. The dissemination, review, and explanation of new or revised General Orders are also a part of briefing training.
Purpose

The purpose of this Order is to establish a uniform procedure for the response to and the investigation of fire and trouble alarms, and reports of fire and smoke.

Policy

It is the policy of the University at Albany Police Department to immediately respond to all fire and trouble alarms and reports of fire and smoke reported within the Department's jurisdiction. On all fire alarms, trouble alarms, and reports of fire or smoke, communications will immediately assign an officer to the call and initiate an incident report.

Introduction

Fire and the associated evacuation of buildings present one of the most serious threats to life and property on the campus. The result of false alarm and tampering with safety equipment is development of insensitivity to the seriousness of those systems and causes the potential for disaster.

Fires

1. All alarms for fire and sprinkler activation will be responded to as if an actual event is in progress. The procedure will be followed even when some factors indicate that no fire has occurred or is in progress.

2. The dispatcher will assign a patrol officer to the scene. Officers involved in less critical activities may be re-assigned to the scene as necessary.
3. Officers will ensure that buildings involved are evacuated without jeopardizing their own safety. Evacuation supervision is the responsibility of the Residence staff or building Fire Marshall, depending on location.

4. In the case of actual fire, the communications officer will contact the Office of Environmental Health and Safety, and advise them of the situation. Upon their arrival on campus, the Fire Safety Specialist and the Director of Environmental Health and Safety will be the University's senior technical representative on the scene and principle interface with responding fire departments.

5. Albany Fire Department or Guilderland Fire Dispatch will be contacted immediately and provided with all available information. The shift Supervisor will insure that fire equipment access to the fire scene is clear.

6. Patrol vehicles are not to be parked in front of yard hydrants, wall hydrants and fire department connections, or pathways of likely fire attack. Office of Residential Life Staff and/or Building Fire Marshals shall instruct persons evacuating the building to congregate away from the involved building.

7. Officers and Investigators as appropriate will assist the Fire Department and the Office of Environmental Health and Safety with any required information or processing of fire scenes.

8. Fire incidents reports shall be completed and serve as a supplemental report to the RMS report.

False Alarms

1. False fire alarms are a criminal act and will be investigated as such. The building evacuation resulting from such an alarm results in conditions for a serious potential for personal injury or property damage.

2. Uniform Officers/Investigators responding to a false alarm will routinely interview occupants of rooms and work areas in the vicinity of the activated alarm pull box or detector in an effort to develop suspects or information relating to the crime.

3. Individuals, who are identified as responsible for causing false alarms, will be referred to The Office of Community Standards for internal administrative action.

4. All incidents involving criminal activity will be vigorously investigated and prosecuted.

5. Tampering with Life Safety Equipment:

   a. Life safety equipment includes portable fire extinguishers, pull boxes sprinklers, smoke and heat detectors, exit signs, evacuation signs, fire department connections and elevator signs.
b. All incidents involving criminal activity will be vigorously instigated and prosecuted.

6. Special Evacuation Situations: U Kids Day Care

a. A fire alarm at the U Kids day Care Center will ring in to the Power Plant as an alarm at Dutch Quad - Schuyler. Power plant will notify the Fire Department.

b. Should a known fire or medical emergency occur in the U-Kids Care Center, the U-Kids Director will call the University dispatcher to advise them and the Communications Officer will notify Fire or EMS.

7. Special Evacuation Situations: Disabled Students in Residence Halls

a. If an alarm rings from a Residence Hall with handicap accessible housing, a student may call the University Police Communications to advise them that they are in the Residence Hall and cannot evacuate.

b. The Communications Officer should advise the officer(s) on the scene with this information about a student that cannot leave.

c. The officer(s) on the scene advise the fire department personnel with this information about a student that cannot leave.

d. If an actual fire emergency is present in the building, the fire department will be responsible for the safe evacuation of all trapped students and/or staff.

e. If no fire emergency is present in the building, the UPD Communications Officer will either return the call of the disabled student to advise them that no emergency conditions exists, or dispatch an officer at the scene to advise the disabled student that no emergency condition exists.

Hazardous Materials Incidents

1. The University’s Material Safety Data Sheet (MSDS) library is maintained by the Office of Environmental Health and Safety.

2. The Office of Environmental Health and Safety should be contacted immediately (either directly or by the afterhours call list) once it is discovered, or suspected that a hazardous material incident is taking place on the campus.

3. The Director of Environmental Health and Safety, the Chemical Safety Officer and/or the Fire Safety Specialist will be the University’s senior technical representative, and will work with Officers and Investigators with responding fire departments and other agencies.

4. The University Police will facilitate the evacuation of persons from the affected areas, and will establish appropriate safe zones surrounding the affected area.
5. University Police personnel will not knowingly enter a hazardous atmosphere until deemed safe.
Purpose

The purpose of Police support at events is to ensure safety, enforce New York State law and University policy in and around the event, and manage traffic related to the event.

Procedure

1. Detail supervisor or officer-in-charge is responsible for completing an incident report (Non-Criminal: Special Event) for the event including assigned personnel, a description of the event, including estimated attendance, notation of any unusual occurrences during the event and any associated or related RMS incident numbers.

2. Briefing for all events will occur at the start of the event detail at the University Police Building. Members must attend the briefing uniformed and ready for duty. As appropriate, a second briefing with additional event personnel (student event staff, other security staff, etc.) may be held on-site prior to the event.

3. Uniform will be the uniform of the day unless otherwise directed. Uniforms worn in conjunction with specialized duties shall only be worn when expressly authorized or when the assignment for the event is to perform those duties (Honor Guard, Evidence Tech, RAD, etc.). Officers on post should be prepared for changes in the weather consistent with the season and local forecast.

4. Detail supervisor or officer-in-charge will oversee assignment of officers and relief from duty as required. Members are required to remain on their assigned post unless and until relieved by another member or the detail supervisor or officer-in-charge (OIC).
Access Control/Site Security

1. Prior to allowing public access to any event for which there is established access control the detail supervisor or OIC must ensure that appropriate personnel are in place to establish and maintain event security.

2. For those events where access is limited or otherwise controlled, police officers must be assigned to all event access points. Officers assigned to these areas are present to assist event staff and/or security staff with the enforcement of the entry policies for the event. In all cases the event staff or security staff will act as the primary contact with the public. Assigned police shall act in a supporting role unless event or security staff request assistance or there is an emergent threat to life or safety or criminal activity.

3. In those cases where metal detection and/or bag checks are being performed the checks must be performed by event staff or security. Police officers are not to be used to perform bag checks or metal detection checks. Assigned police officers are to remain alert for attempts to circumvent checks and attempts to enter the venue with prohibited materials. Police officers may not seize or take custody of any property unless possession of the item is a violation of the law and the seizure is made and documented consistent with General Order 84.1.1 Storage and Transfer of Evidence.

4. For all events where bag or metal detection checks are in place all persons not assigned to UPD or event security must undergo the appropriate checks before accessing the venue. This includes event organizers and performers. This requirement may be waived with regard to University personnel at the discretion of the detail supervisor or officer-in-charge. With respect to athletic events athletes, coaches and associated staff are subject to bag and metal detection checks only at the express direction of a member of the command staff.

Crowd Management

1. Prior to allowing public access to any event the detail supervisor or officer-in-charge must ensure that the area to be utilized by the public is free from any obvious hazards or threats to public safety. Any identified hazards must be brought to the attention of the facility managers and/or the appropriate personnel. The notification and any subsequent corrective actions must be documented.

2. Any officers assigned to work in crowd conditions must be assigned in pairs. Officers assigned to work event crowds are to ensure that the crowd is orderly and non-disruptive as fits the event. Officers are responsible for enforcing New York State law and University policy consistent with event briefing directives. In particular the officers are to ensure a safe environment and address any violations of law or policy regarding the possession and use of alcoholic beverages.
3. As appropriate officers will assist other staff responding to or within the event (EMS, power plant personnel, event staff, facility managers, etc.).

4. In the event of an evacuation due to a fire alarm or other cause, officers will assist in managing orderly traffic control, evacuation of the venue and access to the venue by other responding emergency personnel.

5. In all cases when dealing with any member of the public, officers are reminded to remain professional and polite – but this is particularly important in crowd circumstances where a small incident may rapidly involve a considerable number of persons. Officers are reminded to manage all contact with the public with the safety of themselves and other persons as their paramount concern.
Purpose
The purpose of this Order is to establish a uniform procedure for the response to and the investigation of elevator calls involving trapped passenger(s).

Policy
It is the policy of the University at Albany Police Department to immediately respond to all elevator emergencies reported within the Department's jurisdiction. On all elevator emergencies, University Police communications will immediately assign an officer to the call and initiate an incident report.

Procedure
When an elevator malfunctions and passengers are trapped inside an elevator car, the following procedure will be followed:

Only qualified maintenance personnel as designated by power plant or qualified fire rescue personnel are authorized to carry out ANY rescue procedure.

1. If University Police Communications is contacted first via the elevator phone, the dispatcher will notify Power plant personnel ASAP. Power plant will then notify the appropriate elevator repair company to respond to the scene.

2. If Power plant personnel are notified first, they will notify University Police Dispatcher immediately.

3. University Police Dispatcher will dispatch the zone officer, or next available unit, to the scene. The zone officer is to remain on scene until it is determined that the trapped passenger(s) have been freed.
4. Power plant personnel will obtain an estimated time of arrival from the responding elevator company and relay information to University Police Dispatcher. This information will in turn be passed on to patrol staff on scene.

5. University Police Officers will remain on scene and maintain communication with the trapped parties until they are freed from the elevator car. Officers should attempt to gain information as to how many persons are trapped. Officers should also advise the trapped parties of the procedures that are being taken to affect their rescue. Officers should advise the passenger(s) not to attempt to open the elevator doors or the overhead hatch. Officers on scene will assess the situation and attempt to determine physical and emotional stress of the passengers. Should immediate medical attention be required, the appropriate emergency services should be requested through University Police Communications.

6. Power Plant personnel will remain on scene unless another priority/emergency situation arises that requires an immediate response.

7. An Incident Report shall be completed that includes at a minimum:
   a. victim information;
   b. witnesses;
   c. first responder information, as well as others who respond;
   d. narrative must include the basic; who, why, where, what, and when.
Purpose

The purpose of this Order is to establish and describe policies and procedures for use of the University-operated computer network, computerized records management systems (RMS), computer equipment, e-mail, and the Internet by University Police Department employees.

Policy

The policy of the University Police Department to provide its employees with computer equipment and software applications designed to facilitate the mission of the Department. All computer networks, computerized records management systems (RMS), computer equipment, e-mail systems, and Internet access are the property of the University at Albany and are subject to the regulations and restrictions set forth in this order.

All members are responsible for and must comply with the University’s policy on the Responsible Use of Information Technology, EJustice rules and regulations, the IAS (PeopleSoft) Employee Access and Compliance Agreement, and any other regulation, rule or policy applicable to any access rights they possess by virtue of their position as a member of the University Police.
Definitions

1. **E-Mail** - The transmission of documents or messages over an electronic, computer-based medium. This includes both internal e-mail systems designed to communicate within the University Police Department or between UPD personnel and other University Departments or employees, and external systems designed to communicate to persons or entities outside the University Police Department or other University Departments.

2. **UPD System** - For purposes of this order the term, “UPD System” refers to any computer network, equipment, software, or on-line access either owned or maintained by the University at Albany and/or the University Police Department. This term includes but is not limited to the police records management system. This term also includes any mobile data transmission system or laptop or portable computer system should the Department provide such a system to any UPD member.

3. **Information Technology Services (ITS)** - The University Department with the responsibility for the installation, maintenance, and security of the computers and programs used within the University.

4. **Internet** - The global network of interconnected, independently owned and operated computers utilizing common communications protocols to communicate.

5. **Users** - For purposes of this order the term “users” refers to all employees of the University Police Department and any other person given access to a computer system or equipment owned or maintained by the University at Albany or the University Police Department by virtue of their association with the University Police Department.

6. **Records Management System (RMS)** - The computerized dispatch/records management system established by the Department for use in reporting police activities, and for management of those reports and records.

Introduction

All Command staff, sworn department members, dispatchers, and administrative department members must maintain active accounts to access the university’s Intranet and e-mail system.

Any member who is not required to maintain an account may be granted an account provided they obtain the approval of the Chief of Police and obey the provisions of this policy.
Network and Computer Security

1. Users will not disclose their user identification or password to any person. Any user who chooses to disclose his or her user identification or password to any other person will be held jointly responsible for any improper actions resulting from the use of the user identification or password.

   a. No personnel shall access the network, RMS, or any other computer application(s) using the Network/User ID and password of any other personnel, unless authorized by the Chief of Police or the department IT Manager.

   b. ITS and RMS System Managers maintain user identification and passwords for Department employees. Any concerns an employee has regarding the security of their password should be directed to ITS via the department Information, Technology and Records Officer (ITRO).

   c. The ITRO will coordinate with ITS to audit and verify all access rights with regard to any UPD and University systems.

2. Users will not engage in any unauthorized or deliberate action that damages or disrupts a computer system or equipment, alters its normal performance, causes it to malfunction, or attempt to do the same.

3. Users will not install any software, program, or application on University-owned or maintained computer equipment or system without the express permission of the Chief of Police or the department ITRO.

   NOTE: Prior to giving such permission the Chief of Police or department ITRO may first consult with the ITS. In some situations an ITS computer specialist will perform the installation.

4. Users are not authorized to change any setting(s) within the network environment, RMS, or any other computer applications available to personnel. All requests for repair, replacement, system changes or upgrades will be submitted to the ITRO.

5. Users will not leave a terminal unattended while logged on to any system.

6. When users have completed their work on any Department-provided computer, they will close all applications and log off the network following current operating procedures.

7. These policies and procedures also apply to use of any UPD System or equipment while in an off-duty status.

8. Any user issued a laptop computer will ensure that no unauthorized personnel access any applications provided solely for Department use. Personnel assigned
laptops are responsible for the security of the equipment when the equipment is used off-site.

Use of Computers, E-Mail and the Internet for Law Enforcement or Investigative Purposes

Routine Use

1. UPD officers may use e-mail and the Internet for a valid law enforcement or investigative purpose. For example, Internet resources may be utilized to locate a wanted suspect or fugitive. Another example of a routine use is accessing or printing a threatening e-mail.

2. The officer will document such routine use of the Internet in his or her report under the appropriate Case and Event number(s).

Non-Routine Use

1. “Non-routine use” of computers, e-mail or the Internet will include the following:
   a. Searching for or accessing sexually orientated obscene, pornographic, racist, or otherwise objectionable Internet sites, information, or images.
   b. Downloading sexually orientated, obscene, pornographic, racist, or otherwise objectionable images or information.
   c. Use of e-mail or the Internet in an undercover or decoy operation.

2. Usually, a valid law enforcement or investigative purpose for non-routine use will include investigative action in a specific case or investigation, or a more general search for information on individuals, organizations, or entities which may be involved in illegal activity. Non-routine use will be subject to the following requirements:
   a. Prior to all instances of non-routine use, the ITRO must be notified.
   b. Non-routine use must be authorized as follows:
      i. Non-routine use in a specific case or investigation may be authorized by the supervisor of the assigned officer or investigator unless it falls into one or more of the categories below:
      ii. Non-routine use in an undercover or decoy operation must be approved by the Chief of Police or other Command Staff member.
      iii. General searches for information that are not done pursuant to a specific case or investigation must be authorized by a Command Staff member.
iv. The following non-routine uses may be authorized only by the Chief of Police:

a) Any non-routine use which involves the communication, sending, or receiving of sexually orientated, obscene, pornographic, racist, violent, or otherwise objectionable material to or from any person that is known to be, or there is reason to believe is, under eighteen (18) years of age.

b) Any non-routine use, which involves undercover or decoy communications related to any proposed or contemplated violent or threatening act by any individual or organization.

3. All non-routine use will be documented in a Case or Supplemental Report as appropriate. The report will include at a minimum the following points of information:

a. the supervisory officer who authorized the non-routine use;
b. the date and time of the use;
c. the computer terminal being used;
d. the officer(s) involved in the non-routine use; and
e. any relevant or useful information acquired during the non-routine use.

4. A paper copy (“hard copy”) of all e-mail messages or other communications sent or received during a non-routine use will be made and preserved as evidence.

Use of Mobil Data Terminals (MDT)

1. Training on the correct usage of the Mobil Data Terminal may be conducted by the ITRO or the officer’s FTO.

2. The safe operation of a police vehicle shall always be the driver’s primary responsibility and they must give full time and attention to the operation of the vehicle. The use of the MDT shall always be secondary to the safe operation of the vehicle. Drivers shall carefully consider the need to safely stop the vehicle before using the MDT if such use is going to divert the user’s attention from the safe operation of the vehicle. In motion MDT usage is only authorized when it will not impair the driver’s ability to operate the vehicle.

3. It will be the responsibility of an assigned member to safeguard the computer by locking the vehicle upon exiting the vehicle. All personnel are required to lock the
MDT’s and programs at any time the vehicle is unattended and log off the system at the completion of their work day.

4. The department Information, Technology and Records Officer will be responsible for maintaining an inventory of all MDT’s and will conduct an annual inspection of all vehicle mounted mobile computers.

5. Employees will not use any items that may damage the MDT, (i.e. scratch the monitor).

6. Food and liquids must be kept away from the MDT’s at all times. In the event of a spill, the employee will:
   a. Log off all active sessions and shut down the MDT as quickly as possible.
   b. Clean the affected area as soon as possible by wiping the spill.
   c. Notify the department Information, Technology and Records Officer and the employee’s immediate supervisor immediately for corrective action.
Purpose

The purpose of this Order is to establish guidelines for the effective and efficient management of the criminal investigation function.

Policy

Investigations are conducted by the University at Albany Police Department’s Criminal Investigations Unit to collect information, apprehend offenders, and present the facts to achieve successful prosecutions. Effective criminal investigations help achieve these organizational goals.

All preliminary investigative information contained in criminal reports will be reviewed and screened by the Investigations Unit. Follow-up investigations will be conducted on those incidents, which have the best chance of being successfully closed based on solvability factors.

Introduction

The Criminal Investigations Unit shall be responsible for furthering Criminal Investigations begun by members of the Patrol Section. The investigators will assign themselves cases based on the shift they are currently working. The Investigator assigned to a case will be the primary investigator and is responsible for a plan of action
to solve the case and compilation of all reports and documents that relate to it. The Deputy Chief of Operations, or their designee, in conjunction with the investigator assigned to the case will determine the case status or change of status in each case. Every member of the Criminal Investigations Unit will see that they are compliant with constitutional requirements while conducting any and all criminal investigations.

Preliminary Investigations: Police Officer Responsibility

The preliminary investigation begins when the first unit arrives at the scene of a crime (or citizen requests to file a report of a crime in person or by telephone) and continues until investigators can follow up. The police officer shall be responsible for conducting thorough, accurate and complete preliminary investigations of all incidents and crimes reported to them in an effort to bring the case to a satisfactory conclusion.

If the crime is of such a serious or complex nature that it is likely to go beyond the resources of our department, the Deputy Chief of Operations, or their designee in conjunction with Investigative staff and/or police supervisor will contact the City of Albany Police Department, the Guilderland Police Department, the New York State Police Troop G, or the appropriate Federal agency shall be called in for further assistance.

A preliminary investigation is usually conducted by the police officer who responds to take the initial report. A preliminary investigation consists of, but is not limited to the following activities:

1. Provide aid to the injured,
2. Protect the crime scene, arrange for the collection of evidence,
3. Determine in detail the exact circumstances of the offense.
4. Determine the identity of the suspect(s) and effect the arrest of the criminal,
5. Locate and obtain complete identities of complainant(s) and witnesses,
6. Furnish other units with descriptions, method and direction of flight, and other relevant information,
7. Observe and document all conditions, events and remarks,
8. Document the incident fully and accurately. This would include assigning an officer to establish a crime scene entrance log. This form can be located electronically on the University Police Department’s V Drive in the “Forms” folder.
9. Legally interview and obtain statements from victims, witnesses, and suspects.
10. Refer victims and witnesses to support services and the Investigations unit.
It shall be the responsibility of the shift supervisor to ensure that an adequate and complete preliminary investigation has been made and to review, screen, and approve the officer’s report.

1. Screening should include a review of the facts stated to ensure all essential elements of the crime are documented.

2. Spelling, clarity, and completeness shall also be checked.

3. The signature (manual or electronic) of the supervisor approving the report shall be on each report in the proper place.

4. For offenses reported directly to and handled by the Investigator(s), the Operations Inspector will be responsible for ensuring proper reporting.
Purpose

The purpose of this Order is to establish procedures for investigative case management at the University at Albany Police Department.

Policy

The University at Albany Police Department has a case management system that includes: assignment, investigation and termination of cases. The status of every case is clearly indicated. This is done through daily review of all reported incidents to the records management system and ensuring completeness and accuracy in the status of all cases.

Investigative Division Case Management

1. The Deputy Chief of Operations, or their designee shall assign cases based on the severity of the crime, and in accordance with priorities based on the presence of solvability factors such as:
   a. Suspect in custody
   b. Suspect named or known
   c. Unique suspect identifiers
   d. Vehicle in custody
   e. Unique vehicle identifiers
   f. Writer or reviewer discretion
g. General suspect description

h. General vehicle description

i. Unique MO or crime pattern

j. Significant physical evidence

k. Traceable stolen property

l. Witnesses

2. Generally, active investigation of minor property crimes shall be suspended if sufficient solvability factors are not available. In such cases, victims shall be informed of the departmental policy on this matter and the rationale for closing their case. Victims will also be provided with a copy of the crime report for insurance purposes.

3. When a case is assigned, the frequency of follow-up reports shall be established. This determination shall be based on the severity of the crime and the overall caseload of the investigator assigned. Cases shall remain open until all leads are reasonably exhausted. These leads include, but are not limited to:

   a. Suspect information
   
   b. Physical evidence
   
   c. Vehicle description and license plate information
   
   d. Identifiable stolen property
   
   e. Recognizable crime pattern involving several crimes

4. Each case file shall be assigned a number identical to the original complaint number. As follow-up reports are completed, the original shall be filed in the agency’s records management system. Copies of all follow-up reports from active cases shall be maintained by the Criminal Investigative Unit, and shall be accessible to all investigative personnel unless otherwise directed by the Inspector for Operations.

5. The Deputy Chief of Operations, or their designee shall update the status of each case, based on the following definitions:

   a. **Active** - Case is assigned an investigation is continuing.
   
   b. **Arrest** - When an arrest has been made, and the arrestee(s) have been charged with the offense in question and turned over to the court for prosecution.
c. **Exceptional Clearance** - The identity and address or exact location of the offender is known and sufficient evidence exists to make an arrest and charge the offender. However, circumstances beyond the agency’s control prevent the agency from arresting and charging the suspect.

d. **Pending** - This involves an ongoing investigation when all leads are exhausted, yet the possibility remains that new facts may come to light given the ongoing inquiry.

e. **Unfounded** - The offense did not occur as stated

f. **Closed** - After all potential leads have been exhausted; an investigation may be classified as inactive and closed. An investigation may be reactivated and assigned to an investigator’s active caseload if sufficient new leads develop.

6. Monthly investigative meetings will be held to review caseloads and discuss pending cases.

7. Both victims of crime and preliminary investigating officers shall be kept informed of the status of case investigations.

8. The Criminal Investigative Unit shall maintain close coordination with the intelligence function of this agency and external agencies, as determined by the Inspector with regional intelligence operations. Particular emphasis shall be placed on the identification of crime patterns suitable for making informed tactical decisions on assignments.

9. The Criminal Investigative Unit shall establish, as a priority, the arrest and prosecution of repeat offenders as defined by the Chief of Police, the Deputy Chief of Operations, or their designee through post arrest screening of suspects and coordination of prosecution efforts with the office of the district attorney. Proactive targeting of repeat and violent offenders using such tactics as stakeouts, surveillance, and informants, shall also be emphasized and directed by the Inspector in cooperation with information provided by intelligence and related sources.

10. The Criminal Investigative Unit shall adhere to the tenets of community policing and problem solving to which this department subscribes. As such, investigators shall be responsible for the identification of crime trends and problems that may be addressed by measures not limited to arrest.

11. The Criminal Investigative Unit will maintain close working relationships with all internal and external clients and agencies in order to further the goals of the department. It will be the policy for an investigator to attend line up whenever possible.
Purpose

The purpose of this Order is to establish guidelines and procedures to ensure compliance with constitution protections during criminal investigations for the University at Albany Police Department.

Policy

The constitutional rights of persons involved in criminal investigations shall be protected at all times. It is the policy of the University at Albany Police Department to comply with all legal mandates governing custodial interrogation and to document the compliance on departmental forms provided for that purpose. Ultimately our guidelines for conducting interviews will be in line with the most current case law.

Procedure

1. Notification and Waiver Form:

   a. At the beginning of any custodial interrogation the person to be interviewed must be informed of his or her constitutional rights and they must indicate they understand those rights.

   b. Members of the Department will read the Miranda Warning to the person being interviewed using the Miranda Warning Form.

   c. If a person indicates that they wish to waive their rights, the interview may begin. If they fail to reply or refuse to waive their rights, no interview will occur.
d. If at any time during an interview, a person indicates explicitly invokes their 5th Amendment right to remain silent, the interview must be stopped. If at any point they choose to waive that right, the interview may resume.

c. If at any time during an interview a person explicitly asks to speak to an attorney, or to have one present, the interview must be stopped.

f. If, after speaking with an attorney, the person is willing to talk, they must waive their rights in the presence of their attorney before the interview can continue.

g. After an accusatory instrument is filed, defendants cannot waive their right to an attorney unless they do so in the presence of their attorney.

h. If arrested on an arrest warrant, a defendant may not be interrogated about the crime for which the warrant was issued. However, they may be questioned about any unrelated crime for which they are not represented by an attorney.

i. If a defendant is in custody for a charge for which they have legal representation, they cannot be questioned about any crime, unless they waive their rights in the presence of their attorney.

j. A defendant need only be Mirandized once. It is not necessary for each officer who has contact with the defendant to repeat the Miranda warnings.

2. Voluntary Statements:

a. If the person being interviewed voluntarily waives his rights and also wishes to make a written statement, one shall be taken and recorded on departmental forms for that purpose.

b. After recording a person’s statement, they should either read it or have the officer taking the statement read it to them.

c. The person should correct any mistakes in the statement, and initial any corrections or changes made to the statement.

d. The person making the statement and the department member taking the statement will sign it in the appropriate place at the bottom of the form.

e. If the person making the written statement refuses to sign the form, the unsigned statement will be placed in the arrest or case file.

f. If a person being interrogated gives a verbal statement only, the content of that verbal statement will be recorded in the investigative notes section and on a 710.30 form.
NOTE: A CPL 710.30 Form must be completed for any verbal or written statements made by a defendant and placed in the arrest or case file. This includes negative statements or denials as they can be a critical part of the follow-up investigation.

3. Detection of Deception Aids

a. This department does not possess and technical aids used in detection of deception.

b. When warranted, the New York State Police shall be contacted for further assistance.
Purpose

The purpose of this order is to establish procedures for juvenile operations at the University at Albany Police Department.

Introduction

When a juvenile deviates from societal norms, they usually does so by:

1. Displaying incorrigible behavior.
2. Running away from the source of their problem.
3. Violating the law.

The law has classified these juveniles and has provided respective methods of treatment of such. These methods of treatment are categorized as follows:

1. Person in need of supervision (PINS).
2. Runaway.
4. Juvenile offender.

Non-Arrest

When a juvenile performs an illegal act (violation) that does not constitute a crime (misdemeanor/felony) or PINS, police powers are limited. When confronting a juvenile in this category, take the following actions:
1. Inform the parent or other person legally responsible of the juvenile’s actions.

2. Try to ascertain from the parent or responsible person whether the juvenile has a history of disruptive behavior. If so, try to persuade the parent or responsible person to seek help through family court.

**Person in Need of Supervision (PINS)**

A person who is less than 16 years old:

1. Who is habitually truant from school.

2. Who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control a parent or other lawful authority.

3. Who violates the provisions of Penal Law 221.05 (Possession of Marijuana).

Consider making a petition to the probation intake service of the Albany County Family Court:

1. When such a person displays the behavior necessary to be considered in need of supervision (PINS) and

2. When no other lawful authority, such as the parents, legal guardians or the school has petitioned such service.

**NOTE:** The actions taken by these persons are not crimes, therefore are not to be subject to the arrest process.

**Non-Arrest Runaway**

A person less than 16 years of age who is reported to have run away from legal authority such as:

1. A family.

2. A detention facility.

3. Any other legal authority responsible for the persons well being.

When you take into custody a person who is considered a runaway:

1. Notify parents or other person responsible for care and make arrangements to return them to their custody.
2. If a missing person report was filed, proper procedures for missing persons must be followed.

**Arrest Juvenile Delinquent**

A juvenile delinquent is a person over 7 and less than 16 years of age who has performed an act that would constitute a crime if committed by an adult and:

1. Is not criminally responsible for such conduct by reason of infancy.
2. Is the defendant in an action ordered removed from a Criminal Court to Family Court pursuant to Article 725 of the Criminal Procedure Law.

When you take into custody a juvenile who has performed an act which would constitute a crime if performed by an adult, determine whether the person is a juvenile delinquent or a juvenile offender:

**NOTE:** Family Court has exclusive jurisdiction over all cases of juvenile delinquency.

1. Notify parents or those responsible for their care.
2. Juveniles must be taken into juvenile room of the University at Albany Police Department.
3. A juvenile may not be questioned unless in the presence of a parent, guardian or other person legally responsible and then only after informing both the juvenile and adult of the Miranda warning. Both parties should be requested to sign the Miranda warning sheet.
4. Appearance ticket should be completed. It shall include a brief summary of the incident that took place, including nature of the crime, time and place of incident. The first two copies of the appearance ticket shall be issued to the juvenile and the person legally responsible.
5. Juvenile can then be released into the custody of the person legally responsible.
6. A juvenile under arrest may be handled in the same manner as an adult, examples: use of handcuffs, necessary force to effect the arrest, also transportation in a marked vehicle.

Section 265.05 of the Penal Law is for Unlawful Possession of Weapons by persons under 16. A juvenile can be charged as a juvenile delinquent under this law in regards to air guns, spring guns or other instruments or weapons upon which any loaded or cartridge may be used or any dangerous knife. Exception to the rule is that they have a valid New York State Hunting License.
Arrest Juvenile Offender

A juvenile is considered a juvenile offender when he/she is 13, 14, or 15 years of age and has committed certain acts that if done by an adult, are considered crimes:

1. A juvenile who is 13 years old and has committed an act constituting murder-2nd (1), (2), is to be considered a juvenile offender.

2. A juvenile who is 14 or 15 years old and has committed any of the following acts, is to be considered a juvenile offender:
   a. Murder-2nd.
   b. Attempted murder-2nd.
   c. Manslaughter-1st.
   d. Kidnapping-1st.
   e. Attempted kidnapping-1st.
   f. Arson-1st and 2nd.
   g. Assault-1st (1) & (2).
   h. Rape-1st (1) & (2).
   i. Sodomy-1st (1) & (2).
   j. Burglary-1st & 2nd.
   k. Robbery-1st & 2nd (2).
   l. Aggravated sexual abuse.

When you take into custody a juvenile considered to be a juvenile offender:

1. Notify the parent or person legally responsible that they have been arrested.
2. Inform the district attorney of the circumstances surrounding the arrest.
3. After consulting with the district attorney, if applicable, prepare an arrest report.
4. Juvenile must be taken into juvenile room of the University at Albany Police Department.
5. A juvenile may not be questioned unless in the presence of a parent, guardian or other person legally responsible and then only after informing both the juvenile and adult of the Miranda warning. Both parties should be requested to sign the Miranda warning sheet.

6. A juvenile under arrest may be handled in the same manner as an adult: use of handcuffs, necessary force to effect the arrest, also transporting in a marked vehicle.

7. A supervisor should be notified and due to the seriousness of the crime, an Investigator should be notified.

8. Complete an information and attach any supporting depositions that may support your charge(s).

9. Take the juvenile to the city criminal court for arraignment and advise the judge that the defendant is a juvenile offender.

10. If the court is not in session, the juvenile must be kept in the juvenile room until time of arraignment.
Purpose

The purpose of this policy is to establish procedures on the use of informants who wish to cooperate with the police and to promote the development and effective use of informants and the information obtained. The proper legal use of an informant can greatly assist the efforts of the officer in obtaining vital information that may be used in any investigation.

Policy

The University at Albany Police Department may use informants who may have the capabilities or knowledge which may be used to establish probable cause in a criminal case or as a source of intelligence information. In developing informants, officers shall ensure confidentiality of informant identities and transactions, and at the same time, observe lawful accountability.

Definitions

Informant - is a person who provides information. A citizen giving an officer information about the university community or surrounding neighborhood activities is an informant. An arrested person who provides information about other participants in a crime is an informant. A person who provides information about criminal activity of other persons and receives money from an officer as payment is an informant. A conscientious police officer develops a variety of information sources or informants. In many cases, information will flow as a result of friendly, courteous conversations and questioning, by building rapport, by providing efficient police response, and by just listening and talking.

For purposes of this order, an informant is defined as someone who provides useful information concerning criminal activity with the expectation of confidentiality. In
most cases, the informant will expect some form of consideration, such as special treatment by the district attorney or courts in satisfaction of a pending or anticipated criminal charge.

Procedure

Use of Police Informants

1. Police officers shall not enter into any agreements with persons concerning criminal charges, pleading, or sentencing. Such consideration can only be authorized after consultation and approval of the District Attorney’s office.

2. Informant information may become the basis for a variety of legal and police processes. The officer should carefully consider the possibilities of being required to identify an informant in the courtroom, possibly placing the informant in jeopardy.

3. Informants as participants or co-conspirators in offenses must be willing to testify in court.

4. Officers shall deal with informants very carefully and with circumspection, particularly those informants of a different sex. Officers shall obtain approval of a member of Command Staff or patrol supervisor before personally meeting with an informant under conditions which could be perceived as compromising departmental integrity.

5. Use of juvenile informants is particularly sensitive and is prohibited.

6. If informant information provides probable cause to arrest or search, the officer involved must be prepared to justify to the court why the confidential informant is credible and reliable. If possible, corroborate informant tips through independent investigation.

7. Officers may retain their own duplicate informant files, but will be responsible for file security.

8. Uniform members of the department who develop informants must notify a patrol supervisor or member of the Criminal Investigative Unit for further instructions.

9. When reasonable or necessary, the conversation will be recorded [video/audio] between the officer and informant.

10. All conversation with informants should be documented with the following information:
   a. Date, time, location, reason for meeting.
b. Information exchanged.

c. Persons present.

11. All such information will be forwarded to a patrol supervisor or member of the Criminal Investigation Unit.

12. The University at Albany Police Department will not offer direct compensation to any informants.
Use and Dissemination of Information Pertaining to Vice and Organized Crime

Policy

The purpose of this policy is to govern the use and dissemination of information pertaining to vice, organized crime, undercover operations, and activities related to the planning of future acts of terrorism. It is the policy of the University at Albany Police Department to maintain communication with Federal, State and local law enforcement to more fully engage in the prevention of terrorism and combating criminal activity.

Use and Dissemination of Information with Law Enforcement Agencies

When the need arises, this Department will share information, on a case by case basis, with appropriate law enforcement agencies, including, but not limited to:

1. Law enforcement intelligence organizations including, but not limited to:
   a. New York State Intelligence Center (NYSIC)
   b. Safe-T-Net, Joint Terrorism Task Force (JTTF)
   c. Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN)
   d. Mutual Assistance Group (MAG).

2. Other Federal, State and local law enforcement agencies

3. Internally with the members of the University at Albany Police Department that may have a need-to-know.
Procedure

1. The Deputy Chief of Operations, or their designee, has the responsibility of overseeing all files pursuant to confidential and restricted intelligence.
   
a. They will meet with other law enforcement agencies mentioned above to share information when required.
   
i. All information and files released under Freedom of Information Provisions, or through department disclosure, shall be carefully reviewed and redacted to protect the privacy and Civil Rights of individuals.

2. All files containing confidential and/or restricted intelligence shall be maintained by the Deputy Chief of Operations, or their designee, indefinitely.
   
a. An annual review of confidential and/or restricted intelligence files will be conducted by the Deputy Chief of Operations, or their designee.
   
b. Should it be determined that the information contained therein serves no further informational value and/or purpose, the file may be destroyed.
   
c. A record of all purged files shall be maintained by the Deputy Chief of Operations, or their designee.

3. The Communications Officer will monitor E-Justice and distribute appropriate material to the Command Staff. This information will be reviewed and shared as required.
   
a. All sensitive material will be placed in a secure file or shredded after required notifications have been made.
Purpose
The purpose of the Order is to establish fingerprinting and photographing procedures of defendants after an arrest.

Policy
It is the policy of the University at Albany Police Department to comply with all applicable laws relative to the fingerprinting and photographing of defendants after arrest.

Responsibilities
1. The Deputy Chief of Operations has overall responsibility to verify that the department adheres to this policy and applicable laws governing same.

2. The shift supervisor will be responsible to ensure that these directives are carried out.

3. The officer assigned to fingerprint and photograph individuals must do them skillfully, neatly, and in accordance with the policies of this department, New York State Department of Criminal Justice Services (DCJS), and all applicable laws including New York State Criminal Procedure Law section 160.10.

Persons to be Fingerprinted
A person who is arrested under the following circumstances will be fingerprinted utilizing Livescan:

1. Felony crime.
2. Misdemeanor defined in the Penal Law.

3. Misdemeanor defined outside the Penal Law that would constitute a felony if such person had a previous conviction for a crime.

4. Loitering for the purpose of engaging in a prostitution offense as defined in subdivision two of sections 240.35 and 240.37 of the Penal Law.

5. Driving while intoxicated (DWI) arrests.

6. Fingerprints may be taken of a person arrested for any offense, either with or without a warrant, in the following circumstances:
   a. The arresting officer is unable to ascertain the person's identity.
   b. The officer reasonably believes that the person is being sought by law enforcement officials for the commission of some other offense.

**Photographs**

1. When fingerprints are taken, a photograph will also be taken. Photographs will be taken using a digital camera connected to Livescan.

**Exceptions**

The only exceptions to the above guidelines are:

1. A person arrested in need of immediate medical attention.

2. It shall be the responsibility of the ranking supervisor to make the determination whether a party shall be released from custody without first obtaining fingerprints and photographs of the individual.

3. In such cases, persons should be photographed if possible.

**General Processing Procedures**

1. When a person is to be fingerprinted and photographed, the Lieutenant or Investigator shall assign an officer to perform these duties.

2. Fingerprinting and photographing will be performed at University Police Headquarters in the secure holding room.

3. The officer assigned to process the individual shall print the person on the Livescan.

4. If Livescan is not operating, a supervisor or OIC must be notified.
Non-Printable Offenses

1. There are some offenses that are considered “non-printable” by NYSID, and fingerprints submitted on a DCJS-2 fingerprint cards will not be accepted for such charges. For example: NYS Public Health Law §3397 and §3382, Alcohol Beverage Control Law §65.00, Penal Law §110.00-155.25, and any crime lower than a misdemeanor; such as a harassment violation. However, these charges are acceptable and will be entered on a DCJS-2 print card when accompanied by a “printable” crime.

2. A subject arrested for a non-printable offense may be fingerprinted to determine their true identity, if there are any outstanding wants or warrants, or if the subject has a prior arrest record.

Fingerprinting of Certain Alleged Juvenile Delinquents

1. Following the arrest of a child alleged to be a juvenile delinquent, or for the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency, shall take or cause to be taken fingerprints of such child if:

   a. The child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class A or B felony; or

   b. The child is thirteen years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class C, D or E felony.

2. Whenever fingerprints are required to be taken pursuant to subdivision one, the photograph and palm prints of the arrested child may also be taken.

3. The taking of fingerprints, photographs, and related information concerning the child and the facts and circumstances of the acts charged in the juvenile delinquency proceeding shall be in accordance with standards established by the commissioner of the division of criminal justice services and by applicable provisions of this article.

4. Upon the taking of fingerprints pursuant to subdivision one, the appropriate officer or agency shall, without unnecessary delay, forward such fingerprints to the NYS Division of Criminal Justice Services, and shall not retain such fingerprints or any copy thereof. Copies of photographs taken pursuant to this section shall be kept confidential, separate and apart from files of adults, and only in the exclusive possession of such law enforcement agency.
Purpose

The purpose of the Order is to establish procedures for handling missing persons.

Policy

It is the policy of the University at Albany Police Department to take immediate reports on all overdue persons, or persons thought to be “missing”. Department members must immediately begin efforts to find overdue persons or persons suspected of being missing.

Notifications

1. The following notifications are required by Chapter 22 of the Laws of 1999 of the State of New York, which established certain requirements for the reporting and investigation of missing students on college campuses in New York State. When a report of a missing student is received by the University at Albany Police Department, the department shall immediately begin a preliminary investigation in order to verify the complaint and to determine the circumstances which exist relating to the reported missing student. If the student’s absence is verified, the incident will be reported and shared with either the City of Albany Police Department or the Town of Guilderland Police Department as appropriate. If the missing student was last seen on property owned, leased or under the control of the University at Albany, the University Police Department will be the lead investigative agency. If the student was last seen off campus or on property not owned, leased or under the control of the University the appropriate municipal agency will be the lead investigative agency. In all cases the University Police Department shall cooperate with all other police agencies involved in the investigation. In any event, information shall be shared by all involved agencies no later than twelve (12) hours from the time of the initial report. If the missing student is located or returns to the University at any time after the matter is
reported, the University at Albany will notify all agencies previously notified or involved in the investigation immediately.

2. Police shift supervision, investigations and the Command Staff will be notified of any verified reports of missing students as soon as the preliminary investigation is complete.

Introduction

1. There is no “waiting period” for taking a missing person report or for trying to find such persons.

2. Lieutenants and Investigators are responsible for ensuring the active follow-up and investigation of missing person reports until such time as the person is found or the case is transferred to another agency.

NOTE: The following material is taken from the NYS Division for Criminal Justice Services publication “Missing College Student Cases: An Investigative Guide”

Definitions

1. **Missing College Student** - Pursuant to the NYS Campus Safety Act of 1999, 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 and who is reported as missing from his or her residence.”

   a. NYS Education Law §355 (17).

   b. NYS Education Law §6206.

   c. NYS Education Law §6450.

2. There is no age limit specified in these laws.

3. Colleges and universities are required to adopt specific policies and procedures to ensure that these cases are handled in an expedient and consistent manner.

4. This includes involvement of and coordination with local police agencies or the New York State Police, whenever warranted by circumstances.

5. This should be based upon written inter-agency agreements.

**Missing Child**

1. A missing child is defined as any person under the age of 18 at the time of disappearance.
2. Definitions
   a. Missing child defined in NYS Executive Law §837-e.
   b. Runaway youth defined in NYS Executive Law §532-a (1).
   c. The age criteria may be extended beyond the age of 18, at the discretion of a law enforcement agency, if circumstances warrant.
   d. Person is mentally incompetent.
   e. Case circumstances indicate abduction and/or endangerment.
3. Types of missing children cases include:
   a. Non-family abductions (e.g., stranger).
   b. Familial abductions (e.g., non-custodial parent).
   c. Acquaintance abductions.
4. Runaways.
5. Others (e.g., lost or unknown circumstances).

NOTE: Missing college students are “children”

While most missing college student cases do not involve “children” (under the age of 18), parents still view them as their children and expect that missing college student investigations will be conducted with the level of concern associated with a missing child case. Furthermore, if the student is under the age of 18 at the time of the disappearance, the missing student case would also be a missing child case.

Initial Response - Generally

The purpose of the initial response is to gather sufficient information to determine what has occurred. The accuracy of this assessment is crucial because it literally directs the investigation. During this investigation nothing should be assumed and everything should be verified. If crucial details are overlooked or dismissed as unimportant, or if unsupported assumptions are made, the investigation can be irreversibly harmed.

Gathering information and making assessments supported by facts may be difficult. For example, often witnesses who can readily furnish factual details of the incident are not available. Therefore, the responding officer must determine what probably occurred based on his or her initial observations and findings. Whether correct or incorrect, this determination will dictate what investigative steps will follow. If an abduction has occurred, a thorough and aggressive investigation must commence.
immediately. This normally involves obtaining assistance from other agencies and ensuring that efforts are well coordinated.

An investigation may also reveal additional information that will indicate that the matter is not an abduction. For example, a witness may have mistaken a domestic quarrel for abduction attempt. Perhaps a student simply “withdrew” from the institution. At this point, the pace of the investigation can slow and investigators can take appropriate action to resolve that matter. It is much easier to redirect an investigation and resources at that stage than to try to recover overlooked or damaged evidence and lost clues that result from an initial failure to use all available personnel and resources.

The initial assessment of a missing student case should include the following considerations:

- Is the student missing from the campus, his or her family residence or another location? (It is extremely important to make this determination as soon as possible.)
- Is there a witness to or physical evidence of an abduction or other foul play?
- Is the student despondent? Is the student mentally or physically disabled?
- Is the student experiencing academic, personal or financial problems?
- Has the student disappeared before?
- Does the student have a known drug and/or alcohol problem?
- Has the student received any threats or warnings?
- What is the student’s lifestyle? Does the student have a criminal record?
- Did the student or perpetrator leave a note?
- Have any similar incidents been reported within the area (e.g., attempted abductions, prowlers, suspicious persons)?

