# Table of Contents

NEW YORK STATE UNIVERSITY POLICE AT ALBANY

**GENERAL ORDER 1 LAW ENFORCEMENT ROLE AND AUTHORITY**

1.1.1 Mission, Values and Guiding Principles ................................................. 1
1.1.2 Oath of Office, Code of Ethics, and Code of Conduct ............................... 3
1.1.3 Written Directive System ......................................................................... 5
1.1.4 Goals and Objectives .............................................................................. 11
1.2.1 Limits of Authority and Discretion .......................................................... 13
1.3.0 Use of Force ......................................................................................... 16
1.3.1 Use of Force Procedures ........................................................................ 22
1.3.2 Authorized Use of Force Tools: Requirements, Uses and Considerations 28
1.3.3 Use of Force Reporting and Review ......................................................... 55
1.3.4 Officer Involved Shootings ..................................................................... 67
1.5.1 Preventing Biased Profiling and the Perceptions of Biased Policing ......... 78
1.6.1 Digital Audio Recorders ......................................................................... 82
1.6.2 Body Worn Cameras ............................................................................. 84
1.7.1 Naloxone ............................................................................................... 87

**GENERAL ORDER 2 AGENCY JURISDICTION AND MUTUAL AID** ................. 89

2.1.1 Agency Jurisdiction ............................................................................... 89
2.1.2 Mutual Aid ........................................................................................... 90