The following sections outline specific guidelines to assist in the initial response, assessment and follow-up activity. It is very important that sufficient personnel be assigned to cover these investigative steps in a timely manner.

**Administrative/Communications**

1. Complete an intake report. Obtain as many details from complainant as possible, including:
a. Complainant name, contact information and relationship to the missing student.

b. Missing student name and description.

c. Circumstances surrounding the disappearance (e.g., type, location, time elapsed).

d. Name and/or description of the abductor, if applicable.

e. Description of any involved vehicles.

2. Promptly dispatch officer(s) to conduct a preliminary investigation.

a. Inform responding officer(s) of all pertinent information.

b. If warranted by case specifics, provide pertinent information to officers not responding and/or other area law enforcement agencies.

3. If warranted by case specifics, inform investigators and/or supervision about the incident. Consider recommending activation of established:

a. Incident command system procedures.

b. Procedures for working with area police agencies.

4. Maintain all notes, records and recordings of telephone and radio communications/messages.

5. If warranted, search agency records and advise investigating officer(s) and/or supervision about any pertinent information regarding:

a. Previous contact with the complainant and/or victim.

b. Similar complaints.

c. Any calls for service at or near the area of disappearance or at the victim’s address.

6. As the investigation progresses, ensure that pertinent details are continually relayed to department patrols and to other area agencies. Utilize:

a. Agency radios and data terminals for internal distribution of information.

b. Multi-agency (MRD) frequencies for broadcast of information to other area agencies.

c. EJustice to disseminate information regionally, statewide and nationally.
NOTE: When disseminating information via radio, it is important to keep in mind that uninvolved parties may be monitoring transmissions. Use discretion.

7. Make notifications to college/university administration in accordance with established policies and procedures.

First Responding Officer

1. Interview the person(s) who reported the disappearance.
   a. Verify the accuracy of complaint information already provided to communications staff, if applicable.
   b. Obtain and document all available details regarding circumstances associated with the disappearance.
   c. Even seemingly unimportant details or statements can become extremely important and must be documented.

2. Determine the circumstances associated with the disappearance.
   a. Utilize the initial assessment questions located under “Initial Response - Generally”.
   b. If a witnessed abduction:
      i. All details pertaining to the victim, perpetrator and event (as described in the following pages).
   c. If the cause of the disappearance is uncertain:
      i. Date, time and location when the student was last seen.
      ii. The student’s mental and physical condition (e.g., normal, depressed, suicidal).
      iii. Other case specific details (including the names of possible companions).
   d. Based on the available information, make an initial determination regarding the disappearance category:
      i. “Withdrawal”.
      ii. “Endangered - Other” (e.g., suicidal).
      iii. Unable to determine.
      iv. Other.
**Urgency**

The safest course of action is to treat each report as an urgent case until you can determine otherwise.

1. Obtain detailed descriptions of:
   
   a. The missing student.
   
   b. Abductor (if applicable).
   
   c. Vehicles involved.
   
   d. Circumstances associated with the disappearance.

2. Complete a “New York State Missing Person Report” (two pages) which is located in the NYS DCJS/NYSP “Missing Person Data Collection Guide”.

3. If a “New York State Missing Person Report” is not used, the most important information to obtain about the missing student includes:
   
   a. Name (and nicknames).
   
   b. Gender.
   
   c. Race.
   
   d. Hair color/length.
   
   e. Eye color.
   
   f. Height.
   
   g. Weight.
   
   h. Age/Date of birth.
   
   i. Specific physical attributes (e.g., scars, birthmarks, tattoos).
   
   j. Clothing (at the time of disappearance).
   
   k. Distinctive jewelry worn.
   
   l. Any other identifying information available.

4. Also obtain the following information as soon as possible:
   
   a. A photograph of the student (preferably head and shoulder portraits from different angles/taken within the last 12 months).
b. His or her Social Security number.

c. His or her student identification and campus account number(s).

d. Locations of campus and permanent residences.

e. His or her academic and work schedules.

f. Places frequented (on and off campus).

g. Place of employment (if applicable).

h. Automobiles registered to and/or used by the victim.

5. Obtain the names, telephone numbers and addresses of the missing student’s:

a. Parents/family members.

b. Romantic interests.

c. Roommate(s).

d. Friends/acquaintances.

e. Instructors/professors.

f. Workplace colleagues (if applicable).

g. Residence hall staff.

h. Others.

6. Continue to verify when, where and by whom the missing student was last seen (e.g., details provided by the original complainant may be found to be inaccurate.)

a. Interview the individuals who may have had contact with the student prior to the disappearance.

b. Again, ensure that all information resulting from interviews is maintained in written records.

Time frames

If an abduction was not witnessed, determine the time frame between when the student was last seen and when discovered missing. This “window of opportunity” is crucial to establish. Keep the window of opportunity in mind when conducting interviews of possible witnesses and suspects.
1. If abduction appears to be the cause of the disappearance, obtain:
   a. Description and/or identity (if known) of the possible perpetrator(s).
   b. Name.
   c. Age.
   d. Build.
   e. Gender.
   f. Race.
   g. Hair color/length of hair.
   h. Clothing.
   i. Other distinguishing characteristics.

2. Description of the vehicle involved, if applicable.
   a. Make.
   b. Color.
   c. Model.
   d. License plate (number and state).
   e. Unique damage or markings.

3. Time and direction of travel when last seen.

4. Any other details or observations, whether you believe that they are relevant or not.

5. Case circumstances may warrant a brief but thorough search of the abduction site, the place where the student was last seen and/or any other place where the student may be located, including:
   a. Storage areas.
   b. Stairways.
   c. Classrooms.
   d. Dormitories.
e. Vehicles (including the victim’s).

f. Libraries.

g. Wooded areas/bushes.

h. Ponds, lakes and streams.

i. Student’s residence.

j. Cafeterias.

k. Gymnasiums/locker rooms.

l. Others.

6. In all missing student cases, consider the student’s residence to be a potential source of important information and evidence. Accordingly, it should be secured and the following should be kept in mind:

a. With the exception of authorized law enforcement officers, everyone should be kept out.

b. Scent articles may be needed for a K-9 search.

c. Data stored on a computer may provide very important evidence. However, it should not be processed at this stage of the investigation. Do not unplug or turn on a computer.

Privacy Expectations

It is important to keep in mind that college students often live in communal residences. Remain sensitive to the roommates and/or house mates’ privacy expectations. It is equally important to remember that unless exigent circumstances exist, searching non-public areas may require that the investigating police agency obtain a search warrant prior to conducting a search. Prior to searching non-public areas, supervision should be consulted.

1. If warranted, immediately request K-9 services for search purposes.

2. Ensure that pertinent information (e.g., detailed descriptive information) is relayed to communications unit for broadcast updates and immediate entry into DCJS/NCIC missing person files via EJustice.
Information Dissemination

Gather and note all available details and forward to communications staff immediately. This allows resources to be utilized in a much more effective and coordinated manner. If an abduction has occurred, rapid and broad dissemination of information significantly increases the likelihood of safely recovering the victim and apprehending the perpetrator.

1. Request investigative and/or supervisory assistance, if warranted by case specifics.

2. Ensure that all additional responding personnel, including supervisors and investigative staff, are thoroughly briefed.

Investigative Officer

1. Obtain a thorough briefing from first responding officer(s) and other involved personnel.

2. Verify the accuracy of details developed during the preliminary (first responding officer’s) investigation.

3. Based upon case specifics, secure the abduction site, student’s last known location and/or scene and the student’s residence (even if it is not the suspected abduction site).
   a. Evaluate as soon as possible.
   b. Locate, collect and handle potential evidence in accordance with agency procedures and generally accepted practices.
   c. Always photograph/videotape these areas prior to processing them.

4. Establish a leads management system to prioritize leads and ensure that each one is reviewed and properly acted upon.

5. Institute (or continue) area canvasses for witness information and searches to include all surrounding areas, including vehicles and other places of concealment.
   a. Abduction site or the general area where student was last seen.
   b. Campus.
   c. Expanded outside of the campus (if warranted).
   d. Ensure that the identification and processing of potential evidence is handled in accordance with agency procedures and generally accepted practices.
e. Obtain and note permission to search non-public areas and buildings, if applicable.

6. Ensure that all witnesses and other persons with information are interviewed as soon as possible. If a witness is not immediately available (e.g., a witness was unable to wait at the abduction site), someone should be assigned to conduct an interview as soon as possible.

   a. Witnesses.
   b. Friends.
   c. Romantic interests.
   d. Acquaintances.
   e. Instructors/professors.
   f. Residence hall staff.
   g. Counselor(s).
   h. Registrar/Student Records.
   i. Custodians/Environmental services.
   j. Students in courses.
   k. Coaches (if applicable).
   l. Cafeteria staff.
   m. Family members.
   n. Co-workers (if applicable).
   o. Clergy.
   p. Others.
      i. Everyone should be interviewed separately.
      ii. Obtain and record basic information from each person, including:
          1. His or her name, address, telephone number(s) and relationship to student.
          2. When and where he or she last saw the student.
3. The disposition of the student when last seen.

4. His or her thoughts about the disappearance, including response to the question “What do you think happened to ...?”

5. Other case specific details.

7. Include questions associated with developing a victim profile (“victimology”); including information about behavior/personality and family dynamics.

8. Thoroughly document all information provided by each person interviewed.

9. Note exact quotations, as they may become crucial evidence.

10. Identify and note conflicting information, as well as observations pertaining to inappropriate behavior, emotions and comments.

11. With regard to interviewing college personnel, obtain the following and ensure that use is monitored:

   a. Copy of the student’s college identification card and/or identification number(s).

   b. Food service, bookstore and parking identification numbers, if applicable.

   c. Computer system access numbers and passwords, if applicable.

   d. Building/dormitory access numbers, if applicable.

12. Also ensure that people who may normally be in the area for legitimate reasons are interviewed, including:

   a. Campus staff.

   b. Other students.

   c. Contractors on campus.

   d. Delivery personnel (movers, pizza).

   e. Utility workers (e.g., cable, water, electric).

   f. Taxi/Bus drivers (review pick-up records).

   g. Post office personnel.

   h. Trash handlers.
13. Investigate the reasons for any conflicting information offered by witnesses and other individuals submitting information.
   a. Note any discrepancies and/or conflicting information (especially with regard to the window of opportunity).
   b. Immediately resolve differences through verification.
   c. Confirm and document everything.

14. Determine if additional agency resources and specialized services are required.

15. Begin contacting other entities to determine if they have had contact with the missing student.
   a. Campus medical services.
   b. Ambulance services and hospitals.
   d. Area medical examiner(s) or coroner(s).
   e. Others.

16. Determine if outside assistance is necessary and request.
   a. Other law enforcement agencies.
   b. NYSP Forensic Investigation Support Services (Violent Crime Analysis Program - ViCAP, Computer Crimes Unit - CCU, Child Abuse and Exploitation Unit - CAE), NYSP Forensic Imaging and Medicolegal Investigative Unit, and NYSP Violent Crime Investigation Teams (located at each Troop Headquarters).
   c. NYS DCJS Missing and Exploited Children Clearinghouse, NYS DCJS Sex Offender Registry, NYS DCJS SAFIS.
   d. FBI.
   e. Victim/Witness Services (e.g., on-campus and local services, Team HOPE, the Center for HOPE).
   f. Others.

17. Prepare, update and disseminate informational bulletins to police agencies.
18. Prepare a flyer/bulletin with the missing student’s/abductor’s photograph and descriptive information.
   a. Distribute to the general public and appropriate agencies, including the media if warranted by case specifics.
   b. NYS DCJS/MECC can prepare and disseminate these rapidly, if necessary.

19. With regard to the student’s residence:
   a. Determine if personal items appear to be missing.
   b. Ensure that uncontaminated scent articles are available for investigative purposes (e.g., K-9).
   c. Ensure that items which can assist in the search for the student are preserved.
      i. Letters, notes, diary.
      ii. Address/telephone number books.
      iii. Photographs.
      iv. Cellular telephone/pager.
      v. Answering machine.
      vi. Others.
   d. Ensure that uncontaminated items which could help to identify the student through forensic examinations are preserved.
      i. Personal effects for DNA samples (e.g., hair brush, shaver, toothbrush, pillow case, unwashed underclothing).
      ii. Items with fingerprints and tooth impressions (e.g., cups, pencils, books).

20. Ensure that all computers (lap top, desk top and hand held) used by the missing student are handled as evidence in accordance with agency procedures and generally accepted practices.
   a. Personally owned.
   b. College/University owned.
Privacy Expectations

It is important to keep in mind that college students often live in communal residences. Remain sensitive to the roommates and/or house mates' privacy expectations. It is equally important to remember that unless exigent circumstances exist; searching non-public areas may require that the investigating police agency obtain a search warrant prior to conducting a search. Prior to searching non-public areas, supervision should be consulted.

1. Continue to keep communications staff appraised of developing information for dissemination to agency personnel and other area police agencies.

2. Prepare agency reports/make all required notifications.

3. Ensure that the following information is immediately entered into DCJS/NCIC files via EJustice and updated as additional information is received.
   a. Missing person information.
   b. Wanted person information (if abductor has been identified).
   c. Vehicle information (victim's and/or abductor's, if applicable).
   d. Ensure that files are cross referenced.

4. Execute an investigative follow-up plan. If warranted by case specifics, utilize appropriate major case management strategies.

5. If family members have not been notified about the disappearance, ensure that they are advised. They should be interviewed to obtain:
   a. Detailed information about the missing student. Include questions associated with developing a victim profile (“victimology”); including physical characteristics, behavior/personality and family dynamics.
   b. Names of all known friends, acquaintances and romantic interests (past and current).
   c. Content of recent conversations with the missing student.
   d. Names, addresses and telephone numbers of the student’s dentist and physician.
   e. Photographs of the student.
   f. Credit, debit and checking account numbers/bank names and locations.
   g. Information about e-mail addresses/Internet service providers.
h. Student’s cellular telephone and/or pager numbers.

i. Copies of recent telephone bills.

j. Copies of recent correspondence (e.g., letters, e-mail, packages).

k. Names and locations of past and current employers.

l. Ensure that missing student family members promptly complete relevant portions of the NYS DCJS “Missing Person Data Collection Guide” (DCJS 1508/ NYSP CB-7) or provide similar information in another format. Upon receipt:

   i. Update DCJS and NCIC Missing Person files via EJustice.

   ii. Forward the completed forms to the NYS DCJS Missing and Exploited Children Clearinghouse, along with fingerprints (if available).

m. Secure the student’s medical and dental records (including x-rays).

   i. Code and enter data into NCIC files via EJustice.

   ii. Forward copies to NYS DCJS Missing and Exploited Children Clearinghouse (pursuant to §838 of the NYS Executive Law).

n. Advise parents/other family members about services available from:

   i. The college/university.

   ii. NYS DCJS Missing and Exploited Children Clearinghouse.

   iii. The Center for Hope.

   iv. Team Hope.


p. Advise parents/family members to maintain a log which records the names and other information about all visitors and callers (e.g., date, time and purpose of the call or visit).

q. Assign a liaison to ensure that family members are provided with information in a timely manner throughout the investigation and to facilitate emotional support.
6. If warranted by case specifics, assign an officer to victim’s residence with the ability to record and trace all incoming calls.
   a. Use a separate telephone line or cellular telephone for agency communications.

7. If warranted by case specifics, establish a recorded telephone hotline, Post Office box and/or e-mail address for receipt of tips and leads.
   a. Telephone hotline.
      i. Should be established for the receipt of investigative leads, preferably answered by law enforcement personnel.
      ii. This line should not be associated with a police telephone number so callers who are reluctant to become “involved” will feel comfortable calling.
      iii. It is recommended that a trap and trace be placed on this number; in case a crucial call is received that dictates the origin of the call is identified.
      iv. Calls to this line should also be recorded.
   b. Post Office Box/e-mail.
      i. Some individuals who are uncomfortable telephoning might send information to a post office box or e-mail address.
      ii. As tips early in the investigation are time-critical, using a post office box or e-mail address might be more appropriate as the investigation proceeds.

8. Develop a follow-up plan based upon case specifics.
   a. Conduct record inquiries on all suspects.
      i. Criminal history.
      ii. Driver license.
      iii. Motor vehicle registration(s).
      iv. College/university (e.g., enrollment).
      v. Telephone/Internet service provider (ensure that necessary court orders are obtained).
      vi. Others.
b. Compile a list of known sex offenders in the area by contacting the NYS DCJS Sex Offender Registry at (518) 457-3175.

c. Monitor suspect activities and actions, as warranted.

d. Complete and submit a NYS ViCAP report to the New York State Police.
   i. Ensure that all leads generated by ViCAP are reviewed and discussed with involved personnel.

e. Obtain and thoroughly review NCIC missing person/unidentified person match possibilities.
   i. These are automatically produced by NCIC the day after missing person entry is initially made and every time the record is modified
   ii. Make “amendments” to the missing person record thereafter to generate periodic searches against unidentified person records.
   iii. Possibilities are sent to entering agencies via EJustice.
      1. Ensure that the staff responsible for EJustice is instructed to promptly forward NCIC missing person/unidentified person match possibilities to case investigators or supervision.

f. Contact the EJustice (or NCIC) for assistance with conducting NCIC “off-line searches” for lead information. Request that all inquiries made within the last year be provided for:
   i. Missing student.
   ii. Abductor or suspects (if known).
   iii. Motor vehicles used by the student, abductor or suspects.

9. Contact the NYS Missing and Exploited Children Clearinghouse for assistance with:
   a. Dissemination of photographs and biographical information.
   b. NCIC and credit record searches.
   c. Assistance with dental records examination and coding.
   d. Other case assistance, including referrals to individuals experienced in abduction investigation.
10. Ensure that all accounts (savings, checking, credit/debit cards, EZ Pass) are monitored for any activity.

11. Through credit reporting services, periodically request credit activity reports to determine if activity related to the missing student’s name or social security number has occurred.

12. If applicable, ensure that the student’s computer is analyzed for potential lead information.
   a. Also, obtain and examine Internet service provider and e-mail records.
   b. Monitor instant messaging and chat room activity.

13. Continually review and evaluate all available information and evidence collected.

14. Conduct follow-up interviews of witnesses and suspects. Consider use of polygraph or voice stress analysis examinations, if warranted.
   a. In any abduction, consideration should be given to administering polygraph or voice stress analysis examinations to any individual whose statements are inconsistent or whose alibi has not been corroborated to the satisfaction of investigating officers.
      i. These examinations should be administered by an experienced examiner.
      ii. It should be noted that polygraphing and voice stress analysis can be extremely important in developing lead information, not solely in determining guilt or innocence.

15. If the abductor has not been identified but witnesses can offer descriptions, consider developing an abductor profile. Depending on case specifics, consider circulating the profile publicly to generate leads.

**Supervisors**

1. Obtain briefing and written reports from the first responding officer, investigator(s) and other involved personnel.

2. Ensure that the first responding officer, investigator(s), communications staff and others have taken all necessary action in accordance with:
   a. Agency policies and procedures.
   b. Guidelines outlined in the DCJS Missing College Students investigative guide.

3. Determine if additional agency personnel are needed to assist in the investigation. If so, request that they respond and assign responsibilities.
4. Determine if outside help is necessary.
   a. Other law enforcement agencies.
   b. NYSP Forensic Investigation Support Services, Violent Crime Analysis Program - ViCAP, Computer Crimes Unit - CCU, (Child Abuse and Exploitation Unit - CAE), NYSP Forensic Imaging and Medicolegal Investigative Unit, and NYSP Violent Crime Investigation Teams (located at each Troop Headquarters).
   c. NYS DCJS Missing and Exploited Children Clearinghouse, NYS DCJS Sex Offender Registry, NYS DCJS SAFIS.
   d. Federal Bureau of Investigation (FBI).
   e. Victim/Witness Services (e.g., on-campus and local services).
   f. Others.
5. Ensure that all the required resources, equipment and assistance necessary to conduct an efficient investigation have been requested and provided.

**Management of Information**

Assign a person to document all personnel involved and their assignments. This person should collect and review information received from all involved in the investigation.

1. If warranted, establish a command post away from the abduction site, student’s residence or last known location.
2. Ensure coordination among all personnel involved in the investigation and search effort by making assignments:
   a. Crime scene search team.
   b. General area and neighborhood search team.
   c. Family liaison team.
   d. University/college administration liaison.
   e. Media liaison.
3. Make notifications to college/university administration in accordance with established policies and procedures. Ensure that updates are forwarded in a timely manner.
4. Ensure that approved information is provided to family members in a timely manner. They should also be provided with emotional support on an on-going basis.

5. Be available to make any supervisory decisions or determinations.

6. If warranted by case specifics, utilize the media to assist in the search for the missing student. Ensure that all interactions with the media are handled:
   a. In accordance with all established protocols.
   b. After consultation with other involved agencies.
   c. By authorized personnel only.

7. As additional information is received, ensure that DCJS/NCIC Missing Person File information is updated.

8. The prolonged investigation.
   a. Ensure that the investigation remains “active” and that action taken is done in accordance with agency procedures and generally accepted practices.
   b. Periodically meet with involved staff and outside agency consultants to discuss information, progress and recommendations.
   c. Periodically review and analyze the case file (including all reports, evidence, photographs and videotapes.) Recommend additional investigative action.
   d. Make notifications to college/university administration.
   e. Arrange for periodic media coverage, as warranted.
Purpose

The purpose of this policy is to provide officers and investigators with guidelines for responding to reports of sexual offenses, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. Because of the special needs involved in sexual offense investigations, this policy is an all-inclusive document that covers first response, investigation, and prosecution.

Policy

It is the policy of the University at Albany Police Department to respond to every call involving a sexual offense. Sexual offenses should be considered as criminal conduct and investigated as would any other crime.

In accordance with the American College Health Association (ACHA), the University at Albany Police Department recognizes sexual violence as a serious problem, and is deeply committed to reducing the occurrence of sexual offenses. A victim’s distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim’s willingness to cooperate in the investigation, and their ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate to the victim in any way, that they are to blame for the crime. An appropriate preliminary response significantly affects the outcome of an investigation.

Definitions

New York State Penal Law section 130.00 definition of terms
1. **Sexual Intercourse** - has its ordinary meaning and occurs upon any penetration, however slight.

2. **Oral Sexual Conduct** - means conduct between persons consisting of contact between the mouth and penis, the mouth and anus, or the mouth and vulva or vagina.

3. **Anal Sexual Conduct** - means conduct between persons consisting of contact between the penis and anus.

4. **Sexual Contact** - means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as touching the victim by the actor, whether directly or through clothing.

5. **Mentally Disabled** - means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.

6. **Mentally Incapacitated** - means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent or to any other act committed upon him without his consent.

7. **Physically Helpless** - means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

8. **Forcible Compulsion** - means to compel by either:
   
   a. Use of physical force; or
   
   b. A threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

9. **Foreign Object** - means any instrument or article which, when inserted in the vagina, urethra, penis, or rectum, is capable of causing physical injury.

10. **Sexual Conduct** - means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.

11. **Aggravated Sexual Contact** - means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, therefore causing physical injury to such child.

12. **Health Care Provider** - means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she was licensed or registered in the profession of medicine,
chiropractic, dentistry or podiatry under any of the following: article 33, or one 141 of the education law.

13. **Mental Health Care Provider** - shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

14. **Lack of Consent** - whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without the consent of the victim. Lack of consent results from:

   a. Forcible compulsion; or

   b. Incapacity to consent; or

   c. Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or

   d. Where the offense charged is rape in the third degree as defined in section 130.25, or criminal sexual act in the third degree as defined in section 130.40 sub (3), in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct, or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances.

15. **Incapable of Consent** - A person is deemed incapable of consent when he or she is:

   a. Less than seventeen years old; or

   b. Mentally disabled; or

   c. Mentally incapacitated; or

   d. Physically helpless; or

   e. Committed to the care and custody of the state department of correctional services or a hospital and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.
16. **Sexual Offense** - is the broad category of offenses that involve any type of sexual misconduct as defined in the New York State Penal Law.

**Notifications and Victim Interview**

1. Any officer, who receives a complaint of a sexual offense from the victim, will immediately report the nature of the complaint to the dispatcher, and notify a supervisor. If no supervisor is available, notify a member of the Command Staff.

2. The shift supervisor shall request an investigator to respond.
   
   a. In the event that there is no investigator available, one will be recalled to duty and assigned to the case by the Deputy Chief of Operations.

3. The shift supervisor is also expected to make upward notifications in accordance with the notifications policy.

4. If the victim is female, a female officer may be assigned to provide counsel and emotional support to the victim.
   
   a. A female investigator may also fill this role.
   
   b. At the request of responding investigators, the female officer may also remain to assist with the victim interview.

5. Every effort will be made to interview the victim of a sexual offense in a private setting. If the interview takes place at the University Police Department, whenever practical, the questioning of the victim will be conducted in the Investigative office and/or interview rooms. These rooms have been found to comply with the requirements of subdivision 2-a of section 642 of the Executive Law.

**Incident Scene**

A uniformed officer will be assigned to secure the crime scene until investigative staff or NYS certified Evidence Technician arrive on the scene for processing. Refer to General Order 43.1.1 Incident Scene Processing and Investigation.

**Hospital Transport**

1. Whenever it appears that a victim of a sexual offense is going to be transported to a hospital, the hospital should be notified in advance so they can make preparations for a S.A.F.E. medical professional (specially trained Sexual Assault Forensic Examiners).
2. The officer assigned to the victim will transport the victim, or have EMS personnel transport the victim, to the following hospitals for treatment of any physical injuries and an examination to collect evidence:

   a. Albany Medical Center Hospital- primary hospital for any sexual assault that occurs on or off-campus.
   
   b. Albany Memorial- secondary hospital.
   
   c. Saint Peter’s Hospital – This hospital does not currently have any S.A.F.E members trained, but can used for treatment of sexual assault.

Rape Kit Evidence
The evidence collection or rape kits are stored and available at the hospitals. The completed kits and the victim’s clothing will be turned over to the assigned officer or supervisor, and existing evidence procedures will be followed to ensure that proper chain of custody is maintained and documented.

Drug Facilitated Sexual Assault

1. In the event that there is evidence that the victim may have been incapacitated by the administration of some type of drug or substance other than alcohol, a Drug Facilitated Sexual Assault Evidence Collection Kit (DFSA) should be used along with the rape kit.

2. In most cases, the DFSA kit should be used within 12 hours of the time of the suspected incident, however there is a 96 hour window for the collection of evidence.

3. The DFSA kit is used in addition to the rape kit when indicated; it does not replace it.

4. The DFSA kit must be refrigerated.

Victim Follow-up and Support

1. In every case, the responding officer/investigator will

   a. review the department’s Sexual Assault/Sexual Violence/Domestic Violence reporting Options form with the victim;

   b. ask the victim which option(s) he/she would like to choose (multiple options are available);

   c. remove the pick copy and leave it with the victim;
d. attach the original to the incident report.

2. The name or identity of a sex offense victim cannot be provided to anyone, other than members of this police department and other cooperating law enforcement agencies, without written consent from the victim.

   a. This restriction applies to personnel from other University at Albany departments.

3. If the victim consents, the shift supervisor will verify that the Director of the Sexual Advocacy Center, or their designee, is notified for victim follow-up. Depending on the time of day, this can occur the next day or via email.

4. The shift supervisor will verify that the victim has been adequately advised of available victim services including, but not limited to, contact information for University Counseling Center and Crime Victim Services.

5. In every case the victim or alleged victim of any sex crime will be given a card with the name, address, and telephone number of the nearest rape crisis center. These cards are pre-printed and available at police headquarters.
Purpose

The purpose of this policy is to establish guidelines for identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim’s recovery.

Policy

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. This agency shall employ all necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.

Definitions

1. The following terms will be defined using the current Federal and State Statues:
   a. Hate Crime
   b. Hate Incident
   c. Hate Group
   d. Race
e. Ethnic Group
f. Religious Group
g. Sexual Orientation
h. Gender
i. Gender Identity
j. Disability

Procedures

Initial Response Procedures

1. Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:

   a. Secure the scene, request medical aid if needed and increase police presence to protect victims and witnesses.

   b. Collect physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.

   c. Request the assistance of a translator, where necessary.

   d. Request the assistance of a supervisor and brief him or her on actions taken thus far.

   e. Conduct a preliminary investigation and document information from victims and witnesses on suspected perpetrators.

   f. Record statements made by suspects; exact language is critical.

   g. Identify prior bias-motivated occurrences in the immediate area or against the same victim.

   h. Assist investigators in complying with any federal or state hate crime data collection reporting requirements.
Supervisory Responsibilities

The Supervisor shall:

1. Notify appropriate member of Command Staff, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

2. Provide immediate assistance to the victim by:
   a. Expressing empathy and showing a sincere interest in his or her well-being.
   b. Explaining the law enforcement agency’s official position on the importance of these cases.
   c. Telling the victim about measures that will be taken to apprehend the perpetrators and the probable sequence of events in the investigation and prosecution.
   d. Explaining security measures and precautions that will be put in place.
   e. Expressing the department’s interest in protecting victim’s anonymity whenever possible.
   f. Allowing the victim a period in which to express his or her immediate concerns and feelings.
   g. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed hate crime.
   h. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergy, or a departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
   i. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a Hate Crime for federal and state bias crime-reporting purposes.

Investigators’ Responsibilities

The Investigator Shall:

1. Ensure that the scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photographs should be taken and the
owner of the property should be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The investigator shall follow up to ensure that this is accomplished in a timely manner.

2. Conduct a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvass the neighborhood for additional personal sources of information.

3. Work closely with the prosecutor’s office to ensure that a legally adequate case is developed for prosecution.

4. Coordinate the investigation with other units of this agency, as well as other local, state, and regional intelligence operations in order to identify any patterns, organized hate groups, and suspects potentially involved in the offense.

5. Make a final determination based on evidence and facts as to whether the incident should be classified as a hate crime.

6. Determine the primary elements of the crime and obtain the information necessary to complete the federal and state hate crime data collection requirements.

7. Request additional resources from other agencies as necessary and available.

8. Take steps to ensure that appropriate assistance is being provided to hate crime victims, to include the following measures:
   a. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.
   b. Provide ongoing information to the victim about the status of the criminal investigation.
   c. Attempt, whenever possible, to conduct all interviews with victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate the incident.

Community Relations and Crime Prevention

1. Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim’s identification group as a whole. Towards this end, this agency’s community relations function, or officers so assigned, shall perform the following:
   a. Work with segments of the larger community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage
any other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.

b. Provide victim(s) with a point of contact in the department to whom they can direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution.

c. Protect the privacy of the victim and his or her family as much as possible.

d. Provide any direct assistance reasonably possible and referral assistance to the victim and his or her family.

e. Meet with neighborhood groups, residents in target communities, and other identified groups to allay fears; emphasize the agency’s concern over this and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.

f. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.

g. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.

h. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.

i. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

**Hate Crime Reporting**

The Information, Technology and Records Officer is responsible for compiling the Hate Crime Statistics and reporting to NYS DCJS as per their current reporting procedure.
Purpose

The purpose of this Order is to establish and describe policies and procedures for handling crime scenes, the collection and preservation of evidence, and submission of evidence for laboratory analysis.

Policy

This policy establishes the basic guidelines and responsibilities for members of the University at Albany Police Department when conducting investigations, processing incident scenes and completing the associated reports.

Minor Crime Scene Procedure

For purposes of this section, minor crimes are defined as: violations, misdemeanors, property crimes and other non-violent felonies. In these cases the responding officer will conduct the preliminary investigation to include:

1. Assess and secure the scene.

2. Interview victim(s) and witness(es) and obtain pertinent information.
3. Identify and properly collect, preserve and package physical evidence at the scene.

4. Transport evidence to the University Police Department Headquarters and properly secure same into evidence lockers.

5. Complete an incident report that includes at a minimum:
   a. victim information;
   b. suspect information;
   c. witnesses;
   d. first responder information, as well as others who respond;
   e. the narrative must include the basic; who, why, where, what, and when;
   f. references to other reports when appropriate.

6. When there is significant physical evidence present the shift supervisor should contact a member of the Command Staff who will determine if investigative staff and/or evidence technician should be called to process evidence.

7. In minor crimes, or in cases where an immediate arrest is made and no Investigators are on duty, the initial follow-up investigation may be coordinated by the Lieutenant and completed by Police Officers at the Lieutenant’s discretion.

**Major Crime Scene Procedure**

Generally for this section, major crimes are defined as violent felonies and major property crimes. Police Officers conduct the preliminary investigation. If the first officer arriving at the scene determines that a serious crime has been committed:

1. The officer shall notify the dispatcher and the shift supervisor.

2. The officer shall secure the scene and allow only authorized personnel to enter. If medical attention is needed at the crime scene, the officer will establish a single path into the crime scene and limit the number of persons entering to administer first aid.

3. Command of the scene will be transferred to the responding investigator. If no investigator is immediately available, command shall be given to the responding evidence technician until the investigator’s arrival.

4. No member of the Patrol force, Criminal Investigations Unit, Command Staff or any other persons will enter the crime scene unless authorized by the Incident
Commander. This will likely be the shift supervisor until relieved by investigative staff.

5. The Incident Commander shall decide if/when the Medical Examiner’s office will be called. In the event of an unattended death, the Incident Commander will determine when the Medical Examiner’s office will be called.

6. The Criminal Investigations Unit will coordinate the processing of the scene.

7. The responding officer will ensure that an incident report is completed with the assistance of Investigators and Evidence Technicians.

**Evidence Collection**

1. Patrol Division:
   
a. Examine the scene for physical evidence of a crime.

b. Complete a sketch of the scene as appropriate.

c. Photograph scene and properly collect, preserve and package evidence at the scene of the incident in accordance with the established methods and practices provided at basic police academy instruction, the University at Albany Police Department, and training provided by DCJS or other competent authority.

d. Collected evidence will be marked and labeled in accordance with General Order 43.1.3 Labeling of Physical Evidence.

e. Evidence that is wet is to be air dried before placing it into an evidence locker.

f. Collected evidence will be returned to University Police Department and the collecting Department member will secure it into evidence lockers with a copy of the Incident Report and deposit the locker key into the evidence locker drop safe.

g. Officers finding evidence that cannot be collected shall notify their supervisor. The supervisor may have a member of the Criminal Investigations Unit respond to collect the evidence.

h. Collected evidence will be documented in the Property segment and narrative of the Incident Report, including the locker number or location where the evidence was secured.

2. Criminal Investigations Unit:
   
a. Investigators responding to the scene of an incident shall examine the scene for physical evidence of the crime.
b. Sketch the scene as necessary and appropriate.

c. Photograph scene and properly collect, preserve and package evidence at the scene of the incident in accordance with the established methods and practices provided at basic police academy instruction, the University at Albany Police Department, and training provided by DCJS or other competent authority.

d. Collected evidence will be marked and labeled in accordance with General Order 43.1.3 Labeling of Physical Evidence.

e. If fingerprints are located: collect, mark and identify the latent recovered.

f. Evidence that cannot be processed at the scene, shall be collected, preserved, packaged and returned to University Police Department for processing by the Criminal Investigations Unit and/or Evidence Technicians or forwarded to the appropriate crime lab.

g. Collected evidence will be documented in the Property and Supplement segments of the Incident Report, including the locker number or other location where the evidence was secured.

h. The Investigative Unit will conduct the follow-up investigation or case enhancement in cases where an arrest is made by patrol.

i. Whenever practicable, the lead Investigator does not act as the Evidence Technician.

Flammable or Explosive Evidence

When flammable or explosive evidence is identified, the Deputy Chief of Operations must be contacted, so that proper arrangements can be made to preserve, store and analyze the evidence.
# Purpose

The purpose of this Order is to establish and describe policies and procedures for photographing, which in turn will be used as evidence.

# Policy

It is the policy of the University at Albany Police Department that certain detailed information is recorded whenever evidentiary photographs are taken. Accordingly, a photograph/video log is created to verify a true representation of the incident. Investigative staff will follow best practices of SWIGIT (Scientific Working Group for Imaging Technology) in regards to making photographs and storage and retrieval of images. Special photo techniques for latent prints and lab based photography of unique evidentiary items taken by investigative staff will also be documented adhering to SWIGIT guidelines.

# Procedure

1. **Routine Cases** - Officers photographing routine cases must document film or digital media with the following:
   a. Date
   b. Time
   c. Case Number
   d. Photographer
   e. Location
Officers must also note in the narrative of the Incident Report that photographs were taken and forwarded for image processing.

4. **Crime Scenes and Photography of Evidence** - Whenever members of the investigative staff are engaged in the photography of crime scenes, incident scenes, or the photo documentation of physical evidence, the following information will be recorded on the Department's Photo Evidence Log:

   a. Date
   b. Arrival Time
   c. Completion Time
   d. Case Number
   e. Weather Conditions
   f. Location
   g. Photographer
   h. Photo Numbers

Once the crime scene has been photographed, two copies are made using a self-contained CD burner by a certified evidence photographer. One copy is sealed and entered/labeled as evidence; the second copy is attached to the case file.

5. **Autopsies** - When photographing autopsies, additional forms and photo documentation is required.
Purpose

The purpose of this Order is to describe procedures for the labeling of physical evidence.

Policy

The University at Albany Police Department adheres to best practices in the collection, handling, preservation, marking or labeling of physical evidence in the interest of reaching a successful outcome in each case.

Procedures

1. At major crime scenes and cases where there is significant physical evidence present, the Shift Lieutenant will contact a member of the Command Staff for recommendations on how to proceed. In most cases, this will involve the assignment of an Investigator and/or Evidence Technician to oversee the collection of evidence.

2. All materials seized as evidence shall be properly marked and identified by the officer to maintain the chain of custody.

3. A University at Albany Police Property/Evidence sheet shall be attached to every item marked and logged as evidence. Packaging of items will be done so in a way that prevents the evidence to be tampered with, contaminated, or contaminate other evidence. This card provides spaces for the following information to be entered:
a. Date the sheet is being completed.

b. Location item was obtained from.

c. Incident number.

d. Incident type.

e. Item number (of total items collected).

f. Lab case number if applicable.

g. Description of item to include: detailed description, serial number, quantity, and measurement if applicable.

h. “Obtained at” should refer to the specific location on campus

i. “Obtained by” should refer to the specific officer/person who obtained the item.

j. “Date” and “Time” when the above officer/person obtained the item.

k. “Defendant/Victim/Owner” associated with the item (circle one and list the name).

l. Location of where evidence is secured.

4. Requests for crime lab analysis should be indicated in this space.

5. All evidence seized shall be documented in both the property section and narrative of the Incident Report. The narrative should also include the evidence locker number or other location where evidence was secured.

**Right of Refusal**
The Evidence Custodian has the right to refuse property that is handled, packaged or otherwise in a condition inconsistent with this General Order.
Purpose

The purpose of this Order is to establish procedures for the collection of DNA samples for submission to the NYS Databank.

Policy

Executive Law section 995-c (3) requires individuals who have been convicted of certain designated offenses to provide a DNA sample for inclusion in the New York State DNA Databank. It is the policy of this department to obtain DNA samples from arrested subjects who are required to provide them.

Procedure

1. The arresting officer is responsible to make a careful review of their arrestee’s criminal history whenever it is determined that one exists.

2. If the criminal history response indicates that an arrested subject owes a DNA sample to the NYS DNA Database, the arresting officer, or assisting officers, will obtain the sample utilizing the DCJS (Division of Criminal Justice Service) DNA Databank Specimen Collection Kits.
   a. DNA collection kits are stored in the file cabinet in the Booking Room.

3. Collection will be accomplished by following the detailed instruction sheet included in each kit.

4. Once the collection kit has been completed, follow procedures as outlined in General Order 43.1.4 Labeling of Evidence.
5. Collection of a DNA samples shall be noted in the narrative of the related Incident Report and an email sent to the Administrative Captain stating that a DNA sample was collected.
Purpose

The purpose of this Order is to provide direction for responding to incidences involving acts of domestic violence.

Policy

It is the policy of the University at Albany Police Department to respond to every call involving a domestic dispute. Domestic violence should be considered criminal conduct, and investigated as any other crime would be.

1. The nature and seriousness of violent crimes committed between family or household members is not mitigated because of the relationship or living arrangements of those involved.

2. When domestic violence occurs, mediation by officers, or the mere separation of the combatants, has proven to be inappropriate and largely ineffective.

3. Mediation or attempts at reconciliation by the officers may aggravate the problem by suggesting to the offender that their behavior can be overlooked.
4. It is the purpose of this policy to prescribe a course of action, which our police officers shall take in responding to domestic violence incidents, which will enforce the law, ensure officer safety, and serve to identify, intervene, and prevent future incidents of violence.

5. The procedures set forth in this policy are guidelines that must be followed, except under circumstances where the officer can clearly show their use would be unsuitable.

Definitions

1. **Domestic Violence** - Any disturbance, dispute, violence, or report of an offense between individuals within a domestic relationship where police intervention is requested. A domestic incident is not necessarily a violation of the law.

2. **Domestic Relationship** - Defined by departmental policy as:
   a. Members of the same family or household
   b. Boyfriend/girlfriend relationship; including those with no child in common.
   c. Same sex relationship

3. **Family or Household Member** - For the purposes of family offense status as defined by the Family Court Act 812, and the NYS Criminal Procedure Law 530.11:
   a. Legally married to one another
   b. Formerly married to one another
   c. Related by blood
   d. Related by marriage
   e. Have a child in common, regardless whether such persons have been married or have lived together at any time
   f. Are in or have been in an intimate relationship, regardless of whether they have lived with the abuser or whether the relationship is of a sexual nature. This will include LGBTQ and dating relationships (including teens).

4. **Family Offenses** - as defined by the NYS Criminal Procedure Law 530.11:
   a. Disorderly conduct (includes disorderly conduct not in a public place)
   b. Harassment 1st degree
c. Harassment 2nd degree

d. Aggravated Harassment 2nd degree

c. Stalking 1st degree

f. Stalking 2nd degree

g. Stalking 3rd degree

h. Stalking 4th degree

i. Menacing 2nd degree

j. Menacing 3rd degree

k. Reckless Endangerment

l. Assault 2nd degree

m. Assault 3rd degree

n. Attempted Assault between:

   i. Spouses or former spouses

   ii. Parent and child

   iii. Members of the same household.

**Response**

1. **Communications**

   a. Whenever possible two officers will be dispatched to domestic violence complaints.

   b. In addition to information normally gathered, an effort should be made to determine and relay the following to responding officers:

      i. Whether the suspect is present and, if not, the suspect’s description and possible whereabouts.

      ii. Whether weapons are involved.

      iii. Whether anyone has been injured.

      iv. Whether the offender is under the influence of drugs or alcohol.
v. Whether children are present.

vi. Whether the victim has an order of protection.

vii. Whether there is a history of domestic violence complaints at that location.

2. Responding Officers

a. Officers are to respond as quickly and safely as circumstances dictate.

b. Assess the need for medical attention and call for medical assistance if indicated.

c. Where an arrest is not made at the scene of a domestic dispute, the officer will remain at the scene until they are satisfied that the immediate danger of violence has passed, and/or has exhausted all appropriate options to protect and assist the victim.

d. If the offender has left the scene prior to police arrival, an attempt shall be made to locate and arrest the offender whenever appropriate.

e. Standard investigative and follow-up procedure shall be used. Evidence shall be properly identified and collected, and photographs and statements taken when appropriate.

3. Reporting Procedures

a. The Domestic Incident Report (DIR) form (DCJS 3221) is to be used in the reporting, recording and investigation of all alleged incidents of domestic violence regardless of whether an arrest is made as a result of such investigation.

b. The DIR form is required whenever there is an investigation of a report of a crime or offense, not simply when a crime has actually been committed, and not only in instances where domestic violence has occurred.

b. The DIR form is required whenever there is an investigation of a report of a crime or offense, not simply when a crime has actually been committed, and not only in instances where domestic violence has occurred.

c. Provide the victim with a copy of the DIR form, and a list of agencies that provide aid to victims of domestic violence. A University at Albany Police Incident Report shall be written in addition to the DIR.

d. In every case, the responding officer/investigator will:

i. Review the department’s Sexual Assault/Sexual Violence/Domestic Violence Reporting Options form with the victim;
ii. Ask the victim which option(s) they would like to choose (multiple options are available);

iii. Remove the pick copy and leave it with the victim;

iv. Attach the original to the incident report.

4. **Domestic Violence Arrest** - Actions taken pursuant to this section shall be guided by CPL 140.10, and in accordance with the most current version of the same. Officers shall reference this section and be familiar with its contents; which is the basis for the following:

a. Pursuant to article 140.10 CPL, a police officer **shall arrest a person, and shall not attempt to reconcile the parties, or mediate, where such officer has reasonable cause to believe that:**

   i. A felony, other than certain grand larceny crimes, has been committed by one family or household member against another; or

   ii. There is a violation of the “stay away” provisions of a duly served order of protection; or

   iii. A family offense is committed in violation of an order of protection; or

   iv. A misdemeanor constituting a family offense is committed against another family or household member.

b. An affirmed statement or deposition is to be taken from the victim as soon as possible after the arrest.(CPL140.10-c)

c. Pursuant to articles 140.10 CPL, a summary police arrest requires the officer to have reasonable cause to believe that the person committed an offense. There is no requirement that a crime (felony or misdemeanor) occur in the officer’s presence. Therefore, a lawful arrest may be based upon factors other than the officer’s observation including but not limited to:

   i. Physical injury

   ii. Property damage

   iii. Signs of serious disruption

   iv. Statements made by the victim, witnesses or offenders.
d. The determination of sufficient probable cause to arrest shall be made in the same manner as it is for all other crimes.

e. When an arrest is a consideration at the scene of a domestic disturbance, and the issue of a sufficient probable cause is questionable, the officer shall notify his supervisor.

f. Cross Complaints - Officers are not required to arrest both parties when alleged physical force was used against the other. Investigating officers shall make every attempt to determine which party was the initial aggressor, give precedence to the most serious alleged offense, and consider the actions of the alleged victim (CPL 140.10-c)

g. In all arrests, other than civilian arrests, the officer shall emphasize to both the victim and the alleged offender, that the State is initiating the criminal action, not the victim.

5. Civilian Arrest

a. When appropriate, the victim shall be afforded the opportunity to make a civilian arrest pursuant to article 140.30 CPL. This alternative is made for those situations where the police officers cannot make a summary arrest; such as:

   i. When they lack sufficient probable cause.

   ii. For a violation level offense not committed in their presence.

b. The civilian arrest alternative shall not be used as a substitute for a police officer arrest or to defeat the general purpose of this policy.

c. Officers shall inform the victim, out of the presence of the offender where feasible, that they have the right to make a civilian arrest. If the victim decides to make a civilian arrest, the officer shall help the victim in affecting and processing such arrest. The complainant shall, as soon as possible, sign court information. In cases where an officer has sufficient probable cause, the officer shall make the arrest.

d. Officers shall be aware of the article 140.40 CPL regarding police duties with respect to all civilian arrests: a police officer is not required to take an arrested person into custody nor take any other action, if the officer has reasonable cause to believe the arrested person did not commit the alleged offense, or if the arrest would otherwise be unauthorized.

e. The police officer does not have to make an affirmative finding or have probable cause to assist in a civilian arrest, but if the complainant's
allegations are untrue, the arrest shall be terminated. The police report shall state the reasons for terminating the arrest or refusing the assist.

6. Domestic Incidents Involving Police Department Employees or other Law Enforcement Personnel

a. The University at Albany Police Department recognizes domestic violence as a universal problem that affects people from all walks of life. No person is exempt, regardless of occupation, from the mandatory arrest provisions of the Family Protection and Domestic Violence Intervention Act of 1994. There are, however, additional procedures required when responding to a domestic complaint involving a police department employee or employee of another law enforcement agency.

b. Officers responding to a domestic incident involving a member of the University at Albany Police Department, or another law enforcement agency, shall ensure that a supervisor is immediately notified.

c. If the investigation clearly indicates there is probable cause to believe that a crime has occurred, and that crime requires a mandatory arrest, such arrest will be made.

d. The supervisor at the scene shall make appropriate notifications.

e. When responding to a domestic incident involving member of an outside law enforcement agency, a command level officer from that agency shall be contacted as soon as possible, and shall be informed of the outcome. Upon request, copies of related arrest paperwork shall be forwarded to the head of the outside law enforcement agency where the involved party is employed.

f. Where warranted, all weapons, whether personally owned or issued by a law enforcement agency, shall be seized if the domestic incident involved the use, or threatened use, of a weapon; or when the presence of these weapons could lead to a more serious situation after the police leave the residence.

7. Family Offenses

a. To be considered “family offenses” the victim and the offender must have one of the following relationships:

a. Related by blood or marriage.

b. Legally married to one another.

c. Formerly married to one another.
d. Persons who have a child in common, regardless whether such persons have been married or have lived together at any time.

e. Persons who are or have been in an intimate relationship, regardless of whether they have lived with the abuser or whether the relationship is of a sexual nature. This will include LGBTQ and dating relationships (including teens).

f. When a “family offense” has been committed, the victim may choose to proceed in Family Court, Criminal Court, or both. It is the police officer’s responsibility to provide the victim with this information.

g. An explanation of the victim’s rights is attached to the domestic incident report, and it must be given to the victim at the scene. This is to be read to the victim by the officer if necessary.

h. Officers shall not discourage or prevent the victim from filing a criminal complaint and/or family court petition. Officers are further advised not to influence the victim’s choice of court. Whatever the victim’s decision, officers shall help implement that decision.

i. **Exception:** if the offender is less than 16 years of age, the Family Court Act has exclusive jurisdiction, and the victim is not afforded the option to proceed in criminal court.

j. Officers should give consideration to the rights of parental discipline which does not constitute child abuse.

2. **Processing Family Offenses**

   a. **When a victim wishes to proceed in Family Court,** the officer shall advise the victim that it will be necessary for the victim to appear in Family Court to file a petition, and obtain an immediate (temporary) order of protection if needed. If Family Court is in session, this petition must be filed immediately. If Family Court is not in session, the petition may be filed in a local criminal court, with the magistrate acting in the capacity of the family court judge, and then returned to be heard on the morning of the next day when Family Court is in session.

   b. **When the victim has elected to precede in criminal court,** the officer shall arrest the offender, when possible, and file an accusatory instrument for arraignment in local criminal court. The victim’s attendance at the arraignment is not required, but should be recommended; especially if a temporary order of protection is desired directing the offender’s immediate removal from the home.
c. Pursuant to part 134.2 of the Rules of the Chief Administrator of the Courts (22NYCRR part 134) the following shall be done:

a. An accusatory instrument that charges a defendant in a criminal proceeding with a family offense shall include a designation that an offense charged therein is a family offense, and a description of the relationship between the defendant and the alleged victim.

b. Such designation and description shall be placed on the upper right hand corner of the accusatory instrument by the arresting officer in the following form:

i. Defendant’s relationship to the alleged victim:

ii. Alleged victim’s relationship to defendant:

   1. When a defendant has been charged with a criminal offense, the defendant shall be fingerprinted and photographed in accordance with sec. 160.10 CPL and current departmental procedures.

   2. An offender charged with any domestic violence related offense shall not be released or be issued an appearance ticket

      a. It is imperative the booking officer at either Albany Police or the Albany County Jail be made aware that the arrest involved a domestic incident.

      b. An offender’s return to the family setting may cause future violence.

3. Domestic Offenses Other than Family Offenses

   a. Offenses that are not classified as family offenses may occur in a domestic setting; such as: murder, rape, unlawful imprisonment, etc.

   b. Offenses not classified as family offenses cannot be prosecuted in Family Court.

   c. Criminal courts have exclusive jurisdiction over these acts.

4. Orders of Protection

   a. Orders of protection and temporary orders of protection may be issued by a local criminal court, Supreme Court, or Family Court. Officers shall be guided by the following distinctions when advising the public which court may be of assistance:
i. **Criminal Court** - Before a local criminal court can issue a temporary order of protection to a victim, a criminal action must be pending. Upon conviction of the accused, the court may enter a final order of protection. The duration of the order shall be determined by the court (sec. 530.12 CPL)

ii. **Supreme Court** - Section 252 of the Domestic Relations Law allows the Supreme Court to issue an order of protection or a temporary order of protection in connection with an action for divorce, separation, or annulment. The commencement of such action is required prior to the order being issued by the Supreme Court.

iii. **Family Court** - Family Court is authorized under article 8 (family offenses) of the Family Court Act to issue a temporary order of protection for good cause shown upon the filing of petition. There is a requirement that the parties subject to the jurisdiction of the family court be related by marriage, consanguinity (blood), affinity (in-laws), former spouses, have a child in common, or are or have been in an intimate relationship, regardless of whether they have lived with the abuser or whether the relationship is of a sexual nature. This will include LGBT and dating relationships (including teens).

5. **Enforcement of Orders of Protection**

   a. Police officers at the scene shall make an objective evaluation of the facts and circumstances surrounding the incident.

   b. **When the Victim is Unable to Present a Copy** - A lawful arrest may still be made when the victim is unable to present a copy of the order of protection to the officer. When such circumstances exist, the officer shall attempt to verify the existence and terms of the order through department records of NYSPIN. If the order is on file in another jurisdiction, the appropriate police agency shall be contacted for verification. Verification is required only when the complainant’s copy appears to have been altered or mutilated. If there is a question regarding the order of protection, the officers shall consult their supervisor.

   c. **Out of State Orders of Protection** - Orders of protection issued in another state shall be given full-faith and credit in New York. When an officer is presented with an order of protection issued in a state other than New York, or by a tribal court, the officer shall attempt to determine its validity in a manner similar to the assessment of a New York order. Unless clearly invalid, an out-of-state order will be presumed to be valid, and shall be enforced in the criminal court with jurisdiction over the acts constituting the offense. If the validity of the
out-of-state order is in question, the officer should arrest for a substantive charge if warranted, rather than for a violation of the order.

d. Whenever an arrest is made for violating an order of protection, an affirmed statement shall be taken from the complaining victim, if possible. Such statement shall include the terms of the order that were violated and a description of the offender’s behavior.

e. In instances where the offensive conduct prohibited by the order of protection is also conduct which is independently unlawful, the offender shall be charged with both the violation of the order of protection and the underlying offense.

f. In any case where an arrest is made for violating an order of protection, it is advisable for the victim to be present at the arraignment. When a family court order has been violated, the victim is required to appear in family court if the victim elects to file a petition.

g. When an arrest is made for a violation of an order of protection, appearance tickets will not be issued nor pre-arraignment bail set.

**NOTE: Exception:** If the order of protection specifies a recommendation of bail, such bail is to be taken.
Purpose

The purpose of this Order is to establish guidelines for the emergency personnel mobilization response plan.

Policy

The University at Albany Police Department is committed to providing for the protection of students, faculty, staff, visitors, and the material resources of the campus in order to minimize injury, loss of life, and damage resulting from any kind of disaster or emergency situation. The purpose of this policy is to define the procedures necessary to ensure efficient mobilization of emergency personnel.

Communications

1. The University at Albany Police Dispatch Center will play a major role in notification procedures until such time that a stationary or mobile command post can be established at the scene.

   a. Contact information is located in the dispatch center.
2. The Dispatcher, at the direction of the on-scene Incident Commander, will make notifications to various personnel as warranted. At a minimum, notifications should include:

   a. Location of the incident
   b. Potential threat to life and property
   c. The number of offenders involved; if applicable
   d. Weapons being utilized; if applicable
   e. Steps that have been taken to stabilize the situation

3. Once the on-scene command post is established and sufficient contact information is forwarded to the on scene commander, notifications can take place from the command post, thus allowing communications personnel to concentrate on other duties.

**Alert Stages**

Due to the required time that may be necessary for various units or individuals to prepare for a response, alert stages shall be implemented at the discretion of the on-scene commander.

1. **Stand-by** - Individuals that may need to respond will be placed on “stand-by” status.

2. **Respond** - Personnel on “stand-by” will be upgraded to “respond” status when the situation requires immediate action.

**Primary and Alternate Staging Areas**

1. **Primary Staging Area** - will be determined by the Incident Commander; usually at the outer perimeter near the incident command post.

   a. Upon arriving, personnel who have been ordered to respond will immediately identify themselves to the Incident Commander, or their designee, and receive their assignment.

2. **Alternate Staging Areas** - Specialized units, such as the Civil Disturbance Team, may be directed to an alternate assembly area in order to ensure that the entire unit arrives at the scene prepared to deploy as directed.
a. Should a situation dictate that additional personnel be transported to the scene; it may be necessary to assemble at University Police Headquarters in order to assign transportation units.

Equipment and Distribution
1. Responding personnel will arrive at the scene fully prepared with the proper equipment to perform their assigned duties.

2. In the event that additional specialized equipment is required, the Incident Commander, or their designee, shall assign responding supervisors to obtain and transport the equipment to the appropriate staging area where distribution will take place.

Activation of Specialized Units
1. Specialized units, such as a department K9 team, evidence technicians, or outside agency specialized units, shall be activated only at the direction of the Chief of Police or their designee.

2. Other task forces, such as an investigative task force or emergency services task forces will be activated as required.

Key Personnel Designations
1. Key personnel shall include, but are not limited to, Chief of Police, other police Commanders, Incident Commander, Lieutenant(s), City of Albany or McKownville VFD Fire Chief, and various Commanders of specialized response units. The Incident Command System (ICS) will be established.

Transportation requirements
1. If assigned patrol units are not sufficient to provide adequate transportation, the Incident Commander will authorize the utilization of University provided vans and other transportation units.

Management Control Measures
1. Each disaster or emergency situation will be treated as an individual and unique occurrence requiring differing degrees of response on the part of various emergency service agencies.

2. After the conclusion of each incident the incident commander shall schedule a debriefing within seven (7) calendar days to critique the incident, the response, and actions taken. Representatives from each responding agency should attend.
3. Action plans for future incidents will be formulated, and policies and procedures will be updated as required.

**Rehearsals**

1. Practice responses and rehearsals involving various emergency situations shall be coordinated at the discretion of the Chief of Police or their designee.

2. This does not preclude continuous in-service training and specialized unit training and preparation.
Purpose
The purpose of this Order is to set forth a guideline in the event of a strike and/or picket lines occurring on University property.

Policy
In the event of labor controversy, the following guidelines will assist Department personnel in taking the necessary measures to protect the rights of individual employees whom choose to picket and the rights of the University and those who choose work.

Introduction
1. The person in control of the property (i.e. contractor, vendor etc.) has the right to prohibit picketers from being on their property. If the picketers are advised do this and still go on the property they may be subject to arrest for either trespass or criminal trespass. In this case the person in control of the property would have to be the complainant. The Chief of Police will guide the response of the department to this event in consultation with the Vice President of Finance and Administration.

2. Picketers are allowed to picket on state property that is the part of the University at Albany. This does not allow the picketers to violate any law. Specifically, all parties should be made aware of the sections of the Penal Law that deal with Disorderly Conduct or Harassment

3. Should a strike situation arise requiring a response from the department, members will remain neutral and deal fairly with parties from both sides and ensure that everyone’s safety is paramount in the situation
Purpose

The purpose of this Order is to establish procedures for responding to and resolving civil disturbance situations.

Policy

Civil disturbances may take various forms and vary in size and amount of danger to the University community. Civil disturbances can include events such as organized riots and demonstrations or spontaneous disturbances arising from events such as concerts, large parties, or athletic events. In the event of a civil disturbance, it is the policy of the University at Albany Police Department to isolate and maintain control of the activities while protecting life and property.

Civil Disturbances

Most civil disturbances that occur on the University may be marches, rallies, picketing, etc., are peaceful and non-obstructive. The role of the University Police in such matters is to ensure the rights and safety of those involved.

Initial Response

1. Upon arrival at a situation involving a hostile or disorderly crowd, the officer will make an initial assessment as to the size, actions, and intentions of the crowd.

2. The supervisor or OIC on duty will take charge of the scene and may establish a command post (command post may be the officer’s vehicle). They will immediately begin gathering intelligence relating to the activity and monitor the crowd using all resources at hand. As the situation develops, they will direct all police forces in the field concerned with the crisis situation.
3. The initial assessment of the situation will be relayed to communications.

4. At this point, no further action should be initiated except to prevent injury to bystanders or major property damage.

5. Officers will stay in the area to ensure the situation does not get out of hand.

6. The supervisor or OIC shall notify a member of the Command staff and advise them of the situation and their assessment.

**Non-Violent Disturbances**

1. In the event a demonstration obstructs access to University facilities or disrupts the operation of the University (but remains non-violent), the Chief of Police will be notified and will immediately meet with the President, the President’s designate, or a Crisis Management Team to review the facts of the situation and develop a response.

2. If there is no damage to property or threat of physical harm to persons, as with a sit-in type of demonstration, it may be determined to tolerate the situation for a period of time and let negotiations with demonstrators proceed. If the interference continues, the demonstrators may be asked to terminate their activities.

3. Key University officials and student leaders may convene to assist in persuading the demonstrators to cease their activity. If the demonstrators persist, an official from the Office of Student Success may advise them that continuance of their activity may result in University disciplinary action and/or intervention by law enforcement personnel.

**Violent or Destructive Disturbances**

1. In the event that a demonstration turns violent (involving injury to persons, or significant damage to property) occurs or appears imminent, the Chief of Police will be immediately notified.

2. The Chief of Police will make a determination as to resolving the situation internally or to declare the situation a civil disturbance. If declared a civil disturbance the following will apply:

3. Communications - The primary radio frequency for operations will be The Main Police Channel.

4. Other Law Enforcement Support - Manpower requirements will be predicated on the size and composition of the disturbance. The Mutual Aid Agreement (refer to General Order 2.1.2) will be utilized as well as the New York State Police depending on the size and scope of the disturbance.

5. Military Support - The Governor is the sole authority for commitment of State militia forces.
6. Community Relations/Public Information - Media briefings will be conducted as needs arise through the Office of Communications and Marketing.

7. Traffic Control - Traffic/security checkpoints shall be established at each entrance or exit from the affected area. All persons desiring entry into the affected area will be denied access except persons on official business.

8. Public Facility Security - Personnel not assigned to specific duties related to the incident will be responsible for securing University facilities adjacent to the incident area to insure the continuance of essential University services. In some incidences, it may be necessary to evacuate and secure areas or building to safely guard persons and property.

9. Equipment - In the event of a civil disturbance, officers involved in the incident are strongly recommended to wear bulletproof vest.

**Mass Arrests**

During emergency occurrences, particularly those involving civil disturbances, the potential for arrest is high. Routine arrests of isolated violators are the responsibility of the police officers during the performance of their assigned duties.

The University at Albany Police Department is not staffed or equipped to handle mass arrests without the assistance of other law enforcement agencies. Should an unusual occurrence escalate to the point that mass arrests are likely; the Chief of Police will request mutual aid from outside agencies to assist. The following procedure will apply for mass arrest situations.

**Procedure**

1. The Operations Commander will designate an arrest team that will effect all arrests.

2. The Operations Commander will insure assignments are made to provide security for the command post and the field booking areas.

3. Arrested persons will be removed from the point of disturbance by the arresting officer and brought to a point where the booking process will take place.

4. Arrest team duties will include:
   a. Establishing detention areas for arrested persons during the booking process.
   b. Photograph the arrested person and record the identification information on the back of the photo.
   c. Prepare all required arrest forms.
d. Provide for the proper collection, tagging, identification, and preservation of personal property and evidence collected at the time of any arrest.

5. Any necessary provisions for food, water, and sanitation will be provided.

6. Arrested persons who are injured will be given medical treatment before the booking process.

7. An opportunity to contact counsel will be given at the end of the booking process.

8. Juvenile arrestees are handled in accordance with policies addressing juveniles.

9. Media relations will be handled through the University’s Office of Communications and Marketing. Public Information will be handled through the Department’s Public Information Officer(s).
Purpose

The purpose of this plan is to prepare the police department for the possibility of a Pandemic Influenza outbreak directly affecting the University at Albany Police and/or its employees.

Introduction

1. Maintain a safe and healthy work environment for department personnel.

2. Maintain adequate staffing levels to enable the department to answer and respond to emergency calls for service.

3. Maintain adequate staffing to respond to pandemic flu related activities such as assisting with evacuation, supporting isolation and/or quarantine orders, staffing/securing temporary morgue, and shelter or medicine distribution centers.

Pre-Emergency Actions

1. Provide department personnel with educational information, materials and fundamentals of the Pandemic Influenza.
   a. May be found by visiting the New York State Department of Health’s website:

2. “Essential Personnel” identified:
   a. Command Staff
   b. Lieutenants/Captains
c. Sergeants

3. Officers

4. Investigators

5. Police dispatchers

6. Security Service Assistants

7. Administrative Staff

8. Other Staff and Student workers as directed by the Chief of Police

9. Establish influenza-related procedures for the workplace to assist in:

   a. Minimizing influenza spread at the worksite (i.e., promoting respiratory hygiene and cough etiquette, cleaning workstations, and prompt exclusion of people with influenza symptoms).

   b. Handling employees who have been exposed to pandemic influenza, are suspect of being ill, or become ill at the workplace (i.e., infection control response, immediate mandatory sick leave, returning to work, etc.).

   c. Restricting travel to affected areas, evacuating employees from affected areas when an outbreak begins, and procedures for employees returning from affected areas.

   d. Handling departmental waste disposal and housekeeping protocols.

10. Obtain and allocate resources

   a. Provide sufficient and accessible infection control supplies (i.e., hand-hygiene products, tissues and receptacles for their disposal) in all work locations.

   b. Develop guidelines to modify the frequency and type of face-to-face contact (i.e., hand-shaking, meetings, shared workstations, etc.) between employees and between employees and the public.

   c. Encourage employee annual influenza vaccinations.

11. Train Emergency Responders

   a. Minimizing exposure risk.

   b. Dealing with infected residents, co-workers, faculty, and staff members.

**Incident Management**

1. Emergency Mobilization
a. Activation of the Emergency Operations Center if necessary

2. In the event that on-duty personnel are not sufficient to handle an influenza related emergency and an emergency mobilization of department personnel is required, the on-duty Shift Supervisor shall notify the Command staff and may initiate a call back of necessary off duty personnel to handle that emergency. The on-duty Shift Supervisor shall inform department personnel of primary and alternate staging locations; routes to take and where to park privately owned vehicles; and any other information deemed important by the incident commander. If there is no telephone service available, essential personnel are to contact the department upon learning of the incident from other sources (i.e., media). To determine if they are needed to respond.

3. Duty Assignments

a. On duty personnel will be assigned to augment the on duty shift or to other duties as needed. Persons called back to duty will turn in overtime requests for each time period the overtime worked immediately before going off duty. Shift Supervisors will work to minimize overtime worked by Department personnel at all times.

4. Alternate Call Response

a. Communications will continue to follow established procedures regarding the evaluation and dispatch of all in-coming calls for service. Should there be a staffing shortage or the department is inundated with Emergency Calls for service that are of a non-emergency nature and do not require the immediate presence of a police officer shall be designated for call back response. Typical calls that would fall in this category include but are not limited to:

i. Private property vehicle collisions with no injuries.

ii. Animal control calls unless there is an indication of sickness (i.e., rabies), abuse, or animal bite.

iii. All not in progress calls unless they involve sexual assault, injuries or there is a potential for property loss or destruction.

iv. Public assists (lockouts, escorts) unless public safety is jeopardized.

5. Personal Protective Equipment

a. The department has the following personal protective equipment (PPE) available for its police officers:

i. Vinyl gloves.

ii. Mouth shield.
b The equipment shall be worn at locations and activities as described by the Incident Commander.

6. Isolation and/or Quarantine Orders
   a Definitions:
      i **Isolation** – the separation of an individual or individuals infected with influenza from non-effected individuals.
      ii **Quarantine** – the separation of an individual or individuals exposed to influenza from non-infected and non-exposed individuals.

7. Enforcing Isolation and/or Quarantine Orders.
   a Officers may use reasonable and appropriate force to ensure compliance with valid isolation and/or quarantine orders to protect the public interest as provided for by statute.
   b In all circumstances, the department’s policies and statutory restrictions shall be adhered to. Situations related to quarantine and isolation orders are stressful, and frightening, and require a patient and compassionate response.
   c The Incident Commander has the authority to establish rules of engagement based upon the situation at hand based on established department policy and statute.

8. Evacuation
   a Follow established procedures. Coordinate with Building Emergency Coordinators.

9. Building Security
   a Security of building declared off-limits
      i Short term
         1. Post signs indicating building is off-limits.
         2. Lock and secure if possible.
         3. Assign security if necessary.
      ii Long term
         1. Post signs indicating building is off-limits.
         2. Change locks on exterior doors (Facilities Operations responsibility).
3. Assign security if necessary.


10. General security of University buildings and facilities.

11. Short term
   a  Clear building/facilities.
   b  Post signs indicating building is closed.
   c  Lock and secure.
   d  Random patrol.

12. Long term
   a  Clear building.
   b  Post signs indicating building is closed.
   c  Change locks on exterior doors.
   d  Random patrol.

13. Fatalities
   a  Established protocols and agreements with the City and County of Albany, and the Town of Guilderland will be adhered to unless emergency circumstances prevent it.
   b  The Chief of Police, or their designee, will be liaison with the Albany Medical Center Examiner’s Office.
   c  The Investigations unit will take charge of all death cases and will secure the victim(s) and the scene. Evidence and property will be handled in accordance with department policy. No release of information or access to the scene to the media will be authorized until cleared by the Chief of Police, or their designee.

14. Contamination of Police Facilities/equipment
   a  In the event that any part of the police facility or equipment is contaminated, the affected area will be sealed and an immediate clean up requested from custodial personnel. Contaminated equipment will be cleaned and sterilized before being returned to service. Equipment and uniforms that cannot be cleaned and returned to service will be inventoried and disposed of in a manner approved for the handling of Biohazards. Inventories will be retained and will be attached to reports or other documentation surrounding the incident.
15. Protection of the Facility from Contamination
   a. The facility should be protected from contamination from citizens, suspects and employees who are symptomatic or have been exposed to the influenza and who present a risk of being contagious.

16. Interview/Interrogations/detention
   a. When necessary, the use of the police facility for suspect/victim/witness interviews/interrogations or detentions will discontinued.

17. Non-essential services/activities
   a. Services such as recruitment, testing/hiring or other non-essential services will be discontinued until the risk of contagion has passed or diminished.

18. Sick/injured Employees
   a. Any Department employee who becomes sick or injured and that illness or injury can be attributed to or is suspected to be related to an on duty activity will be provided with the appropriate Workers Compensation forms and information and all regular procedures for on duty injuries will be followed.
   b. Any employee who is sick or injured as a result of a non-duty exposure will utilize the appropriate leave credits.
   c. Injured or Ill employees will be relieved of duty and sent home or to isolation/quarantine, whichever is appropriate, to minimize further exposure to other employees.

19. Documentation
   a. Upon declaration of campus emergency, administrative and fiscal personnel will track and gather all documentation related to expenditures during the emergency period. This documentation may include but is not limited to:
      i. Overtime
      ii. Emergency purchases of equipment
      iii. Emergency lodging and subsistence costs
      iv. Damage/loss of department equipment
      v. Use of “Consumable” items.

20. Outside Agency Assistance/Mutual Aid
   a. Should additional personnel be required to meet staffing obligations, all mutual aid protocols and agreements will be followed.
21. Expenditures

   a. All emergency expenditures must be approved by the Chief of Police or their designee.
Purpose

The purpose of this General Order is to ensure the safety of the public and responding officers when handling bomb, suspicious packages, and hazardous devices while utilizing the Incident Command system.

Introduction

There are two purposes for a call reporting that a bomb is to go off at a particular site:

1. The caller has definite knowledge or believes that an explosive or incendiary device has been or will be placed, and they want to minimize personal injury or property damage. The caller may be the person who placed the device or someone who has become aware of such information.

2. The caller wants to create an atmosphere of anxiety and panic which will, in turn, possibly result in a disruption of normal activities at the location where the device has purportedly been placed.

Procedure – Bomb Threats

Communications

1. When a telephoned bomb threat is received in Communications, the communications officer will attempt to elicit all available information from the caller (see Bomb Threat Checklist). If the threat is received at another location, and relayed to Dispatch, the communications officer will attempt to ascertain as much information as possible for the Bomb Threat Checklist, from the caller, and also dispatch an investigator or zone officer to speak with the person who received the call.
2. The shift supervisor and at least one police officer will be dispatched to the location of the threat. The Supervisor will assume police command.

3. The shift supervisor will notify one of the Department’s Public Information Officers (PIO) and a member of the Command staff and advise them of the situation. The member of the Command staff will make the appropriate notifications to the Chief of Police, other University Officials and other appropriate agencies. The PIO will inform the University Office of Communications and Marketing, and both agencies will adhere to the procedures outlined in the Public Information Function of the Police Department Administrative Manual.

Evacuation

1. The supervisor will consult with the appropriate personnel in charge of the area (Building Coordinator, Professor, Provost, Vice Chancellor, Administrator on duty, etc.) as to the adverse effect of evacuation. The decision to evacuate will be made by the person in charge of the area/building. If they refuse to make the decision or if the person in charge of the building/area cannot be located, then the supervisor will make the decision whether to evacuate or not. If evacuation is ordered and a suspected object or device is located, evacuate all civilians at least 1000 feet away from the area of concern.

2. If the building is to be evacuated, the fire alarm system may be used to assist in the evacuation. The officer activating the alarm will first notify Communications that the alarm is being used for this purpose, to avoid having the fire department dispatched unnecessarily. Communications is to notify the Power Plant that the alarm is being pulled and not to notify the Albany Fire Department.

3. If the building is evacuated, the public will be moved to a safe distance from the building perimeter, (1000 feet). Consideration should be given to the fact that devices are commonly placed in trash cans, shrubbery, and vehicles outside of buildings. Building entrances will be secured against re-entry by posting officers, signage, or barricade tape as appropriate and available.

Radio Communications

1. Radio and cell phone use should be kept to a minimum but must be kept on to ensure proper communications. The appropriate radio frequency should be assigned to the incident and all other radio transmissions not associated with this call shall be switched to another frequency.

Building Search

1. The area or building will be searched by officers. The department’s K-9 unit may be utilized, see K-9 policy. The shift supervisor will maintain a fixed command
post with the personnel in charge of the area. If the call was received by staff on the scene, they should be interviewed for all possible details of the call by using the Bomb Threat Checklist Form. If the Department K-9 is not available or it is determined that additional K-9 teams are needed, contact the following agencies in this order:

a. The City of Albany Police Department

b. New York State Police Capital

c. New York State Police COMSEC

2. A complete and thorough search is generally not achievable, due to the size of the typical building, and the difficulty in identifying an obscured or cloaked explosive device. The search personnel should check for an open or observable device, as well as for any suspicious items or packages.

3. If a device or suspicious package is located, it should not be touched. See “SUSPICIOUS PACKAGES/SUSPECTED EXPLOSIVE DEVICES” for the appropriate procedures.

4. The search will first cover outside of the building. Areas such as trash cans, shrubbery, ledges, and parked vehicles should be checked. Officers will not attempt to search a vehicle that is suspected of containing a bomb or other explosive device. An Explosive K9 Unit may conduct an exterior sniff of the vehicle. Only bomb personnel should conduct a search of a suspected vehicle. Officers suspecting an explosive device should secure the scene and notify the appropriate personnel immediately. Once a NYSP BDU and appropriate fire department are requested, Command will identify staging and media areas that will be utilized.

5. Inside the building, start at the lowest level and work upward. Check facilities area first (boiler room, electrical circuit boxes and vaults), as a device here could render the building unusable. Then check areas accessible to the public (lobbies, hallways, restrooms). Once the public areas are checked, work back down through the building checking non-public areas (offices, labs, storerooms). If enough personnel are available, split into teams, and check both public and non-public areas at the same time. If it is determined that a bomb tech or disposal unit is needed, contact the New York State Police first, then Homeland Security’s ATF (Alcohol, Tobacco, and Firearms). Once the NYSP BDU is on scene, the University at Albany Police Department will not release the scene back to the designated building manager until authorization has been provided by the NYSP BDU.

6. If a dead-line was given by the caller, the search will cease and officers will evacuate the area ten minutes before the deadline. Officers will not re-enter the area until fifteen minutes after the deadline has expired. The University at Albany
Investigators will work with the New York State Police at the scene once the NYSP BDU deems it safe.

7. Upon completion of the search, officers will report to the shift supervisor at the command post. The supervisor will advise the personnel in charge of the area that no device was found, NOT that there is no device.

**Suspicious Packages/Suspected Explosive Devices**

1. If a suspicious package is found, it will not be moved or handled. Officers will create a perimeter and wait for a K-9 Unit to arrive.

2. If a suspected device is found, the device will not be moved or touched. Officers will create a safe perimeter and the Supervisor/OIC will contact the New York State Police Bomb Detection Unit (NYSP BDU). A NYSP BDU should be requested even if a K-9 has not arrived on the scene. Keep in mind that there could be multiple devices so a search should continue.

3. If a suspected device is found, the supervisor will request the appropriate fire department (Guilderland, McKownville, or Albany) to be put on standby and for the Fire Chief and appropriate supervisor (the City of Albany Police Department or Guilderland Police Department) to report to the on-duty shift supervisor. Other offices that should be contacted are the University Health and Safety, Power Plant, and the Office of Homeland Security (ATF). The supervisor will then instruct the communications officer to notify the New York State Police Bomb Detection Unit (NYSP BDU). Fire personnel will stage outside but in close proximity to the incident scene. Only if a device should explode will Fire Department personnel enter the scene for fire, rescue and injury. Other departments and agencies that need to be notified when a suspicious item or bomb is discovered include: University Environmental Health and Safety, ATF, utility services, and Investigators from the University Police Department.

**Bomb Disposal**

Upon arrival, the NYSP BDU will assume operational command. The University at Albany Police Department will provide support personnel for area security and marked police vehicles for escorting the bomb disposal vehicle.

**Reports**

All service calls related to bomb threats or found devices, or other related incidents, are required to be documented in detail on the appropriate report(s). All reports will be forwarded to the Chief of Police for evaluation and review. If a device was found, the incident will be reported to the National Bomb Data Center.
Purpose

The purpose of this Order is to establish the procedure for the use of Police K9 Teams and the restrictions pertaining to same.

Policy

It is the policy of the University at Albany Police Department to implement specialized canine law enforcement units for use in patrol, tracking, explosive detection, narcotics detection, article/evidence detection, and for public relations informational demonstrations.

Procedure

1. General

   a. A University at Albany Police Canine Team shall consist of a police service dog and handler (sworn police officer), certified as a team by the Bureau of Municipal Police (BMP).

   b. On duty department personnel may request the assistance of a Canine Team through a Supervisor/Command Staff. If there are no Canine Teams on duty a Supervisor may authorize a Team to be called in utilizing the canine overtime list, keeping in mind the working capabilities of each team. When the University at Albany Police Department has no Canine Teams available the Supervisor may call an outside agency for mutual aid.

   c. Canine Handlers shall assume all tactical control during a K9 utilization based upon their specialized knowledge of canine deployment tactics and considerations including but not limited to the decision to deploy, or not
deploy the canine. Some examples of situations in which a K9 team might be used are:

i. Building Searches

ii. Tracking of Suspects/Missing/Lost Persons

iii. Open Area Searches

iv. Narcotics Detection

v. Explosive Detection

vi. Article/Evidence Detection

vii. Public Relations Exhibitions

viii. Crowd Control – exigent circumstances only

d. The Canine Team is intended as support for all divisions within the department

e. Arrests made or evidence recovered as a result of the use of the K9 team will be considered to have been accomplished by the requesting officer(s).

f. When a K9 team responds to any “team” call, the handler shall be responsible for submitting a K9 Utilization Report, documenting actions taken by the team.

g. The K9 team is assigned a patrol vehicle equipped with a kennel system and all necessary safety and emergency equipment.

2. Administrative

a. The Canine Handler shall be responsible for maintaining all K9 related records, including but not limited to:

i. Veterinary records

ii. Training records

iii. Certifications

iv. Dog Bite Memorandum

v. Awards/Commendations

vi. Any other records as directed by the Chief of Police
b. The Canine Handler shall be responsible for filing a K9 Utilization Incident report to include all K9 team activities.

c. Dog Bite Memorandum

i. Whenever a K9 is deployed in a tactical situation, which results in a bite, the handler will file that appropriate use of force incident report.

ii. Whenever a K9 is involved with either an on duty or off duty incident that results in an injury to another person, the handler will complete a K9 incident report documenting the circumstances of the incident.

iii. A member of Command Staff will be notified as soon as reasonably possible of such an event and shall thoroughly investigate and review the situation.

iv. The Canine Handler shall place copies of all such reports in the Canines records.

d. Training Records

i. The handler shall be responsible for keeping up to date with all department and DCJS mandated in service maintenance training and shall document same.

ii. The recorded training information shall be considered part of the Canines records.

3. Training

a. Each new canine and handler shall attend a training academy or similar course of instruction prior to assuming duties as a K9 team.

b. A pre-trained/certified K9 team will conduct in service training with a Bureau for Municipal Police (B.M.P.) certified trainer and pass a New York State B.M.P. certification.

c. The University at Albany Police Department recognizes and encourages the certification process of both the United States Police Canine Association (USPCA) and North America Police Work Dog Association (NAPWDA).

d. Canine maintenance training will be conducted at a 16 hours per month minimum.

e. All training will conform to the standards and principle established by the New York State Bureau of Municipal Police.
General

1. Canines may be deployed to apprehend fleeing suspects and/or overcome resistance of arrestees only after due consideration of the nature of the offense, the danger the suspect poses to the public, officer safety, and other methods of apprehension.

2. Canines may be deployed for building searches and area searches: Three loud verbal warnings shall be issued prior to canine deployment, identifying the K9 team as law enforcement officers and that a trained police K9 will be released if the subject(s) do not surrender immediately. The warning can be waived when announcement of the team would be considered a tactical liability.

3. Canines shall not be used for crowd control except when it is necessary to prevent death or injury to innocent people or to prevent assaults on police personnel.

4. Canines shall not be used to apprehend persons under the influence of intoxicating substances, except when a crime is involved.

5. Canines shall not be used to apprehend mentally disturbed persons, except when a crime is involved.

6. Under no circumstances will any personnel engage in horseplay of any type while in close proximity to a canine.

7. Personnel shall not approach a police canine except in the presence of and with permission of the handler.

8. After physical apprehension by a K9, the handler and their designee only will approach, command the canine to release, and place the subject under arrest.

9. The use of a K9 is subject to all New York State laws and regulations regarding the police use of force.

K9 Request from Outside Agency

Should an outside agency request the services of a University at Albany Police Department K9 team the dispatcher or person fielding the request will obtain the following information:

1. Name/Rank/Badge # of person requesting

2. Contact telephone number (preferably of supervisor on scene)

3. Type of canine assistance requested i.e. building search, track, narcotics/explosive detection
4. Exact location to respond to (specific direction/route of approach if appropriate).

The dispatcher will then notify a Supervisor or Command Staff member of the request. If the Supervisor or Command Staff approves the request the dispatcher will then attempt to contact a handler utilizing the K9 overtime list and calling both cell phone and home numbers even if the handler is on pass days or vacation. Dispatchers will consider the capabilities of each particular team, which will be listed next to the team’s contact information. The dispatcher will provide the K9 handler with all of the relevant information acquired and will re-contact the requesting agency to notify them of whether or not a team will be responding to assist. The dispatcher will then enter the appropriate K9 RMS (Records Management System) incident report data.
Purpose
The purpose of this Order is to provide guidelines for officers in preventing the contraction of infectious diseases.

Policy
It shall be the policy of this department to continuously provide employees with up to date safety procedures and infectious disease information that will assist in minimizing potential exposure, while increasing their understanding of the nature and potential risks of communicable diseases.

Introduction
It is the responsibility of the department to ensure that its members are able to perform their duties in a safe and effective manner. Life-endangering infectious diseases have recently threatened the safe performance of daily operations.

Definitions
1. **Body Fluids** - Liquid secretions including blood, semen, vaginal, or other secretions that might contain these fluids such as saliva, vomit, urine, or feces.

2. **Communicable Disease** - Those infectious illnesses that are transmitted through contact with body fluids of an infected individual.
General

In first responder situations, officers may be required to make physical contact with subjects infected with transmittable diseases. In all cases when administering CPR and in all cases when administering first aid to subjects when blood and body fluids are present, appropriate protection will be worn.

Specific

Each patrol vehicle will be equipped with the following protective equipment and material:

- Rubber disposable gloves;
- Disposable face mask;

1. Officers administering first aid and/or CPR will utilize rubber gloves.

2. Officers in first responder situations when blood or body fluids are present or suspected are strongly encouraged to wear rubber gloves and facemasks.

3. Contaminated material items will be sealed in a **RED** plastic bag labeled **BIOHAZARD**. These bags are stored in the University Police Department’s Booking room. The bags will then be given to the Emergency Medical Services Provider on scene for proper disposal.

4. Uniforms soiled with human blood, body fluids or excretions will be removed, placed in a bio-hazard bag and an email sent to the Captain and Administrative Inspector. The items will then be professionally cleaned at the department's expense.

5. Hands and other parts that contact potentially contaminated human fluids should be washed with antibacterial soap as soon as possible. Good hand washing technique should be used.

6. Individuals who suspect contaminated body fluids may have entered their body (through cuts, eyes, nose and mouth) must notify their supervisor immediately. The supervisor will ensure medical attention is provided to the officer who has been exposed. The supervisor will then notify the ITRO.

7. The ITRO must activate the Post Exposure Control Plan (at [http://www.albany.edu/ehs/policy/bloodborne%20pathogens%20policy.pdf](http://www.albany.edu/ehs/policy/bloodborne%20pathogens%20policy.pdf)) as outlined in the University's Bloodborne Pathogens Program. This is considered an occupational exposure and will be treated as such.

8. All University Police personnel that may be expected to contact human blood or body fluids during the course of normal employment, will receive training in bloodborne pathogens, as outlined in *Occupational Safety and Health Standards*,...
29 CFR 1910.1030(a), Occupational Exposure to Bloodborne Pathogens. It will be the responsibility of the ITRO to provide such training.

9. It will be the responsibility of the ITRO to follow up with Environmental Health and Safety regarding the Post Exposure Evaluation. The Exposure Control Officer will follow-up with Environmental Health and Safety, as outlined in section 4 of the University at Albany Exposure Control Plan for Bloodbourne Pathogens.

10. All records pertaining to the exposed department member will be considered confidential and stored with the University at Albany’s Medical Review Officer at the Human Resources Department located at 1215 Western Avenue.
Purpose

The purpose of this policy is to establish an Incident Command System for operations management during unusual occurrences (both natural and manmade), critical incidents, and other major emergency situations involving multi-agency response. This policy will address the following at a minimum in relation to the use of the incident command system:

- System activation criteria;
- Command protocol;
- Written plans and procedures utilized;
- Training of agency personnel;
- Documented after action reporting;
- Documented annual training exercises; and
- Documented analysis of incidents and training effectiveness.

Policy

It shall be the policy of the University at Albany Police Department to utilize the Incident Command System for operations management during unusual occurrences (both natural and manmade), critical incidents, and other major emergency situations involving multi-agency response. Proper procedures for use of the Incident Command System are as follows:
Introduction

The University at Albany Police Department maintains an Emergency Operations Center (EOC) as part of our community’s emergency preparedness program. At an EOC, University department heads, local community officials and possibly volunteer disaster agencies gather to coordinate their response to an emergency event.

Each organization as divided into four broad functions: policy, coordination, operational response, and field response. These functions are typical of those that exist in many organizations, and each function performs a particular role in an emergency.

When agency representatives join together to form groups in these functional areas, these groups together comprise the emergency management team, which provides direction and control within our community during emergency operations.

Procedure

System activation criteria

The activation of the Incident Command System should be for all unusual events that occur on University at Albany property or control and involve multiple agencies. The first emergency personnel on the scene will activate the Incident Command System. First responding officer will relinquish command to the next senior supervisor when arrival on the scene. This process will be continued until the Chief of Police or their designee appoints the Incident Commander for the event.

Command protocol

Incident Command System achieves goals by pre-establishing a command structure that can be used for any incident. Incident Command System identifies the Incident Commander, The Command Staff, and the General Staff positions.

The Incident Command System can and should be activated by the first responding emergency personnel (University Police or Fire), who has been trained in the Incident Command System, to an unusual incident where multiple agencies will be responding.

The senior University at Albany Command Staff person, who has been trained in the Incident Command System, responding to the scene will assume command when arrival on the scene and after being briefed by the original officer that activated the system. The University at Albany Chief of Police, or their designee, will designate the Incident Commander when notified of the event.

Written plans and procedures utilized

The University at Albany has a current Emergency Operations Plan which is unique to the University. This plan should be followed in all events where an event occurs that
may require the Incident Command Systems use (See General order 46.1.1 Unusual Occurrences.)

**Training of agency personnel**

All personnel employed by the University at Albany Police Department should be familiar with the Incident Command System policy. The Chief, Captains, Lieutenants, Technical Sergeants and Officers will be trained in the Incident Command System. Other staff maybe trained if time and resources are available.

**Documented after action reporting**

After action report will be completed by the Incident Commander after each incident where the Incident Command System is used. This report will be submitted to the Chief of Police. The Chief of Police will review the action taken and make appropriate changes if necessary.

**Documented annual training exercises (Annually)**

A documented training session will be conducted each calendar year. This exercise can be a “table top exercise”.

**Documented analysis of incidents and training effectiveness (Annually)**

The Chief of Police, or their designee, will make an analysis of the training exercise and any incident where the Incident Command System was activated during the fiscal year.
Purpose

Both the Federal and State Constitutions provide every individual with the right to be free from unreasonable searches and seizures. It is the purpose of this policy to establish the guiding principles for members of this Department when dealing with search and seizure issues.

Policy

It is the policy of the University at Albany Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant Federal and State law governing the seizure of persons and property.

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches. Officers conducting searches without a warrant bear the burden of proving that the search was reasonable. Therefore, officers should consider obtaining a search warrant whenever time and circumstances permit.

Reporting

In order to identify any potential bias in our members and maintain a transparency in our operations, each member that requests and/or performs any search of a person or their property, which includes their residence or motor vehicle, will record the circumstances of that search in the appropriate section of an RMS report. The details will include the demographic information of the subjects of the search/seizure.
Introduction

The search warrant is one of the more powerful and valuable tools in the law enforcement arsenal. While the process of applying for and obtaining a search warrant should be familiar to most officers, it is primarily a function of the Criminal Investigations Unit to apply for and obtain search warrants. There are many technical and legal pitfalls that can invalidate a search warrant, lead to the suppression of evidence or dismissal of cases, and have liability implications for involved officers. Therefore, it is the policy of this agency that all officers have a sound knowledge of the legal requirements associated with obtaining a search warrant in order to support the Constitutional rights of citizens, prevent suppression of evidence, and to maintain public confidence in this agency’s mandate to carry out the police function in an ethical and legal manner.