**GENERAL ORDER 5 FISCAL MANAGEMENT** .................................................. 93

5.1.1 Fiscal Responsibility .............................................................................. 93

**GENERAL ORDER 6 PROPERTY** .................................................................. 95

6.1.1 Requisition of Property ......................................................................... 95

**GENERAL ORDER 8 RECORDS** ................................................................. 97

8.1.1 Calls for Service Records ....................................................................... 97
8.2.1 UCR, Clery Act, and Other Required Reports ....................................... 99
8.7.1 Preparation of Reports and Records Management ................................ 100
26.1.8 Early Warning System 239
GENERAL ORDER 29 COMMUNITY RELATIONS 242
29.4.1 Crime Victims Assistance 242
29.6.1 Sex Offender Registry 243
29.7.1 Encountering Transgender Individuals 246
GENERAL ORDER 32 RECRUITMENT AND SELECTION 249
32.1.1 Responsibility for Recruitment and Selection 249
32.1.2 Candidate Background Investigations 252
GENERAL ORDER 33 TRAINING 255
33.1.0 Training 255
33.1.1 In-Service Training 259
33.2.1 Basic Training for Police Officers 262
33.3.1 Specialized Training 263
33.4.3 Field Training Programs 265
33.4.4 Basic Training for First-Line Supervisors 269
GENERAL ORDER 34 GRIEVANCES 270
34.4.5 Grievance Procedures 270
GENERAL 35 PROMOTION AND PERFORMANCE 271
35.13.1 Personnel Performance Evaluations 271
35.15.1 Promotion Process 276
35.17.1 Employee Awards and Recognition 278
GENERAL ORDER 39 VEHICLES 282
39.3.2 Inspection, Operation and Police Vehicle Response 282
GENERAL ORDER 40 PATROL 290
40.1.1 Patrol Function 290
40.1.2 Supervisor Presence and Command Protocol at Incident Scenes 295
40.1.3 Minimum Coverage 297
40.1.5 Pre-Shift Briefing 298
40.1.7 Fires/False Fire Alarms 300
40.1.8 Staffing at Events
40.1.9 Elevator Calls – Trapped Passenger(s)
GENERAL ORDER 41 EQUIPMENT
41.3.8 Network and Records Management System Procedures
GENERAL ORDER 42 CRIMINAL INVESTIGATION
42.0.0 Criminal Investigations Unit
42.0.1 Investigative Case Management
42.0.2 Interview and Interrogation Procedures
42.0.4 Juvenile Operations
42.0.5 Use of Informants
42.0.7 Use and Dissemination of Information Pertaining to Vice and Organized Crime
42.0.8 Fingerprinting and Photographs
42.1.5 Missing Persons
42.1.6 Responding to Sexual Assaults
42.1.7 Hate Crimes
GENERAL ORDER 43 CRIME SCENES
43.1.1 Incident Scene Processing and Investigation
43.1.3 Photographs as Evidence
43.1.4 Labeling of Physical Evidence
43.1.5 DNA Collection for NYS Databank
GENERAL ORDER 44 DOMESTIC INCIDENTS
44.1.1 Response to Domestic Incidents
GENERAL ORDER 46 EMERGENCY RESPONSE PLANS
46.1.1 Emergency Personnel Mobilization Plan
46.1.2 Strikes and Picket Lines
46.1.3 Civil Disturbances and Mass Arrests
46.1.4 Pandemic Influenza Response Plan
46.1.5 Explosive Device Threat Procedures
46.1.9 Infectious Disease Control
46.1.11 Incident Command System 415
47.0.0 Search and Seizure 418
47.1.0 Search Warrants 419
47.1.1 Search Warrant Exceptions 428
47.2.0 Street Encounters and Pat-Down Searches 437
47.3.0 Strip Searches and Body Cavity Searches 442
GENERAL ORDER 52 INTERNAL AFFAIRS 446
52.1.1 Investigations of Misconduct and Citizen Complaints 446
GENERAL ORDER 53 INSPECTIONS 462
53.1.1 Inspections 462
GENERAL ORDER 54 PUBLIC INFORMATION 464
54.1.1 Public Information and Media 464
GENERAL ORDER 55 VICTIM/WITNESS ASSISTANCE 467
55.2.6 Notification of Next of Kin 467
56.1.0 Situations Involving Foreign Nationals 469
GENERAL ORDER 61 TRAFFIC 475
61.7.1 Vehicle and Traffic Law Enforcement 475
61.7.2 Professional Traffic Stops 478
61.7.3 High Visibility Clothing 483
61.7.4 Speed Measuring Devices 484
61.7.5 Driving While Intoxicated (DWI)/Driving While Ability Impaired (DWAI/Drugs) Investigations and Procedures 486
61.7.6 Assistance to Motorists and Hazardous Highway Conditions 496
61.7.7 Motor Vehicle Accidents 498
61.7.8 Vehicle Towing and Impound Procedures 503
GENERAL ORDER 71 ARREST 509
71.0.1 Arrest without a Warrant 509
71.1.1 Custodial Arrest 511
71.1.2 Non-Custodial Arrest 514
71.2.1 Arrest Warrants 517
71.3.1 Acceptance of Civilian Arrests 522

GENERAL ORDER 72 TEMPORARY DETENTION 523
72.0.0 Temporary Detention 523
72.1.1 Encountering Persons in Crisis 524
72.2.2 Dealing with Persons Incapacitated by Alcohol and/or Other Substances 527

GENERAL ORDER 73 PRISONER OPERATIONS 529
73.1. Prisoner Operations 529
73.2.2 Recording Custodial and Non-Custodial Interviews 537

GENERAL ORDER 74 LEGAL PROCESS 541
74.3.2 Arrest Warrant Execution 541

GENERAL ORDER 81 COMMUNICATIONS 543
81.1.2 Communications Operations 543
81.2.1 Telephone Operations 550
81.2.2 Telephone Recording System 552
81.2.6 Access to Resources – Employee Telephone Numbers 554
81.2.7 Department Issued Cellular Telephones 555
81.2.8 Personal Wireless Access Equipment 558
81.2.9 New York State Integrated Justice Portal Procedures 560
81.2.13 Response to Alarms 565
81.5.5 Intra-Departmental Cooperation and Communication 567
81.5.6 Social Media 569

GENERAL ORDER 82 RECORDS 576
82.1.0 Guidelines for University Assigned Computer Accounts 576
82.1.1 Student/Staff Information Disclosure 584
82.1.7 Computer/Copier Usage 585
82.2.1 Department File Access 586
82.2.4 Digital Camera Procedure 587
82.8.6 Statistics and Daily Crime Log 590
84.1.1 Storage and Transfer of Evidence
84.1.2 Lost and Found Property
84.1.3 Narcotic Training Aids
84.1.5 Non-Agency Issued Firearms Storage