Definitions

1. Search Warrant: A written order, in the name of the people, signed by a judge or other judicial authority, directing a police officer to search for specified personal property and bring it before the issuing authority.

2. Search Site: The premises to be searched, as explicitly stated in the search warrant.


4. Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized. Whenever practicable, this member should be an Evidence Technician.
5. **Supervising Officer:** The member primarily responsible for the investigation, and preparing, planning, and implementing the search warrant. This is typically the Lead Investigator.

6. **Tactical Coordinator:** The officer responsible for planning and supervising tactical operations on the execution of high risk search warrants. This includes dynamic entry and other tasks requiring special weapons and tactically trained officers. This would typically be the supervising member of a tactical team requested by our agency to assist in the execution of our search warrant or a member assigned that role by the Chief of Police or his designee.

7. **Protective Sweep:** Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

### Application and Obtaining the Warrant

1. All officers shall obtain the permission of the shift supervisor when seeking a search warrant. Should a supervisor not be available, a member of command staff may be contacted for permission.

2. **Legal Basis for Seeking a Warrant**
   
   a. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband or fruits of a crime may be found at a particular location.

   b. Specific facts establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or unauthenticated third-party information or hearsay. Such facts may be based on:

      i. personal observation/knowledge of the officer; or

      ii. information from a reliable source.

   c. When informants are used—particularly confidential informants—the reliability of the informant and information provided shall be specified. Whenever possible, officers shall corroborate informant information.

3. **Affidavit Preparation**

   An affidavit supporting application for a search warrant shall be prepared on the designated agency form. The accuracy of the affidavit is vital to the validity of the
search warrant; thus, officers shall ensure that the following information is clearly and completely specified.

a. Offense: the offense shall be described with reference to the criminal code section where possible.

b. Place or Thing to be Searched: the place or thing to be searched shall be described with specificity, and officers shall ensure that the warrant includes the specific reference(s). Where premises are to be searched, references should include:
   
i. Exact physical address to include room number if appropriate;
   
ii. Physical description of the premises;
   
iii. Legal description of the premises;
   
iv. Name of occupant(s);
   
v. Geographical location of the property;
   
vi. Photographs, maps or diagrams that help to specify the location in question if appropriate.

c. Scope of the Search: only those things described in the search warrant can be seized. Exceptions to this include items seized incident to a lawful arrest, items reasonably related to those specified in the warrant and evidence of another crime discovered in plain view during the search. Therefore, the affidavit shall specify and officers shall ensure that the warrant includes the following:
   
i. All areas that officers desire to search shall be designated. In cases where officers wish to conduct a complete search of a location and its surroundings, the affidavit should specify a “premises” search and it's “curtilage” and should identify any outbuildings or other surroundings where appropriate.
   
ii. Motor vehicles known to be on the premises that may be searched should be specified.
   
iii. Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible. If a warrant to search “all persons present” is sought, probable cause to believe that such persons have evidence of criminal activity on their person shall be specified.
iv. The specific items to be searched for shall be detailed. Where the item may be dismantled (e.g. firearms), the warrant should authorize search for parts, pieces or components of that item.

v. Officers anticipating search of computers and related high-technology equipment shall consult a designated expert for appropriate language to use in the affidavit and procedures for seizure of hardware and software.

d. Time and Method of Search

i. A search warrant may be served at any time of the day or night as long as the affidavit provides good cause and permission is granted in the warrant.

ii. Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

iii. Officers may request a “no knock and announce” provision in the warrant when they have reason to believe that adherence to the knock-and-announce rule would endanger their safety or the safety of others, would enable wanted persons to escape or would likely result in the destruction of evidence before entry can be made.

3. Review Of The Warrant

a. Officers shall review search warrants issued by judicial authorities to ensure that they include all pertinent information set forth in the affidavit accurately and completely, and that the warrant has been properly signed. Officers shall not attempt to serve any warrant that is known to contain substantive or administrative errors.

4. Return Of The Warrant

a. Officers shall observe statutory and administrative requirements regarding return on the warrant to include providing a receipt to the proper person for property taken, retention and security of property taken, and return of the warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.

5. Recording

a. A record shall be kept of all warrants issued to this agency and actions taken in response to each. These notations can be made as a supplemental report within RMS or added as an Investigative Note.
6. Liaison with the Prosecutor’s Office
   
a. Officers seeking warrants in unusual situations or where the seriousness, nature or legal complexity of the case dictates should contact CIU or consult with their supervisor to review the case with the prosecutor’s office prior to seeking a search warrant.

**Executing the Warrant**

1. Warrant Service Planning
   
a. The supervising officer shall advise and receive approval from his or her supervisor before serving the warrant.

b. Selection of officers to serve the warrant shall be based on the officers’ prior training and experience in conducting warrant service consistent with the demands of the warrant service in question.

c. The supervising officer shall ensure the complete preparation for serving the warrant in accordance with its nature and complexity and in consultation with the prosecutor if necessary. (A checklist of possible issues that may be considered in the planning process is attached to this policy for reference). These tasks include but are not limited to the following:

   i. Gather intelligence on the target site to include the structure and immediate area surrounding the structure.

   ii. Assess the capabilities and backgrounds of suspects to include criminal records, and history of weapons usage and potential for violence.

   iii. Determine the best date and time for warrant execution. The warrant shall be executed as soon as practicable as defined by state law.

   iv. Determine equipment, team personnel, and the need for the assistance from a local tactical team.

   v. Secure a warrant and ensure that it is thoroughly reviewed for accuracy, legal integrity, and completeness.
1. No-knock entries, where legally permitted and specified in the warrant, shall be conducted in accordance with state law.

2. The need for a no-knock warrant shall be clearly specified in the application and affidavit for a warrant.

3. Should nighttime service be anticipated or desired, justification shall be included in the affidavit and must be authorized in the search warrant.

4. A tactical coordinator shall be consulted whenever a warrant calls for no-knock entry, or service involving weapons and/or subjects deemed particularly dangerous.

2. Preparation for Executing the Warrant

a. The supervising officer and tactical coordinator, where required, work cooperatively to ensure proper preparation, planning, and service of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the supervising officer and tactical coordinator and will include but not necessarily be limited to the following:

i. The specific items subject to the search as defined in the warrant and any available information on their location.

ii. Information concerning the structure to be search and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, outlying buildings, suspect vehicles, and all other points of concern.

iii. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of others who may not be involved with suspects.

iv. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners,
and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.

v. Personnel, resources, or armament necessary for gaining entry, safety and security of officers, or for conducting the search.

vi. Contingency plans for encountering hazardous materials, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.

vii. Procedures for exiting the location under emergency conditions.

b. The entry team shall at all times include uniformed officers who shall be conspicuously present where the warrant is served. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of office.

c. All members of the search team shall wear body armor or ballistic vests as designated by the supervising officer.

d. Prior to execution of the warrant, the supervising officer shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.

e. The supervising officer shall make a final assessment of the warrant’s accuracy in relationship to the location to be searched.

f. The supervising officer shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A written record shall be supported by photographs and the on body video worn by the search team members. If practical, a video recording of the entire search process shall be made.

3. Entry Procedures

a. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.

b. The search personnel shall position themselves in accordance with the execution plan.

c. Notification

i. An easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that
he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.

ii. Following the knock and announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable.

iii. When executing a search warrant in a residence hall, every effort should be made to obtain keys to the search site prior to the execution. Manual breaching of the door should be a last resort.

4. On Premises Activities

a. Upon entry, the occupant shall be given a copy of the search warrant whenever possible.

b. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.

c. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search. Search personnel shall then follow the plan that details the likely whereabouts of the items to be seized and the order of operation for conducting the search.

d. Items specified in the warrant may be searched for in places where they may reasonably be expected to be located and seized, as well as other items that are reasonably recognized as evidence.

e. An officer, designated in the plan, shall be responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authority.

f. Cash and currency taken as evidence shall be verified by a second officer or supervisor, and the counting and sealing of currency in evidence bags shall be video recorded when practicable.

g. Officers should exercise reasonable care in executing the warrant to minimize damage to property.

i. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security
problems, arrangements shall be made to guard the premises until it can be secured.

ii. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.

h. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

i. In a timely manner upon conclusion of the warrant service, the supervising officer and tactical coordinator shall conduct a debriefing of all participating officers.

j. The supervising officer shall thereafter prepare and submit an after action report on the warrant service, results of actions taken, and recommendations for further investigative actions.

NOTE: The Pre-Search Planning Checklist is located in Annex C of this Manual.
Introduction

In some circumstances, it is both acceptable and appropriate for an officer to conduct a physical search of a person or property without a search warrant. It is the policy of the University at Albany Police Department that all searches and seizures are conducted in a lawful manner such that they uphold the constitutional rights of those persons who are the subjects of such searches and seizures and will withstand the scrutiny of judicial review.

Searches and seizures that are conducted without a warrant are often scrutinized by both the judiciary and the public, so it is crucial that officers have a firm understanding of current statutes and case law regarding search and seizure before conducting the search. The specific facts of each situation must be carefully considered by the officer to determine if the physical search is justified and appropriate. The following order is to serve as a guide to aid the officer, but is not inclusive of all incidents or factors. Current statutes and judicial opinions binding in the agency’s jurisdiction must be considered before conducting the search.

Definitions

1. **Fruits of a crime:** Material objects acquired by means, or in consequence of the commission of a crime.

2. **Contraband:** Items kept, concealed or possessed in violation of the law; or items kept for the purpose of violating the law.

3. **Instruments of a crime:** Items which will aid or have been used in the commission of a crime such as weapons and burglary tools.
4. **Other evidence**: Items which will aid in the apprehension or conviction of a criminal such as bloody or ripped clothing, or a business record. This evidence may be seized providing the warrant clearly states its connection to the crime.

**Exceptions to the Search Warrant Requirement**

1. **Consent Searches**

   a. Consent to search without a search warrant, which may be granted in writing or verbally, is an abandonment of a Constitutional Right, and as such will be closely scrutinized. The following considerations must be made when obtaining consent:

      i. Consent cannot be presumed from silence.

      ii. Consent must be specifically and intelligently given.

      iii. Consent must be given freely, knowingly and voluntarily, free of any coercion, intimidation or threat. Officers must avoid even the appearance of intimidation or duress. The burden is on the State, and thus the police, to show that consent was voluntary.

      iv. A person who has “authority”, i.e., the immediate right of possession and control of the premises or property that is the subject of the search, must give consent. However, police may rely upon “apparent authority” in obtaining consent. If there is any doubt as to who has the immediate right of possession and control of the premises / property, then a search warrant should be obtained.

      v. Consent must be free of misrepresentation or fraud. Consent obtained by trick, duress or misrepresentation voids the consent and makes evidence obtained inadmissible.

      vi. Consent must be obtained prior to the search and after the officers have identified themselves and requested the right to search.

      vii. Consent must be limited to the area specified and such consent may be revoked at any time, unless items are found prior to such revocation that establishes probable cause. Upon such revocation, the search must cease. Evidence found prior to revocation may be retained and used as a basis for immediate arrest or as probable cause for the issuance of an arrest or search warrant.

   b. Before verbal consent can be given, the officer shall inform the subject of the search that:
i. The person is being asked to voluntarily consent to a search; and

ii. The person has the right to refuse the request to search.

c. An officer does not need to specifically recite the preceding advisement, but the substance of the advisement must be conveyed.

d. In all cases where verbal consent is the basis for the warrantless search, the advisement and verbal consent must be recorded on a department body worn camera or digital audio recorder. If a recording cannot be made, written consent must be obtained.

2. Plain View Seizure

a. In certain limited circumstances, an officer may make a warrantless seizure of objects in plain view. The following conditions, however, must be met before the plain view doctrine is applicable:

i. The initial intrusion that afforded the view must have been lawful.

ii. The incriminating nature of the evidence must have been immediately apparent without further intrusion.

b. When an officer lawfully enters a premises, contraband that is observed in plain view may be seized without a warrant. In such cases, the usual requirements of obtaining a search warrant are unnecessary because no “search” has been conducted. A “search” implies looking into private or hidden places for concealed items, and does not include the observation of articles that are open to plain view or obvious to the senses.

c. An observant officer, utilizing the “plain view” doctrine, may often be successful in recovering stolen property; unlawful drugs, or weapons used or intended for use in the commission of a crime. Areas in which a person has no expectation of privacy, such as unposted open fields, streets or roadways, may be searched without a search warrant. This does not include the “curtilage,” which is defined as the immediate yard or outbuildings of a dwelling house.

i. However, obtaining a search warrant prior to the search is preferable.

d. Search of abandoned property

i. Things thrown away or left in a constitutionally unprotected place may be seized and examined. This includes articles dropped or otherwise discarded by a person, but not articles temporarily separated from an individual.
1. Also, this exception to the search warrant requirement does not include articles discarded after an illegal seizure of the person; i.e., an improper detainment or illegal arrest.

3. Search Incident to Arrest

a. The Supreme Court has determined that any search incident to arrest, regardless of the place of arrest (i.e., a dwelling, a vehicle, etc.), must be:

   i. substantially contemporaneous (i.e., must occur during the period in which the arrest is being conducted and before the situation has so stabilized that it could be said that the arrest has been completed) with the arrest; and

   ii. must meet the objectives of protecting the arresting officers or safeguarding evidence of the offense of arrest.

   iii. The Court has stated: “If there is no possibility that an arrestee could reach into the area that law enforcement officers seek to search, both justifications for the search incident to arrest exception are absent and the rule does not apply.”

b. Arrests in dwellings.

   i. Police may do a thorough search of the arrestee’s person and any objects on the arrestee (i.e., wallet, purse, cell phone, jacket, etc.) for weapons, evidence, and/or any means of escape.

   ii. Police may search the arrestee’s lunging area (i.e., the area immediately within the arrestee’s span of control) only if the arrestee is reasonably able to access that area at the time of the search.

   iii. Protective Sweeps. Police may also look into closets and other areas immediately adjoining the arrest area in which accomplices and/or others who could pose a danger to the officers may be hiding. Protective sweeps may be conducted without further suspicion. This search would be limited to those adjoining areas where a person is capable of fitting.

c. Motor vehicle arrests.

   i. The U.S. Supreme Court has held that law enforcement officers need to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a vehicular search incident to
arrest conducted after the vehicle's recent occupants have been arrested and secured.

ii. The Court has stated: “Police may search a vehicle incident to a recent occupant’s arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee’s vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies.”

iii. Thus, a search of a motor vehicle incident to arrest may be conducted when either of the following are present:

1. The arrestee is within reaching distance of the passenger compartment of the vehicle at the time when the search is conducted (vs. the time when the arrest is conducted), AND has the present ability to gain access to it.

2. The Supreme Court has stated: “Because officers have many means of ensuring the safe arrest of vehicle occupants, it will be the rare case in which an officer is unable to fully effectuate an arrest so that a real possibility of access to the arrestee’s vehicle remains. But in such a case a search incident to arrest is reasonable under the Fourth Amendment.”

iv. Reasonable suspicion exists that evidence pertaining to the offense of arrest is present within the vehicle.

1. For example, a search of a motor vehicle incident to the arrest of a suspect for only a suspended license offense would be invalid, as there would be nothing to search for within the vehicle that would constitute evidence of the offense of arrest.

v. The search is limited to the passenger compartment; however, the entire passenger compartment, including any containers, may be searched for evidence, weapons, or means of escape.

4. Entry Without a Warrant Under Exigent Circumstances

a. There is no formula or comprehensive list of all exigent circumstances that might justify an entry of a premises without a warrant. However, such circumstances include, and are not limited to:

i. The degree of urgency involved and the time required to obtain a search warrant.

ii. The officer’s reasonable belief that contraband is about to be removed or destroyed.
iii. The possibility of dangers to others, including officers left to guard the site.
iv. Information that the possessors of the contraband are aware that a police investigation is being conducted.

v. Whether the offense is serious, or involves violence.
vi. Whether officers reasonably believe the suspects are armed.

vii. Whether there is, at the time of entry, a clear showing of probable cause.

viii. Whether the officers have strong reason to believe the suspects are actually present on the premises.

ix. The likelihood of escape if the suspects are not swiftly apprehended.

x. Hot pursuit, which involves a suspect’s recent entry into a premises either during or shortly after pursuit by officers.

NOTE: Courts have frowned upon using exigency and hot pursuit to justify an entry where only a minor offense is involved.

b. An officer may make a warrantless entry to secure the premises prior to or while seeking a search warrant if the need to preserve evidence and protect officers outweighs the individual’s right to privacy in maintaining the sanctity of the home.

c. The following two factors must be present for the warrantless entry:

i. Officers have probable cause to believe evidence is on the premises.

ii. Delaying entry would create a substantial risk that evidence will be lost or destroyed, or the critical nature of the circumstances prevents the use of the search warrant procedure (exigency).

d. Exigent circumstances that present a compelling need for immediate official action, or which present a substantial threat of imminent danger to life or public safety include:

i. The need to seize short-lived evidence, such as blood.

1. However, the need to seize such short-lived evidence must be balanced against other factors to establish exigent circumstances.

ii. The need to search in an emergency, such as a burning fire.
1. However, no general emergency exception, such as safety violation, homicide scene, or extinguished fire, creates such exigent circumstances.

c. Exigent circumstances include the right to enter and search an enclosure when in pursuit of a felon (and sometimes misdemeanants based on the totality of the circumstances) if there is reasonable cause to believe that the felon is inside.

d. Exigent circumstances must exist and be known to the officer prior to the conducting of the search and seizure, and may not be developed as the search and seizure takes place.

g. There is no crime scene exception to the warrant requirement. Therefore, once exigency has passed, no other officers, including Investigators, may enter the crime scene and conduct a search.

5. Vehicle Searches

a. Probable Cause (The Automobile Exception): When it is impractical to obtain a warrant for the search of the vehicle, a warrantless search of, or entry into, the vehicle may be conducted where there is probable cause to believe that the vehicle contains fruits, instrumentalities, or evidence of a crime or contraband. This type of warrantless search shall be conducted only when the vehicle remains mobile. When a vehicle has broken down, or there is otherwise no significant chance the vehicle will be driven away or that evidence contained within it will be removed or destroyed, officers shall search the vehicle only after a warrant has been obtained or the officers determine that some other exception to the warrant requirement is applicable. Probable cause searches may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle. Officers may not search areas of the vehicle that could not contain the fruits, instrumentalities, or evidence of a crime or contraband being sought.

b. Vehicle Identification Number or Vehicle Ownership: Where circumstances require that officers determine the vehicle identification number or ownership of a vehicle, and such information cannot be acquired from the exterior of the vehicle, officers may enter the vehicle to obtain this information. Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.

c. Emergencies: Officers may enter a vehicle without a warrant where emergency circumstances make it necessary for them to do so in order to protect life or property, or when the exigencies of the situation otherwise require such action. Search of a motor vehicle under emergency circumstances not otherwise covered under the warrant exceptions enumerated above must be co-extensive with the nature of the emergency. The proper extent of the search must
therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency.

d. Containers found in vehicles: If any otherwise-lawful search of a vehicle is being conducted, containers found in the vehicle may be opened and searched as follows:

i. Unlocked Containers: Authority to search unlocked containers found in the motor vehicle is determined by the nature of the search.

1. Probable Cause Searches: In a probable cause search, containers such as paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened, provided that they could contain the items being searched for.

2. Consent: Containers discovered during a consent search of the vehicle may be opened provided that the terms of the consent expressly permit or reasonably imply that the particular container may be opened.

3. Other Circumstances: Unlocked containers found in a vehicle under circumstances that do not justify an investigatory search of the container under any of the foregoing exceptions to the search warrant requirement should be secured but not searched until a warrant is obtained to search them.

ii. Locked Containers: Locked containers such as attaché cases, suitcases, and footlockers found during a vehicle search should be opened only in the following cases:

1. The search is being conducted under a warrant, or

2. There is probable cause to believe that a container located in the motor vehicle contains contraband or evidence, or

3. A valid consent to open the locked container is first obtained, or

4. In other types of searches, locked containers should be secured by search personnel and opened only after a warrant has been obtained.

e. Items Belonging to Passengers: Items belonging to passengers (e.g., wallets, handbags, purses) may be examined only in the following cases:

i. Officers have probable cause to search the vehicle, and the belonging in question is capable of concealing the item or items being searched for, or

ii. Officers have received valid consent to search the item, or
iii. A passenger has been placed under arrest, and the arrested passenger’s belongings are being lawfully searched incident to that arrest.

f. Location and Time of Search: Whenever possible, search of a motor vehicle and containers found therein should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances searches shall be conducted as soon as is reasonably possible, that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens, and property concerned.

g. Conduct of the Search

i. Minimizing Intrusiveness: Although all searches should be conducted with thoroughness, motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants, and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search. Where applicable, a backup officer should be summoned if available.

ii. Ordering Occupants Out of Vehicles: For their own safety, police officers may order both operator and passengers out of a vehicle during a search.

h. Abandoned Vehicles: If it is determined by Parking and Mass Transit that a vehicle on campus has been abandoned, the vehicle may be searched without a warrant.

i. Handling of Evidence Found during Vehicle Searches: Any evidentiary items discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported, and stored in accordance with applicable policies and procedures of this department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner and/or occupants of the vehicle.

j. Security of Vehicles and Property Contained Therein: If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

k. Responsibility of Supervising Officer: An officer supervising a vehicle search shall be responsible for ensuring that it is conducted in accordance with this policy. In the event that the vehicle search is conducted under a warrant, the officer shall ensure that the execution of the warrant is properly reported to the issuing court or other authority. The officer shall also be responsible for
making any other reports regarding the search that may be required by law, policy, or procedure.
Purpose

The purpose of this policy is to help officers determine appropriate conduct during a street encounter and when pat-down searches, or frisk for weapons, are warranted, and to establish the proper way to conduct them.

Policy

The street encounter is an important point of contact for officers in preventing and investigating criminal activity. Even when conducted with respect for involved citizens and in strict compliance with the law, the field interview can be perceived by some as police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers who must approach suspicious individuals, law enforcement officers shall conduct street encounters and perform pat-down searches in conformance with relevant statutes and procedures set forth in this policy. The guiding case in New York State regarding street encounters is People V. Debour, 40 NY 2d 210.

Procedures

Definitions

1. **Street Encounter**: For the purposes of this order, it is the brief interaction with of an individual, whether on foot or in a vehicle, for an articulable law enforcement purpose. Encounters that involve an arrest are covered in Chapter 4 or Operations Manual.
2. **Level 1 (Request for Information):** An officer must have an objective credible reason for asking an individual a question. An individual cannot be detained, asked for consent to search, or frisked for weapons.

3. **Level 2 (Common Law Right to Inquire):** An officer must have a founded suspicion that criminal activity has occurred, or about to occur. An individual cannot be detained, but can be asked for consent to search and there is a limited ability to frisk for weapons.

4. **Level 3 (Stop and Frisk):** An officer must have a reasonable suspicion that an individual committed, or is about to commit, an offense. The officer can detain an individual for investigative purposes and can frisk for weapons when appropriate.

5. **Pat-Down Search:** A “frisk” or external feeling of the outer garments of an individual for weapons only. The officer must have a reasonable suspicion that the individual is armed or dangerous. This frisk is solely based on officer safety.

**Request for Information**

1. Request for information

   a. Justification for a Level 1 Encounter: Law enforcement officers may interview individuals when they do not believe that criminal activity is at hand. These encounters are limited in scope and are justified with an objective, credible reason for the encounter. Officers may not detain the individual, ask threatening questions, nor demand identification. Further, officers cannot ask the individual for consent to search his person or property. The individual is under no obligation to answer the officer’s questions, and the individual’s refusal to answer the officer’s questions cannot be used to justify further suspicion.

2. Common Law right to inquire interview

   a. Justification for a Level 2 Encounter: Law enforcement officers may interview individuals when the officer has a founded suspicion that criminal activity is at hand. The purpose of the interview is to obtain information that explains the activity that was observed or reported. The officer may ask the individual for identification and can ask for the consent to search, but the individual is under no obligation to respond or cooperate. At this level it is possible to conduct a legal pat-down search of the individual, but only if there is a reasonable suspicion that the officer is in physical danger and the individual poses a threat to their safety.

   b. Reporting: If after conducting the interview the officer has no basis for making an arrest or detention, the officer should record the facts of the interview in RMS under an appropriate category.
3. Stop and Frisk interview

a. Justification for a Level 3 Encounter: Law enforcement officers may stop individuals for the purpose of conducting an interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. These stops are considered a seizure of the individual. Such facts include, but are not limited to, the following:

i. The appearance or demeanor of an individual suggests that he or she is part of a criminal enterprise or is engaged in a criminal act.

ii. The actions of the suspect suggest that he or she is engaged in a criminal activity.

iii. The hour of day or night is inappropriate for the suspect’s presence in the area.

iv. The suspect’s presence in an area or location is inappropriate.

v. The suspect is carrying a suspicious object.

vi. The suspect’s clothing bulges in a manner that suggests he or she is carrying a weapon.

vii. The suspect is located in proximate time and place to an alleged crime.

viii. The officer has knowledge of the suspect’s prior criminal record or involvement in criminal activity.

ix. The individual flees at the sight of a police officer.

b. Procedures for Initiating a Stop and Frisk interview: Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct an interview.

i. When approaching the suspect, the officer shall clearly identify himself as a law enforcement officer, if not in uniform, by announcing his identity and displaying departmental identification.

ii. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
iii. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.

iv. Officers shall confine their questions to those concerning the suspect’s identity, place of residence, and other inquiries necessary to resolve the officer’s suspicions. However, in no instance shall an officer detain a suspect longer than is reasonably necessary to make these limited inquiries and resolve suspicions.

v. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to an officer’s inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide sufficient justification for additional observation and investigation.

c. Reporting

i. If after conducting the interview the officer has no basis for making an arrest, the officer should record the facts of the interview in RMS under an appropriate category.

4. Pat Down Searches

a. Justification for Conducting Pat-Down Searches: A law enforcement officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if (1) the suspect has been legitimately stopped with reasonable suspicion and (2) only when the officer has reason to believe that the suspect possesses a weapon or dangerous instrument on his or her person and poses a threat to the officer’s or another person’s safety. Not every field interview poses sufficient justification for conducting a pat-down search. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all-inclusive; there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to justify a pat-down search.

i. The type of crime suspected—particularly in crimes of violence where the use or threat of deadly weapons is involved.

ii. Where more than one suspect must be handled by a single officer.

iii. The hour of the day and the location or neighborhood where the stop takes place.
iv. Prior knowledge of the suspect’s use of force and/or propensity to carry deadly weapons.

v. The appearance and demeanor of the suspect.

vi. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.

vii. The age and gender of the suspect. Whenever possible, pat-down searches should be performed by officers of the same sex.

b. Procedures for Performing a Pat-Down Search: When reasonable suspicion justifies a pat-down search, the search should be performed with due caution, restraint, and sensitivity. These searches may only be performed to protect the safety of officers and others and may never be used as a pretext for shaking down individuals or groups of individuals to obtain evidence or for other purposes. Pat-down searches should be conducted in the following manner.

i. Whenever possible, pat-down searches should be conducted by at least two officers, one who performs the search while the other provides protective cover.

ii. Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position. Should an officer visually observe a weapon, however, a more secure search position may be used, such as the prone position.

iii. In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon.

iv. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item but instead place it out of the suspect’s reach.

v. If the external feeling of the suspect’s clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

vi. If the item retrieved is a weapon, but is legally possessed, the officer may hold the weapon until the conclusion of the encounter before returning the weapon to the individual.
Purpose

The purpose of this policy is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

Policy

This department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this agency’s prisoner detention and holding facilities. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

Definitions

1. **Strip Search**: Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts and buttocks.

2. **Body Cavity Search**: Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.
Procedures

1. Strip Searches

   a. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to the following:

      i. The nature of the offense charged.
      ii. The arrestee’s appearance and demeanor.
      iii. The circumstances surrounding the arrest.
      iv. The arrestee’s criminal record, particularly past crimes of violence and narcotics offenses.
      v. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
      vi. Detection of suspicious objects beneath the suspect’s clothing during a search incident to arrest.

   b. Field strip searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy with the explicit approval of a supervisory officer.

   c. Where articulable, reasonable suspicion exists to conduct a strip search, the arresting officer shall make a request for such action to the shift supervisor that clearly defines the basis for suspicion. If a shift supervisor is not available, a Command staff member must be contacted prior to the search.

   d. When authorized by the supervisor, strip searches may be conducted only in the following:

      i. in conformance with approved hygienic procedures and professional practices.
      ii. in a room specifically authorized for this purpose, which at this time is the bathroom area in the booking room.
iii. by the fewest number of personnel necessary and only by those of the same sex.

iv. under conditions that provide privacy from all but those authorized to conduct the search.

e. Following a strip search, the officer performing the search shall include the following in a written report:

i. Date, time, and location of the search.

ii. Identity of the officer conducting the search.

iii. Identity of the individual searched.

iv. Those present during the search.

v. A detailed description of the nature and extent of the search.

vi. Any weapons, evidence or contraband found during the search.

2. Body Cavity Searches

a. Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:

i. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.

ii. The officer shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others and/or the security of the department’s detention operations.

iii. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer’s probable cause.

iv. On the basis of a search warrant, a body cavity search shall be performed only by an authorized physician or by other medically trained personnel at the physician’s direction.
v. For safety and security reasons, the search shall be conducted at an authorized medical facility and in the room designated for this purpose.

vi. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.

vii. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing law enforcement officer shall include the physician’s report in with the documentation of the incident.
CHAPTER II

OPERATIONS SUPPORT
Purpose

The purpose of this policy is to provide all Department employees, and the public, the procedures for processing and investigating allegations of officer misconduct and/or citizen complaints. University at Albany Police Officers and employees are expected to maintain the highest standards of conduct. Officers shall conduct themselves properly and professionally, on or off duty. The purpose of this policy is to establish responsibilities and procedures for conducting investigations of misconduct and serious misconduct (administrative and/or criminal) that may result in disciplinary action and/or criminal prosecution.

Policy

The University at Albany Police Department’s public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the investigation of complaints is crucial to demonstrate and protect the Department’s integrity. This Department shall accept and fairly and impartially investigate all complaints or allegations of misconduct to determine their validity, and to timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. It is our policy to investigate every instance of alleged misconduct against an employee of this Department, whether criminal or
administrative in nature, in accordance with federal or local laws, and the University at Albany Police Department's policies and procedures.

The Chief of Police shall be responsible for ensuring that an investigation of all allegations of misconduct is conducted. The Chief will have the authority to utilize resources outside the department to conduct investigations.

Definitions

**Assigned Internal Investigator (AII):** The officer assigned by the Chief of Police to conduct administrative investigations of reported employee misconduct.

**Complaint:** Any allegation by an individual regarding the University at Albany Police Department services, policies, practices or procedures, claims for damages which allege employee misconduct and any allegation of possible employee misconduct made by a University at Albany Police Department employee.

**Complainant:** Any person who reports a complaint regarding the conduct of any employee, or the University at Albany Police Department’s policies, procedures, or action.

**Complaint Control Number:** A sequential number used to identify and track citizen complaint investigations.

**Counseling:** An effort on the part of a supervisor to provide an employee, positively or negatively, significant feedback regarding on-the-job activity. It is meant to be a positive communications device, clarifying what has occurred and what is expected. Counseling is not disciplinary, and is to contain constructive goals, such as assisting in employee development, or teaching or modifying behavior.

**Discipline:** The formal process for disciplining an employee administered by the Human Resource department and subject to NYS Civil Service Law and collective bargaining agreements.

**Employee:** Any person employed by the University at Albany Police Department, whether sworn or non-sworn, part-time or full-time.

**External Concern:** A complaint regarding the operation of another department in the University or other external organization. These complaints will be documented and forwarded to the appropriate area for action unless the complaint constitutes a violation of law.

**Internal Concern:** A complaint regarding the University at Albany Police Department services, policies, procedures, or practices.
Level 1 Complaints: Allegations that warrant a formal investigation, including alleged criminal conduct that has the potential to damage the reputation of the Department or its personnel.

Level 2 Complaints: Minor complaints by a citizen desiring to make an informal complaint about a policy, procedure, or tactic used by the Department or an employee, generally involving an employee’s conduct and/or behavior.

Misconduct: Any conduct by an employee that violates a General Order or the law.

Officers: Any sworn law enforcement officer employed by or assigned to the University at Albany Police Department, whether on or off duty, including supervisors.

Preponderance of the Evidence Standard: The quantum of evidence that constitutes a preponderance cannot be reduced to a simple formula. A preponderance of evidence has been described as just enough evidence, no matter how slight, to make it more likely than not that the allegation sought to be proved is true or false.

Serious Misconduct: Suspected criminal misconduct and the specific forms of misconduct identified below in section titled Serious Misconduct. Such conduct shall be investigated by an Assigned Internal Investigator and the appropriate criminal investigation division of the agency assigned to investigate the criminal offense.

Supervisor: Includes those officers holding the rank of Lieutenant or Captain, or anyone acting in those capacities, or any other individual so authorized by the Chief.

Procedures

Receiving Citizen Complaints/Concerns

1. Any allegation of employee misconduct will be considered a citizen complaint regardless of the source of the allegation or the manner in which it was reported. This shall include third party and anonymous complaints.

2. Any report by a citizen that questions the policies or operation of the University at Albany Police Department, or reports negative conduct of any employee that does not rise to misconduct shall be considered a community concern.

3. Every employee is responsible for being familiar with the complaint process and inform any citizen of the process upon request.

4. No employee shall discourage an individual from filing a complaint, or reject any complaint regardless of the individual(s) involved or the form in which the complaint is presented.
5. Any employee that is contacted by an individual alleging employee misconduct or reporting a community concern must provide the individual with the following:

   a. They can speak directly with an on-duty supervisor regarding the allegation; and

   b. They can obtain a complaint form and more information about the process in the lobby of the University at Albany Police Department and online at http://police.albany.edu/SCC.shtml

6. Any employee that is contacted by an individual alleging employee misconduct or reporting a community concern must immediately notify an on-duty supervisor of the incident. In the event there isn’t a supervisor on duty, the employee will immediately notify the Deputy Chief of Operations.

7. Any employee that is made aware of a compliment or suggestion by the community shall also notify an on duty supervisor. In the event there isn’t a supervisor on duty, the employee can submit the details to the shift supervisor via email.

8. Supervisor Responsibilities

   a. Once a supervisor has been made aware of a complaint or concern, the supervisor will make an entry in the Complaint Control Log and assign each complaint the appropriate Complaint Control Number. An incident in IETS will also be created.

   b. The supervisor shall complete a Community Concern Intake Form noting both the IETS number as well as the Complaint Control Number. The form shall not be saved electronically or printed but instead be emailed directly to the Chief of Police and their designee(s).

   c. Supervisors will contact the complainant at the complainant’s request to gather more information about the report.

   d. If the community concern references a University at Albany policy or practice and not the operation of our department, the supervisor shall complete the Community Concern Form labeling the report as an External Concern. The supervisor shall forward the concern to the appropriate department and document the resolution on the Community Concern Intake form in the Nature of Concern field.

   e. If the community concern references a University at Albany Police Department service, policy, procedure, or practice and does not allege employee misconduct, the supervisor shall complete the Community Concern Form labeling the report as an Internal Concern. The supervisor can attempt
to resolve the concern or refer the matter to a more appropriate department member. The resolution shall be documented on the Community Concern Intake Form in the Nature of Concern field.

f. If the complaint/concern involves minor Level 2 misconduct, as outlined in Annex D, and not likely to result in formal discipline of the employee, the supervisor is authorized to investigate the incident and attempt to resolve the concern in anticipation of the assignment of the Chief of Police or their designee.

g. The nature of a concern/complaint as well as the identity of the subject employee will be considered confidential until the completed investigation is accepted by the Chief of Police. The disclosure of the concern/complaint shall only be made to further the investigation of the matter or to prevent further misconduct.

h. The identity of the complainant shall be protected throughout the process to the extent possible while maintaining our obligation to fairly and completely investigate all complaints.

**Initiating an Investigation**

Upon notification that a complaint/concern has been received, the Chief of Police shall assess the complaint and determine what level investigation is warranted.

1. In the case of a complaint that alleges criminal activity, the Chief of Police shall order both a criminal and an administrative investigation. These investigations must not be assigned to the same officer, and must not be assigned to any officer who is the subject of the allegation or ordered the conduct being reported.

   a. The Chief of Police shall notify the Albany County District Attorney of any complaint that alleges a criminal act by an employee.

2. In the case that the complaint alleges misconduct by the Chief of Police the investigation must be assigned to an external agency.

3. For all Level 1 misconduct, the Chief of Police shall authorize an AII to initiate a formal internal investigation into the complaint and report their findings to the Chief of Police.

4. For all Level 2 misconduct, the Chief of Police, or their designee shall assign a Supervisor to complete an informal investigation into the complaint/concern and report back their findings to the Chief of Police or their designee.
5. The Chief of Police can deem that Level 2 misconduct warrants a formal investigation and can also determine that any investigation will be conducted by an external agency based on the best interest of the Department.

Investigation of Level 1 Misconduct

1. All investigations shall, to the extent reasonably possible, determine whether the misconduct occurred. No investigation being conducted shall be closed simply because a subject or complainant is unavailable, unwilling, or unable to cooperate, including a refusal to provide medical records or proof of injury;

2. All investigations shall be conducted by an officer who did not authorize, witness, or participate in the incident, and all investigations shall contain:
   a. Documentation of the name and badge number of all officers involved in, or on the scene during, the incident, and a canvass of the scene to identify civilian witnesses;
   b. Thorough and complete interviews of all witnesses, subject to all rights provided employees through applicable collective bargaining agreements and law, and an effort to resolve material inconsistencies between witness statements;
   c. Thorough and complete identification and examination of any physical evidence related to the reported conduct;
   d. Photographs of the subject(s) and officer(s) injuries or alleged injuries; and
   e. Documentation of any medical care provided.

3. Criminal Activity
   a. If, at any point during the investigation, the AII uncovers evidence of criminal conduct by any employee that conduct shall be immediately reported to the Chief of Police. The Chief will authorize transfer of the criminal allegation investigation to the New York State Police or another appropriate law enforcement agency and will notify the Albany County District Attorney’s office of the allegation. A parallel internal investigation will be conducted to identify any administrative or departmental violations that may have occurred, but may be delayed until the resolution of the criminal investigation.

4. Investigative Interviews of Employees
   a. Prior to being interviewed, the employee against whom a complaint has been made, or subject employee, shall be advised of the nature of the complaint.
b. All interviews will be conducted while employees are on duty, unless the seriousness of the investigation or other justifiable reason is such that an immediate interview is required.

c. During interviews there will be one primary designated interviewer.

d. The complete interview should be electronically recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break, and the time at which the interview resumed. If the interview is unable to be recorded, alternative methods of accurately recording the responses must be taken.

e. The employee shall be provided with the name, rank, and command of all persons present during the interview.

f. Employees that are interviewed who are not the subject of the complaint are considered witness employees. Witness employees are those employees that discipline is not currently being contemplated, and may be interviewed without union representation. Witness employees are required to provide complete and truthful information, and are also protected against self-incrimination in any criminal proceeding. Witness employees will also be provided with the Administrative Warning Form.

g. The Chief of Police will authorize the compelled statement of any subject employee. Employees will be administered the applicable warnings prior to interview:

i. Administrative Warning Form (Garrity Warning): For compelled statements if the inquiry is administrative.

ii. Miranda Warnings: Where the inquiry is criminal and the officer is under arrest or in custody.

h. Subject employees, under internal (administrative) review, may have a union representative and/or attorney present with them during any administrative internal investigative interview so long as the representative is not involved in any manner (i.e. a witness or subject of the complaint) with the incident under investigation, or a conflict of interest does not exist. The interview is subject to terms of the employee’s applicable collective bargaining agreement.

i. The representative’s role is primarily that of an observer and shall not be permitted to interrupt the interview except for the purpose of advising and/or conferring with the officer who is concerned about a contractual right.

j. In criminal investigations the employee has the right to talk to legal counsel and/or to have one present during questioning.
5. Examinations and Searches

a. The department may direct that the employee undergo a test of the employee’s breath, blood, urine, psychological, polygraph, medical examination, or any other exam not prohibited by law, if it is believed that such an examination is pertinent to the investigation, so long as they do not violate law, or any collective bargaining agreement.

b. An on duty supervisor may direct an employee to submit to a breath, blood, or urine test when there is reasonable suspicion that alcohol and/or drug usage is suspected as the factor directly related to allegations of misconduct, and is required to submit to such tests as the result of either being involved in a traffic accident with a department vehicle or involved in a discharge of a firearm on or off-duty.

c. An employee may be required to participate in a lineup if it is used solely for administrative purposes. This does not in any way affect the requirements of a legal order to participate.

d. Desks, lockers, storage space, rooms, offices, department equipment, information systems, work areas, and department vehicles are the property of the University at Albany Police Department and are subject to inspection. They may also be searched to retrieve Department owned property, or to discover evidence of work related misconduct, if there is reason to suspect (reasonable suspicion) such evidence is contained therein.

e. Private property can be stored in areas mentioned above; however, employees will not expect privacy in those areas including within any locked containers in the above mentioned areas regardless of the ownership of the container or lock. Only those employees who are acting in their official capacity may be authorized to search or inspect areas assigned to other employees.

6. Documentation

a. The AII will be responsible for assigning each investigation a unique Internal Affairs number that is logged into the Complaint Control Log.

b. The Chief of Police, or their designee, will track each complaint number to ensure that investigations are completed in a timely manner and identify any patterns of misconduct.

c. The AII will be responsible for providing the complainant with information throughout the investigation which will include:
i. Written Receipt of Complaint correspondence, under the signature of the Chief of Police, identifying the officer who will be conducting the investigation;

ii. Request(s) for additional information and request for interview;

iii. Periodic case status updates; and

iv. Final Disposition of the case, under the signature of the Chief of Police.

d. The AII shall document all evidence collected, investigative steps taken, interviews conducted, and contact with the complainant.

e. Upon completion of the formal investigation, the AII shall complete a Report of Internal Investigation. The Report of Internal Investigation shall include the following:

i. Header information that outlines the identity of the complainant, nature of the complaint, applicable General Orders, names of the subject employee(s), date and time of the incident, date of the complaint, and name of the assigned investigator;

ii. Background information on the complaint to include details of the incident in question, allegations made, how complaint was received, employees involved, and any other relevant background information;

iii. Summary of complainant statement;

iv. Summary of each witness statement;

v. Summary of subject employee’s statement;

vi. List of disputed facts;

vii. List of evidence obtained;

viii. List of investigative steps or other relevant information;

ix. Discussion and Conclusion which includes a credibility assessment of complainant and subject employee, discussion of each disputed fact and investigator’s conclusion of fact, identification of any additional employee accountability discovered, and any training or policy recommendation discovered during the investigation; and

x. A recommended finding on each General Order violation in question for each subject employee.
f. The report and all supporting documents shall be forwarded to the Deputy Chief that supervises the subject employees for approval. The Deputy Chief will review the investigation and make a determination if the investigation was thorough and complete. The Deputy Chief can approve the Report or return it to the AII for additional steps. In the event that the Deputy Chief determines that the investigation cannot be completed thoroughly or accurately by the assigned AII, the Deputy Chief will petition the Chief of Police to have the investigation reassigned.

g. Once the investigation has been approved by the appropriate Deputy Chief, it shall be forwarded to the Chief of Police for his review. The Chief can accept the recommended findings as a conclusion of fact, return the investigation for additional steps, or reassign the investigation to another employee or agency. Once accepted and if applicable, the Report of Internal Investigation will be the basis for the referral of the employee to the Human Resource Department for disciplinary purposes.

Investigation of Level 2 Misconduct

1. The supervisor assigned to investigate a citizen complaint shall ensure the following protocols are applied in all investigations:

   a. Every complaint must be investigated and evaluated based on the Preponderance of Evidence standard.

   b. Any supervisor who is the subject of a complaint, or who authorized the conduct that led to the complaint, is explicitly prohibited from investigating said incident.

   c. The investigating supervisor will examine relevant physical evidence and conduct interviews of involved parties and witnesses. These interviews are informal in nature and can be documented with summaries by the investigating supervisor.

   d. When interviewing employees about their conduct, it should be done in a manner consistent with routine discussions with the staff they supervise related to their activities or documentation of those activities.

   e. During the investigation of a citizen complaint or concern, all relevant evidence including circumstantial, direct, and physical will be considered, and credibility determinations made, if feasible. Officer’s statements will not be given any automatic preference over a citizen’s statement, nor will a witness’ statement be disregarded on account that the witness is connected to the complainant. Every effort will be made to resolve material
inconsistencies or discrepancies between witness statements and other collected evidence.

f. The Supervisor will not close an investigation because the complaint is withdrawn, the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional medical statements or written statements.

g. The Supervisor will consider whether any rule, policy, or procedure of the University at Albany Police Department was violated, as well as what steps should be taken with the subject employee to correct the misconduct.