ANNEX
Annex A - Administrative C – Form Procedures
Annex B - Firearms Off-Duty Sign out Log
Annex C - Department Forms
Annex D - MOU – UPD and the City of Albany
Annex E - MOU – UPD and the Town of Guilderland
Annex G - Honor Guard
Ops Annex A - Vehicle Repair Request
Ops Annex B - Investigative Lead Form
Ops Annex C – Pre-search planning checklist
Ops Annex D – Misconduct Levels
Ops Annex E – NYS Vehicle Safety Emissions Inspection Program
Foreword

Procedures and instructions appearing in this part of the manual supplement and expand on those more general procedures outlined in the State University of New York’s "Statewide Manual of Rules" published by the State University of New York System Administration.

From time to time, procedural items may be amended or supplemented. Such modifications will be accompanied by insertion instructions.

Each officer will be responsible for knowing the contents covered within this manual. He or she will also be responsible for updating the manual with subsequent revisions as authorized.

This manual will be available through the Department’s web site for ready access.

Introduction

The University at Albany Police Department is dedicated to the objective of maintaining order and security as well as providing services to the University community in such a manner that individual freedom and privacy is infringed upon as minimally as possible.

All of our efforts are focused on supporting the educational process. We should consider ourselves as educators each time we interact with a student, whether they are in the role of victim, suspect, witness or simply someone seeking information.

We must keep in mind that law enforcement officers have a unique opportunity to assist in the behavior modification process. Arrest is not an end in itself but rather one means to protect the public and get individuals into a behavior-changing system.

The University has resources not generally available to or used by police in the larger community. In minor situations involving students, they may be referred to the Office of Conflict Resolution and Civic Responsibility where sanctions and assistance are available which may ultimately be more beneficial to the student than the criminal court process.

The law enforcement effort best serves society when it prevents crime. Detecting crimes in progress and apprehending criminals subsequent to the commission of a crime are secondary to prevention in effectiveness.

This manual, the SUNY Statewide Manual of Rules, and the Manual for Police published by the New York State Police are guides by which we can perform our legal responsibilities. While they cannot proscribe officer behavior for every scenario an officer will encounter, the more important guidelines include:

• Analyze situations
• Use common sense
• Interfere as little as possible with the citizen's freedom
• Be firm, but courteous
• Do not abuse or overuse your very considerable authority
GENERAL ORDER 1 LAW ENFORCEMENT ROLE AND AUTHORITY

Purpose

The purpose of this General Order is to establish the mission, vision, values and role of the New York State University Police at Albany.

Mission

It is the mission of the New York State University Police at Albany to safeguard our community with the highest regard for the sanctity of human life by providing service which strives at all times to deliver proactive policing with a focus on integrity and service.

Vision

To be the nation’s premier provider of law enforcement and campus safety, seeking to eliminate crime and disorder by utilizing progressive, evidence-based policing methods and superior community involvement to build enduring trust, transparency, and cooperation between our department and the community we serve.
Values

- We preserve and advance democratic values
- We improve the quality of campus life
- We demonstrate professionalism
- We value human life; therefore, we treat all persons with courtesy and respect
- We are compassionate and caring
- We use force only when absolutely necessary and only as a last resort

Guiding Principles

- We respect the individual and believe that our employees are our department’s most valuable assets.
- We are dedicated to improving the quality of life in our department through interaction and concern for each other.
- We are committed to fair treatment of employees.
- We will provide our people full opportunity to contribute to the success of the department through involvement and participation in the policy-making process.
- We believe in teamwork.
- We seek cooperation from others and strive to understand others who might disagree with us.
- We seek to resolve conflict constructively.
- We are professional, creative, and enthusiastic.
- We always have a “can do” attitude.
- We support the goals of the University, the Division of Finance and Administration, and the Department.
SUBJECT

Oath of Office, Code of Ethics, and Code of Conduct

GENERAL ORDER NUMBER

1.1.2

DCJS STANDARDS
12.9, 14.1

EFFECTIVE DATE
September 30, 2009

REVIEWED DATE
July 13, 2016

APPLIES TO:
All Employees

REVISION DATE
February 13, 2018

APPROVAL

J. Frank Wiley, Chief of Police

1. **Purpose**

The purpose of this General Order is to set forth a code of ethics to which each member of the New York State University Police at Albany shall adhere.