2. If, at any point during the investigation, the supervisor uncovers evidence of criminal conduct or Level 1 misconduct by any employee, the supervisor will immediately report that conduct to the Chief of Police. The supervisor shall suspend their investigation in anticipation of a formal investigation unless otherwise directed by the Chief of Police.

3. At the conclusion of the investigation the supervisor shall prepare a Report of Internal Investigation in accordance with the requirements outlined in this policy. The format of the Report for informal investigations will be an electronic version designed to allow supervisors to document the applicable steps taken and considerations made to support the recommended findings in an efficient manner. In most cases, this report will serve, along with the Citizen Concern Form, as the case file of the complaint of Level 2 Misconduct.

4. Once the Report is completed, it shall be forwarded to the appropriate Deputy Chief for approval and the coordination of any corrective measures to be taken. This includes correcting employee conduct, identification of any training needs, or recommendation of policy revisions.

5. The Deputy Chief will scan the approved Report of Internal Investigation for all informal investigations and place a copy in the Supervisor’s shared drive. This documentation is to serve as guidance for the supervisory staff to properly monitor their employees, complete performance evaluations, and track complaints to aid in identifying any patterns of misconduct.

6. The investigating supervisor shall update the Complaint Control Log as appropriate.

**Complaint Categories**

The chart located in Annex D of this manual depicts examples of the types of complaints, which are defined by the seriousness of the allegation, along with whom the complaint is generally investigated and reviewed by.
Serious Misconduct

Allegations of serious misconduct are understood by the University at Albany Police Department to mean suspected criminal misconduct and/or the allegation of the following misconduct:

1. All civil suits alleging any misconduct by an officer while acting in an official capacity;

2. All civil suits against an officer for off-duty conduct (while not acting in an official capacity) alleging physical violence, threats of physical violence, racial bias, dishonesty, or fraud;

3. All criminal arrests or filing of criminal charges against an officer;

4. All allegations of unlawful discrimination (e.g., on the basis of race, ethnicity, gender, religion, national origin, sexual orientation, or disability), including improper ethnic remarks and gender bias, but excluding employment discrimination;

5. All allegations of an unlawful search and seizure;

6. All allegations of false arrests or filing of false charges;

7. Any act of retaliation or retribution against an officer or person;

8. Any act of retaliation or retribution against a person for filing a complaint against an employee;

9. All allegations of excessive use of force or improper threat of force (including strikes, blows, kicks, or other similar uses of force against a compliant subject or administered with a punitive purpose);

10. The providing of false or incomplete information during the course of a Departmental investigation, or in any report, log, or similar document;

11. Any allegation that the Chief of Police determines to have the potential to damage the reputation of the department or an employee;

12. All incidents in which the University at Albany Police Department has received written notification from the Attorney General’s or District Attorney’s Office in a criminal case that there has been: (1) an order suppressing evidence because of any constitutional violation involving potential misconduct by an employee, or (2) any other judicial finding of Officer misconduct made in the course of a judicial proceeding, or any request by a federal judge, local judge, or magistrate that a misconduct investigation be initiated pursuant to some information developed
during a judicial proceeding before a judge or magistrate. The University at Albany Police Department shall request that all such entities provide them with written notification whenever it has been determined that any of the above has occurred.

**Employee Responsibility to Report Misconduct**

1. An employee must report any instances of employee misconduct as soon as practicable following observation or receipt of information regarding the misconduct.

2. In applicable circumstances, employees are to prevent the deterioration or destruction of any evidence that would support or refute the allegation of misconduct.

**Confidentiality of Complaints**

1. All employees who have knowledge that an employee Notice of Discipline has been served, or will likely occur, are prohibited from discussing material issues related to the matter.

2. Exemptions include: employees and/or witnesses subject to the investigation when consulting with Union or legal representation, in accordance with supervisory directives, testifying at an official hearing regarding the matter, or otherwise authorized by law, policy, or regulation.

**Time Limits on Completing Investigations**

1. Generally, the Department should strive to complete internal investigations as soon as practical. In cases of informal investigations, it may be possible to complete such an investigation within a few days or a calendar week. Once assigned, investigations by a supervisor should be completed and forwarded to the Chief of Police for review within ten (10) days.

2. Formal investigations conducted by an AII shall be a priority for the Department, and should be expeditiously investigated and reviewed. These investigations should be completed and forwarded to the Chief of Police for review within thirty (30) days. The Chief of Police may waive the 30-day requirement for complex investigations and investigations involving extenuating circumstances.

3. Time limits governing disciplinary action which may arise from internal investigations for police officers and civilian employees shall comply with any applicable State or Federal statutes and provisions of the respective collective bargaining agreements for sworn and non-sworn employees.

4. All employees assigned to investigate misconduct shall be held accountable for the quality of their investigations. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely
and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.

Notifying Complainant Regarding Status of Complaint Investigation

1. Upon receipt of a complaint, the investigating supervisor shall acknowledge receipt of the complaint to the complainant. This can be done in person, via telephone, or in written form. For formal investigations, the AII will also send a letter to the complainant (if known) acknowledging its receipt.

2. The AII is responsible for providing periodic status reports to complainants on all pending internal investigations. Such contact can be accomplished by telephone or email, in lieu of a written letter but must be documented in the case file.

3. For formal or informal investigations, the complainant shall be notified as indicated below, by the Chief of Police or designee, informing them of the results of the Department’s investigation. Such notification should normally occur within ten (10) days after the conclusion of the investigation and the acceptance of the Report of Internal Investigation by the Chief of Police.

Disposition and Adjudication of Complaints

1. All investigations into citizen complaint allegations of misconduct require review and disposition by the officer’s chain of command.

2. All citizen complaint allegations of misconduct will be fully investigated and documented.

3. All summary actions shall be documented and copies and disposition(s) provided to the subject employee. Copies may, where appropriate, be incorporated in the employee’s performance evaluation.

4. Once the investigation is deemed complete, the primary investigative authority for the investigation (AII or Supervisor) shall review the complaint report and investigative findings. This authority will compile a report of findings and provide a disposition for each allegation as follows:

   a. Sustained: where the investigation determines, by preponderance of the evidence, that the person’s allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper;
b. Not sustained: where the investigation determines, by preponderance of the evidence, that there is insufficient fact(s) to decide whether the alleged misconduct occurred;

c. Exonerated: where the investigation determines, by preponderance of the evidence, that the alleged conduct did occur but did not violate any University at Albany Police Department policies, procedures, or training; or

d. Unfounded: where the investigation determines, by preponderance of the evidence, that there are no facts to support that the incident complained of actually occurred.

5. Investigative findings shall also include whether:

a. the police action complied with policy, training, and legal standards regardless of whether the complainant suffered harm;

b. the incident involved misconduct by any officer;

c. the use of different tactics should or could have been employed;

d. the incident indicates a need for additional training, counsel, or other non-disciplinary corrective measures;

e. the incident suggests that the University at Albany Police Department should revise its policies, training, and tactics.

6. Disciplinary action, when appropriate, shall be administered in accordance with Department policy and the applicable collective bargaining agreement.

7. Following final disposition of the complaint, a letter shall be sent to the complainant, addressed from the Chief or their designee, explaining the final disposition.

8. A copy of the Report of Internal Investigation will be forward to the Independent Review Committee for consideration.

9. Whenever reasonably possible, the investigation of complaints should be completed within thirty (30) days from the time the department knew, or should have known, about the alleged violation; unless a stay is granted by the Chief of Police, or another time frame is required by departmental policy, law, or applicable collective bargaining agreement.

10. In cases where there exists probable cause to believe that a fraudulent complaint was logged (officially documented) in violation of New York State
law, the case may be referred by the Chief of Police to the Albany County District Attorney’s Office for a prosecutorial determination.

Internal Investigations Records and Confidentiality

1. Internal Investigation case files and information shall be maintained separately from personnel records.

2. Internal Investigation information is considered confidential and will be retained under secured conditions.
   a. Internal Investigation case files and personnel dispositions may not be released to any source without prior approval of the Chief of Police, unless otherwise provided by law.
   b. Case investigation files shall be retained for a period of time as defined by law, collective bargaining agreement, or the Chief of Police.

Training

The Department will continue to provide training to all officers on the citizen complaint process and the appropriate responses in handling citizen complaints, as developed and administered by the Deputy Chief of Administration.
Purpose

The purpose of this Order is to establish guidelines for the inspection and evaluation of personnel, equipment and facilities within the Department.

Policy

The inspection process is an essential mechanism for evaluating the quality of operations, ensuring goals are being pursued and identifying the need for additional resources. In order to determine if policies, procedures and General Orders are being followed, it is necessary to have periodic inspections. Regular inspections within the University at Albany Police Department are an ongoing part of its operation. Inspections as indicated will be made on daily, weekly or monthly basis.

Daily Inspections

1. Line Inspections / Personal Appearance & Uniform Inspections – Police Supervisors should inspect for:
   a. Clean uniforms;
   b. Shoes polished;
   c. Only department issued, or authorized, items worn;
d. Proper grooming;
e. Department issued badge and identification.

2. Personnel Inspections in the Field - Police Supervisors to ensure:
   a. Hats and coats are worn as directed;
   b. Proper assignment is maintained;
   c. Prompt response to all calls for assistance;
   d. Reports properly and completely written;
   e. Proper radio procedure followed.

3. Line Inspections / Vehicles - Each officer, including Police Supervisors, shall
   inspect any vehicle prior to driving it in accordance with General Order 39.3.2
   Inspection, Operation and Police Motor Vehicle Response.

4. Evidence - Administrative Captain to check to see if any evidence from the
   previous shift has been placed in the evidence lockers. If so, inventory and move to
   the evidence storage area.

5. Building Inspection - Police Supervisor to check for cleanliness and neatness in all
   areas, briefing room, locker room, Lieutenants area, booking room, vestibule
   hallways, and kitchen.

6. If area is not orderly, instruct officers / SSA’s to clean the area up.

**Weekly Inspections**

1. All departmental forms, making sure there is a sufficient supply, if not re-order.

2. Conduct inventory of portable radios and keys and department SUNY Cards.

**Monthly Inspections**

1. Administrative Captain will conduct an inspection on the first of the month,
   inventoried as to case disposition. Evidence either returned to owner or set-aside
   for further disposition. Report then submitted to the Deputy Chief of
   Administration.

2. Investigators or Evidence Technicians will inventory film available for all
   department cameras and order as needed.
Six Month Inspections

1. All evidence set aside for disposition during the previous five months disposed of properly coordinated through the Deputy Chief of Administration and Administrative Captain.

2. Inventory all uniform items available and conditions reported to the Deputy Chief of Administration.

3. Inventory all photographic or video-graphic equipment.

4. Inspection of all personal equipment issued equipment and lockers.

5. Inventory all tools, equipment and parts associated with the bicycle patrol.

6. Inventory items entered into storage.
Purpose

The purpose of this Order is intended to act as a guideline for the proper control and access to department documents that are requested by citizens or other municipal, state and or federal agencies.

Policy

It is the policy of the University at Albany Police Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the Department. This will be done as long as these activities do not unduly interfere with departmental operations, infringe upon individual rights or violate the law. Release of information will comply with §6 of the New York State Public Officers Law (Freedom of Information Law) and the New York Fair Trial and Free Press Guidelines.

Procedure

1. With regard to criminal arrests, officers may give to the news media the name of a person in custody, name of arresting officer, time and location of incident, and the offense the subject is alleged to have committed. Officers are not
permitted to give details of the crime or to offer speculations relative to motive or guilt. Such information, if printed and attributed to police officers, seriously jeopardizes the subject’s right to an unprejudiced hearing on the merits of the evidence presented.

2. With regard to crime reports, the Communications Officer, Duty Lieutenant or Officer who took the report must release basic blotter data, to include the following: offense, time, date, general location (no room numbers/no specific address) to any person inquiring unless releasing such information would materially jeopardize an ongoing investigation. Press inquiries for more information are to be referred to a department PIO or the Office of the Vice President for Communications and Marketing at 956-8150.

3. If news personnel persist in requesting more information than authorized, they are to be requested to call a department PIO.

4. In the event of the death of a person on campus, the name of the deceased shall not be released until next of kin have been notified.

5. The names of juveniles shall not be released for any reason to the news media or to any other person or agency requesting same, except to the parent or guardian of the juvenile. If you suspect a person in custody is a juvenile, do not release name until identity is verified.

6. In no case is the name of any victim or witness to be released except by authorization of the Chief or their designee.

7. In any police, security, or safety action where an officer of this department is involved and where newpersons, photographers and the press are insistent on obtaining facts relating to the incident from an officer, advise them to contact the department’s PIO.

8. The above proscription is not intended to prevent the presence of the press from the scene of an incident. They have right to be there as long as they do not interfere with an investigation or with rescue operations.

9. The above instructions apply also to inquiries from the Albany Student Press and University News service.

10. In certain major cases or incidents you may be directed to refer inquiries to the Office of the Vice President of Communications and Marketing at 956-8150.

11. Serious non-criminal incidents generally involve the plant department or other university office, with this department acting in a support rather than lead role. Officers may confirm time, location, and nature of incident. Further press inquiries about such incidents are to be referred to a department PIO, the Office of Communications and Marketing at 437-4980, the Chief of Police, or their designee.
12. No one including the news media will be provided access beyond an established perimeter without authorization from the chief of police. Additionally, access by media personnel to major scenes, catastrophes or natural disasters will be facilitated by the Office of the Vice President for Communications and Marketing, the Chief of Police or their designee.

13. In all instances where a department member has referred the press to a department PIO, a member of the command staff or the media relations and publications office the department PIO or command staff member the press was referred to be notified immediately. If the referral was made to the Office of Communications and Marketing, notify a department PIO or a member of the command staff if the PIO is not available.

14. It is imperative that any information released to the news media regarding ongoing criminal investigation(s) conforms to the New York State Fair Trial/Free Press Guidelines.
## GENERAL ORDER 55
### VICTIM/WITNESS ASSISTANCE

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<td>J. Frank Wiley, Chief of Police</td>
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### Purpose

The purpose of this Order is to establish and describe the policies and procedures for notifying next of kin of deceased, seriously injured, or seriously ill persons.

### Policy

It shall be the policy of the University at Albany Police Department to assist citizens, victims and survivors in the communication of notifications involving death or other serious health matters. It will be the goal of Officers to make such notifications in a caring and professional manner with due regard for emotional trauma they often involve, and to provide referral to assistance or support services when appropriate.

### Introduction

Officers of this type of assignment should be aware of the essential details surrounding the death or injury and review them en route to their destination. Notifications place an officer in a delicate and uncomfortable situation. Without question bringing tragic news to unsuspecting family members will change their lives, is difficult and an emotional task even for those who have dealt with death and injury in many other circumstances.
Personal Notification

Notification is to be made as promptly as possible. The notification is to be made in person and not over the telephone. The presence of Res. Life staff, close friends, counseling center staff or a member of the clergy should be obtained whenever possible before notification. If no resources are available then two officers are to be sent to handle the call. Tact and diplomacy must be exercised and allow for the recipient to set the pace of the delivery. Express sympathy and a desire to assist in any way. The attending physician or medical examiner should address details of the event.

Requests from Other Agencies

The source of the information should be verified and details authenticated before notification is made. The preferred method to accomplish this is through EJustice. Contact personnel for further assistance should be obtained and forwarded.

Notifications Involving Members of this Department

Notifications of a death or serious physical injury are to be made by the Chief of Police or their designee. Notification of minor injuries is to be made by the member's immediate supervisor.
Purpose

The purpose of this policy is to establish the guidelines for the University at Albany Police Department’s response to requests from Federal Immigration Officials pertaining to Immigration Law enforcement and detention of individuals for the purposes of enforcing Immigration Law.

Policy

Definitions

**Customs and Border Patrol (CBP):** a Division of the U.S. Department of Homeland Security (https://www.cbp.gov/).


**Enforcement Actions and Community Interactions**

1. University Police shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:

   a. Actual or suspected immigration or citizenship status; or
b. A "civil immigration warrant," administrative warrant, or an immigration detainer in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

2. Officers shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance unless:

a. it is necessary to investigate criminal activity by that individual or;

b. it is necessary to perform agency duties

3. Officers shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation, or policy. The University at Albany Police Department does not conduct civil immigration enforcement.

**ICE or CBP Detainer Requests**

1. University at Albany Police Department does not detain individuals for extended periods of time. To the extent any request is made regarding an individual in the custody of University Police, UPD may respond affirmatively to a "civil immigration detainer" from ICE or CBP to detain or transfer an individual for immigration enforcement or investigation purposes for a brief time period ONLY IF the request is accompanied by a judicial warrant.

a. EXCEPT THAT this agency may detain a person for a brief time period on a "civil immigration detainer" in the absence of a judicial warrant IF:

i. there is probable cause to believe that the individual has illegally reentered the country after a previous removal or return as defined by 8 U.S.C. § 1326 and

ii. the individual has been convicted at any time of:

   1. a specifically enumerated set of serious crimes under the New York Penal Law (e.g., Class A felony, attempt of a Class A felony, Class B violent felony, etc.) or

   2. a federal crime or crime under the law of another state that would constitute a predicate felony conviction, as defined under the New York Penal Law, for any of the preceding felonies; or
3. there is probable cause to believe that the individual has or is engaged in terrorist activity.

**ICE or CBP Requests For Certain Non-Public, Sensitive Information or CBP Detainer Requests**

1. Officers may respond affirmatively to an ICE or CBP request for non-public information about an individual including but not limited to non-public information about an individual's release, home address, or work address ONLY IF the request is accompanied by a judicial subpoena or judicial warrant:

   a. EXCEPT THAT nothing in this law prohibits University Police Command Level staff in coordination with Campus Counsel from:

      i. sending to or receiving from any local, state, or federal agency as per 8 U.S.C. § 1373-(i) information regarding an individual's country of citizenship or

      ii. a statement of the individual's immigration status; or

      iii. disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or

      iv. disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order

   b. All review and response to requests for information from ICE or CBP shall be handled by Command Level personnel in coordination with Campus Counsel.

2. Officers shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state, or local law.
Access to Individuals in University Police Custody

1. Absent a lawfully issued judicial warrant, University Police shall not provide ICE or CBP with access to an individual in their custody or the use of agency facilities to question or interview such individual if ICE or CBP's sole purpose is enforcement of federal immigration law.

Collection of Immigration Related Information and Non-Discriminatory Access to Services

1. University Police personnel shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws.

Recordkeeping

1. UPD Officers shall record, solely to create the reports described in subsection 2 below, the following for each immigration detainer, notification, transfer, interview, or interrogation request received from ICE or CBP:

   a. The subject individual's race, gender, and place of birth;

   b. Date and time that the subject individual was taken into University Police custody;

   c. The location where the individual was held, and the arrest charges;

   d. Date and time of University Police’s receipt of the request;

   e. The requesting agency;

   f. Immigration or criminal history indicated on the request form, if any;

   g. Whether the request was accompanied any documentation regarding immigration status or proceedings, e.g., a judicial warrant;

   h. Whether a copy of the request was provided to the individual and, if yes, the date and time of notification;

   i. Whether the individual consented to the request;
j. Whether the individual requested to confer with counsel regarding the request;

k. University Police’s response to the request, including a decision not to fulfill the request;

l. If applicable, the date and time that ICE or CBP took custody of, or was otherwise given access to, the individual; and

m. The date and time of the individual's release from University Police custody.

2. The University Police shall provide within two weeks of an immigration detainer, reports to the Commissioner for University Police, with copy to Campus Counsel, regarding the information collected in subsections a. through m. above in an aggregated form that is stripped of all personal identifiers in order that the Office of the Commissioner may monitor compliance with applicable law.

Procedure

1. UPD Officers will not stop, question, interrogate, investigate, or arrest an individual based solely on a “civil immigration warrant”, administrative warrant, or an immigration detainer in the individual’s name, including those in the NCIC database.

   a. In the rare instance in which there is a separate, reasonable suspicion prompting an immigration status check, a supervisor will be notified and the case will be referred to the appropriate member of Command Staff for follow up. If it is deemed necessary, they will request assistance from International Student & Scholar Services (ISSS).

2. In cases where there is a direct hit/inquiry on a specific individual (such as a VGTOF hit or a Foreign Fugitive record return for example) a member of CIU should contact the originating agency responsible for the hit. In these unusual cases, the Chief of Police, or their designee, will be notified of the particulars of the case and the need to deviate from the routine process.

3. All review and response to requests for information from Immigration & Customs Enforcement (ICE) and Customs & Border Protection (CBP) agents shall be handled by the appropriate member of Command Staff.
4. In any situation where UPD personnel are involved in a stop or investigation that happens to involve a non-US citizen, and during the course of the investigation a question arises involving the individual's immigration status that is clearly pertinent to the investigation, the officer or investigator involved will notify the shift supervisor as soon as practicable so that the appropriate upward notifications and follow-up procedures can be initiated.

5. On matters involving Immigration Law enforcement, the Chief of Police, or their designee, will authorize notifications of other law enforcement agencies when necessary. Involvement of outside law enforcement agencies pertaining to immigration enforcement matters will not be initiated without approval from the Chief of Police, or their designee. Questioning of in custody individuals from outside law enforcement for the purpose of Immigration Law enforcement is not permitted. In cases of any immigration related detainer the Commissioner of University Police will be notified.

6. In cases involving arrests or detentions of foreign nationals where the foreign national is affiliated with The University at Albany, UPD will also inform International Student & Scholar Services. As in all cases UPD will protect the due process rights of any individual they detain.

7. For cases that involve an investigative follow-up:

   a. Cases that involve a felony investigation or other arrest where the individual is being taken to a detention facility for that purpose, an investigator will be notified for immediate follow-up

   b. Cases that involve violations, misdemeanors, or any other case where an appearance ticket would normally be appropriate, and there are no immediate safety related concerns, it would be acceptable for investigative follow-up to be completed on the next business day.

8. In any incident or instance where the provisions of this policy were employed by UPD personnel, the officer shall document in IETS the pertinent details and actions taken.

   a. In cases of an immigration detainer, notification, transfer, or interrogation request, the shift supervisor, or member of CIU, will ascertain that all of the particulars are recorded in IETS as well as the race, date of birth, gender, country of origin, and a general time line of any detention.
b. Information collected is not used for any type of registry related to race, gender, sexual orientation, religion, ethnicity, or national origin or related purpose.
CHAPTER III

TRAFFIC OPERATIONS
GENERAL ORDER 61
TRAFFIC

SUBJECT
Vehicle and Traffic Law Enforcement

GENERAL ORDER NUMBER
61.7.1

DCJS STANDARDS
47.1

EFFECTIVE DATE
March 24, 2011

REVIEWED DATE
March 7, 2017

APPLIES TO
Sworn Personnel

REVISION DATE
March 7, 2017

APPROVAL
J. Frank Wiley., Chief of Police

Purpose
The purpose of the Order is to establish guidelines and procedures for vehicle and traffic enforcement for the University at Albany Police Department.

Policy
This policy provides guidelines for University at Albany Police Officers to use in the enforcement of traffic law violations. The primary concern of the officer in the enforcement of traffic violations is their safety and the safety of others, while projecting a positive image of the department. The following are guidelines for stopping motorists for traffic offenses:

1. Treat the public with courtesy and respect.
2. Officers will observe, detect and prevent violations of traffic laws.
3. Traffic Laws will be enforced in a consistent and uniform manner.
4. Stop vehicles when you suspect that the driver or other occupants have violated a law. Be prepared to convey the reason for the stop.
5. Select a safe location for the stop.
Traffic Violators Requiring Special Processing

1. Out of State Residency and University Affiliation - There shall be no distinction made in the enforcement of traffic laws based upon whether or not violators reside in the State of New York, or whether or not they are faculty, staff, or students of the University.

2. Juveniles - Persons 16 years of age or older, may be issued citations for any violation of traffic laws and should be processed in the same manner as an adult. Individuals less than 16 are generally turned over to a parent or processed according to General Order 42.0.4 Juvenile Operations. The parent or guardian may be issued a summons when applicable.

3. Foreign Diplomats/Consular Officials - Actions that may be taken for traffic law violations by foreign diplomats, consular officials and their staff members depend on the person’s status. All persons who have a legitimate claim to immunity should carry a form of diplomatic identification issued by the U.S. State Department. Officers that have contact with any individual that may claim this status will notify a supervisor who will verify that this policy is complied with.
   a. When a driver believed to have diplomatic immunity is stopped for a moving traffic violation and has proper and valid identification indicating immunity, the officer may issue an appropriate traffic summons or warning. Issuance of a traffic summons does not constitute an arrest or detention.
   b. Ownership of a vehicle or immunities available to a driver or passenger does not prevent issuance of traffic and parking tags. Vehicles bearing diplomatic plates may be towed, if necessary to prevent serious obstruction of traffic. As a courtesy, attempt to make contact with the owner to seek voluntary removal of the vehicle.
   c. Primary consideration in a DWI incident is assurance that the driver does not endanger himself/herself or the public. Preventative steps may include taking the subject to another location to permit sufficient recovery to drive safely, providing transportation or taking other appropriate corrective action while respecting any immunity that may apply. Access to a telephone must be provided.
   d. The official, if entitled to criminal immunity, should not be subjected to any sobriety or other mandatory test and, except in extreme cases, should not be restrained. The driver should be informed that the officer's primary responsibility is to care for the safety of the official and the safety of others. Do not use force unless necessary to prevent injury to the official, officer, or others and then only the absolute minimum.
   e. Supervisors will notify the appropriate member of Command Staff when there is police contact with an individual that may have immunity.
Traffic Summons Accountability

1. **Issuing of Traffic Summons** – Each officer will be issued traffic summonses and a record of the serial numbers issued to each officer will be maintained. Summonses books will be issued in sequential numerical order. The on-duty Lieutenant will issue summonses to Police Officers, who will be required to sign forms UPD C-03 (Uniform Traffic Ticket Book Register) and UPD-C04 (Uniform Traffic Ticket Log) and be accountable for the summonses they are issued. These forms are located in Annex C of this manual. Summons will be issued only when TraCS (Traffic and Criminal Software) is unavailable.
## Purpose

The purpose of this Order is to provide guidelines for officers in the enforcement of traffic laws; to ensure that traffic enforcement is carried out in a proactive manner within the dictates of the U.S. and New York State Constitutions and local laws.

## Policy

It is the policy of the University at Albany Police Department to enforce traffic violations in a professional manner, so that all citizens are dealt with fairly; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of the law. The primary concern of the officer should be their safety and that of others, while maintaining a positive image of the department. Officer may ask the violator to exit their vehicle and return to the patrol vehicle if the officer feels that it is appropriate and/or necessary to do so.

## Procedure

1. Whenever possible, all traffic stops will be conducted in a safe location.

2. An attempt will be made to stop the patrol vehicle approximately one car length behind and approximately three (3) feet to the left of the violator’s vehicle in an effort to insure a safe path to and from the violator’s vehicle.

3. The violator’s vehicle shall be approached on the operator’s side unless safety factors dictate otherwise.

4. The officer shall instruct the driver and occupants as to whether or not they should remain in the vehicle. Instructions given to persons who are to remain in the vehicle shall also include “that it is necessary to do so for their own safety.”
5. The officer should politely request the operator to produce their license, the registration of the vehicle, and the required proof of insurance. The operator should then be informed of their specific offense(s) and the ticket or warning issued forthwith, when warranted.

6. The officer should:
   a. Answer any reasonable, pertinent questions that may arise.
   b. Attempt to promote understanding of the process with the operator.
   c. Perform their duties in an appropriate and timely manner.
   d. Avoid lecturing the operator.
   e. Avoid being drawn into debate or argument.
   f. Be firm, pleasant and courteous.
   g. Offer no excuse or apology for issuing the ticket.
   h. Project a positive, professional attitude in order to enhance public relations and minimize the negative aspect of the traffic stop.
   i. Be attentive to the possibility of criminal activity and information which may assist on-going criminal investigations.

**Objectives of Traffic Stops**

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer’s ability to evaluate the violator’s mental and physical condition, and the facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

1. Take proper and appropriate enforcement action.
2. To favorably alter the violator’s future driving behavior.

**Traffic Violator - Officer Relations**

Followed in all traffic stops:

1. Be alert at all times for the unexpected.
2. Be absolutely certain the observations of the traffic violations were accurate.
3. Present a professional image in dress, grooming, language, bearing and emotional stability.

4. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.

5. Decide on the appropriate enforcement action based upon the violator’s driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.

**Before Making a Vehicle Stop**

1. Maintain a reasonable distance between the vehicle and the police unit.

2. Locate a safe spot to stop the vehicle.

3. Activate the emergency red lights and, when necessary, siren to signal the vehicle to stop.

4. Advise the dispatcher of the intention to stop the particular vehicle, giving:
   a. Location of the stop.
   b. Vehicle’s license tag number and/or other description when necessary.

5. Officer should position the police vehicle approximately one-half to one car length behind the violator’s vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from on-coming traffic. This position shall be two feet outside and to the left of the violator’s vehicle. This position provides maximum safety to the violator, the officer and all other traffic.

6. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer’s safety, in addition to the above:

7. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop.

8. Train the unit’s auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable.

9. When necessary, use the unit’s public address system to give the occupant(s) of the vehicle instructions.
Hazards

1. On multi-lane roadways, the officer should insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

2. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer’s oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

Approaching the Violator

1. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:

2. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator’s vehicle.

3. The officer shall approach from the rear of the violator’s car, looking into the rear seat and stop behind the trailing edge of the left front door. The position shall be maintained if there are only occupants in the front seat of the vehicle. From this position the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.

4. In cases where the violator’s car has occupants in both the front and rear seats, the officer should approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.

5. In traffic stops made by two-man patrol vehicles, the passenger officer shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow officer.

6. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight should not be used except in what officers perceive as dangerous situations) and positioning the police vehicle. After the stop, the head lights shall be on low beam for the safety of on-coming traffic,
and emergency bar lights and emergency flashers in use on the patrol vehicle (as well as during the day).

**Communicating with the Violator**

In transacting his business with the violator, the officer shall:

1. Greet the violator courteously with an appropriate title.
2. Inform the violator what traffic law he has violated and the intended enforcement action (the violator should not be kept in suspense).
3. Ask for the violator’s driver’s license and vehicle registration and accept only these forms. If the driver offers money, the officer shall refuse the money and advise the driver of the illegality of the offer.
4. If the driver has no driver’s license, obtain another document of identification.
5. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
6. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
7. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
8. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
9. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

**Conducting the Transaction**

1. Return the violator’s documentation
2. Release the violator after the warnings or summons are issued
3. Assist the violator in safety re-entering the traffic flow.
4. Do not follow the violator.

**NOTE:** Training will address current procedures on felony stops, stopping procedures, and actions to take if resistance occurs.
SUBJECT

High Visibility Clothing

GENERAL ORDER

NUMBER

61.7.3

DCJS STANDARDS

47.3

EFFECTIVE DATE

December 1, 2010

REVIEWED DATE

APPLIES TO

All Employees

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

Purpose

The purpose of this Order is to establish clothing to be worn during certain traffic details.

Policy

Officers assigned to traffic control posts are required to wear a reflective traffic vest. During inclement weather, a high visibility raincoat may be worn.

During other times of traffic control such as traffic light malfunction, accidents, fires, etc., the vest will not be required unless the assignment will be for a prolonged period of time or the officer’s safety becomes a factor, i.e., after dark.

Officers assigned to enforcement posts where it becomes necessary to remove short term congestion will not be required to wear vests except when the officer’s safety becomes a factor, i.e., after dark.

All raincoats issued are reversible to a high visibility color.
Purpose

The purpose of the Order is to establish protocols and procedures for using speed measuring devices at the University at Albany Police Department.

Policy

It is the policy of the University at Albany Police Department that radar units shall be utilized to ensure the accurate enforcement of vehicle and traffic laws; and that all radar units utilized by this Department are properly maintained and operated by qualified officers. Certified operators shall utilize radar units for purpose of traffic enforcement in the following circumstances:

1. In areas where speed violations are prevalent.
2. High or potentially high accident locations where speed is considered a primary factor.
3. In response to citizen complaints concerning speeding motorists
4. At the direction of the shift supervisor.

Responsibility

1. The Chief of Police shall assign an officer to be responsible to oversee the proper use and maintenance of all Department radar units.
2. The officer shall be responsible to ensure that all radar units are regularly calibrated and tested, and shall also be responsible to maintain a file containing all current calibration certificates.
Procedure

1. Operators should test the unit as part their daily vehicle inspection at the beginning of each shift.

2. When selecting an operating site, officers shall consider the safety of the location in respect to them, the other officers at the site, and the violators being stopped. The location should be checked prior to set up to ascertain the need for enforcement and that the area is properly posted.

3. The unit operator will establish a tracking history of the violator by:
   a. Observing the vehicle in violation.
   b. Estimating the violator's speed.
   c. Verifying the speed with the speed-measuring unit.

4. A tuning test will be administered after every violator is issued a summons when radar units are utilized.

Training

1. Officers using radar units must have successfully completed a radar/lidar operator course certified the New York State Department of Criminal Justice Services (DCJS).

2. Certified Operators must maintain the original copy of their certification card.

3. A copy of each operator’s DCJS training certificate and card must be provided to the Training Committee to be placed into the officer’s training file.

Maintenance

1. Radar operators shall ensure that the units are properly handled, and that any damage or malfunctions are reported to the assigned officer, utilizing the proper maintenance repair request form located in the Briefing room (See Annex A). This form can also be located electronically on the University Police Department’s V Drive in the “Forms” folder.

2. Department radar units shall be calibrated and tested by a certified laboratory once annually.
Purpose

The purpose of this Order is to establish departmental policy for the enforcement of NYS Vehicle & Traffic Law pertaining to Driving While Intoxicated (DWI) or Driving While Ability Impaired (DWAI/Drugs) investigations and subsequent procedures. This will ensure uniformity in effecting an arrest in the processing of intoxicated and/or impaired drivers.

Policy

The University at Albany Police Department is committed to the enforcement of laws pertaining to Driving While Intoxicated (DWI) or Driving While Ability Impaired (DWAI/Drugs). Sworn officers should be alert for signs of impairment by alcohol, drugs, or other substances during all motorist contacts. Officers will investigate and take enforcement action when there is reason to believe a person is operating, or about to operate, a motor vehicle while under the influence of alcohol, drugs, or other substances.

The Chemical Tests used by this department to determine the amount of alcohol and/or drugs (in order of preference) shall be:

1. Alcohol: breath or blood

2. Drugs: blood or blood and urine*
Procedure

Drug Recognition Expert

A University at Albany Police Department Drug Recognition Expert (DRE) or a DRE assisting the University at Albany Police Department, should be utilized whenever an arrest for DWI is made and the suspect’s level of impairment is not consistent with their Blood Alcohol Concentration (BAC). After being notified, the DRE will then conduct an evaluation to determine whether the impairment observed was caused by drugs or another reason, such as a medical problem. DREs must be certified by the Bureau for Municipal Police (BMP) and the International Association of Chiefs of Police (IACP), and will conduct their evaluation in accordance with the standards established by the BMP and IACP.

Initial Stop and Field Sobriety Evaluation

The following procedures will be followed by officers during an investigation where a person is suspected of violating Section 1192 or 1194 of the NYS Vehicle & Traffic (V&T) Law:

1. Note all violations of traffic laws that prompted the traffic stop. Also, note all other actions on the part of the violator during the traffic stop.

2. If intoxication or impairment is suspected, officers shall administer Standardized Field Sobriety Test (SFST) as soon as possible practical.

3. Utilize the University Police DWI Investigative Notes Card to document the violator’s ability, or inability, to follow directions and perform the Standardized Field Sobriety Tests. Avoid using pass/fail terms to describe results. Field sobriety testing assists the officer in gauging the violator’s state of sobriety, but should not be the sole determinant of intoxication.

4. Officers may administer a preliminary breath-screening test using authorized equipment provided, officers will adhere to current directives and manufacturer’s instructions in caring for the equipment and when administering the preliminary breath-screening test.

5. An appreciable percentage of DWI violators may be under the influence of drugs other than alcohol, either alone or in combination with alcohol. These persons may, or may not, exhibit similar signs and symptoms normally associated with alcohol impairment. Keep in mind that certain medical conditions, injuries involving the brain, and other situations can produce indicators similar to intoxication. Some examples are extreme fatigue, head injury, hypertension, severe depression, diabetic reactions, inner ear disorders, mental disorders, and high fever. An officer will use due diligence to rule out these medical issues as a cause for the
impairment. If impairment is found to be caused by a medical issue, the officer will immediately seek medical treatment for the individual.

6. In certain cases psychomotor tests and preliminary breath-screening test are not an option (e.g. motor vehicle accidents). In these cases, as with all DWI and DWAI/Drugs investigations, the officer will rely on the totality of the circumstances to effect an arrest (e.g. odor of an alcoholic beverage or other indicators of intoxication).

Arrest

1. Once probable cause has been established, the officer will advise the suspect they are under arrest for Driving While Intoxicated, handcuff the individual behind their back and inform dispatch of the arrest.

2. Dispose of the defendant's vehicle in accordance with General Order 61.7.8 Vehicle Towing and Impound Procedures

3. Transport the suspect in accordance with the Department’s prisoner transport policy, General Order 71.1.1. to an authorized location in order to complete the investigation and attempt to secure a breath, blood, or blood/urine* sample. Some arrestees may require increased attention during transportation due to their condition.

4. The defendant will be kept under supervision by the Certified Breath Analysis Test Operator (BAO) and will remain handcuffed behind their backs until the administration of the breath test. The officer will advise the defendant they will not be allowed to place anything in their mouth until after the administration, refusal or at minimum twenty (20) minutes prior to the chemical test.

5. Ask the defendant if they are willing to submit to a chemical test.

6. If consent is given, note their response and time on the DWI Warning/Miranda Card and make arrangements for the chemical test.

7. If the defendant refuses to submit to a chemical test, the officer must read them the DWI Warnings as written on the DWI Warning/Miranda Card at least three (3) times. The officer will note each time and response on the DWI Warning/Miranda Card.

NOTE: Evidence of a refusal to submit to a chemical test, or any portion thereof, is admissible only upon showing that the person was given sufficient warning, in clear and unequivocal language, of the effect of such a refusal, and that the person persisted in the refusal (ref. NYS V&T Law, Section 1194-2f).
8. Upon refusal to submit to a chemical test, the officer will complete the “Report of Refusal to Submit to a Chemical Test” form and the DataMaster Refusal printout and submit both in the arrest packet.

9. The officer will complete four (4) copies of the “Notice of Temporary Suspension and Notice of Hearing.” The Department of Motor Vehicles Hearing Date will be assigned by the judge at the time of arraignment.

10. If the person under arrest requests an opportunity to consult with an attorney before submitting, they will be given a reasonable opportunity to consult with an attorney as long as the consultation does not interfere with the proper and timely administration of the test. The failure of the person to make contact with an attorney, and a refusal to submit as a result of that failure, will be treated as a refusal to submit to a chemical test and the person will be advised of same.

11. The officer will, if possible, interview the defendant to gather information in support of the arrest charge. The arresting officer will carefully document observations regarding the defendant’s conditions and actions. The defendant will be advised of their Miranda Rights prior to any custodial interview, noting the defendant’s response and time on the DWI Warning/Miranda Card.

12. When an arrest is made for DWAI/Drugs resulting from a motor vehicle accident, the officer should make notation in the factual allegation section of the felony or misdemeanor complaint that the defendant was involved in an accident. In these circumstances, a Drug Recognition Expert (DRE) Evaluation is mandatory. This includes any questionable Property Damage Auto Accidents (PDAA’s) as well.

**NOTE:** A criminal history should be completed prior to filing the accusatory instrument or felony complaint in order to charge the defendant with the appropriate sections of law. Prior convictions of DWI and DWAI/Drugs influence the nature of the charge and may upgrade the 1192 section from a misdemeanor to a felony (D or E felony). If the appropriate charge is a D felony, the defendant will be held for arraignment.

13. When an arrest is made for DWI (alcohol) under the authority of Section 1192 of the NYS V&T Law, the officer will charge the defendant with NYS V&T Law Section 1192-3 and any other applicable violations of law (e.g. Section 1192-2).

14. When an arrest is made for Driving While Ability Impaired by Drugs (NYS V&T Law Section 1192-4) or Driving While Ability Impaired by a Combination of Drugs and Alcohol (NYS V&T Law Section 1192-4a), the arresting officer will proceed with the arrest process as described above until it becomes apparent that the observed impairment is being caused by something other than solely alcohol. At that point a DRE should be requested to conduct a Drug Influence Evaluation. In cases where a DRE is unavailable, the arresting officer should note all of the indicators of impairment and secure a test for analysis.
15. Complete all necessary paperwork for the arrest.

**Vehicle Disposition**

1. Once the decision to arrest the driver has been made, the vehicle must be towed from its location in accordance with General Order 61.7.8 Vehicle Towing and Impound Procedures or, if the arrestee is the registered owner of the vehicle, he or she may give permission for another legal driver at the scene to take possession of the vehicle.

2. In accordance with Albany County DWI and DWAI/Drugs Vehicle Impoundment Law, the vehicle may not be released to the arrestee earlier than 12 hours past the time of arrest. However, the vehicle may be released before that time to a registered owner or co-owner other than the arrestee.

3. If the vehicle is involved in a serious injury or fatal vehicle crash, the car should be impounded as evidence and should not be released to anyone.

**Chemical Tests**

1. **Breath Test**
   
   a. If the person charged submits to a breath test, the test will be administered by a Certified Breath Analysis Operator. If the arresting officer is a Certified Breath Analysis Operator they may conduct their own test, but it is preferred that the test be conducted by another certified officer. The Breath Analysis Operator will complete the BAC DataMaster Evidence Ticket.

   b. Breath Analysis Operators shall be certified by the NYS Department of Health and shall possess a valid permit to conduct such tests. It is the responsibility of certified operators to ensure their permits remain valid.

2. **Blood Test**
   
   a. Blood tests may be used under the following circumstances or at the discretion of the arresting officer’s supervisor:

      i. The defendant is hospitalized.

      ii. The defendant has been involved in a motor vehicle accident that resulted in a serious physical injury or death to someone other than the defendant.

      iii. The defendant is physically unable to submit to a breath test, or the defendant is bleeding from or around the mouth which may interfere with the results of the breath test.
iv. The breath test instrument is inoperative or a Breath Analysis Operator is unavailable.

b. In cases where an arrest is made for a violation of 1192-4 (DWAI/Drugs) or 1192-4a (DWAI/Drugs and alcohol), a blood test will be taken. A DRE may use a urine test as described in Chemical Tests section 3 of this order, but blood is preferred and urine analysis is considered a last resort.

c. Persons arrested for certain felony offenses of the NYS V&T Law can be compelled by the order of a judge to submit to a blood test. If the defendant has been involved in a serious physical injury or fatal motor vehicle accident, and the defendant refuses permission to have their blood drawn, the arresting officer should then contact the Vehicular Crimes Assistant District Attorney on call for a court order. This is done by telephone due to time restrictions. Necessary paperwork is on the (V:) Drive, UPD General, Traffic Safety Folder.

d. Blood samples should be drawn within two (2) hours of time of arrest when practical.

i. In cases where an officer is securing a blood sample under “deemed consent” (unconscious or otherwise unable to give consent), the officer shall advise the individual they are under arrest for DWI or DWAI/Drugs, then the individual drawing the sample may secure same.

ii. A DRE will have a blood sample secured in accordance with their policies and procedures.

e. Administration of the blood test

i. The arresting officer, prior to the withdrawal of a blood sample, will inform the individual taking the sample that the defendant is under arrest and request that the proper personnel withdraw a sample of blood from the defendant for chemical analysis.

ii. Blood samples will only be collected by personnel as authorized in Section 1194 of the NYS V&T Law; acting at the request of a Police Officer.

iii. Hospitals will take a blood sample at the direction of a Police Officer if the defendant grants permission. If the defendant is physically able to give consent but refuses, it shall be deemed a “failure to submit to a chemical test” and documented according to the Arrest section number 8 of this General Order. If the defendant is unable to grant permission (e.g., unconscious), the arresting officer may direct the hospital staff to take the blood sample due to the fact the person is under arrest for DWI, or DWAI/Drugs.
iv. Whenever possible, the arresting officer will witness the withdrawal of blood. If the arresting officer is unable to witness the withdrawal, another officer must be present to witness the withdrawal and take custody of the NYS Blood Specimen Kit.

f. Town of Guilderland Paramedics, Albany Medical Center and St. Peter’s Hospitals have agreed to:
   i. Use a substance that does not contain alcohol to sterilize the skin in the area from which the blood sample is drawn.
   ii. Utilize the materials contained in the NYS Blood Specimen Kit for securing the sample.

g. The arresting officer will then take possession of the NYS Blood Specimen Kit and secure the kit and follow the specific directions contained within the kit for the securing of the kit and complete all necessary paperwork contained within. If a particular drug is suspected, said drug should be clearly indicated on the New York State Police Crime Laboratory Toxicology Submission Form to enable the lab to substantiate the drug’s presence through testing. All blood samples will be stored in the evidence refrigerator and handled in accordance with the current procedures for the handling of evidence.

h. The NYS Blood Specimen Kit will be taken to the NYS Forensics Lab by the Property Officer or their designee.

3. Urine Tests

   a. Urine tests may be used under the following circumstances:
      i. In cases where an arrest is made for violation of 1192-4 or 1192-4a of the NYS V&T Law and the arrest is accompanied by a Drug Influence Report completed by a certified DRE.

   b. Administration of Urine Tests
      i. Urine samples may be collected by the department’s DRE, a sworn member of the department or any DRE assisting the University at Albany Police Department with an investigation of a violation of Sections 1192-4 or 1192-4a of the NYS V&T Law. Only DRE’s will be permitted to submit urine samples for analysis. Officers who take a urine sample will notify a DRE that the sample was taken and the DRE will be responsible for its submission for testing.
      ii. Any officer collecting a urine sample will immediately seal the collection bottle and then seal the bottle in the collection kit. A property tag will be placed on the outside of the collection kit and a Property Custody Report
will be completed. A lab analysis request, along with a DRE’s Drug Evaluation Report will accompany the collection kit. All urine samples will be stored in the evidence refrigerator and handled in accordance with current procedures for the handling of evidence.

iii. The urine sample will be taken to the NYS Police Forensics Lab by the Property Officer or their designee.

**Motor Vehicle Crashes**

1. Under New York State law, blood tests must be performed in lieu of breath tests in instances where there is an alcohol-related motor vehicle crash resulting in death or a serious injury which may result in death.

2. Suspects can be charged with DWI or DWAI/Drug offenses in accidents where no witness can testify the suspect was operating the vehicle if:

   a. Suspect voluntarily admits to driving the vehicle when the accident occurred; or

   b. Eyewitnesses identify suspect as operator of the vehicle prior to the accident; or

   c. There is forensic proof of who was driving, such as:

      i. Blood, tissue and hair transfers to the vehicle interior

      ii. Injury match-ups to vehicle interior damage

      iii. Knee injuries from contact with dashboard

      iv. Safety belt abrasions

      v. Pattern injury from windshield or side window glass

      vi. Injuries from windshield or side window glass

      vii. Seat position as it relates to height of occupants

3. Means of obtaining evidence to prove operation include:

   a. Securing statements from anyone who assisted or removed the occupants from the vehicle

   b. Prompt forensic processing of the vehicle

   c. Preservation and laboratory analysis of trace evidence
d. Detailed documentation and photography of abrasions, bruises, lacerations and related injuries of all vehicle occupants

e. Extensive photography of vehicle interior

f. Possession of car keys on person

g. Registration or insurance in person’s name

h. Reconstructing the movements of vehicle occupants during the collision with point by point matching of injuries.

i. Note that transfers and body motions can be most convincing to a jury, but requires thorough investigation at the scene.

4. An accident reconstruction must be completed for all serious personal injury and fatal auto accidents.

Zero Tolerance Enforcement

1. Officers who stop a traffic offender under 21 years of age, who they suspect of having any amount of alcohol in their system, shall perform Standardized Field Sobriety Testing of the driver.

2. If it is determined that a driver under age 21 has alcohol in their system, the officer will detain and transport the suspect back to the University Police Department for a breath test.

3. The certified Breath Analysis Operator will read the Zero Tolerance Refusal Warning to the suspect prior to administering the breath test.

a. This refusal warning is listed on the Department of Motor Vehicles (DMV) chemical test refusal form for persons under age 21 (DMV form AA-134A).

b. This form must be completed if the suspect refuses to submit to the test.

4. A suspect under age 21, who registers a BAC of .02% - .07%, should be scheduled for a Zero Tolerance Hearing on the next available hearing date in Albany County.

a. This date can be found by consulting the Zero Tolerance Hearing Calendar published in DMV “P” Notes.

5. The arresting officer should issue the suspect appropriate copies of Notice of Hearing (DMV form AA-137A.1), or Notice of Chemical Test Refusal Hearing (DMV form AA-137A) if appropriate, along with the traffic summon(s) associated with the original violation(s) and DataMaster Refusal Printout if applicable.
Release of Persons Arrested for DWI/DWAI/Drugs

1. After arrest processing and proper identification, the defendant may be released with an appearance ticket or held for arraignment at the discretion of the supervisor. Defendants charged with any DWI or DWAI/Drugs crimes categorized as a D Felony or higher should be held for arraignment.

2. When possible, release to a third party may be a prudent option to provide supervision. This shall be recorded in the Incident Narrative.

3. In circumstances where an arresting officer does not feel the defendant can care for themselves, the Mental Hygiene Arrest Law 22.09 should be considered as an alternative to release.

4. If a defendant registers a BAC of close to .30% or higher, the officer will enact the Mental Hygiene Law 22.09 and Emergency Medical Services will be dispatched for transport of the defendant for medical evaluation.

Arrest Package

1. An arrest package with all reports pertaining to the arrest, including all dispositions and witness statements, will be completed in all cases where an arrest is made or DWI or DWAI/Drugs.

2. Any recordings made, including digital audio recordings, body worn camera recordings, interview and booking room recordings are to be handled as evidence as per the current General Orders pertaining to the handing of evidence.

* In cases where an arrest is made for a violation of 1192-4 (DWAI/Drugs) or 1192-4a (Drugs and Alcohol), a blood test will be taken. A DRE may use a urine test as described in section C of this order, but blood is preferred. Urine analysis may be used as a last resort.
SUBJECT

Assistance to Motorists and Hazardous Highway Conditions

GENERAL ORDER NUMBER

61.7.6

DCJS STANDARDS
47.6

EFFECTIVE DATE
October 30, 2009

REVIEWED DATE APPLIES TO

All Employees

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

Purpose

The purpose of this Order is to establish and describe the operational guidelines governing services offered to motorists and other traffic services provided by the Department to the public.

Policy

It is the policy of the University at Albany Police Department to provide the motoring public with a safe traffic environment by offering assistance, information and emergency aid to motorists.

General Assistance to Motorists

1. Officers shall be alert for and offer their services to motorists in need of assistance.

2. Officers may aid disabled motorists by:

   a. Contacting a tow service or other person to respond to the scene. Towing shall be conducted in accordance with General Order 61.4.1 – Vehicle Impound and Towing Procedures.

   b. Transporting the motorist to the nearest convenient location where assistance can be obtained.

   c. Transporting the motorist to and from a service station to obtain fuel. Fuel will be transported only in containers specifically designed and approved for such purpose.
3. Officers performing mechanical repairs or adjustments to motorist’s vehicles risk physical injury and expose themselves and the Department to liability. For this reason officers shall not:

   a. Make repairs (except for minor non-critical items when the officer has the ability to do so).

   b. Push or tow a vehicle with a police vehicle unless such action is necessary in an emergency situation.

   c. Jump-start a vehicle with any Department-owned vehicle and equipment.

4. Officers may push a motorist’s vehicle by hand when the officer has determined that he is physically capable and it is safe to do so. Vehicles being pushed must have a driver controlling the vehicle.

5. Whenever an officer is responding to a call for service, or for any other reason is unable to stop to aid a motorist, the officer shall request another unit respond to provide assistance.

6. Officers shall, upon request, provide information and directions to the public. Officers should have maps or street guides of the University, city and the State in their possession while on patrol.

**Emergency Assistance to Motorists**

1. Whenever an officer encounters motorists in need of medical attention the officer shall render first aid and/or request the assistance of emergency medical service personnel.

2. Whenever an officer discovers a vehicle fire the officer shall:

   a. Immediately notify communications to request assistance from the fire department.

   b. Ascertain if hazardous materials are involved in the fire. If hazardous materials are involved, personnel shall be guided by General Order 46.1.1 Unusual Occurrences.

   c. Evacuate motorists and bystanders from the area of the fire, when necessary.

   d. Attempt to control or extinguish the fire, when appropriate and safe.

**Hazardous Road Conditions**

Whenever an officer discovers a hazardous road condition the officer shall have the dispatch contact the responsible agency, person or persons to correct and/or eliminate the condition. Hazardous road conditions include, but are not limited to:
1. Damaged, malfunctioning, obstructed or missing traffic control signs or devices.

2. Potholes, broken pavement and other defects in the roadway.

3. Flooded or slippery roadways.

4. Debris on roadways.

5. Defective street lights.

Officers at the scene of hazardous highway conditions should attempt to remedy the situation if feasible. In the event the problem cannot be corrected, officers should safeguard the scene until repair crews arrive, or ensure that the area is made safe until they can arrive, by utilizing barricades, flares, or temporary traffic signs.

Officer shall complete an RMS Report outlining the details of the hazardous condition and steps taken to correct the situation. Administrative personnel will forward such reports to the appropriate department or other entity responsible for follow-up action.
营业收入：
运营收入：
毛利润：
净利润：
毛利率：
净利润率：

7. An RMS incident report shall be made out on all arrests for leaving the scene of an accident (Sec. 600 VTL) or any other arrests associated with a motor vehicle accident.

8. If a utility pole, street sign or road barrier is damaged, the officer at the scene shall notify the dispatcher. The dispatcher will call the proper authority to repair or replace same. If unable to contact the proper authority, a message will be left, so the day dispatcher can make notification.

**Fatal and Serious Injury Accidents**

1. The shift supervisor or OIC will respond to all fatal and serious injury motor vehicle accidents.

2. When instructed by the shift supervisor or OIC, the dispatcher will notify the Deputy Chief of Operations.

3. An outside agency will be contacted to assist and conduct the investigation.

4. A case file will be completed with copies of all relevant documents.

5. Personal notification of victim's next of kin shall be arranged when appropriate.

**Police Car Accidents**

1. Any officer involved in an on duty accident while operating a department vehicle will immediately notify the shift supervisor or Officer in Charge (OIC).

2. When an officer has an accident while operating a police vehicle, the following reports will be completed:
   a. MV-104A or MV - 104L - to be completed or obtained by the shift supervisor or OIC
   b. An RMS incident report describing the accident. This will include names, addresses and telephone numbers of all parties involved

3. Copies of the above documents will be forwarded and notification made to the Deputy Chief of Operations and the Deputy Chief for Adminisatration.

4. If the officer is injured complete a Workers’ Compensation Accident Injury Report Form and contact the NYS Accident Reporting System (ARS) at 1-888-800-0029.

5. All reports and the memorandum will be submitted to the Chief of Police immediately. If the officer is unable to, the paperwork will be completed and submitted by his immediate supervisor.
6. On all reports, list the police vehicle as vehicle #1. Enter the police vehicle number on the MV-104A or MV - 104L in Box labeled “plate number”. Unmarked vehicles should list plate number and vehicle number.

7. Police officer information on the accident report will list the business address of the University at Albany Police Department, 1400 Washington Avenue, Albany, NY 12222

8. Insurance Information
   a. Insurance Code: 994
   b. Insurance Company: State of NY, Self-Insured

**Accident Report Form (MV-104A)**

1. The New York State Department of Motor Vehicles Police Accident Report form (MV-104A), shall be completed when the following conditions exist:
   a. Any person is injured or fatality as a result of a motor vehicle accident.
   b. Hit-and-run accidents or leaving the scene where major property damage or personal injury has been sustained.

2. All police vehicle accidents.

3. All accidents involving governmental vehicles.

4. All accidents involving damage to public property.

5. All accidents involving school buses and public transportation vehicles.

**Accident Exchange Forms**

1. An accident exchange form will be completed on all accidents requiring the exchange of driver information. Accidents involving multiple vehicles may require additional exchange forms. The accident exchange form will be completed on all accidents where it is necessary for the drivers to exchange information.

2. Retain the information for department records to complete if a DMV 104A or RMS incident report is required. Place it in the same location designated for DMV accident reports (MV-104A).

3. The Officer on scene will advise involved parties of the accident reporting requirements as outlined by the New York State Department of Motor Vehicles.
Fire Hazards
1. The fire department will be notified and requested to respond when an officer arrives at the scene of a motor vehicle accident where the potential for a fire is readily apparent.

2. The shift supervisor or OIC will be notified and respond if necessary.

Motor Vehicle Accidents Involving Hazardous Materials
1. Whenever a motor vehicle accident involves a vehicle transporting hazardous material, the responding officer shall take all necessary steps to ensure the safety of persons at or near the scene. Initial responders should remain upwind from the suspected hazardous material.

2. The fire department will be summoned to provide assistance and the fire chief will have command of the scene.

3. The driver of the vehicle should be interviewed to determine the nature of the materials and to determine if the appropriate placards are displayed on the vehicle. An attempt should be made to obtain the load manifest from the driver.

4. The patrol supervisor or OIC shall respond to the scene and make an assessment of the situation. The Deputy Chief of Operations, the Chief of Police and Environmental Health and Safety will be notified.

5. If necessary, a hazardous material team will be summoned through the fire chief at the scene.

Driving while Intoxicated or Impairment Due to Drugs
Whenever an officer suspects that the ability of a driver involved in an accident has been impaired by alcohol or drugs, will attempt to obtain a BAC (blood alcohol content) or a screening test or field sobriety test will be administered to determine if probable cause exists to make an arrest. It is the policy of the University at Albany Police Department to enforce those sections of the Vehicle and Traffic Law that relate to DWI and related offenses.

Form MV-104S
Must be filed with the Police Accident Report (Form MV-104A) when an accident involves at least one qualifying vehicle AND at least one of the qualifying conditions of severity, as described below:

1. The accident must involve at least one of the following types of qualifying vehicles:
a. A truck, tractor, truck-trailer or tractor-trailer having at least six (6) tires in contact with the road surface;

b. any vehicle displaying a hazardous material placard; and/or;

c. a bus with seating for more than fifteen (15) persons including the driver.

AND

2. The accident must result in at least one of the following conditions of severity for ANY person and ANY vehicle involved:

a. at least one person killed

b. at least one person injured severely enough to require transportation from the scene for immediate medical attention;

c. at least one vehicle required to be towed away from the scene due to disabling damage (other than for a flat tire)

d. at least one vehicle needing intervening assistance due to an event which required that the vehicle be moved, up righted, or otherwise assisted by emergency equipment (other than for a flat tire).

3. If an accident involved both criteria (described in 1 and 2 above), a Form MV-104S must be completed and submitted for each qualifying vehicle with the corresponding Police Accident Report.
Purpose

The purpose of this Order is to establish guidelines for the towing of vehicles for legitimate police purposes and to safeguard both the vehicle and its contents.

Policy

It is the policy of the University at Albany Police Department to tow vehicles in accordance with all laws and when necessary in order to expedite traffic, enforce laws, conduct investigations and to protect the lives and property of the public.

Definitions

Impound – A vehicle towed to, and held in police custody at police headquarters due to evidentiary considerations.

Hold – A vehicle towed at the direction of a police officer to an authorized tow service vendor that specifically requires authorization from the police department in order to be released.

Procedures

Towing at the Direction of a Police Officer

1. Unless otherwise specified in this order, vehicles towed at the direction of a police officer shall be towed by an authorized tow service vendor to the vendor's place of business.

2. Officers may have vehicles towed under the following circumstances:
a. **Motor Vehicle Accident** – Officers shall have a vehicle involved in a motor vehicle accident towed when the operator or an authorized driver is unable to drive due to injuries or the damage to the vehicle renders it inoperable or unsafe to drive. If an operator requests a specific tow service vendor and his selection does not impede police operations, officers shall attempt to accommodate the request.

b. **Disabled Vehicles** – When a vehicle is disabled and the operator is present, the operator may request a specific towing service as long as the request is reasonable and will not impede police operations. If the operator is not present and the vehicle poses a hazard or obstructs traffic, officers shall tow the vehicle using the nearest available authorized tow service vendor. A Vehicle Tow sheet shall be completed noting the name and address of the registered owner/operator if operator’s not present.

c. **Abandoned Vehicles** – Abandoned vehicles are defined by the New York State Vehicle and Traffic Law. When a vehicle is abandoned upon a public highway or public or private property pursuant to the Vehicle and Traffic Law, officers shall attempt to locate the owner of the vehicle, ticket and when necessary, tow the vehicle. A Vehicle Tow sheet shall be completed noting the name and address of the registered owner/operator and ticket number in the space for additional remarks.

d. **Recovered Stolen** – Recovered stolen vehicles are a potential source of physical evidence and should be processed accordingly. After a recovered stolen vehicle has been processed for evidence, an officer may release the vehicle to the owner at the point of recovery when such release will not impede police operations. Recovered stolen vehicles designated as "hold for prints," or those that cannot be released without impeding police operations shall be impounded and towed to police headquarters. An RMS Report, Vehicle Impoundment and Inventory Report and a Property Report shall be completed. A copy of the Property Report shall be placed in a plastic evidence bag and securely affixed to the vehicle.

e. **Seized as Evidence** – Vehicles may be impounded as evidence or for investigative purposes. Impounded vehicles shall be towed to a secured garage. If necessary, a request may be made of the head of the University's Grounds Department to utilize an interior equipment bay in the Grounds building. Permission must be sought and granted before utilizing that space to avoid a negative impact on Grounds operations. An officer will escort the towed vehicle while it is in transit to maintain the chain of custody. Vehicles impounded as evidence shall be stored in either the University at Albany Police Department patrol car parking lot or other secured facility until they have been processed by evidence or accident investigation technicians. An RMS Report or Motor Vehicle Accident Report (MV-104), Vehicle Impoundment and Inventory Report and a Property Report shall be
completed. A copy of the Property Report shall be placed in a plastic evidence bag and securely affixed to the vehicle in a manner as to not affect evidentiary integrity.

f. **Mechanically Unsafe to Operate** – Motor vehicles that are deemed mechanically unsafe to operate upon a public highway may be towed. Officers must cite the operator of the vehicle for a particular equipment violation under the Vehicle and Traffic Law and complete a Vehicle Tow sheet noting the nature and severity of the defect, name and address of the registered owner/operator and ticket number in the space for additional remarks.

g. **Violation of the Vehicle and Traffic Law** – Officers may, when appropriate, tow vehicles that are in violation of certain sections of the New York State Vehicle and Traffic Law. Generally, towing vehicles is appropriate when the condition of the operator or vehicle, or restrictions regarding the operator render continued operation of the vehicle unsafe or unlawful. Such violations may include, but are not limited to, driving while intoxicated or impaired, unlicensed or aggravated unlicensed operators, switched plates, and suspended registration. Officers towing vehicles for violations of the V&T law must issue the operator a traffic citation and complete a Vehicle Impoundment and Inventory Report noting the section of law violated and ticket number in the space for additional remarks and, when appropriate, an Arrest Report.

h. **Arrest of Operator** – Officers have a duty to protect a defendant's property, including his motor vehicle. Officers may, at their discretion, permit the operator to turn the vehicle over to a third person for safekeeping. Unless the vehicle is to be processed as evidence, officers shall have the vehicle towed and secured at the tow vendor's place of business. A Vehicle Impoundment and Inventory Report shall be completed in addition to the arrest documents.

i. **Parking Violations** – Vehicles may be towed for violations of parking regulations when the vehicle interferes with traffic or presents a hazard. Vehicles must be ticketed for a specific violation and a Vehicle Tow Sheet shall be completed noting the section of law violated, ticket number and name of the registered owner/operator.

j. **Snow Emergency Procedures** – The chief administrative officer of the University or his/her designee is authorized to declare a snow emergency if snow accumulation impedes access by emergency vehicles, access by persons who need to park in authorized areas, or when snow removal operations must proceed for the general health, welfare and safety of University patrons. Such a declaration shall be in writing and disseminated at least twelve hours before removal of vehicles as provided below, and via other appropriate methods of communication.
Prominent temporary signs shall be posted in the affected area to read "Snow Emergency- No Parking. Vehicles not moved after Date: ___ Time: ___ shall be towed at the expense of the operator." Vehicles not moved from the area by the owner or operator following date and time on the notice shall be towed to an authorized tow vendor at the expense of the owner/operator. A Vehicle Tow Sheet shall be completed noting the name and address of the registered owner/operator.

3. **Request by Parking and Mass Transit Services** – The University at Albany Police Department shall respond to requests made by the Parking and Mass Transit Services to assist them with vehicle tows. These requests are made as a result of vehicles located that are on the Vehicle Tow List (maintained by Parking and Mass Transit Services).

**Towing at the Owner’s Request**

If the owner or operator of a vehicle requests that an officer arrange to have his vehicle towed and requests a particular tow vendor, the officer shall make a reasonable effort to accommodate the request unless doing so will impede police operations. If the owner or operator does not request a specific towing service, the officer shall utilize the tow service vendor that is currently under contract with the University at Albany. A Vehicle Tow Sheet shall not be required.

**Vehicles Abandoned on University Property**

Vehicles parked on University property shall be deemed abandoned if, without the permission of University at Albany Police Department or Parking and Mass Transit Service, they are left unattended more than 48 hours and they are not currently registered with Parking and Mass Transit Services; or if left parked on property owned, leased, or operated by the University for more than six hours with no license plates affixed thereto as required by the Department of Motor Vehicles of New York State. Vehicles deemed abandoned on the University campus may be towed and stored at the expense of the owner/operator. A Vehicle Tow Sheet shall be completed noting the name and address of the registered owner/operator.

**Inventory Searches**

1. Inventory searches shall be conducted of all vehicles towed at the direction of a police officer as:

   a. Abandoned on public property.
   b. Recovered stolen.
   c. In violation of Vehicle and Traffic laws.
d. Mechanically unsafe to operate.

e. Arrest of operator.

f. Seized as evidence except those vehicles impounded for examination by evidence or accident investigation technicians in order to prevent contamination of evidence. In these cases, the vehicle will be secured and the inventory will be conducted in a manner as not to destroy evidence or alter the chain of custody.

2. Inventory searches shall be conducted for the purposes of:

a. Protecting personal property left in a vehicle.

b. Protecting the department from false claims of property missing from a vehicle.

c. Protecting the personal safety of members of the department from potentially hazardous property left in vehicles.

NOTE: Vehicles may not be searched for evidence under the pretext of conducting an inventory search.

3. When conducting an inventory search, officers shall search all accessible areas of the vehicle for property left in the vehicle. If the vehicle keys are available, any locked areas of the vehicle are to be searched as well. Officers shall list all property of significant value found in the vehicle on the Vehicle Impoundment and Inventory Report (e.g., one set of golf clubs, one toolbox containing assorted tools, etc.). Property of exceptional value found in the vehicle should be removed and placed in an evidence locker for safekeeping or turned over to the Administrative Captain, together with a Property Report for the items. Officers shall note on the Vehicle Impoundment and Inventory Report any area of a vehicle not accessible to an inventory search or vehicles not searched due to evidentiary considerations.

Vehicle Holds

1. The officer responsible for directing a vehicle tow shall be responsible for implementing, when appropriate a "hold" on said vehicle. The tow service vendor must be notified of the hold and information concerning conditions of release shall be communicated to the operator or owner of the vehicle and clearly recorded on the Vehicle Tow Sheet.

2. **Registered Owner Notification**

   a. When towing a vehicle under this policy, every reasonable attempt to contact the registered owner should be made at the time of the tow, and
should be documented in the incident report. If unable to contact the registered owner by telephone, notification can be made in writing.

**Release of Towed Vehicles**

1. A written release must be obtained for vehicles towed and designated "Hold". Officers directing a vehicle to be held must establish conditions for the vehicle release. A written release will be granted for presentation to the tow service vendor when all of the conditions have been met.

2. Impounded vehicles may be released with the approval of a supervisor. Before releasing an impounded vehicle supervisors shall:

3. When appropriate, consult with the officer responsible for the investigation and, when applicable, the Albany County District Attorney’s Office.

4. Confirm that all towing fees have been paid.

5. Confirm the identity of the person to whom the vehicle is released.

6. Confirm the validity of registration, insurance and license of the operator if the vehicle is to be driven from the impound lot.

7. In all other cases where the vehicle is not impounded or held, the tow service vendor may release the vehicle when the tow service bill has been satisfied.

**Authorized Tow Service Vendors**

The University at Albany’s Parking and Mass Transit Services is responsible for securing contracts for the University regarding tow service vendors. These contracts are renegotiated at intervals as required by the State of New York. A list of tow service vendors are maintained in the communications telephone directory located in the dispatch area of the department.
CHAPTER IV

ARREST AND COURT-RELATED ACTIVITIES
Purpose

The purpose of this order is to establish procedures for making lawful arrests without a warrant in a manner that ensures the safety of both the officer and the arrestee.

Policy

The authority to arrest without a warrant, granted by the people of the State of New York to a police officer, carries with it the responsibility to exercise discretion, but that discretion is necessarily limited. A variety of circumstances, as well as various options warrant due consideration prior to any action. Officers should consider the seriousness of conduct, willingness of the victim to prosecute, age of the suspect, and recidivism when making the decision to arrest. Also, the Officer must weigh the various resolution options that are available, such as a warning, referral to The Office of Community Standards, non-custodial arrest and custodial arrest.

Procedures

1. Officers may make arrests for offenses that are committed in their presence (refer to CPL, Section 140.10 and Section 70.10(2) “Reasonable cause to believe…”). An arrest in such situations may be made only under circumstances that would lead a reasonable person to believe that an offense has been committed and the person to
be arrested committed that offense, and only when the member has the authority to arrest under the CPL of the State of New York.

2. Officers who make an arrest based on an offense that was committed in their presence must file, or cause to be filed, the applicable reports, accusatory instrument(s), and deposition(s) as appropriate, in order to bring the accused before the Court.

3. Officers may make arrests for a crime (misdemeanor or felony) that did not occur in their presence, as long as the member has probable cause to believe that the person committed the crime, and the arrest is made in accordance with the provisions of the CPL governing arrests without a warrant.
Purpose

The purpose of this order is to establish procedures for physically taking subjects into custody during the course of affecting a lawful arrest in a manner that ensures the safety of both the officer and the arrestee.

Policy

It is the policy of the University at Albany Police Department that persons arrested for a felony, a Penal Law misdemeanor, any misdemeanor which a prior conviction would result in a felony, or Loitering described in PL 240.35 sub 3 or PL 240.37 will be physically taken into custody and processed as a custodial arrest.

These custodial arrest procedures also apply to arrests made for offenses other than described above in which the identity of the arrestee is in question or the Officer reasonably suspects the arrestee is wanted by a Law Enforcement Agency for some other offense.

Procedures

Apprehension

1. Prior to apprehension of a Suspect, whenever possible, the Arresting Officer shall notify Communications of the location and nature of the incident, request additional Officers, and specify the priority of response. The Arresting Officer shall wait for an additional Officer before placing a Suspect in custody if practical.

2. Unless the Arresting Officer encounters physical resistance or flight of the Suspect, or it is otherwise impractical, the Arresting Officer will inform the Suspect of the reason for the arrest.
3. When force is necessary to achieve a lawful objective, Officers shall use only the amount of force reasonable and necessary and in accordance with “General Order 1.3.1 Use of Force Procedures.”

4. As soon as possible after a Suspect is taken into custody, the Arresting Officer shall notify Communications of the location of arrest and the number of Suspects in custody.

**Processing**

1. Pedigree information shall be obtained to the extent required to complete an Arrest Report.

2. Fingerprints and photographs are required for all custodial arrests absent exigent circumstances and with the approval of a Supervisor.

3. An Arrest Report shall be generated to capture all relevant information. Before a Defendant is released, a supervisor or a member of the Command Staff will approve the current charges and method of release.

4. Whenever practical all Arrest Reports and Charging Documents shall be completed in the Department’s records management system.

5. In the event the arrest is made on a Criminal Report previously entered into the records management system, the Arresting Officer shall complete a supplemental incident. The Arresting Officer shall begin an Arrest Report on the original previously entered Criminal Report. The narrative of the original Criminal Report should not be altered nor have additions made.

6. Where required under law or warranted under the circumstances the Arrestee shall be fingerprinted and photographed using the Livescan system as prescribed on the posted “RICI Booking” sheet and a Booking Datasheet must be printed and included with the UPD copy of the paperwork.

7. Unless otherwise approved by a Supervisor, the Arresting Officer must complete the Arrest Report and Packet before the end of their shift.

8. The Arresting Officer must complete an Incident Narrative summarizing the details of the incident, substantiating all charges, and naming all parties involved before the end of their shift.

9. Once an Arresting Officer completes a records management system Arrest report, before multiple copies are printed, the report should be reviewed and approved by a Supervisor whenever possible.
10. The Arresting Officer must prepare an arrest packet in a yellow folder, making copies and arranging them in order as outlined on the posted “Arrest Paperwork Distribution” sheet.

11. In the event of an Arrest that involves an immediate arraignment, the Arrest Report must be approved by a Supervisor or member of the Command Staff. In the event that a Supervisor will not be available before the time of arraignment, an Investigator or OIC can review the report.

12. If the Arrestee is being released on an Appearance Ticket, the Appearance Ticket will be generated by the records management system if possible.

Release

1. All Defendants charged with an A, B, C, or D Felony, as well as PL charges 130.25, 130.40, 205.10, 205.17, 205.19, 215.56, must be brought before a local criminal court without unnecessary delay.

2. Defendants charged with a domestic violence related offense must also be brought before a local criminal court without unnecessary delay.

3. Defendants charged with being under the influence of drugs or alcohol, and appear to be incapacitated by alcohol and/or substances to the degree that there is a likelihood to result in harm to the person or others, may only be released if there is a responsible third party present, otherwise they must be incarcerated unless they are being treated at a medical facility.

Notifications

1. The Arresting Officer must notify Communications of all Arrests as soon as practical.

2. Communications must notify the Shift Supervisor or OIC of all Arrests.

3. The Shift Supervisor or OIC must make all appropriate notifications as directed in the University at Albany’s Emergency Notification Protocol.

4. The Shift Supervisor must also initiate a Major Incident Notification email for all custodial arrests.
Purpose

The purpose of this order is to establish procedures for effecting a lawful arrest of subjects where a physical arrest is not necessary.

Policy

It is the policy of the University at Albany Police Department that persons arrested for minor offenses are processed in the least obtrusive, efficient manner available to the Arresting Officer that preserves the safety of the Arresting Officer and the Arrestee.

Definition

Non-custodial arrest - a method of processing a subject for an offense and not taking physical custody of the individual.

Any arrest for a violation of Penal Law section 221.05, a violation of section 65c of the Alcoholic Beverage Control law, or any violation of the Vehicle and Traffic Law that a prior conviction does not constitute a Felony, is a non-custodial arrest.

A non-custodial arrest may also be made for any offense that does not require fingerprinting.

If the Offender cannot be positively identified, or if the Arresting Officer has reason to believe the Offender is wanted by any other Law Enforcement Agency, a custodial arrest must be made.
Procedure

Apprehension

1. Prior to detention of a Suspect, whenever possible, the Arresting Officer must notify Communications of the location and nature of the incident, request additional Officers, and specify the priority of response.

2. Unless the Arresting Officer encounters physical resistance or flight of the Suspect, or is otherwise impractical, the Arresting Officer must inform the Suspect of the reason for the arrest.

3. As soon as possible after the Suspect is detained, the Arresting Officer must notify Communications of the location of arrest and the number of Suspects being detained.

4. If the Arresting Officer reasonably believes the Offender poses a threat the Offender may be handcuffed and searched for weapons if warranted.

5. A non-custodial arrest must be processed at the location of arrest and released after processing if practical.

6. Incidents that fall within the definition of Non-Custodial Arrests may be treated as a Custodial Arrest only with supervisory approval or when exigent public safety interests necessitate a physical arrest.

Processing

1. Pedigree information must be obtained to the extent required to complete an Arrest Report and a Special File Check must be completed.

2. After all relevant information is obtained; an Appearance Ticket/Simplified Information must be issued to the Arrestee. The Appearance Ticket/Simplified Information must conform to Article 150 of the Criminal Procedure law and the number will be entered in the records management system Arrest Report.

3. A records management system arrest report must be generated, whenever possible, to capture the relevant information.

4. Once an Arresting Officer completes a records management system Arrest report, before multiple copies are printed, the report shall be reviewed and approved by a Supervisor whenever possible.

5. Unless otherwise approved by a Supervisor, the Arresting Officer must complete the Arrest Report and Packet before the end of their shift. Regardless, the Arresting Officer must complete an Incident Narrative summarizing the details of the incident and naming all parties involved before the end of their shift.
Release
All Arrestees charged during a non-custodial arrest shall be released after an Appearance Ticket is issued, unless other charges or investigation is pending.

Notifications
1. The Arresting Officer must notify Communications of all Arrests as soon as practical.
2. Communications must notify the Shift Supervisor or OIC of all Arrests.
3. The Shift Supervisor must also initiate a Major Incident Notification email for all non-custodial arrests.
Purpose

The purpose of this Order is to establish guidelines for executing arrest warrants at the University at Albany Police Department.

Executing Warrants - Introduction

1. A violation or misdemeanor warrant issued by the City of Albany or Town of Guilderland may be executed:

   a. In the county of issuance or any adjoining county; or

   b. Anywhere else in the state upon the written endorsement of the local criminal court of the county in which the arrest is to be made. When so endorsed the warrant is now executable in that jurisdiction. Once you make an arrest, the following situation may occur:

      i. The defendant agrees to waive arraignment in the jurisdiction of arrest. Have the defendant sign the waiver on the bottom of the warrant, and at this time they may be brought back to UPD where the regular arrest procedures are followed.

      ii. If the defendant refuses to waive arraignment, they must then be brought before the local judge for arraignment. If the judge sets bail and bail is made, or if the defendant is released on own recognizance, the Officer shall give the defendant an appearance ticket for the next regular court date in the appropriate jurisdiction. If bail can’t be made return the defendant to UPD.

1. City of Albany and Town of Guilderland Police Court Warrants, Bench Warrants or Probation Warrants may be executed:

   a. In the county of issuance or adjoining county; or
b. Anywhere else in the state upon the written endorsement of the local criminal court of the county in which the arrest is to be made. When so endorsed, the warrant is now executable in that jurisdiction. The defendant has no right to an arraignment in the jurisdiction of the arrest and may be brought directly back to UPD where regular arrest procedures will follow.

**Superior Court Warrants**

Superior Court warrants (i.e.: county court and family court warrants) may be executed anywhere in the state and no endorsement is required (refer to CPL §210.10 Sub 2 & 3).

**Out of State Warrants**

When the University at Albany Police Department is contacted by an out of state agency regarding an active warrant held by or department:

1. Confirm whether the warrant is still active;

2. If it is active, advise the inquiring agency that any confirmation on extradition must come from the Albany County District Attorney’s Office and that we will advise them of that decision ASAP. In the past only felony warrants of significant magnitude have resulted in an extradition (refer to Penal Law §10, 11).

**Executing an Arrest Warrant**

1. When an Officer encounters a subject that a Special File check shows a Warrant is currently on file, the Officer shall have Communications verify that the Warrant is still active, it is enforceable in our jurisdiction, and if the Police Officer/Department named on the original Warrant wishes to delegate the arrest of the subject to our Agency.

2. If the Police Officer/Department named on the original Warrant does not wish to delegate the arrest of the subject to our Agency and instead requests the subject is released, the name of the Department Official that requested the release shall be documented on a separate records management system report classified as Assist Other PD.

3. In the case of the Warrant is addressed to our Agency/Police Officer, the Officer shall have Communications verify we have the original warrant on file.

4. The on-duty supervisor shall be notified of the execution of all warrants as soon as practical.
Documentation

1. Other Agency Warrant

   a. If the arrest is so delegated, the Arresting Officer shall take the subject into custody and facilitate the transfer of the Arrestee to the Police Officer/Department named on the Warrant.

   b. All information necessary for the completion of an RMS Arrest Report shall be gathered and a copy of the Warrant must be obtained.

   c. A Criminal-Arrest Warrant records management system incident shall generated, stating a charge of CPL 130.50 and naming the subject as an Arrestee.

   d. An Arrest Report shall be completed naming the Officer/Agency the Arrestee was turned over to, but Charging Documents will be left blank.

   e. The Arrest Report will not be submitted to DCJS, so an error check is not necessary.

   f. The report shall be printed and signed, but additional copies for the Court and DA will not be necessary.

   g. A Rap Sheet request or Livescan entry is also not necessary.

1. Arrest Warrant addressed to our Agency, or an Officer of our Agency

   a. The arrest shall be recorded under the original records management system incident and processed as a custodial arrest.

   b. The original arrest must be deleted on the criminal incident before processing to ensure a current arrest number is generated.

   c. The original Accusatory Instruments should be copied into the current Arrest Report, and the Arrest Report should indicate the name of the current Arresting Officer.

   d. This report shall be printed and signed and copies made for the Court and the DA.

   e. An additional Criminal-Arrest Warrant incident shall be generated documenting the apprehension.

   f. This report will be supplemental to the original Arrest Report.
g. The Arrestee shall be named as an Arrestee and a brief narrative of the apprehension referencing the original incident shall be completed.

h. This Report will not be transmitted to DCJS, so it is not necessary to perform an error check or list offenses and associated persons.

i. This report, along with a copy of the Warrant, shall be attached to the UPD copy of the Arrest Packet.

Release

All persons arrested under a Warrant of Arrest must be brought before the criminal court in which the Warrant is returnable without delay as specified in CPL 120.90 or cause the Arrestee to be turned over to the Police Officer/Agency to whom the Warrant is addressed.

Notifications

Notifications shall be made as in a Custodial Arrest if the Warrant is addressed to our Agency/Police Officer.

Executing a Bench Warrant

1. When an Officer encounters a subject that a Special File check shows a Warrant is currently on file, the Officer shall have Communications verify that the Warrant is still active, it is enforceable in our jurisdiction, and if the Police Officer/Department named on the original Warrant wishes to delegate the arrest of the subject to our Agency.

2. If the Police Officer/Department named on the original Warrant does not wish to delegate the arrest of the subject to our Agency and instead requests the subject is released, the name of the Department Official that requested the release shall be documented on a records management system report.

3. In the case of the Warrant is addressed to our Agency/Police Officer, the Officer shall have Communications verify we have the original warrant on file.

4. The on-duty supervisor shall authorize the execution of all bench warrants.

Documentation

1. Other Agency Warrant

   a. If the arrest is so delegated and authorized, the arresting Officer shall take the subject into custody and facilitate the transfer of the Arrestee to the Police Officer/Department named on the Warrant.
b. All information necessary for the completion of a records management system Arrest Report shall be gathered and a copy of the Warrant must be obtained.

c. A Criminal-Bench Warrant records management system incident shall generated, stating a charge of CPL 130.50 and naming the subject as an Arrestee.

d. An Arrest Report shall be completed naming the Officer/Agency the Arrestee was turned over to, but Charging Documents shall be left blank.

e. The Arrest Report will not be submitted to DCJS, so an error check is not necessary.

f. The report shall be printed and signed, but additional copies for the Court and DA will not be necessary.

g. A Rap Sheet request or Livescan entry is not necessary.

2. **Arrest Warrant addressed to our Agency, or an Officer of our Agency**

a. If a Bench Warrant is addressed to our Agency/Police Officer, a records management system Arrest Report shall be generated documenting the arrest.

b. This report will be supplemental to the original Arrest Report.

c. A Criminal-Bench Warrant records management system incident shall generated, stating a charge of CPL 130.50 and naming the subject as an Arrestee.

d. An Arrest Report shall be completed, but Charging Documents will be left blank.

e. This Report will not be transmitted to DCJS, so it is not necessary to perform an error check or list offenses and associated persons.

f. This report shall be printed and signed, but additional copies for the Court and DA will not be necessary.

g. A Rap Sheet request or Livescan entry is not necessary as well.

h. A copy of the Bench Warrant shall be attached to the Arrest Report.

**Release**

All persons arrested under a Bench Arrest must be brought before the criminal court in which the Warrant is returnable without delay as specified in CPL 120.90 or cause the Arrestee to be turned over to the Police Officer/Agency to whom the Warrant is addressed.
If the Bench Warrant is addressed to our Agency and the Arrestee is held in the Albany City Jail pending arraignment, a copy of the original Arrest Report and the original Bench Warrant must be left with the APD Booking Officer. If the Arrestee is brought before the Court listed on the Bench Warrant, the original Warrant is all that is required.
Subject

Acceptance of Civilian Arrests

Operational Manual

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J. Frank Wiley, Chief of Police

Policy

The purpose of this Order is to establish guidelines and procedures for the acceptance of civilian arrests.

Introduction

1. Officers shall be cognizant of the language contained in Section 140.40 of the New York State Criminal Procedure Law regarding police duties with respect to all civilian arrests. “...a police officer is not required to take an arrested person into custody or take any other action prescribed in this section on behalf of the arrested person if he/she has reasonable cause to believe that the arrested person did not commit the alleged offense, or that the arrest was otherwise authorized.”

2. Whenever an officer terminates or refuses to assist in the processing of a civilian arrest, they shall fill out an Incident Report stating the reason for said termination or refusal.

3. In cases involving citizen arrests, the civilian complainant shall swear to and sign the court information.
GENERAL ORDER 72
TEMPORARY DETENTION

Purpose
The purpose of this Order is to provide guidelines and procedures for the interaction of agency personnel with persons who are suspected of posing a danger to themselves or others due to mental illness or incapacitation by alcohol and/or substances.

Policy
It shall be the policy of the University of Albany Police Department that personnel will immediately respond to all reports of emotionally disturbed persons or individuals who appear incapacitated by alcohol and/or substances to the degree they may pose a danger to themselves or others, and act in a manner consistent with the Mental Hygiene Law and the following procedures.
### Purpose

The purpose of this Order is to provide guidelines and procedures for the interaction of agency personnel with persons suspected of suffering from mental illness. This order also provides a training outline for departmental personnel to better deal with persons suspected of suffering from mental illness.

### Policy

It shall be the policy of the University of Albany Police department that personnel of the department utilize the following procedures when dealing with persons suspected of suffering from mental illness. Field Training Officers shall review and provide instruction of this policy with all newly hired officers.

Officers should recognize the need for Officer Safety in these types of incidents, but also be aware of the increased risk of in-custody death that is associated with subjects in crisis. Officers should exhaust all reasonable means before using force in these incidents. The use of OC spray, Taser, prolonged physical force, and positional asphyxiating restraint techniques may increase the risk of in-custody death.

### Communications Procedure

1. Insure the identity, location and call back number of the reporter.
2. Verify that the location of the subject is the same or other than that of the reporter.
3. Determine the nature and severity of the complaint.
4. Ask if any weapons are involved.
5. Ask if the subject or others are in immediate danger and if anyone is injured.

6. Dispatch University Police Officers to the scene (2 or more) and stage Five Quad Ambulance in a safe location (if necessary).

7. Advise the Lieutenant on duty of the situation.

8. Check the record management system for prior contacts and nature thereof and initiate a Special File check of subject involved.

**Patrol Procedure**

1. Expedite response – refrain from use of siren as appropriate and advisable given the circumstances.

2. Advise Communications of the status of the incident upon arrival.

3. Secure a perimeter if necessary for safety of all participants.

4. Follow guidelines as taught in the Academy and In-Service follow ups for dealing with Emotionally Disturbed Persons (EDP’s).

5. Once an Officer reasonably believes that a person appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others, the Officer shall ensure the subject is evaluated by a qualified mental health professional;

   a. Officers may take such person into custody and have them transported to a facility specified in Mental Hygiene Law 9.41 for evaluation.

      i. If the Subject has no medical conditions or alcohol/substance use, the Officer may have 5 Quad Ambulance contact CDPC for approval to transport directly to their facility.

      ii. If the Officer believes that an attempted suicide has occurred, if the subject requires medical attention, or the subject has used alcohol or other substances the subject must be transported to Albany Medical Center as soon as practical for evaluation and treatment. The Officer will not wait for Mobile Crisis, or transport to CDPC, in these situations.

      iii. With the approval of a Supervisor, the Subject may be transported to another facility that the director of that facility maintains adequate staff and facilities for the observation, examination, care, and treatment of persons alleged to be mentally ill and is approved by the commissioner of Mental Health to receive and retain patients pursuant to the Mental Hygiene Law.
iv. An Officer must remain in the ambulance during transport unless otherwise agreed upon by the ambulance service and the on duty Supervisor. If the Officer is not accompanying the subject inside the ambulance, an Officer must follow the Ambulance to its destination.

b. Officers may also temporarily detain a subject in a safe and comfortable place and have Communications notify Mobile Crisis to respond to that location for an evaluation.

i. If Mobile Crisis determines the subject should be transported, the Officer will facilitate the safe transport of the subject, as described above, to Albany Medical Center, or the Capital District Psychiatric Center if directed by the Mobile Crisis Clinician.

ii. If, after evaluation of the Mobile Crisis Clinician, it is determined that the subject does not pose an immediate threat the subject must be released.

c. If the subject voluntarily seeks an evaluation from a qualified mental health professional other than those listed above, and they fit the criteria of MHL 9.41, the qualified mental health professional must sign the Request for Examination of Person form acknowledging the request.

6. All mental health transports must be reported in a University at Albany “Request for Examination of Person” form.

a. The name of the medical personnel that is accepting the subject will be documented on the form.

b. The original form must be provided to the facility that accepts the subject, the second copy will be given to the EMS that transported the subject, and the third copy will be attached to a completed records management system Incident Report. Unless criminal charges are appropriate, the incident would typically be classified as “Crisis Intervention.”

7. The Shift Supervisor will make appropriate notifications to Command Staff and/or others as necessitated by the severity of the incident.
Purpose

The purpose of this Order is to provide guidelines and procedures for the interaction of agency personnel with persons suspected of being incapacitated by alcohol and/or substances to the degree that they are likely to cause harm to themselves or others.

Policy

It shall be the policy of the University of Albany Police department that personnel of the department utilize the following procedures, in accordance with Mental Health Law 22.09, when dealing with persons suspected of being incapacitated by alcohol and/or substances to the degree that they are likely to cause harm to themselves or others.