2. **Oath of Office**

In conjunction with the filing of form C2686-1098, "Appointment/Removal of Police Officer," those persons appointed as police officers may be sworn by having administered to them by a duly authorized officer the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the position of the Office of University Police according to the best of my ability."

The chief administrative officer of a state-operated institution may remove any such police officer from office at any time, whereupon such member shall cease to have and to exercise police office powers.

3. **Code of Ethics**

Nothing in this section shall be construed to limit, impair or affect the right of any member to the expression or communication of a view, grievance, complaint or opinion on any matter related to their employment so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment. Further, nothing in this section, or any other section, is intended to restrict the individual rights guaranteed by the Constitution of the United States or the Constitution of the State of New York.

a. In dealing with the public, courtesy and avoidance of unnecessary demonstration of authority will be the guiding principles. Any use of force will be the minimal amount necessary and within the guidance of appropriate provisions of the Criminal Procedure Law of the State of New York.
b. Department members in contact with the public will conduct themselves in a dignified manner. Abusive language will not be used. Sarcasm, curtness, or non-concern with the problems of the public or an individual complainant, will not be demonstrated by any officer.

c. In conducting themselves as a professional, the officer will always remember that their behavior is a reflection not only upon themselves, but also on the department. Personal discipline will be consciously cultivated.

d. Whether in uniform or civilian attire, when an officer’s name and/or badge number is requested by a civilian, the officer shall provide it to the person requesting it.

e. Officers in civilian clothing shall identify themselves by name and displaying of a badge before taking any police action; or if otherwise requested to do so by a citizen. Identification cards will be furnished upon request.

f. In the presence of the public, New York State University Police at Albany employees will be referred to by title or rank and surname.

4. **Code of Conduct**

All members of the New York State University Police at Albany will adhere to Section IV (General Conduct) of the State University of New York Police Manual. This manual is located on the University Police Department’s website; the shared UPD General V Drive in the UPD Manuals folder and https://powerdms.com/link/IDS/document?id=211240
SUBJECT
Written Directive System

GENERAL ORDER NUMBER
1.1.3

DCJS STANDARDS
2.3

EFFECTIVE DATE
September 30, 2009

REVIEWS DATE
July 13, 2016

APPLIES TO:
All Employees

APPROVAL
J. Frank Wiley, Chief of Police

Policy

This General Order provides a guide for developing written directives that govern operations of the University at Albany Police Department. All directives affecting the department shall be accomplished in writing and disseminated to all affected department employees. The exception to this General Order would be an emergency or critical incident where timeliness prevents immediate issuance and/or distribution.

Definitions

1. General Order - A statement of department policy or procedure that is generally applicable throughout the department for an indefinite period of time. General Orders will be issued by the Chief of Police and will be distributed to every affected department employee.

2. Memoranda - Issued as a means to provide information or instructions that are temporary, or do not warrant issuance of a general order. May also be used to explain or emphasize portions of previously issued orders. Memoranda may be issued by all supervisory personnel, affecting only employees under their supervision. Directives contained in memoranda must not contradict or deviate from policies and procedures issued by a higher authority.

3. Policy - A broad statement of department principles and/or policy purpose listed at the beginning of a general order. The policy provides a context for development of procedures, rules and regulations.

4. Reference and Instruction Manuals - Manuals or bulletins containing detailed information and step by step procedural instructions may be developed as necessary for the purposes of training or reference. Preparation of training manuals will be coordinated with the Administrative Inspector by personnel with special skills, training, or experience relevant to the subject matter. All content must be approved by the Chief of Police or their designee.
5. **Special Order** - A written statement of department policy or procedure that is only relevant to a specific event or applicable for a specific period of time. Special orders will be issued by the Chief of Police or Command Staff, and will be distributed to every affected employee. In some circumstances, the Chief of Police may issue special orders that deviate from established general orders for a limited period of time specified in the directive.