Officers should recognize the need for Officer Safety in these types of incidents, but also be aware of the increased risk of in-custody death that is associated with subjects in crisis. Officers should exhaust all reasonable means before using force in these incidents. The use of OC spray, Taser, prolonged physical force, and restraint which can increase the risk of in-custody death due to positional asphyxiating.

Procedure

1. Officers may take into custody any person who appears to be incapacitated by alcohol and/or substances to the degree that there is likelihood to result in harm to the person or to others.

2. Officers must contact an ambulance service, preferably 5 Quad VAS, to transport the individual to an available hospital for immediate observation, care, and emergency treatment.
3. If the Health and Safety of the intoxicated individual or others is in question, the Officer must accompany the intoxicated individual to the hospital.

4. All such transports shall be reported in a University at Albany “Request for Examination of Person” form. The original form must be attached to a completed records management system Incident Report.

5. All 22.09 transports must be reported in a records management system incident report and a University at Albany “Request for Examination of Person” form must be completed.

   a. Unless criminal charges are appropriate, the incident would typically be classified as “Crisis Intervention.”

   b. The name of the medical personnel that is accepting the subject will be documented on the Request for Examination form.

   c. The original form must be provided to the facility that accepts the subject, the second copy will be given to the EMS that transported the subject, and the third copy will be attached to the completed records management system Incident Report.
GENERAL ORDER 73
PRISONER OPERATIONS

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Purpose

The purpose of this Order is to establish procedures which will promote the safety and welfare of prisoners and escorting officers during transportation to and from headquarters and other facilities and to provide guidelines for the security of prisoners, police officers and the public during court appearances.

Policy

It shall be the policy of the University at Albany Police Department to provide adequate and secure transportation and escorts of prisoners by department personnel, which will not endanger personnel, prisoners or the public.

General

Booking is designed to provide in one room all the needs associated with the processing of a person or persons under arrest. Interview Room “A” is located off of the booking room and can be utilized for in-depth interviews or witness viewing.
Purpose

The purpose of this Order is to provide guidelines for providing security and control while transporting persons in custody between points of arrest and initial booking.

Policy

It is the policy of the University at Albany Police Department to take precautions necessary to protect the lives and safety of officers, the public, and the person in custody when transporting prisoners.

Procedure

Prisoner searches

1. Prior to transport, the transporting officer shall search every prisoner for weapons and contraband. The search shall include, but not be limited to:

   a. A pat-down of all body and clothing surfaces.

   b. Searches should be conducted with the officer standing to the rear of the defendant.

   c. High risk areas should be searched first (e.g. waist band, ankles)

   d. A search of all clothing pockets, shoes, purse, where a weapon or contraband could readily be concealed.

   e. All property must be removed from the prisoner and temporarily stored in an “Evidence/Property” bag, or similar container, in preparation for inventory.
2. When assuming responsibility for a prisoner in the field, the receiving officer shall re-search the prisoner.

3. Whenever possible, prisoners should be searched by an officer of the same sex of this department, or by a member of the same sex from an assisting agency. In the event there are no members of the same sex available, or under emergency circumstances, an officer of the opposite sex may conduct the search using the following guidelines:
   a. The search shall be conducted so as to avoid any appearance of impropriety and with the utmost regard to decency and privacy.
   b. If possible, the search shall be conducted in the presence of a supervisor or other witnesses.
   c. Under no circumstances shall a member conduct a strip search or body cavity search of a prisoner of the opposite sex.

4. Any weapon, dangerous article or contraband discovered during a prisoner search shall immediately be seized. These articles shall be documented and placed in an evidence locker for safekeeping or as evidence. Other property of the prisoner shall accompany the prisoner in an "Evidence / Property" bag.

5. Prisoners shall be searched each time they come into the transporting officer’s custody, including transport to and from court appearances, or from one facility to another.

6. Whenever possible prisoners should be handcuffed prior to being searched.

**Transporting Prisoners**

1. Prisoners, including juveniles that have been placed under arrest and taken into custody shall be handcuffed until arrival within the booking room, juvenile detention room, or until transfer of custody takes place, unless the arresting officer determines that circumstances exist that make such action unwarranted.

2. When making the decision to use handcuffs the officer may consider the age of the offender, the nature and severity of the offense, and other similar circumstances.

3. No exception to the handcuffing requirement may be made in any case where the prisoner:
   a. Is under the influence of alcohol or drugs.
   b. Is under arrest for a violent offense.
   c. Has a known history of violence.
   d. Resisted arrest or otherwise exhibited violent behavior.
4. Whenever possible, prisoners are to be handcuffed with their hands behind their back, palms out and the handcuffs double locked.

5. Under no circumstances shall a prisoner be secured to any portion of a vehicle.

6. In order to avoid “positional asphyxia” all attempts shall be made by the arresting officer to ensure:
   a. The prisoner is seated upright in the rear seat and seat-belted into the upright position.
   b. The prisoner shall not to be transported while lying down on the backseat of a police vehicle.
   c. The prisoner shall not be secured with arms and legs bound behind the prisoners back and then placed on their stomach in the rear of the police vehicle.

7. Whenever an officer transports a prisoner the officer shall notify the Communications via radio, identifying the point of departure, number of prisoners and their gender, the destination and starting mileage. Upon arrival at the destination the officer shall inform the Communications of the ending mileage. This applies to transports of both the same and opposite sex prisoners.

8. Prisoners shall be prohibited from communicating with anyone other than the transporting officer during transportation.

9. Prisoner transportation shall not be interrupted to render police services except in situations where there is grave and imminent danger to third parties and the service can be rendered with a minimum of danger to the prisoner and risk of escape.

**Long Distance Transports**

1. At least one officer shall be of the same sex as the prisoner when transporting the prisoner over long distances or periods of time.

2. Officers shall maintain continuous sight of a prisoner being transported, except when the prisoner requires the use of a toilet and when:
   a. The toilet facility has been searched for contraband, weapons and any dangerous instruments prior to the prisoner’s use.
   b. The toilet facility has only one entrance / exit which can be monitored by the transporting officers.

3. When officers are transporting a prisoner for an extended distance outside of the boundaries of the town and a meal is required, the transporting officers shall select a restaurant on a random basis to avoid establishing a predictable pattern.
Transportation of Ill, Impaired or Injured Prisoners

1. If a prisoner being transported appears to require immediate medical attention, the transporting officer shall:

   a. As soon as practical, notify the Lieutenant or the officer in charge (OIC) of the prisoner's condition and the need for medical attention.

   b. The Officer may contact EMS to meet the transport vehicle in order to provide treatment and/or transport. The Officer shall provide security during transportation. Whenever possible, one officer should ride in the ambulance while a second officer follows in a police vehicle. Restraining devices shall be used except in those cases where their use would seriously impair treatment or aggravate the injury or illness.

   c. The Officer may transport the prisoner to the nearest emergency room for evaluation and treatment. (other than a Veterans Administration Hospital) The Officer must maintain control of the prisoner during this process. If during long distance transportation it is not possible or practical to transport the prisoner to an emergency room, the officer shall transport the prisoner to the nearest secure facility (police station, jail, etc.) and request medical attention for the prisoner.

Transportation of Physically Handicapped or Mentally Ill Prisoners

1. When transporting handicapped prisoners the officer shall take into consideration any special needs of the prisoner. If the handicapped prisoner cannot be transported safely in a police vehicle the officer may request an ambulance to assist in transportation. If the handicapped prisoner is transported by ambulance, the officer shall maintain custody of the prisoner throughout transportation. Whenever possible, one officer should ride in the ambulance while a second officer follows in a police vehicle.

2. When transporting a handicapped prisoner the officer shall use restraints unless the nature of the handicap would not warrant such action. It should not be assumed that restraining devices are not needed when transporting handicapped prisoners.

3. If the mentally ill prisoner cannot be safely transported in a police vehicle, the officer shall request the assistance of an ambulance in transportation.

4. Mentally ill prisoners shall be handcuffed during transportation. If the prisoner is violent the officer may employ additional restraints.

Transporting to Facilities

1. Each prisoner being transported from a jail or detention facility must be positively identified as the person to be moved. Positive identification of the prisoner can be made by:
a. Checking the authorizing documentation (e.g. warrant, commitment papers, etc.) against booking information and description and comparing the actual physical description of the prisoner to information from the documentation.

b. Verbally confirming the name and date of birth with the prisoner.

2. Any prisoner transported to the Albany County Jail or other facility after arraignment must be accompanied by a commitment order issued by the court, along with the personal property of the prisoner. In the event the prisoner is transported from out of state, an appropriately executed Governors Warrant or waiver must accompany the prisoner.

3. Upon arrival at the detention facility, officers shall make every effort to comply with the procedures of that facility.

4. Firearms or other prohibited items shall be secured in the designated location upon arrival at a jail, detention, or mental health facility.

5. Restraining devices shall be removed only when directed to do so by the staff of the facility receiving the prisoner.

6. The proper documentation shall be transported with the prisoner and delivered to the receiving officer.

7. This Documentation shall include:
   a. Commitment, warrants, etc.
   b. "Prisoner Personal Property" envelope and all of the prisoner’s property.

8. If applicable, the signature of the receiving officer shall be obtained on the “Property / Evidence Envelope” indicating that the receiving officer has taken custody of the prisoner’s property.

9. The officer conducting the transport shall indicate the name of the receiving agency, the officer receiving the prisoner and the date and time of the transfer on the “New York State Standardized Arrest Report”

**Transporting to Court**

1. When a prisoner being transported to court is deemed an escape or security risk, the transporting officer shall notify the court as soon as possible so that precautionary measures may be taken.

2. Prisoners may communicate with attorneys while at court. Attorneys may not give any items to prisoners, or communicate with prisoner’s in-transit.

3. Prisoners shall not be permitted to communicate with family, friends, or other parties while at court or in transit.
Transport Vehicles

1. Officers shall ensure that their assigned police vehicle is operating properly and is mechanically fit for transporting prisoners. This vehicle inspection shall be completed at the beginning of each watch as part of the officer's vehicle inspection responsibility. Officers shall also conduct a thorough search of their assigned police vehicle at the beginning of each tour of duty for weapons and contraband. If such items are discovered, the officer shall immediately notify the Lieutenant or OIC, and shall secure the items to insure officer and prisoner safety.

2. It shall be the responsibility of the transporting officer to inspect the vehicle both before and after each transport to ensure that contraband and weapons are not present.

3. Whenever possible, prisoners shall be transported in the rear passenger side seat of a caged vehicle having rear doors and windows that cannot be opened from the rear compartment. To prevent injury to handcuffed prisoners, in the event of an accident or emergency stop, seat belts shall be used whenever possible. If there is an assisting officer, they should sit in the front passenger seat of the transport vehicle.

4. When transporting prisoners in a vehicle without a cage, officers should seat the prisoner in the rear seat and the assisting officer shall sit in the rear seat with his weapon to the opposite side of the prisoner. When transporting prisoners alone in a vehicle without a cage, seat the prisoner in the rear passenger's seat, utilizing seat belt and harness.

Escape of Prisoners

1. In the event of a prisoner escape, the transporting officer shall:
   a. Immediately notify the Communications of the incident and provide:
      i. A description of the escapee.
      ii. Direction of travel.
      iii. Description of accomplices or vehicles, if any.
      iv. Charges for which the escapee was being held.
      v. Any other pertinent information that will assist in the recapture.
   b. Notify the Lieutenant, or in his absence the OIC, who shall coordinate efforts for recapture. The Lieutenant or OIC shall then notify a Command Staff member.
   c. Prepare a report of the incident.
2. Officers shall not leave other prisoners unattended to pursue an escaped prisoner.

3. If the escape occurs in another jurisdiction, the transporting officer shall immediately notify the law enforcement agency of that jurisdiction and request necessary assistance.

4. The Lieutenant or OIC shall notify a Command Staff member of all escapes, including those in which the escapee has been recaptured.
Purpose
The purpose of this Order is to establish booking room procedures at the University at Albany Police Department.

Procedures

Handcuffing
All arrestees are to be handcuffed behind their backs before entering the sally port vestibule and the booking room. If medical or emergency conditions prevent handcuffing behind the back, then two officers must bring the arrestee into the building. All such medical or emergency conditions must be documented in writing.

Securing Firearms
NO FIREARMS or edged weapons are allowed in the booking area unless there are exigent and/or emergency circumstances. All such circumstances must be documented in writing.

Absent exigent circumstances, Officers must secure all firearms or edged weapons in the temporary storage containers in the Sally port vestibule or in the storage boxes located in the building hallway BEFORE THEY ENTER THE BOOKING ROOM. Temporarily stored weapons will not be brought into the booking room after they are retrieved. Weapons in temporary storage must be removed and secured as appropriate before the officer goes off duty.

Booking Room Door Security
1. The Booking room doors will not be propped open.
2. All ingress and egress from the hallway must be by swipe card.

3. All ingress and egress through the Sally port vestibule is accomplished by requesting the dispatcher to “open the outer door” or “open the inner door.”

4. Keyed entrance or exit to the vestibule will be used only in exigent or emergency situations. Exigent or emergency situations must be documented in writing.

5. Arrestees will be secured to the handcuffing stations unless the needs of transporting or processing require otherwise.

**Prisoner Property**

All prisoner property will be secured and inventoried while the prisoner is in the Booking Room.

Upon release of the prisoner, the prisoner will sign the Property/Evidence sheet as receiving their property.

If the prisoner is transported to court or jail, a copy of the Property/Evidence sheet will be sealed in a property/evidence bag, along with their property, prior to the prisoner leaving the Booking area.

All handling of prisoner property will be in accordance with General Orders regarding property.

**Medical Personnel**

At the discretion of the supervisor or OIC, the number of medical personnel will be kept to a minimum in the booking area. This is done for their safety. In most minor cases, two medical personnel are sufficient.

**Panic Alarms**

There are two panic alarms located in the booking area. One is located on the Southwest wall/arrestee side of the room by the vestibule door. The other is located on the Northwest wall/officer side of the room over the counter. They are to be used by officers to signal an emergency in the booking room. The silence key is located in the dispatch key box. The alarm can only be silenced by physically entering the room and using this key.

**Arrestee Safety**

Arrestees should not be left in the booking area without direct observation. Officers must make every reasonable attempt to observe or have another member of the Department directly observe an arrestee at all times. This may include observation from the hallway through the glass sidelight of the booking room, or observation from
the interview room through the glass sidelight. If direct observation cannot be maintained for any reason, the processing officer will then notify the dispatcher before leaving the booking room to request camera observation of the arrestee. The arrestee must be secured to the counter by handcuffs during these brief periods.

**NOTE**: Periods of camera observation are to be kept to an absolute minimum.
SUBJECT

Recording Custodial and Non-Custodial Interviews

GENERAL ORDER NUMBER
73.2.2

DCJS STANDARDS
50.2

EFFECTIVE DATE
December 1, 2010

REVIEWED DATE
October 4, 2016

APPLIES TO
Sworn Personnel

REVISION DATE

APPROVAL

J. Frank Wiley,, Chief of Police

Purpose

The purpose of this Order is to establish guidelines and procedures for the recording of custodial and non-custodial interviews.

Policy

Video and audio recording equipment may be used to record custodial and non-custodial interviews in order to provide an evidentiary record of statements made by potential suspects, verified suspects, victims and witnesses of crimes. Video and audio recording of statements in criminal investigations protects both the person being interviewed and the interviewing officer against subsequent assertions of statement distortion, coercion, misconduct or misrepresentation. It can serve as a valuable tool to the criminal justice system, assisting the Court in the seeking of the truth.

Definitions

1. Interview - Communication between a police officer and another person that requires skills that will allow the police officer to attempt to objectively obtain accurate and truthful information from the other person.

2. Suspect Interview – A custodial or non-custodial interview conducted by a police officer investigating an alleged crime with a person who is, based on the evidence developed to date, thought to be involved in the crime. It includes all conversation between the Investigator/officer and the suspect during the rapport building phase, obtaining the Miranda waiver, the interrogation phase and the interview.
3. **Taped Interview** – Use of an audiocassette recorder or digital voice recorder (DVR) to capture the audio of an interview.

4. **Video Recorded Interview** – Use of video recording equipment to capture both the audio and video of an interview.

5. **Privileged Conversation** – Any private conversation between a suspect and a lawyer, a member of the clergy or a spouse.

This Order shall not be misconstrued to mandate or prohibit the recording, whether audio or video, of a specific interview, based solely on the type of crime and its penalty. Issues regarding location, situation and circumstances of a specific investigation will dictate the availability and use of recorded interviews. Likewise, this Order does not prohibit, or require, the use of recorded interviews of witnesses and/or victims during a given investigation.

It is not the intention of this Order to circumvent or replace statutory authority regarding the recording of conversations. It is the intention of this policy to strongly encourage the recording of interviews in cases involving felonies, violent crimes and any crime where the recording would have a significant positive impact on a subsequent criminal prosecution.

This Order is not intended to preclude officers in the field from obtaining information from subjects who make spontaneous utterances or provide information at locations where recording is not practical.

Previous policies on the audio recording of vehicle stops and the use of in-car camera systems continue without amendment.

**Equipment**

1. Interviews may be recorded as determined by the situation and location.

2. Both interview rooms adjacent to the Criminal Investigation Unit (CIU) office, as well as the Booking Room, are equipped with digital audio and video recording equipment. A monitor and the recording equipment are secured in the Administrative Supervisor’s (Captain) office.

3. When an interview is conducted at another location, the use of an audio recorder is sufficient.

**Pre-Recording Monitoring**

When a person is placed into the CIU interview room, the booking room, or any other location that is equipped with video and audio recording they may be subject to visual monitoring. The purpose of this monitoring is the security and safety of both the subject being interviewed and the officer(s) conducting the interview.
Recording Protocol

1. The primary interviewer shall ensure that a voice identification of the interviewer(s) and the interviewee(s), the date, time and location of the interview are recorded.

2. Video recording equipment must be activated prior to the Investigator/officer entering the interview room to conduct a suspect interview and will remain on until the suspect is permanently removed from the room.

3. If necessary, the Investigator/officer may establish a dialogue with the suspect using language that the suspect is comfortable with and accustomed to, including derogatory or profane language. However, using such language should not be the primary or only approach taken by the Investigator/officer during the interview. In any case, the Investigator/officer should be prepared to articulate in any court proceedings why such a strategy was employed.

4. The Investigator/officer shall not engage in any of the following conduct in an effort to obtain a statement from the suspect:
   a. Physical abuse
   b. Deprive the suspect of physical needs
   c. Promise the suspect a reduced charge or sentence
   d. Promise to testify as to the suspect’s cooperation
   e. Threaten the suspect with harsher treatment if they do not cooperate.

5. The Investigator/officer may engage in deceptive methods and/or make false statements to the suspect; however, such methods or statements shall not be employed to the extent that based on the totality of the circumstances, they are calculated to procure an untrue confession or otherwise render the suspect’s statement involuntary.

6. A suspect involved in a privileged conversation must be moved from the recorded interview room to a room that is not recorded to ensure privacy for the suspect during privileged conversation. Once the privileged conversation ends, the suspect will be placed back into the recorded interview room.

7. When beginning or resuming an interview after a break, the interviewer shall announce the date and time that the interview is being resumed.

8. When an interview is recorded, the recording shall continue until the conclusion of the interview, even if the interviewer(s) and/or the interviewee(s) temporarily leave the interview or booking room.
9. At the conclusion of the interview, the interviewer shall state that the interview is being terminated note the date and time of termination.

10. At the conclusion of the interview, the Investigator/officer will complete an oral admission form to support the elements of the crime.

11. The Investigator/officer will notify the Albany County District Attorney’s Office of the availability of the recorded interview for prosecution purposes.

**Recording Control**

1. The Administrative Captain is responsible for preserving the digital recording of the interview onto an optical disk for evidentiary use.

2. All recordings possess evidentiary value and will never be destroyed regardless of the quality of the content.

3. Any such recordings are considered evidence and shall be handled as such. In addition, the following shall apply:

   a. The reporting officer or Investigator’s incident report shall note that the interview was recorded.

**NOTE**: A copy of any recording provided to the Albany County District Attorney’s Officer, or any other administrative, regulatory or prosecutorial office, will be kept by the Department and made a permanent part of the case file.
GENERAL ORDER 74
LEGAL PROCESS

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<td>J. Frank Wiley, Chief of Police</td>
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### Purpose

The purpose of this Order is to establish and describe the policies and procedures for arrest warrant execution.

### Procedure

1. A violation or misdemeanor warrant issued by the City of Albany or Town of Guilderland may be executed:

   a. In the county of issuance or any adjoining county; or

   b. Anywhere else in the state upon the written endorsement of the local criminal court of the county in which the arrest is to be made. When so endorsed the warrant is now executable in that jurisdiction. Once you make an arrest, the following situation may occur:

      i. The defendant agrees to waive arraignment in the jurisdiction of arrest. Have the defendant sign the waiver on the bottom of the warrant, and at this time he may be brought back to central station where the regular arrest procedures are followed.
ii. If the defendant refuses to waive arraignment, they must then be brought before the local judge for arraignment. If the judge sets bail and bail is made or if the defendant is released on own recognizance (ROR’d) give the defendant an appearance ticket for the next regular court date in the appropriate jurisdiction. If bail can’t be made return the defendant to central station.

2. City of Albany and Town of Guilderland Police Court Warrants, Bench Warrants or Probation Warrants may be executed:

a. In the county of issuance or adjoining county; or

b. Anywhere else in the state upon the written endorsement of the local criminal court of the county in which the arrest is to be made. When so endorsed, the warrant is now executable in that jurisdiction. The defendant has no right to an arraignment in the jurisdiction of the arrest and may be brought directly back to central station where regular arrest procedures will follow.

**Superior Court Warrants**

Superior Court warrants (i.e.: county court and family court warrants) may be executed anywhere in the state and no endorsement is required (refer to CPL §210.10 Sub 2 & 3).

**Out of State Warrants**

When the University at Albany Police Department is contacted by an out of state agency regarding an active warrant held by or department:

1. Confirm whether the warrant is still active;

2. If it is active, advise the inquiring agency that any confirmation on extradition must come from the Albany County District Attorney’s Office and that we will advise them of that decision ASAP. In the past only felony warrants of significant magnitude have resulted in an extradition (refer to Penal Law §10, 11).
CHAPTER V

AUXILIARY AND TECHNICAL SERVICES
GENERAL ORDER 81
COMMUNICATIONS

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**Purpose**

The purpose of this Order is to establish and describe guidelines for the efficient and uniform manner of transmitting information through communications personnel to field officers, other law enforcement and public service agencies, the general public, and to information retrieval systems.

**Procedure**

The Communications Desk Officer receives and interprets incoming radio and telephone calls from other members and the campus community. The Communications Desk Officer dispatches members and other emergency personnel to the scene of incidents. The desk officer enters and queries computer data.

**Beginning of Shift**

The effective operation of the Communications Desk requires that the following must be completed as soon as possible after assuming the assignment:

1. Retrieve relevant information from the previous desk officer

2. Confirm the Emergency Onsite Notification Client (EOSN) is logged in and operating properly.
3. Inventory key box and implement other components of the following key procedure:
   a. The dispatcher is the only officer to access the key box.
   b. The dispatcher will issue all keys.
   c. The dispatcher will keep a record of all keys issued in a key log; the dispatcher will sign out and in all keys in this log.
   d. Each officer will receive and return all keys directly to the dispatcher.
   e. The dispatcher should inventory all key rings at the beginning and end of each shift.
   f. Any discrepancies in the inventory should be reported to the supervisor immediately.

**End of Shift**

1. Communication Officer will relay any information that needs to be carried over to the next shift and complete any remaining paperwork.

2. Log off appropriate computers to ensure system security.

   Ensure that the Communications desk and area is left neat and clean. Take out the trash if it needs to be taken out.
Purpose
The purpose of this Order is to establish the procedures for police radio operations.

Introduction
FCC Regulations state that anyone preventing or attempting to prevent transmissions of an emergency signal by radio is subject to a fine. The practice of keying a mike to harass someone who is transmitting could very well cause the above to happen, and must not occur.

Procedure

Conduct

1. Be business-like on the radio. Use appropriate language when broadcasting on air, and maintain bearing at all times.

2. Keep transmissions to a minimum. Necessary radio traffic has the right of way. In emergency situations, the dispatcher will clear all radio traffic so that the emergency radio transmissions will have priority. The Communication Officer is the controller of all radio transitions, and when radio traffic is heavy, controls the flow of traffic on air as necessary. The Communications Officer is the immediate authority controlling all radio communications through Communications.

Time Checks

1. Time checks will be conducted twice per shift for SSA’s in the field.
2. The Communications Officer, at the end of all radio transmissions, will give the correct time.

3. When an officer begins their patrol duties, they will immediately notify the Communications Officer, via radio, that they are in service.

**Data Requests**

1. The following procedure is to be used regarding data requests: (license, registrations, and special files). The unit requiring the information is to use a preparatory command on the radio to the Communications Officer, for example: “(shield number) to dispatcher, vehicle stop”. The Communications Officer will then reply. This will insure that the Communications Officer is able to respond to the radio transmission, and properly record the required information. This will allow greater flexibility and increased speed in responding to data requests. All registration requests will be followed by the location of the vehicle. The Communications Officer will log appropriate information in the Records Management System (RMS).

2. Officers are to call out of service any time they leave their patrol car, for any reason, and they are to give their location and reason for the call out. Officers are to monitor all radio transmissions on portable units, which they are assigned. If the officer needs to turn off their radio for personal safety, the officer will notify the Communications Officer prior to doing so. In an extreme emergency situation that requires radio silence, the officer must notify Communications as soon as safety permits. The Communications Officer will record all appropriate information in the RMS.

3. When officers are out of service on any potentially dangerous service call (Domestic Violence, Fight, etc.) they will notify the Communications Officer of their status five minutes after that officer has called out at that service call. If the officer fails to do so, the Communications Officer will attempt to contact the Police Officer via radio. If this fails, the Communications Officer will send additional backup to the location the Police Officers called out at in order to check on them.
Purpose
The purpose of this Order is to establish the procedures by which all telephones at the University at Albany Police Department will be utilized and answered, determination of emergency and non-emergency calls, and procedures for making and receiving telephone calls, as well as obtaining all pertinent information on incoming calls.

Policy
It is the policy of the University at Albany Police Department to promptly and courteously answer all telephone calls, providing all assistance possible to the caller while obtaining all necessary information to respond to or dispatch police officers to an emergency in a prompt and timely manner.

Business Lines Procedure
1. The University at Albany Police Department Communications Division operates continuously twenty-four (24) hours a day, three hundred sixty five (365) days a year.

2. When answering the telephone, use the appropriate greeting, “University Police, Officer ________ speaking, how may I help you?”

3. Always address the person that you are speaking with as “Sir” or “Ma’am”.

4. If you have to put a person on hold, ask them “Would you hold please?” When returning say, “Thank you for holding, how may I help you?”

5. Be business-like on the phone. Use appropriate language when speaking on the phone, and maintain bearing at all times.
6. Keep phone conversations to a minimum.

**Procedures for Blue Light / 911 Phone**

1. When the Blue Light / Emergency Onsite Notification Client rings, answer it as, “911 Police Emergency”.

2. The 911 System is an Enhanced 911; meaning that the telephone location will appear on your NEC monitor the instant the phone is answered. This will give you the phone number of the 911 location, address, building, room, and comments, which can include a street location. Student phone numbers will appear with address as student. Blue Light phone numbers will appear with address as Blue Light.

3. 911 phone calls are a priority over all incoming calls. If a 911 call comes in, it must be answered immediately. If you are unable to make contact with the caller, and recall attempts through the system are unsuccessful, then an officer will be dispatched to the location to check the area to confirm there is no emergency.

4. Entry of this call is made into the RMS. Other entries may be made for fire or EMS/medical personnel response as necessary.

5. The University Police work in conjunction with Five-Quad Ambulance, a student-staffed ambulance service. When in service, Five Quad Ambulances will respond to all medical 911 calls. When Five-Quad is out of service, Albany Fire Department and Guilderland Fire Department will be called to respond to the respective EMS Zones on the University at Albany Campus.

6. In the event Albany EMS or Guilderland EMS responds, either as mutual aid to Five-Quad, or as Primary First Responders, all appropriate entries will be made in the RMS as to the times they were called, response times, and hospital transport times.

**Misdirected Emergency Calls**

If a call for emergency service is outside the jurisdiction of this department, or is for a service not normally provided by this department:

1. Collect all pertinent information.

2. Contact the appropriate agency.

3. Relay the request documenting same.

4. Or, if technically possible, directly transfer caller to appropriate agency.
Misdirected Non-Emergency Calls

If a misdirected non-emergency call is received, provide the caller with the telephone number of the appropriate resource if possible.

Relay Service

A Relay Service is used when a deaf or hearing-impaired person wants to contact a hearing person. The Relay Service will be an operator with a TDD/TTY device, and will act as an intermediate between the two parties. They will tell the hearing person what the hearing-impaired person is typing. The Relay Service will then type the hearing person’s conversation into the TDD/TTY, and send this transmission back to the hearing-impaired person.

The Relay Service works similarly to the TDD/TTY procedures, except the person relaying the message acts as the intermediate. The conversation from the Communications Officer will be the exact same as it would, had the Communications Officer been typing the information into the TTD/TTY. The Communications Officer will begin the conversation as such, “Hello, this is the University at Albany Police Department, Officer _____, how may I help you? Go ahead”. When the conversation has ended, the Communications Officer will end the conversation as such, “Have a nice day. Stop Keying.”
Purpose

The purpose of this General Order is to establish the policy and procedures for the recording of telephone communications while using the department Voice-Over IP telephone (VIOP) system.

Policy

1. The multiline Voice –Over IP telephone system (VIOP) operates as the department’s primary telephone system. All lines operating on this system shall be considered recorded lines and all conversations recorded. Employees will have access to utilize the conversation playback feature to assist in:

   a. Dispatch operations

   b. Call information clarification

2. All recordings are considered department records and shall not be duplicated or released by any member of the department other than the Administrative Captain without the authorization of the Chief of Police.

3. All recordings will be preserved and shall not be deleted outside of the automatic overwrite process of the storage server.

4. Members shall only review another member’s telephone recordings for legitimate department purposes as outlined in policy or as directed by the Chief of Police.

5. In instances where a telephone conversation contains information evidentiary in nature, the employee will notify the Administrative Captain to have the contents of the call exported as evidence.
a. The Administrative Captain is responsible for preserving the digital recording of the telephone conversation onto an optical disk for evidentiary use.

b. Any such evidence is considered property of the department and shall be handled as such. In addition, the following shall apply:

i. The reporting officer or Investigator’s incident report shall note that the interview was recorded.

**NOTE:** A copy of any recording provided to the Albany County District Attorney’s Office, or any other administrative, regulatory or prosecutorial office, will be kept by the Department and made a permanent part of the case file.

**Instances With an Expectation of Privacy**

1. In instances where there is an expectation of privacy, i.e. prisoner with their attorney, the employee shall make certain that the conversation is not recorded in the following ways:

   a. Ensure that the conversation is made utilizing an analog telephone.

   b. Notify a supervisor, or member of command staff, to stop the recording function prior to the start of the conversation.

**NOTE:**

Any conversations personal in nature that an employee is not comfortable with having recorded may utilize the department analog phones or their personally owned devices.
Purpose

The purpose of this Order is to establish the procedures for routine communications operations.

Introduction

The Communications Officer provides communications services within the University at Albany Police Departments at the campuses of the State University of New York. The Communications Officer’s primary responsibility is to function as a desk officer, dispatcher, and 911 operator. For the purpose of this document, the person running Communications, whether it is a Police Officer or Campus Public Safety Officer, will be referred to as the Communications Officer.

Unauthorized personnel are not allowed in the Communications area. This strictly conforms to the regulations established by EJustice regulations.

Key Logbook

1. The Communications Officer is responsible for all keys issued to Police Officers and SSA’s from within the Communications Section.

2. The Communications Officer on duty will perform a routine check of Key Box #1 to account for all keys issued by the previous shift.

3. The Communications Officer going off duty will inform the on duty Communications Officer of any discrepancies in the key box such as; missing keys, broken keys out for replacement, etc.
4. The officers receiving keys from the Communications Officer will have their name placed in the Key Logbook, and that officer’s corresponding issued property will be placed into the log book next to their name. The Communications Officer will initial all Key Logbook entries, which occur on their tour of duty.

Lost and Found

The Communications Section maintains the University Police Lost and Found. The Communications Officer will insure that property, which is being turned in to Communications for storage, has all documentation required by procedures.

Records Management System (RMS)

The Communications Officer is responsible for the entry of all activities required for data input into the RMS. The Communications Officer will review the procedures for running this application.

Warrant Entry / Warrant Cancellation

In the absence of an Investigator, the Communications Officer may be asked to assist in the entry and/or cancellation of a warrant in the EJustice Portal. The Communications Officer will familiarize themselves with the procedures for warrant entry and warrant cancellation within the system.

SUNY Card

The Communications Officer will sometimes be called upon to run one of the operations provided to the University at Albany Police Department via the SUNY Card Program. It is the responsibility of the Communications Officer to familiarize themselves with the various operations afforded via the SUNY Card program. These may include:

1. Issuing a temporary SUNY Card to a student that lost their;
2. Running reports;
3. Unlocking and locking various SUNY Card access doors to control access to buildings.

EJustice

3. The Communications Officer will Monitor The EJustice Portal Inbox for Hit Confirmation requests and/or other important messages and handle as per General Order 81.2.9 New York State Integrated Justice Portal Procedures.
Purpose

The purpose of this Order is to establish a procedure for the maintenance of a current off-duty contact listing for all department personnel.

Policy

Members and employees shall record their correct residence address and telephone number with the office of the chief of police. Members and employees are required to have working telephones in place where they reside. The office of the chief shall have a means to contact the employee at all times, if necessary or in an emergency. Changes in address or telephone numbers shall be reported to the office of the chief within 24 hours of said change. This shall be done in writing within the specified time whether the member is working or is on leave. Members and employees are not permitted to furnish anyone outside the department the address or telephone number of any member or employee.
PURPOSE

The purpose of this order is to establish procedures for employee use and responsibility of Department issued cellular telephones.

PROCEDURE

1. Issuing of Department Owned Cellular Telephone to Employees

   a. The University at Albany Police Department, at the discretion of the Chief of Police, may issue a cellular telephone to an employee of the Department. The Philosophy of this policy is to better allow the Department to contact the employee as well as to increase the employee’s effectiveness by providing a source of immediate and mobile communication. The issuance of a Department owned cellular telephone does not relinquish the employee’s duty and responsibility to provide and maintain a personal telephone contact number pursuant to other Department procedures. The issuance of a Department owned cellular telephone does not negate the employee’s responsibility to maintain standard communication, such as the Department’s radio communications center, when appropriate.

2. Employee Responsibility

   a. The responsibility of the general care of any Department owned and issued telephone rest with the employee that it was trusted to. If the employee determines that the telephone is not functioning properly, then they will notify the Administrative Inspector as soon as possible to remedy the problem.
b. If the Department issued telephone is lost or damaged, then it is the responsibility of the employee to complete a memorandum to the Administrative Inspector explaining the circumstances leading to the lost or damaged telephone.

c. The employee issued the cellular telephone shall make every effort to ensure that the unit is satisfactorily charged and is turned on when on-duty during their regularly scheduled shift.

d. When on-duty during their regularly scheduled shift, the employee should make every effort to answer incoming calls when appropriate.

e. If the employee should miss an incoming call when on-duty during their regularly scheduled shift, they should make effort to return calls as necessary and appropriate as soon as possible.

f. Upon returning to duty after regular days off, vacation or other time off the employee should review their messages and make every effort to return telephone messages where necessary and appropriate.

g. Employees should observe and adhere to all laws, policies, procedures and other requests by outside entities pertaining to the restriction of cellular telephone use.

h. Examples of outside entities that commonly restrict the use of cellular telephone usage are: Court houses, public schools, law enforcement training facilities, government installations and aircraft.

i. Employees should acknowledge that the operation of a cellular telephone commonly interferes with the ability to safely operate a motor vehicle. Consequently, it is recommended that when circumstances deem necessary the employee should not attempt to complete the two tasks simultaneously.

3. Prohibited Usage

a. The Department urges the employee to utilize the cellular telephone as a valuable tool when completing fieldwork. However, if there is a more appropriate, efficient and economical manner in which to complete the needed communication, then the employee should pursue the more suitable means.

b. If in the event the employee is found not to adhere to the procedures in regards to city issued cellular phones, then the employee may be subject to the following:

i. Removal or restriction of cellular telephone privileges.

ii. Administration sanctions including potential discipline.
iii. The reimbursement to the Department of all excessive usage fees and charges that were deemed to incur as a result of the non-emergency personal use.

c. The Administrative Inspector shall review Department issued cellular telephone usage and billing. If excessive or unauthorized usage of the Department cellular telephone is found the Administrative Inspector shall refer the matter to the Deputy Chief of Administration or their designee for administrative follow-up including securing repayment of the excessive or unauthorized charges.
Purpose

The University at Albany Police Department recognizes that the use of wireless technology has become common in everyday life. The use of these devices can enhance an employee’s ability to perform their duties but can also have a negative impact on the Department by providing unnecessary distractions to employees. The purpose of this Order is to establish guidelines for the use of personally owned electronic devices and remote wireless access equipment.

Definition

Wireless access devices - are defined as, but not limited to, cellular telephones, pagers, personal data assistants (PDAs), pocket PC’s, notebook and laptop PC’s, electronic game devices, and the like.

Remote Wireless Access Equipment

1. Carrying Equipment
   a. Employees may carry, while on duty, wireless access devices while on duty subject to the following conditions:
   b. Carrying the equipment is optional.
   c. No such device shall be carried as part of the uniform without proper authorization.
   d. The purchase, maintenance and replacement of the device are at the employee’s sole expense. This shall also include any associated access or airtime fees charged by a service provider.
e. The Department shall in no way be responsible for loss or damage to any such equipment.

**Use of Wireless Equipment**

1. Employees should not use the equipment as a replacement for the police radio.

2. Official communication with the dispatcher and other employees shall not be conducted by way of wireless equipment except in urgent situations where the use of the police radio is unavailable or impractical.

3. Criminal history information and other confidential information shall not be transmitted over any wireless access device.

4. Employees must understand that the best way to insure the prevention of traffic collisions while using the remote wireless access equipment is to pull off the roadway and make or receive calls, or to send or receive messages.

5. Unless absolutely necessary, no remote wireless access equipment should be used during an Emergency response other than the police radio and/or the mobile data terminal (MDT).

6. Employees shall not let the use of these devices interfere with their primary responsibilities to their assignment. Use of any electronic equipment for leisure or entertainment purposes while on duty is prohibited except when on an authorized break and not while in public view.

7. Personally owned wireless access devices shall not be used to access Department network servers without prior authorization.
SUBJECT

New York State Integrated Justice Portal Procedures

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APPROVAL

J. Frank Wiley,, Chief of Police

Purpose

The purpose of this Order is to establish and describe policies and procedures for:

1. The overall security and use of the Integrated Justice Portal (IJP)
2. The use of IJP to access NCIC, NYS DCJS, and NYS DMV records
3. The security, dissemination, and destruction of Criminal Records History Information (CHRI) and other information obtained via the IJP.

Policy

It is the policy of the University at Albany Police Department to:

1. Comply with all applicable Federal and State laws, regulations, policies and procedures for the operation and security of the IJP.
2. Comply with the policies of DCJS as set forth in the Use and Dissemination Agreement on file with DCJS.
3. Conduct Criminal History Inquiries (CHRI) on persons arrested by the Department as well as persons under criminal investigation by the Department.
4. Obtain CHRI in accordance with all applicable State and Federal Laws, and in accordance with the Use and Dissemination Agreement on file with DCJS.
5. Safeguard the privacy of those individuals that are the subject of CHRI.
Definitions

1. **Terminal Agency Coordinator (TAC)** – The Department member assigned with responsibility for:
   
   a. Acting as a liaison with the NYS Department of Criminal Justice Services (DCJS)
   
   b. Ensuring Department compliance with DCJS and National Crime Information Center (NCIC) regulations and policies
   
   c. Training operators who will have access to DCJS and NCIC/III criminal history files, and to affirm and certify the training and testing of Department operators by submitting the appropriate paperwork to DCJS; and
   
   d. Maintaining a complete, up to date list of all terminal operators and their user identifications

2. **Criminal History Record Information (CHRI)** – Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrest, detentions, indictments, information, or other formal criminal charges; and any disposition arising there from such as sentencing, correctional supervision, and release.

3. **IJP User** – Department personnel who have been trained and tested on the operation, rules and regulations, and security of the Integrated Justice Portal.

Procedure

1. The IJP is accompanied by its own policies; therefore users are required to read through the IJP Manual. DCJS sets all the guidelines for the use and dissemination of information inquired from the IJP. It is the responsibility of the user to know the IJP Policy and Procedure.

2. The IJP is restricted to authorized personnel only. No information from the IJP is to be given to unauthorized personnel.

3. At minimum, all Police Officers must obtain and maintain BASIC and DAT certifications. This does not preclude a Police Officer from obtaining CCH Certification.

4. All Communications Officers must obtain and maintain BASIC, DAT, and CCH Certifications.
5. Training for authorized personnel will take place in either a Field Training or in-service setting as appropriate.

6. The University at Albany Police Department maintains the printed information from the IJP it generates when requesting CHRI. Records will be retained as per current DCJS/NCIC policy.

7. The Communications Officer on duty will monitor the EJustice Inbox for Hit Confirmation requests and other important messages.
Purpose

The purpose of this directive is to establish a uniform procedure for the response to and the investigation of fire and trouble alarms, and reports of fire and smoke.

Policy

It is the policy of this department to immediately respond to all fire and trouble alarms and reports of fire and smoke reported within the department's jurisdiction. On all fire alarms, trouble alarms, and reports of fire or smoke, communications will immediately dispatch an officer to the call.

Notification

There are four ways that alarms come into the communication section:

1. Automated Voice Notification. When the Communications Officer picks up the telephone, the pre-recorded message will say something like; “There has been a break-in at the Indian Quad Mailroom.”

2. Outside alarm monitoring company. A monitoring agency will receive the initial alarm and call the University at Albany Police Department with notification of the alarm. When an alarm monitoring company calls, the Communications Officer will ask specific information from the caller regarding the alarm: Alarm Type, Location inside the building? This information is necessary for the officers. It will enable them to decide how to approach the location and which areas to check for the break in, or trouble. Follow the alarm response procedures.

3. Through campus monitoring, i.e. Patrol, SSA’s, Power Plant. Power Plant will notify the University at Albany Police Department of an active fire alarm, and its location.
Response

1. It is the duty of the Communications Officer to review the Alarm Response procedures specific to the location of the alarm.

2. The Communications Officer will call the Zone Car, or next available unit, and inform the Police Officer of the alarm notification, its location, and type of alarm.

3. The Communications Officer will assign a back-up unit to cover the Zone Car handling the call if necessary.

4. The Communications Officer will clear the radio of any unnecessary radio traffic. Once the Police Officer(s) have cleared the location of the alarm, the Communications Officer can advise all units that normal radio transmissions can resume at that point.

5. If a Point of Contact (POC) is outlines in the Alarm Procedures for that location, the Communications Officer will contact that person, or persons, once the alarm call has been cleared and notify them of the situation. If the alarm has to be reset, and the University at Albany Police Department is not given the access codes in the alarm procedures for that area, or the POC, the POC must respond to the location and reset the alarm.
Subj ect

Intra-Departmental Cooperation and Communication

Gen eral Order Number

81.5.5

Dcjs Standards

Effective Date

October 30, 2009

Reviewed Date

Applies to

All Employees

Revision Date

Approval

J. Frank Wiley., Chief of Police

Pur po se

The purpose of this Order is to establish procedures for intra-departmental cooperation and communication.

P olicy

For a police department to remain effective, information must be readily shared and disseminated between its individual units. It is imperative that open lines of communication are maintained between the individual components of this Department. This Order identifies and encourages lines of communication and cooperation between all units within the University at Albany Police Department.

Department Lines of Communication

1. The exchange of pertinent information, whether along formal or informal lines, within this Department is recommended and encouraged.

2. This Department is to maintain open communication lines between the Patrol and Investigation units.

   a. When the Patrol Division develops information which could benefit the Criminal Investigative Unit, an Investigative Lead Sheet located on the V Drive in the “Forms” folder (see Annex B) will be completed and forwarded to the Deputy Chief of Operations.
b. When the Criminal Investigative Unit develops information that may benefit the Patrol Division, that information will be disseminated to the Patrol Division as appropriate.

c. Investigators will attend the daily pre-shift briefings for police officers whenever possible.

d. If there is a critical message to be shared, the Criminal Investigative Unit shall prepare a memo to be forwarded to all Lieutenants for dissemination to patrol staff.

3. Lieutenants will utilize the daily Shift Synopsis Report to indicate any information that needs to be shared among patrol shifts, and as a notification to Command Staff.

4. The Intra-Department email system can also be utilized to share information with any and all members of the Department, as well as certain email group lists such as Lieutenants, Police Officers, etc.

5. The Command Staff will conduct weekly Staff Meetings and share information as required. The Chief may cancel these meetings when availability is limited.

6. The Command Staff will schedule Lieutenant Meetings on a regular basis when the University is in session.
Purpose
The purpose of this Order is to establish policies and procedures for the use of social media. The University at Albany Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department’s position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

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

Definitions
Blog - A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
**Page** - The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

**Post** - Content an individual shares on a social media site or the act of publishing content on a site.

**Profile** - Information that a user provides about himself or herself on a social networking site.

**Social Media** - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and videosharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

**Social Networks** - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

**Speech** - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

**Web 2.0** - The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media. Wiki: Web page(s) that can be edited collaboratively.

**Deep Web** – The part of the World Wide Web that is not discoverable by means of standard search engines, including password-protected or dynamic pages and encrypted networks.

**On-the-job Use**

1. Department-Sanctioned Presence
   
   a. Determine strategy
      
      i. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency’s presence on the website.
      
      ii. Where possible, the page(s) should link to the department’s official website.
      
      iii. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.
b. Procedures

i. All department social media sites or pages shall be approved by the Chief of Police, or their designee, and shall be administered by the departmental information services section or as otherwise determined.

ii. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

iii. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

a) Content is subject to public records laws. Relevant records retention schedules apply to social media content.

b) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

iv. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

a) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.

b) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

c. Department-Sanctioned Use

i. Department personnel representing the department via social media outlets shall do the following:

a) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

b) Identify themselves as a member of the department.

c) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
d) Not conduct political activities or private business.

ii. The use of department computers by department personnel to access social media is prohibited without authorization.

iii. Department personnel use of personally owned devices to manage the department’s social media activities or in the course of official duties is prohibited without express written permission.

iv. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

2. Potential Uses

a. Social media is a valuable investigative tool when seeking evidence or information about

   i. missing persons;

   ii. wanted persons;

   iii. gang participation;

   iv. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and

   v. photos or videos of a crime posted by a participant or observer.

b. Social media can be used for community outreach and engagement by

   i. providing crime prevention tips;

   ii. offering online-reporting opportunities;

   iii. sharing crime maps and data; and

   iv. soliciting tips about unsolved crimes (i.e.,

   v. Crimestoppers, text-a-tip).

c. Social media can be used to make time-sensitive

   i. notifications related to

   ii. road closures,

   iii. special events,

   iv. weather emergencies, and
v. missing or endangered persons.

d. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

e. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.

f. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

g. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

h. Search methods shall not involve techniques that are a violation of existing law.

i. Vetting techniques shall be applied uniformly to all candidates.

j. Every effort must be made to validate Internet based information considered during the hiring process.

Personal Use

1. Precautions and Prohibitions - Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

a. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department. Speech that a reasonable person would find in violation of this policy may expose the department member to administrative action consistent with GO 52.1.1.

b. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
c. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or their designee.

d. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:

   i. Display department logos, uniforms, or similar identifying items on personal web pages.

   ii. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department.

e. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to General Order 1.1.2 Oath of Office, Code of Ethics, and Code of Conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

   i. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

   ii. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

f. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

g. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

h. Department personnel should be aware that they may be subject to civil litigation for

   i. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
ii. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

iii. using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or

iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

i. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

j. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

k. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
GENERAL ORDER 82 RECORDS

Purpose

The purpose of this Order is to establish and describe policies and procedures for use of the University-operated computer network, computerized records management systems (RMS), computer equipment, e-mail, and the Internet by University Police Department employees. In addition to this General Order all members are responsible for and must comply with the University’s policy on the Responsible Use of Information Technology, New York State Police Information Network Use and Dissemination rules and regulations, the IAS (PeopleSoft) Employee Access and Compliance Agreement, and any other regulation, rule or policy applicable to any access rights they possess by virtue of their position as a member of the University Police.

Policy

It is the policy of the University Police Department to provide its employees with computer equipment and software applications designed to facilitate the mission of the Department. All computer networks, computerized records management systems (RMS), computer equipment, e-mail systems, and Internet access are the property of the University at Albany and are subject to the regulations and restrictions set forth in this order.
Definitions

1. **E-Mail** - The transmission of documents or messages over an electronic, computer-based medium. This includes both internal e-mail systems designed to communicate within the University Police Department or between UPD personnel and other University Department s or employees, and external systems designed to communicate to persons or entities outside the University Police Department or other University Departments.

2. **UPD System** - For purposes of this order the term, “UPD System” refers to any computer network, equipment, software, or on-line access either owned or maintained by the University at Albany and/or the University Police Department. This term includes but is not limited to the police records management system. This term also includes any mobile data transmission system or laptop or portable computer system should the Department provide such a system to any UPD member.

3. **Information Technology Services (ITS)** - The centralized provider of IT services for the University. The executive manager is the Chief Information Officer (CIO), who has campus oversight for enterprise information systems, programs and services, information security and IT policies. ITS provides desktop support for the Department. This includes, but is not limited to, the installation, configuration and maintenance of Department computers and programs.

4. **Internet** - The global network of interconnected, independently owned and operated computers utilizing common communications protocols to communicate.

5. **Users** - For purposes of this order the term “users” refers to all employees of the University Police Department and any other person given access to a computer system or equipment owned or maintained by the University at Albany or the University Police Department by virtue of their association with the University Police Department.

6. **Records Management System (RMS)** - The computerized dispatch/records management system established by the Department for use in reporting police activities, and for management of those reports and records.

General

1. All Command staff, sworn Department members, dispatchers, and administrative Department members must maintain active accounts to access the university’s Intranet and e-mail system.
2. Any member who is not required to maintain an account may be granted an account provided they obtain the approval of the Chief of Police and obey the provisions of this policy.

Network and Computer Security

1. Users will not disclose their authentication credentials (e.g., passwords, tokens) to any person. Any user who chooses to disclose his or her credentials to any other person will be held jointly responsible for any improper actions resulting from the use of the user identification or password.

2. No personnel shall access the network, RMS, or any other computer application(s) using the Network/User ID and password of any other personnel, unless authorized by the Chief of Police or the Department Information, Technology and Records Officer (ITRO).

3. ITS and RMS System Managers maintain user identification and passwords for Department employees. Any concerns an employee has regarding the security of their password should be directed to ITS via the Department ITRO.

4. The ITRO will coordinate with ITS to audit and verify all access rights with regard to any UPD and University systems.

   a. Users will not engage in any unauthorized or deliberate action that damages or disrupts a computer system or equipment, alters its configuration, causes it to malfunction, or attempt to do the same.

   b. Users will not install any software, program, or application on University-owned or maintained computer equipment or system without the express permission of the Chief of Police or the Department ITRO.

   NOTE: Prior to giving such permission the Chief of Police or ITRO will first consult with ITS. In most situations, ITS will perform the installation.

5. Users are not authorized to change any setting(s) within the network environment, RMS, or any other computer applications available to personnel. All requests for repair, replacement, system changes or upgrades will be submitted to the Department ITRO.

6. Users will not leave a terminal unattended while logged on to any system.

7. When users have completed their work on any Department-provided computer, they will close all applications and log off the network following current operating procedures.

8. These policies and procedures also apply to use of any UPD System or equipment while in an off-duty status.
9. Any user issued a laptop computer will ensure that no unauthorized personnel access any applications provided solely for Department use. Personnel assigned laptops are responsible for the security of the equipment when the equipment is used off-site.

10. Personally Identifiable Information (PII) will not be stored locally on Departmental workstations. Such information will be maintained on centrally managed servers. If work processes or duties require the retention of PII on portable devices (e.g., Laptops, thumb drives), it will be encrypted. Recovery keys should not be stored with portable devices.

**Computer Access and Usage Regulations and Restrictions**

1. Use of any UPD System is limited to Department-related purposes, unless subject to a specific exception stated in this order. Users have no ownership or privacy rights to any information they have generated, received, or stored via any UPD System.

2. Users will not use any UPD System in a manner that violates State or Federal law or statute, or University or UPD policy.

3. Personnel will not intentionally enter false information into any UPD System.

4. Users will not use any UPD System for personal gain or profit or for private employment purposes.

5. The Department may inspect all such computers, systems, and information at any time.

6. UPD Systems may be used to convey/disseminate the following types of information, provided the actual content otherwise conforms to this order.
   a. Details of community, Department-sponsored, or charitable events;
   b. Parties, outings or other social events related to or sponsored by the Department or any component of the Department;
   c. Information relating to births, illnesses, deaths, or other similar type events which may be of common interest to UPD employees; or
   d. Communications concerning union or labor organization activities or functions.

7. Users will not search for, send, or receive anything that can reasonably be interpreted as sexually orientated, pornographic, obscene, racist, sexist, offensive, discriminatory, or otherwise objectionable.
a. Note: Searching for, sending, or receiving such material is permissible for a valid law enforcement or investigative purpose if done in accordance with this order. See Use of Computers, E-Mail and the Internet for Law Enforcement or Investigative Purposes, below.

8. Users may not reveal or disseminate Department information contained in an UPD System for purposes not related to Department business.

**RMS Access and Use**

1. Each user has a unique set of authentication credentials used to access the RMS. All personnel will use their assigned credentials to log onto the RMS. Access in any other manner is prohibited.

2. Personnel will not intentionally enter false information into the RMS. Any reports generated for test purposes will be clearly labeled as Test Incidents.

3. Personnel will not delete information from the RMS without prior authorization from the Chief of Police or other competent authority.

**E-Mail Systems**

1. The University may provide e-mail services to UPD employees to facilitate Department-related business and communications.

2. The Department has the right to monitor all on-line communications (including e-mail and on-line access to the Internet) and the use and content of any UPD computer system.

3. All information stored or transmitted on University computers is the property of the University.

4. Members who are required to have an active email account must check their Department e-mail account at least once during each regular work day.

5. Messages created and transmitted over a UPD System should be professional in nature. The content, context, and tone of messages reflects both on the person sending the message, and the Department as a whole. Use of e-mail, or other messaging systems, for messages to be transmitted both internally and externally are subject to the following requirements and restrictions:

   a. Personnel should check the recipient(s) of all messages created or replied to before transmitting the message to ensure the appropriate parties receive the e-mail.

   b. All messages created for transmission will contain a Subject Line intended to provide the reader with a brief overview of the context of the e-mail.
c. All messages will be concluded with the rank and name of the personnel creating the message. Nicknames or other such references to an individual are not permitted.

d. Users are prohibited from sending sexually orientated, obscene, pornographic, violent, or threatening messages or images.

e. Users will not send any message or use any language that constitutes harassment, including sexual harassment.

f. Users will not use language that may be reasonably construed as racist or derogatory or demeaning to an individual, group, or class of persons based upon race, religion, gender, or sexual orientation.

g. Users will not use language that may be reasonably construed to be obscene.

h. Users will not use language that is personally derogatory to another person or may reasonably be expected to demean, embarrass, or humiliate another person.

i. Users will not send advertisements, “junk mail,” commonly known as “Spam,” or chain letters through any UPD System.

j. Users are prohibited from forging e-mail messages.

k. Users are prohibited from reading, deleting, copying, or modifying e-mail messages of other users without their permission, or authorization of a Command Staff member.

**Access to the Internet**

The University may provide access to the Internet to UPD employees to facilitate Department-related business and communications. This is subject to the following requirements:

1. The Department may monitor and record all Internet sites accessed by users.

2. Access to the Internet on any UPD System will be strictly limited to Department-related purposes while on-duty. UPD members may use an UPD System while off-duty for a valid educational purpose (e.g., college coursework) provided such use does not interfere with Department business, does not generate additional cost to the University, and such use conforms in all other respects to the requirements of this Order and the University’s policy on the Responsible Use of Information Technology.

3. The Department may block users from any Internet resources, including but not limited to those which the Department determines in its sole discretion to have no
legitimate Departmental purpose or which could have a detrimental impact on the Department, its operations or its image.

Use of Computers, E-Mail and the Internet for Law Enforcement or Investigative Purposes

Routine Use

1. UPD officers may use e-mail and the Internet for a valid law enforcement or investigative purpose. For example, Internet resources may be utilized to locate a wanted suspect or fugitive. Another example of a routine use is accessing or printing a threatening e-mail.

2. The officer will document such routine use of the Internet in his or her report under the appropriate Case and Event number(s).

Non-Routine Use

1. “Non-routine use” of computers, e-mail or the Internet will include the following:
   a. Searching for or accessing sexually orientated obscene, pornographic, racist, or otherwise objectionable Internet sites, information, or images.
   b. Downloading sexually orientated, obscene, pornographic, racist, or otherwise objectionable images or information.
   c. Use of e-mail or the Internet in an undercover or decoy operation.

2. Usually, a valid law enforcement or investigative purpose for non-routine use will include investigative action in a specific case or investigation, or a more general search for information on individuals, organizations, or entities which may be involved in illegal activity. Non-routine use will be subject to the following requirements:

3. Non-routine use must be authorized as follows:
   a. Non-routine use in a specific case or investigation may be authorized by the supervisor of the assigned officer or investigator unless it falls into one or more of the categories below:
   b. Non-routine use in an undercover or decoy operation must be approved by the Chief of Police or other Command Staff member.
   c. General searches for information that are not done pursuant to a specific case or investigation must be authorized by a Command Staff member.
d. The following non-routine uses may be authorized only by the Chief of Police:

i. Any non-routine use which involves the communication, sending, or receiving of sexually orientated, obscene, pornographic, racist, violent, or otherwise objectionable material to or from any person that is known to be, or there is reason to believe is, under eighteen (18) years of age.

ii. Any non-routine use, which involves undercover or decoy communications related to any proposed or contemplated violent or threatening act by any individual or organization.

4. All non-routine use will be documented in a Case or Supplemental Report as appropriate. The report will include at a minimum the following points of information:

a. the supervisory officer who authorized the non-routine use;

b. the date and time of the use;

c. the computer terminal being used;

d. the officer(s) involved in the non-routine use; and

e. any relevant or useful information acquired during the non-routine use.

5. A paper copy (“hard copy”) of all e-mail messages or other communications sent or received during a non-routine use will be made and preserved as evidence.

Use of Mobil Data Terminals (MDT)

1. Mobile Data Terminal (MDT) usage is restricted to those Department members who have been trained in the proper usage of the equipment and who have been granted access to the system.

2. The safe operation of a police vehicle shall always be the driver’s primary responsibility and they must give full time and attention to the operation of the vehicle. The use of the MDT shall always be secondary to the safe operation of the vehicle. Drivers shall carefully consider the need to safely stop the vehicle before using the MDT if such use is going to divert the user’s attention from the safe operation of the vehicle. In motion MDT usage is only authorized when it will not impair the driver’s ability to operate the vehicle.

3. It will be the responsibility of an assigned member to safeguard the computer by locking the vehicle upon exiting the vehicle. All personnel are required to
log off from all network computer systems and programs at anytime the vehicle is unattended and at the completion of their work day.

4. The Department ITRO will be responsible for maintaining an inventory of all MDT’s and will conduct an annual inspection of all vehicle mounted mobile computers.

5. Employees will not use any items that may damage the MDT, (i.e. scratch the monitor).

6. Food and liquids must be kept away from the MDT’s at all times. In the event of a spill, the employee will:
   
a. Log off all active sessions and shut down the MDT as quickly as possible.
   
b. Clean the affected area as soon as possible by wiping the spill.
   
c. Notify the Department ITRO and the employee’s immediate supervisor immediately for corrective action.
SUBJECT

Student/Staff Information Disclosure

GENERAL ORDER NUMBER
82.1.1

DCJS STANDARDS

EFFECTIVE DATE
December 1, 2010

REVIEWED DATE
November 2, 2016

APPLIES TO
All Employees

APPROVAL

J. Frank Wiley., Chief of Police

Purpose

The records of students are protected by both law and University policy. The purpose of this Order is to set forth rules to ensure this information is protected and provide guidance for its use and release.

Policy

1. Department personnel are prohibited from disclosing personal or criminal information on students/staff, or members of the public to individuals making non-official inquiries. This prohibition includes disclosing the owners of vehicles through their vehicle registration tags.

2. Individuals will be referred to the Office of Student Life, Human Resources Management or University Relations as appropriate, when they require information not available in the University Directory.

3. All requests submitted pertaining to department information consistent with FOIA or via web page shall be directed to the Information, Technology and Records Officer (ITRO).

NOTE: This policy does not disallow communication regarding personal information with other University and outside offices with legitimate interests not prohibited by law.
Purpose

The purpose of this Order is to establish the procedures for the proper use of department computers and copiers to all department personnel.

Policy

The University at Albany Police Department seeks to establish guidelines for the usage of department computers. Department personnel should strictly adhere to the following guidelines and the computers should be used for department business only.

General

1. Department personnel will not load or delete any software on any department computer.

2. Police Department personnel will not upgrade software on any department computer.

2. Any computer problems that occur during normal business hours will be brought immediately to the attention of the Department Information, Technology and Records Officer (ITRO).

3. If a problem occurs with a department computer after hours or on weekends, the computer will be shut down and the Department ITRO will be notified of the exact problem in writing for the next business day.

4. If a problem occurs that affects the entire local area network, the Department ITRO will be notified immediately.

5. Department personnel will not play or install computer games.
6. Copiers are not to be used to create, duplicate, alter or distribute cartoons, memos, photos or other messages of a patently offensive nature and serve no legitimate work goals.
Purpose

The purpose of this Order is to establish the procedures for the Department file access.

Policy

It is the policy of the University at Albany Police Department to make the majority of records accessible to personnel, as needed, while ensuring that the same records are kept secure against tampering and/or misuse by unauthorized personnel. This policy concerns the access and release of paper records stored within the Records Section.

Procedure

1. Only department personnel are to have access to department files (criminal reports, incident reports, accident reports, arrests, etc.). Criminal investigation and arrest information - other than the name and charge against an individual arrested - will not be given out to anyone without authorization from the Chief of Police, or their designee. The exception to this would be other law enforcement or criminal justice agencies.

2. When physical case files are needed, they are to be signed out in the ARREST FILE SIGN IN/OUT LOG by the officer and replaced in their respective location when not in use.
Purpose

The purpose of this Order is to establish and describe the policies and procedures to be followed by Department personnel using digital camera equipment to document crime scenes, accident scenes, and/or other events as required by Departmental Order.

Policy

It is the policy of the University at Albany Police Department to use digital camera equipment to document events for investigative and/or prosecutorial purposes. This policy establishes a use, control and evidence storage procedure that guards the integrity of the digital capture system. All personnel using digital cameras for the capturing of photographic evidence will adhere to the procedures set forth in this directive.

Procedure

1. Digital cameras have been provided to Police Officers and the Criminal Investigations Unit. All cameras and Flash Cards have been numbered for inventory and accountability purposes.
   a. A supply of memory cards will be maintained in the Administrative Captain’s Office for patrol use.

2. On a Quarterly basis, the Criminal Investigations Unit will inventory all digital cameras equipment (cameras and flash cards) to ensure operability and availability of the equipment.
3. A secure image database system has been established for the archiving of digital photographs. Only those personnel authorized access to this database may add images to the database.

4. When personnel use a digital camera to obtain images, all images taken must be saved on the flashcard and submitted, regardless of quality or content. Under no circumstances will personnel delete any images that have been saved on flashcards, or the secure image database, unless authorized to do so as set forth in the following Training Section of this directive, or by other competent authority.

5. Images that are enhanced (e.g., cropped to a different size, contrast or brightness altered, etc.) for any reason will be saved under a different file name than that of the original image. Personnel will document, in a Supplemental Report, any enhancement(s) they have made to an image that is to be used as part of any case.

6. Digital Images that are related to a major case or investigation shall be copied onto a “read-only” CD-ROM. The CD-ROM will be maintained by the Criminal Investigations Unit.

Training

1. All personnel will receive training in the use and care of the digital cameras and related equipment prior to using the equipment in the field.

2. Designated personnel will receive additional training in the receiving, storage, retrieval and archiving of digital images.

Imaging Procedures

1. Officers shall use digital cameras to document crime scenes, accident scenes, and items of evidence, victim/witness injuries, or other subjects as otherwise directed by competent authority. Officers shall use 35mm film to back up digital photographs if necessary.

2. Officers will capture only those images necessary to document the incident under investigation. All images saved to a memory card, regardless of quality or content, will be submitted for processing.

3. Once the processing of the incident has been completed and the necessary digital images have been taken and saved to the camera’s memory card, officers will remove the memory card and place it in the appropriate container (e.g., 35mm film canister). An identification label will be completed and attached to the outside of the container. The flashcard will then be deposited in the designated drop box for processing.
4. Drop boxes are located in the Booking Room and in the Administrative Captain’s Office.

5. The officer submitting the memory card for processing is responsible for obtaining a new memory card from the Administrative Captain’s Office and inserting it into the camera. An entry will be made on the memory card log by the personnel taking the memory card.

6. Officers will document the fact that DIGITAL images were taken in the narrative of their Incident or Supplemental Report.

**Digital Imaging Processing**

1. Designated personnel will process the incoming memory cards following current Department procedures.

2. Personnel processing the memory cards will erase the memory card memory only after the images have been processed and saved to the secure database. The erased memory card will then be placed with the other surplus memory cards. A notation will be made on the Memory Card Log Sheet by the personnel placing the memory card back into inventory.

3. All other requests for copies of digital images will be handled according to the procedures set forth in the Public Officers Law, Article 6; Freedom of Information Law.

4. The Criminal Investigations Unit will be responsible for archiving digital photograph files when that process is deemed necessary to free server space.
Statistics and Daily Crime Log

DCJS STANDARDS 8.6

EFFECTIVE DATE December 1, 2010

APPLIES TO All Employees

REVIEWED DATE

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

Purpose

The purpose of this order is to establish procedures for ensuring the creation and maintenance of a record of all department activity consistent with State and Federal law, the provision of statistical and data summaries for planning and staffing purposes and to keep the public informed of department activities, and the promulgation of information throughout the department.

Policy

It is the policy of the University at Albany Police Department that all activities shall be documented using the department’s records management system, that incident and arrest summaries shall be made available to the public in a proactive manner and that statistical information related to department activities shall be updated regularly.

Procedures

1. Pre-shift briefings shall be held in accordance with GO 41.1.3 “Pre-Shift Briefings”.

2. All calls for service shall be documented in the department’s records management system. Each business day department administrative personnel shall review and complete Daily Report Notes for all criminal and non-criminal incidents, update the web database and compile and email the Daily Crime and Incident Report.

3. The department shall maintain web based Daily Crime and Incident information available to patrol staff, department and University management as well as all members of the public - updated each business day. This shall include a Daily Crime Log as required under the Clery Act.
4. The department shall maintain web based statistical information regarding department activity, including arrests, crime reports, traffic incidents and other information, available to patrol staff, department and University management as well as all members of the public - updated each business day. The statistics shall include annual totals, monthly totals and year-to-date information as well as current year to previous year comparisons. This shall include a link to the University’s Annual Security Report as required under the Clery Act.

5. On an on-going basis the department’s records management system shall provide authorized department members access to real-time information regarding reported incidents. Access shall include the ability to review incidents by particulars such as location, type of incident, etc and provide a basis for adjusting staffing and patrol assignments to address trends within the community.
Purpose

The purpose of this Order is to establish and describe policies and procedures for the receipt, processing, storage, safekeeping, and disposition of all property/evidence that comes under the control of the Department.

Policy

An adequate property management system is necessary to protect the chain of custody and to maintain this agency’s credibility with the judiciary and the public. This directive describes the University at Albany Police Department’s evidentiary property management system.

Evidence Custodian - The Chief of Police will assign the Administrative Captain to be the Evidence Custodian, and the Deputy Chief of Administration as a back-up person for this position. This individual is responsible for control of all evidentiary items and property under the protective custody of the Department. The Evidence Custodian will complete the Property/Evidence Room Management Course within one (1) year of assuming the Evidence Custodian duties.
Evidence Room Security
1. The Administrative Captain, Deputy Chief of Administration and the Inspector for Operations are the only individuals who have access to keys for the Evidence room and the key safe.

2. The evidence and property room is equipped with a card access system that will log all entries.

3. The following items are afforded an additional level of security by being secured in separate locked lockers within the evidence room:
   a. Firearms
   b. Cash and high-value items
   c. Controlled substances

Storage Procedures
1. When property is seized by an officer as evidence, contraband, or taken for protective custody, a Property and Evidence Report will be completed and noted on the computerized RMS Incident Report.

2. The evidence or property is marked and identified with a Property and Evidence Report, and secured in an evidence locker along with a copy of the Incident Report. The locker key is then deposited into the key safe.

3. The evidence lockers are monitored and controlled by the Evidence/Property Custodian.

4. The Evidence Custodian removes the items from the evidence lockers, records the items in the evidence ledger book, assigns a Department evidence number, and transfers the evidence/property to the evidence room.

5. The Department evidence number identifies the evidence/property as well as the exact location of the evidence/property, and is also used to track the transfer of the evidence/property in the evidence ledger book.

6. At the discretion of the Shift Supervisor, the Evidence/Property Custodian will be called in after hours to accept high value property (generally, money or property over $1,000).
Right of Refusal
The Evidence Custodian has the right to refuse property that is handled, packaged or otherwise in a condition inconsistent with General Order 43.1.4 Labeling of Physical Evidence.

Transfer of Evidence
1. In the event that evidence must be transferred from the Department Evidence Room to Court, New York State Police Crime Lab, or the District Attorney's Office, a written record of this transfer shall be maintained by the Evidence Custodian. This record shall be recorded in the evidence log book which contains the list of all property held as evidence or for protective custody. The record of transfer shall contain, but not be limited to:
   a. The date and time of transfer;
   b. The individual who receives the evidence;
   c. The name and/or location of where the property was transferred;
   d. The reason for the transfer;
   e. Any examinations performed (when applicable);
   f. The date when the evidence is returned;
   g. The individual who returned the evidence.

Disposition
1. When there is no further need to retain custody of personal property held as evidence by this department, every reasonable effort should be made to contact the rightful owner and arrange for its return. After all reasonable efforts to return the property have been exhausted; unclaimed property may be disposed of in accordance with the Department’s Lost and Found Policy General Order 84.1.2.

2. Firearms - The Evidence Custodian will review the inventory of all firearms stored in the evidence room on an annual basis and determine, in consultation with the Deputy Chief of Administration and the District Attorney’s Office, if any may be purged.
   a. Firearms which cannot be lawfully returned to their rightful owners, and which have not been turned over as evidence, will be turned over to the Superintendent of the New York State Police, or their designee for NIBINS (National Integrated Ballistic Information) testing and destruction.
3. Destruction of Controlled Substances - All controlled substances which are no longer needed for evidentiary purposes will be destroyed by incineration.

   a. The Evidence Custodian will take an inventory of drugs that are to be destroyed and submit this list to the Deputy Chief of Administration who will obtain a court order authorizing destruction.

   b. Arrangements will then be made with a business or agency with appropriate facilities where the drugs may be burned and destroyed.

   c. The Evidence Custodian will deliver the drugs to the location of the incinerator, accompanied by one uniformed Lieutenant assigned by the Deputy Chief of Administration to witness the destruction.

   d. With an employee or operator of the incinerator present, the Evidence Custodian will personally place the drugs in the incinerator and remain until the drugs are completely destroyed.

   e. The Evidence Custodian will maintain a file of the inventories of destroyed drugs, and will make appropriate disposition notations in the Evidence Ledger Book and RMS.

Audit and Inventory Procedures

1. The ITRO (Information and Technology Records Officer), as well as two additional officers whose primary job duties do not include the tracking and storage of physical evidence, will conduct an annual audit of all property stored in the Evidence room. This audit will be documented and forwarded to the ITRO for filing.

   a. This type of audit will be conducted on a yearly basis, at minimum, and will also be required whenever a new Evidence Custodian is designated.
Purpose

The purpose of this policy is to establish procedures for handling lost and found property.

Policy

The University at Albany Police Department adheres to the provisions of the Personal Property Law of the State of New York in the handling of lost/found items. Please note that the provisions of this directive only apply to lost and found property, and not to property of an evidentiary nature.

Responsibility

The Administrative Captain will be responsible for the supervision of the Department’s Lost and Found operations and property control, and will be referred to in this policy as the Lost and Found Supervisor. A Campus Public Safety Officer will be assigned as the Property Officer will be assigned by the Chief of Police or their designee.

Procedure

1. When any personal property is recovered, it is expected that the officer will take appropriate steps to attempt to locate the owner.

2. Whenever a name or address is on the property, the officer will be held responsible to see that a sufficient effort is made to return the property to the owner, i.e., telephone call, e-mail, etc.
3. When the rightful owner cannot be located in a timely fashion, generally by the end of the recovering officer’s shift, a Lost and Found Property form (to include Incident Report number) will be completed and the item will be turned over to the on-duty Communications Officer for securing.

**Proper Recording and Storage**

1. The recovering officer is responsible to ensure that an incident report is entered for any property of value they recover. In addition to standard an incident report information, the an incident report must include:

   a. Name and contact information (to include address and phone number) of finder or person turning over property when available.

   b. Description of the item(s) and valuable contents; and specifically, the exact amount of cash and number of credit cards. If cash is present, the cash will be specifically listed by the total amount and denomination. For example: “70 dollars total – three $20 bills and one ten dollar bill.”

   c. A Police Officer will secure properly documented items of value in the temporary cube lockers located in the Communications Office. Examples of valuable items include but are not limited to: jewelry, cash, purse, or wallet. If in doubt as to whether or not an item is deemed valuable, consult with the shift Supervisor for guidance. Non valuable items will be left in open containers in the Communications Office. Examples of non-valuable items include but are not limited to: books, keys, umbrellas, clothing, and backpacks.

   d. At the first opportunity, the Property Officer will remove lost items from the cube lockers and containers and before placing them into the large storage cabinet do the following:

      i. Review the attached Incident Report

      ii. Make notification, where applicable and note on the property sheet and Incident Report whether contact was made and who made the call, along with the date and time.

      iii. If the lost and found property was turned in by an SSA, the on duty Communication Officer will enter the information into the Department’s RMS.

      iv. Wallets with credit cards and/or cash will be turned over to the Administrative Captain for storage in the Evidence room.

   e. Disposition of the property to include the specific person the item was turned over to or locker number it was secured in.
2. Lost and Found personnel will log all property into the property record procedure and initial same.
   
   a. The property will then be placed in the property cabinet.
   
   b. The property drawer is to be locked at all times and may only be accessed by the Lost and Found Supervisor.

Valueless Property

Valueless property turned in to a police officer or the dispatcher, such as keys, glasses, wallets (no money, instruments, or credit cards), or any minor property of little or no value, will not go into the evidence/property system, but will be handled as a lost and found, entered into IETS and left at the main desk in the appropriate location. Items may be disposed of after 30 days if not claimed. In these circumstances, there is no need for the item to be turned over to the property/evidence custodian.

Classification

1. Applicable Laws - Any person finding lost property, valued over $20.00 or coming into possession of property he/she knows to be lost has ten (10) days to return it to the owner or report the finding to the local law enforcement agency and turn the property over to that agency. This includes “instruments” such as credit cards, checks, money orders, stocks and bonds that are negotiable, etc. Failure to do so is a misdemeanor, punishable by a fine of not more than $100.00 or imprisonment for not more than six (6) months, or both. Finders are excused if they turn the property over to the person who owns the premises where it was found, providing they have no reason to believe that person would not comply with the law.

2. Found property shall be kept in custody of police for the following periods:

   VALUE        TIME
   $100.00 or less……………………………………3 months
   Over $100.00 but less than $500.00………………6 months
   Over $500.00 but less than $5,000.00…………1 year
   $5,000.00 or over………………………………..3 years

3. Firearms and Controlled Substances - All firearms and controlled substances will be turned over to the Evidence Custodian in accordance with policies and procedures related to the collection and storage of evidence General Order 84.1.1.
Disposition

1. If the property is not returned to or claimed by the owner within the time periods stated in the “Classification” section above of this directive, it shall be delivered to the finder upon demand. They may be required to pay reasonable expenses.

2. If at the end of the period specified, neither the owner nor the finder claims the property, it can be sold at public auction.

3. If the finder is an employee or officer of the State or of a public corporation, the State or the public corporation is deemed to be the finder.

4. Unclaimed items having minimal value will be donated to various agencies such as: Goodwill, The Lions Club, the Salvation Army, Women’s Shelter, etc.

5. Cash, which has not been claimed by the owner or finder within the applicable time periods, will be deposited into an account under the Division of Finance and Administration.

6. University Police Officers finding property cannot claim it under any circumstances.

7. Found SUNY Cards will be returned to the SUNY Card Office.

Audit and Inventory Procedures

1. The Administrative Captain will be responsible to assign the ITRO (Information and Technology Records Officer) to conduct random audits of property stored by Lost and Found.

   a. This type of audit will be conducted on a yearly basis, at minimum, and will also be required whenever a new Lost and Found Supervisor is designated.
SUBJECT

Narcotic Training Aids

GENERAL ORDER

NUMBER

84.1.3

DCJS STANDARDS

EFFECTIVE DATE

July 3, 2012

REVIEWED DATE

APPLIES TO

Sworn Personnel

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

Purpose

The purpose of the Order is to establish procedures for the safe and proper handling of narcotic training aids.

Policy

It shall be the policy of the University at Albany Police Department’s K9 unit (narcotic detection) to utilize narcotic training aids in accordance with the applicable possession, storage, and transport guidelines set forth by the New York State Department of Health (Bureau of Diversion Control), and the United States Drug Enforcement Agency (DEA).

Procedure

The University at Albany narcotic detection K9 handlers/trainers attempt to prepare their canine partners to work effectively and efficiently in every practicable environment that they may encounter throughout their career. To do so, the use of narcotic training aids, and more specifically the odor of the narcotic training aid is necessarily employed.

Narcotic detection K9 handlers will receive narcotic training aids via delivery service from the United States Drug Enforcement Agency. Aids will be received and signed for only by a currently certified narcotic detection canine handler and will be accurately documented and stored in the department canine narcotic training aid storage facility. When conducting training, only a currently certified narcotic detection K9 handler will remove, log out (document), and transport aids in an approved storage container, affixed to the transport vehicle, to the training site.
Training sites are restricted to the geographic borders of the State of New York. At the site, only narcotic detection K9 handlers/trainers will place (hide) various aids, and amounts of aids, throughout the site, documenting the identity, amount/weight, and precise placement of each aid hidden. Narcotic detection canines are then deployed and instructed to locate these areas and alert the handler to the presence of the odor of the substance/aid. The handler, during this time, is observing and processing all behavioral changes displayed by the canine throughout the exercise in order to be able to authoritatively articulate these changes if called on to do so in a court of law.

When training is concluded, the aids will be recovered by a narcotics detection K9 handler/trainer, transported back to the department, and locked again in the narcotic storage cabinet. At this time a log entry will be made to document the return of the training aids. Disposal of all narcotic training aids issued will be conducted only at an approved County, State, or Federal narcotic return/disposal forum and shall be thoroughly documented.

**Training Aids**

The training aids to be utilized will be provided by the United States Drug Enforcement Agency and shall consist of the following:

- Heroin 28 gram maximum
- Heroin (Black Tar) 28 gram maximum
- Cocaine (Powder) 28 gram maximum
- Cocaine (Crack) 28 gram maximum
- Marijuana 28 gram maximum
- Hashish 28 gram maximum
- Methamphetamine 28 gram maximum
- MDMA (Ecstasy) 28 gram maximum

**Security**

Training aids shall be stored in the department armory. Access to the armory is restricted to sworn police personnel via a swipe card access reader. The only door to the armory is alarmed and will ring directly to the department dispatch/communication center. All activity within the armory is viewed and recorded via digital video monitoring system. Once inside the armory a secondary rear storage area is secured by a steel door and lock with access limited to supervisors and three department firearms instructors. In this area, permanently and securely affixed to the wall, is a Harloff 2370 double lock narcotics cabinet in which all narcotic training aids are to be stored.
Storage security measures approved by the New York State Bureau of Narcotic Diversion.

**Access**

Only currently certified narcotic detection K9 handlers and the Administrative Captain will be permitted access to the narcotic cabinet.

**Records**

Records of the training aids received and disposed of will be kept and documented in a “Received/Disposed Training Aids” ledger which is to be stored separately and securely away from the narcotic cabinet and is to include all associated paperwork. All ledger entries to include the date, time, name of substance, quantity of substance, strength of substance, name of vendor, address of vendor and name/signature of receiver. Only designated narcotic K9 handler/trainer will be authorized to accept receipt of training aid shipments. The designated receiver will check delivery against manifest at time of receipt.

Disposal of all narcotic training aids issued will be conducted only at an approved County, State, or Federal narcotic return/disposal forum and all associated paperwork will be kept in the “Received/Disposed Training Aids” ledger.

Records of training aids used will be kept in a separate ledger entitled “Use of Training Aids” and will be limited to the name of the handler, name of substance, quantity of substance, purpose for use (“K9 training”), date, time signed out, and date, time signed back in. This ledger will be stored separately and securely away from narcotic cabinet.

**Transport**

All narcotic detection K9 training aids are to be transported in a Ray Allen Narcotic Safe Kit (or other similar/authorized transport device) in the locked condition. This Safe Kit will be secured to the transport vehicle at all times that it is in the transport vehicle. When the training aids are placed back into the narcotic cabinet, the safe kit shall be stored, in the locked condition, under the narcotic cabinet for future use.
Purpose

The purpose of this Order is to establish procedures for the management of non-agency firearms stored by the University at Albany Police Department.

Policy

It will be the policy of the University at Albany Police Department to process requests for authorization to store firearms on campus and to storage authorized firearms in a manner consistent with New York State law and SUNY Board of Trustee, University and Department policy.

Procedure - Authorization

1. Under New York State law it is a crime to possess a rifle, shotgun or firearm in or upon a building or grounds owned and maintained by the State University of New York without the written authorization of the President of the University.

2. The University Police will provide storage only for those weapons owned by the University and those duly authorized by the president.

3. Upon request the University Police will provide copies of the “Request for Authorization to Store a Firearm On-Campus” and the “Firearms Release of Liability” forms to any person who wishes to apply for authorization to store a weapon on campus.

4. Completed forms may be submitted for review by appointment only. Applicants must contact the Investigations Unit for an appointment and must bring identification and the completed forms to the appointment.
5. Upon intake the request shall be assigned to an investigator for review. The assigned investigator will be responsible for:

   a. Addressing any questions that are raised on the forms submitted,

   b. Compiling any history our department may have with the requesting person,

   c. Meeting with the Office of Community Standards to review any contact that office may have had with the requesting person and to obtain the Director’s recommendation for or against authorization,

   d. Compiling and forwarding to the Chief of Police the results of the review of the request paperwork.

6. Upon reviewing the information brought forward by the assigned investigator the Chief of Police shall recommend either for or against authorization and forward the request form to the University President for approval or denial.

7. Unless specifically noted authorization, if granted, is for storage only and not for general carry on campus. Authorized persons may possess the weapon on campus only for the purpose of bringing the weapon directly to the University Police Department to be stored or taking the weapon directly off campus when retrieving the weapon from storage. A copy of the authorization letter must be on the person of anyone who possesses a weapon on campus under this policy.

Procedure - Storage

1. Firearms may be stored on campus only with the express authorization of the President of the University.

2. The armory within the University Police Building is the only authorized location at which firearms may be stored on campus.

3. When a request is made by a member of the university community to either pick up or drop off a firearm, the on duty Lieutenant will process the request. In the absence of a Lieutenant the on duty Investigator or OIC will be designated to process said request.

4. The owner will present to the Lieutenant, Investigator or OIC:

   a. The Request for Authorization to Store a Firearm On-Campus form, bearing signatures and the approval of the University President.

   b. The Firearms Release of Liability form bearing the owner’s signature.

   c. Identification.
5. The Lieutenant, Investigator or OIC will check forms to see that they are in order. The forms will then be inserted into the binder labeled Stored Weapon Log that is located in the Communications area. Once these forms are on file with the department they do not have to bring a copy with them each time they store or retrieve a weapon that is already on file. (Note: they still must have a copy of the authorization with them whenever they possess the weapon on campus.)

6. The owner will complete the log sheet and present valid picture ID that will be compared to the person making the request.

7. The owner will make certain that the firearm is unloaded and that the action is open. The department member taking the weapon into storage or releasing it will verify this.

8. Firearms will be stored in the designated cabinet located in the armory. The keys for the cabinet are located in Dispatch Key Box # 2.

9. The make, model and serial number will be verified by department personnel whenever a weapon is signed in or out. The owner must sign for the weapon each time it is retrieved or returned.

10. The chief firearm instructor will inspect the designated firearm cabinet on a monthly basis and will report any discrepancies to a member of the command staff.

11. Ammunition may be accepted into storage only when secured in a container separate from the firearm. Such container must be secured with a locking device. No charged magazines will be accepted into storage. The University reserves the right to limit the amount and/or type of ammunition that will be accepted into storage.
Annex A - Vehicle Repair Request

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Phone</th>
<th>Email</th>
<th>ID</th>
<th>Department</th>
<th>Type of Damage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
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**NOTE**

Date placed back into service:

In service: □ Yes or □ No

Problem reported or fixed by:

Below listed out by service manager:

Other sufficient:

Desire Problem:

□ Tire

□ License

□ Tire

□ Tires

□ Camera

□ Other

Report Required:

□ Yes

□ No
Annex B - Investigative Lead Form

Field Contact/Investigative Lead

Complete all known fields. If a field is unknown or not applicable, fill in that field with UNK or N/A. Attach completed form to an email and send to investigators and the deputy chief.

Name:

Campus Address:

Home Address:

DOB:

Phone #:

Associated Vehicle:

Related incident #:

Narrative/Information to pass on:
Annex C – Pre-Search Planning Checklist

Pre-Search Planning Checklist

1. Target Location Considerations

a. Can the site be penetrated by gunfire?

b. Does the target site pose a fire hazard?

c. Are there underground parking facilities, attached garages, or additional buildings on the curtilage?

d. Where are the access points, on upper and lower levels, approach issues related to access points, and points of cover at approach point(s)?

e. Which way do doors and windows open?

f. Does the target site have an alarm system or warning device?

g. Is there evidence of reinforced entrances or fortifications?

h. Barred windows or doors

i. Backing mesh

j. Appearance of double locks on doors?

k. Are there any lookouts, and if so, where, how many, warning devices used, signals?

l. Evidence of children, such as bicycles or swings?

m. Evidence of elderly, disabled, handicapped or other uninvolved persons?

n. Unusual obstacles to entrance?

o. Can a reasonably accurate floor plan be obtained or constructed?

p. Attitude of neighbors: hostile or friendly?

q. Evidence of dogs? If so, how can they best be controlled?
Where is the electrical box and is it accessible?

2. Target Suspect Considerations
   a. How many suspects and other persons are involved at the site at particular hours?
   b. Are they involved in narcotics?
   c. Is there gang involvement?
   d. What is the background of the principal suspect(s)?
   e. Are there recent photographs or sketches of the suspects?
   f. What are the capabilities and backgrounds of suspects?
      i. Criminal record
      ii. Previous method of operation
      iii. Likelihood of resistance
      iv. Physical and mental conditions of suspects
      v. Scope of criminal involvement of suspects
      vi. Experience in martial arts
      vii. Other abilities/capacities to resist arrest
   g. What are the weapons background or suspects?
      i. Previous record of weapons use;
      ii. Pattern of being armed (e.g., when and how)
      iii. Military background
      iv. Access to weapons
      v. Weapons registered to suspect(s)
      vi. Knowledge of use of explosives
   h. Access to transportation
i. Registration and description of vehicles;

ii. Locations of involved vehicles for purpose of securing them during warrant service

3. Preparation Considerations

a. Establish date and best time of warrant execution.

b. Establish staging area.

c. Establish briefing time and location.

d. Additional tactical considerations:

i. Prevention of escape

ii. Number of personnel needed and assignments

iii. Individual and team areas of responsibility

iv. Route to location and deployment route

v. Security and communications at staging area

vi. Equipment requirements

e. Can the location be secured upon completion of warrant service or will officers be needed to safeguard the location following service?

f. Should a surveillance team be left behind following service to identify other persons who might enter the location?

g. What is the best method of entry and order in which personnel should enter?

h. Will diversionary tactics be needed?

4. Tools, Equipment, and Specialized Personnel Considerations

a. Based on the target location, suspects involved, and armament, should SWAT be used to perform the warrant service or assist? Special consideration in this matter should be given to:

i. Specialized equipment needed for entry (e.g., torches, explosives)
ii. Whether the site is fortified, employs lookouts, booby traps, etc

iii. Whether the scope, complexity, and danger of service exceeds the training and experience of officers available

b. Raid jackets or other identification.

c. Flashlights (even in daylight for darkened interiors).

d. Protective equipment.
   i. Soft body armor (mandatory)
   ii. Ballistic vests or shields
   iii. Visors or goggles
   iv. Gloves

e. First aid kits.

f. Sledge hammer.

g. Pry bars.

h. Radios.
   i. Tactical frequency needed and available
   ii. Earpieces needed
   iii. Batteries charged

i. Additional handcuffs, flexcuffs, or other restraints?

j. CO2 fire extinguishers (for animal control and fires)?

k. Evidence bags, boxes, and related containers consistent with the evidentiary items that need to be collected?

l. Cameras and video recording equipment?

m.

Note:
i. Consideration should be given to taking pre- and post-warrant execution photographs of the target location. Photos may be taken by available team members or where necessary, by evidence technicians or related forensic personnel.

ii. All photographs taken are departmental property and shall be retained in the Lead Investigator’s case folder and/or in evidence storage.

n. High-intensity lighting, as necessary.

o. Canine teams.

p. Ambulance or EMT standbys?

q. Fire department standby?

r. City, county, or state prosecutor
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