6. **Written Directive** - A written directive is a document used to guide or affect the performance or conduct of department employees. A written directive includes any general order, special order, memorandum, and instructional or reference material issued by the Chief of Police or on their authority, or by any supervisor authorized by this order.

7. **Authority** - The Chief of Police has the authority to issue, modify, or approve all departmental written directives.

   The Chief of Police retains the authority to issue, modify, or approve general orders, and special orders that conflict or deviate from standing directives contained in general orders.

   The Chief of Police has delegated the authority to issue special orders to the command staff except where such orders would conflict or deviate from standing directives contained in general orders.

   The Chief of Police has delegated the authority to issue internal memoranda to the Command and Supervisory staff.

**Terminology and Meaning**

No provision or item in any written directive is to be construed to mean something other than the plain meaning of the language used.

No provision or item is to be construed so as to defeat its obvious intent.

Use of words “shall” and “will” are directory instructions that do not necessarily create an entitlement. Use of the word “may” indicates permissive circumstances. Use of the word “should” indicates that the procedure is not mandatory but that it would be in the best interest of the department if it were followed in most cases.

Titles used will not govern, limit, modify, or affect the scope of meaning or intent of any directive.

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.
**Format of Written Directives**

**General Orders** - General orders will be written using the designated template, font, and style.

General Orders are to be written in outline format with the introduction in Arial Black font (gray) size 14; section notations and titles in bold Arial Black font size 12; followed by and general text in regular Garamond font size 12.

The outline section format shall begin with a bold type Arial Black font size 12, followed by a four digit heading as follows:

1. “Sub-paragraph”
   a. “section”
      i. “sub-section”
         1. “clause”

General Orders in the Administrative/Personnel Manual shall be numbered consecutively and indexed by the Administrative Inspector, according to the following categories:

Chapter I...............Law Enforcement Roles, Responsibilities, and Relationships

Chapter II..............Organization, Management, and Administration

Chapter III..............Personnel Structure

Chapter IV..............Personnel Process

General Orders in the Operational Manual shall be numbered consecutively and indexed by the Administrative Inspector, according to the following categories:

Chapter I...............Law Enforcement Operations

Chapter II..............Operations Support

Chapter III..............Traffic Operations

Chapter IV..............Arrest and Court-Related Activities

Chapter V..............Auxiliary and Technical Services

**Special Orders** - Special orders shall be numbered consecutively by year, and will include the topic and effective date(s) in the heading.

Example: Special Order 2009-004, UAlbany Fountain Day, 04/28/09
Memoranda - Memoranda shall be numbered consecutively by year. This number will be followed by the subject matter.

Example: Memo 2009-005 - Summer Uniforms

Manuals - Manuals and bulletins are formatted by the Training Lieutenant in a manner designed to facilitate its intended purpose.

Indexing, Purging and Revision of Directives

Indexing and Publication - The Administrative Inspector coordinates the numbering, indexing and publication of written directives. These written directives will be published in a manner sufficient to ensure distribution in accordance with departmental policy. The Administrative Inspector shall provide an electronic copy of all general orders in a designated location on the department server for access by all affected personnel.

Purging and Revision - The Administrative Inspector shall review all General Orders at least once every five years and update, purge and revise existing general orders as needed. The Chief of Police may designate a more frequent policy review schedule for high liability policies.

Distribution of Written Directives

Employee Responsibility - Each employee is responsible for reading and maintaining a practical understanding of all written directives issued to them.

General Orders

Initial Introduction - All employees of the department shall be introduced to the General Order Manual at the time of their initial employment.

Master Electronic Version - A master electronic version of the General Order Manual will be maintained in the shared folder on the department server. The master electronic version will supersede any printed versions.

Updates - The Administrative Inspector is responsible for updating the master electronic version and distributing notice of revisions and amendments to members of the department.

Employee Responsibility - Sworn employees are required to read all General Orders and each revision or amendment, and abide by the directives contained therein.

Supervisor Review and Employee Acknowledgement – Each time a new General Order is implemented, or an existing one is revised or amended, a General Order Distribution Form will be completed by the Administrative Inspector which will identify the new or revised directive; and include a brief description of its provisions or revisions.
The General Order Distribution Form will then be distributed to the Shift Lieutenants review with personnel under their command.

Each member of the department must sign the form in acknowledgement they:

- Have been advised that a new or revised directive has been implemented.
- Must develop a working knowledge of all directives applicable to their job title.
- Are responsible to seek clarification for any item for which they are uncertain.

Whenever time permits, new and revised General Orders will be distributed to supervisors prior to their effective date so that they may become familiar with their provisions before reviewing them with subordinates.

**Memoranda** - Memoranda shall be distributed to those individuals and department components that are affected. An electronic version of all memoranda will be maintained in a shared folder on the department server. The Administrative Inspector will purge all memoranda from this folder three years after issuance.

**Distribution Method** - The method of distribution for written directives, with the exception of reference and training manuals, shall be through the department electronic mail system.

Significant written directives may be disseminated through physical distribution and/or electronic distribution at the discretion of the distributing supervisor.

Supervisors shall take necessary steps to track the distribution of written directives and retain the tracking information for future use.

Shift Supervisors should review recent directives during pre-shift briefing to ensure understanding and compliance.

Physical copies of General Order Manuals shall be maintained in the following locations:

- Pre-Shift Briefing Room
- Supervisors Office
- Communications Office
- Administrative Office

**Draft Policy and Procedure Review:**

Modifications, consisting of changes or additions to currently issued policy and procedure statements or rules and regulations, may, at the direction of the Chief of Police, be made available for review and comment by department personnel.
In such cases, proposed policy and procedure statements, and rules and regulations will be placed on a designated bulletin board or electronic posting, for review by employees. Comments should be directed to the Administrative Inspector.
**Purpose**

The purpose of this Order is to set forth the policies and procedures relating to the establishment and maintenance of department goals and objectives.

The establishment of annual goals and objectives is necessary in order to coordinate and direct the efforts of the department as well as to define, analyze, and propose workable solutions to problems encountered or anticipated by the department. The establishment and routine updating of goals by the department ensures direction and unity of purpose and serves as a basis for measuring progress.

**Policy**

The University at Albany Police Department actively develops and utilizes goals and objectives as an integral part of its management function. Annual goals and objectives are based on the fiscal year, July 1 to June 30. The Chief of Police is provided input for department goals and objectives by organizational components of the department through their respective divisions.

**Procedure**

Each organizational component formulates goals and objectives for their area using the following format:

**Statement of Goals** - Statements of broad purpose or general intent that are timeless and not confined to a specific deadline. This statement describes the general goal of each component.

**List of Objectives** - Specific accomplishments to be completed within a specified time frame with specified conditions that have measurable results. Objectives are specific accomplishments that serve to direct the component toward its goal.

**Description of Actions** - Specific actions to be taken in order to meet objectives.
After formulation of goals and objectives by each component of the department and submission to the Chief, a single department plan is consolidated during annual strategic planning sessions. This annual session normally takes place in May or June, and includes command staff personnel, supervisory personnel and representation from police officers.

The plan will be distributed to all personnel and periodic review meetings will be scheduled by the Chief of Police in order to examine and evaluate the progress of the plan. Periodic review may be conducted in one or more of the regularly scheduled staff meetings.
1. Purpose

The purpose of this Order is to define the legally and judicially mandated authority for the enforcement of laws; to set forth guidelines concerning the use of discretion by officers; to define the authority, guidelines and circumstances when officers should exercise alternatives to arrest and pre-trial confinement and to establish procedures for assuring compliance with Constitutional requirements during criminal investigations.

2. Policy

The U.S. Constitution guarantees every citizen certain safeguards from government intrusion into their lives and these safeguards serve as a basis for the application of criminal justice in the United States. Consequently, these safeguards have placed limitations on the authority of police officers to enforce the laws of the nation, state, city and county. In addition, other legal documents limit the authority of State University of New York Police Officers. Police Officers of this department must remain aware of the guidelines set forth in this policy concerning the limits of law enforcement authority, the exercising of individual discretion and the limits of individual discretion. Each sworn member of the New York State University Police at Albany is accountable for the use of their delegated authority.

a. Law Enforcement Authority to Enforce Laws

The law enforcement authority given to members is pursuant to §355.1 of the New York State Education Law and §1.20.34(s) of the New York State Criminal Procedure Law.

i. New York State Criminal Procedure Law §1.20.34(s) grants, “Except where different meanings are expressly specified in subsequent provisions of this chapter, the term definitions contained in section 10.00 of the Penal Law are applicable to this chapter, and, in addition, the following terms have the following meanings:

1. Police officer - The following persons are police officers:

   A university police officer appointed by the State University pursuant to paragraph 1 of subdivision two of section three hundred fifty-five of the education law.”
ii. New York State Education Law §355.1 grants, “The state university trustees are further authorized and empowered, subject to the provisions of the plan or general revisions thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter:

1. To appoint university police officers who shall have the powers of police officers and to remove such police officers at pleasure; provided, however, that any person appointed a police officer must have satisfactorily completed or complete within one year of the date of his/her appointment a course of law enforcement training approved by the municipal police training council in consultation with the university. It shall be the duty of such police officers to preserve law and order on the campuses and other property of the university, including any portion of a public highway which crosses or abuts such property. Subject to the approval of the chancellor, the president of each state-operated campus of the state university shall enter into a written agreement with adjoining law enforcement agencies establishing protocols for the exercise of authority by such university police officer off-campus, including mutual aid and assistance. Such written protocols shall not be deemed to supersede the authority of other police officers. The provisions of this paragraph shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.”

2. Pursuant to this statute, the New York State University Police at Albany and its appointed police officers serve to ensure that the peace and order of the university community is maintained at all times.

iii. Off-Duty Authority

1. While department members are off duty, they are encouraged to contact the local police whenever faced with a situation requiring a police response (refer to §140.10 of the New York State Criminal Procedure Law for specifics regarding warrantless arrests while off duty).

2. Whenever a member is involved in an off-duty encounter where they have, as a sworn or non-sworn member of this department, taken some action based on their status, they will contact the supervisor or commander on duty. In addition, a detailed written report will be submitted as soon as practical.

iv. Constitutional Basis for Policing

1. This agency is committed to carry out our police functions in an ethical and legal manner pursuant to the US Constitution as well as federal, state, and local statutes as interpreted by the judiciary. We support the Constitution rights of all citizens and operate in a manner to instill public confidence. These principles are evident in our mandates and practice, and no section of our General Orders is designed to permit any action deemed to be unconstitutional or illegal.
v. Discretion

1. All members will responsibly use the discretion vested in their position and exercise it within the limitations of the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any official action shall be taken.

2. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than official action, which may be the appropriate option in certain circumstances, can be a more effective means of achieving a desired end.
1. **Purpose**

The purpose of this Order is to provide officers with procedures on the use of lethal force and less lethal force.

2. **Policy**

It is the policy of the New York State University Police that when force is necessary to achieve a lawful objective, officers shall use only the amount of force reasonable and necessary, while also maintaining a high degree of safety for the public and the officers.

In the performance of their duty, police officers routinely must make decisions relative to the use of force. The responsibility for making appropriate decisions is a constant reality and is further heightened by the fact that the officer must often make these decisions under the worst of circumstances. Failure to use force when it is reasonable and necessary may very well mean injury or death to the police officer and/or innocent persons.

a. **Force Continuum**

i. The Use of Force continuum reflects the escalating and decreasing levels through which an officer can obtain compliance. The levels of force commence at the level of the officer’s mere presence and culminate with the use of lethal physical force. The officer’s own assessment of a particular situation shall determine the level at which he or she begins on the continuum. The principles of escalation and de-escalation shall be applied whenever feasible.

ii. When the subject’s resistance or aggression decreases or stops, the amount of force applied by the officer should be de-escalated accordingly. Officers should use only the amount of force that is proportional to and necessary to overcome the level of resistance or aggression offered by the subject. The amount and type of force that is reasonable depends on the specific nature of the circumstances in each incident, including but not limited to:
1. The type of incident

2. The existence of alternative methods of control

3. The physical size, strength, special knowledge, and weaponry of the subject relative to that of the officer

4. The availability of back-up and the number of persons involved in the incident

iii. The conduct of the subject(s) against who force is being contemplated and any prior knowledge by the officer of contact or experience with the subject (i.e. known to be armed and dangerous or combative).

NOTE: Since the subject’s actions or conduct drives our actions, it is necessary to examine the subject’s level of resistance in relation to an officer’s response.

iv. Definitions of Levels of Resistance (Subject’s Actions / Conduct)

1. **Psychological Intimidation** - Non-verbal cues indicating a subject’s unwillingness to comply with an officer’s attempt at control, through an apparently resistant attitude, appearance and physical readiness to resist.

2. **Verbal Non-Compliance** - Verbal cues indicating a subject’s unwillingness to comply with an officer’s attempt at control, through resistant or threatening statements or other “fighting words.”

3. **Passive Resistance** - Physical actions that do not prevent an officer’s efforts at control, but fail to cooperate with those efforts. An example is “dead weight.”

4. **Defensive Resistance** - Physical actions that attempt to prevent an officer’s attempts at control but do not attempt to harm the officer. Examples include pulling away or locking the body in a fetal posture.

5. **Active Aggression** - Unarmed physical actions that attempt to harm the officer. Examples include punches and kicks.

6. **Aggravated Active Aggression** - Armed assault upon the officer or a member of the public.

v. Force Continuum (Officer’s Response) / Definitions of Levels of Control

1. **Officer Presence** - The control manifested by the presence of an officer, whether uniformed or not, on the scene.

2. **Verbal Direction** - The control manifested by the officer’s use of spoken commands and directions.
3. **Soft Empty Hand Control** - The use of physical strength and skill in defensive tactics to control subjects that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

4. **Soft Intermediate Weapon Control** - The use of an implement to effect control, in a manner that is unlikely to result in physical injury. Examples include handcuffs, and aerosol subject restraints (Oleoresin Capsicum Spray).

5. **Hard Empty Hand Control** - Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

6. **Hard Intermediate Weapon Control** - The use of an implement to effect control, in a manner that manifests an increased likelihood of physical injury. Examples include use of impact weapons (Less Lethal Batons, Collapsible Batons (ASP), Patrol Deployment of K9 and Electronic Control Device - Advanced Taser).

7. **Lethal Force** - Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal force is an extreme measure and shall only be used in accordance with the law.

vi. **De-Escalation**

1. Policing requires that at times an officer must exercise control of a violent or resisting subject to make an arrest, to protect the officer, or other officers, or members of the community from risk of imminent harm. Clearly, not every potentially violent confrontation can be de-escalated, but officers have the ability to impact the direction and the outcome of many situations they encounter based upon their decision making and the tactics they choose to employ.

2. When reasonable given the totality of the circumstances, officers should gather information about the incident, assess the potential risks, assemble resources, attempt to slow momentum, communicate and coordinate a response. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion and other tactics and alternatives than higher level force. Officers should recognize that they may withdraw to a more tactically secure position allowing them greater distance to consider, or deploy, a variety of Force options. Officer shall perform their duties in a manner that avoids unduly jeopardizing their own safety, or the safety of others, through use of poor tactical decisions.
3. The prospect of a favorable outcome is enhanced when supervisors are involved in the overall management of responses to potentially violent encounters by coordinating resources and the tactical actions of officers. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform to a standard. As a good practice, supervisors will acknowledge and respond in a timely manner to incidents where police use of force is probable.

vii. Determining Objectively Reasonable Force

1. United States Supreme Court decisions and interpretations of the United States Constitution’s Fourth Amendment state a police officer may only use force as is “objectively reasonable” under the totality of the circumstances. Originally, the constitutionality of use of force incidents was examined by the courts in accordance with Graham V. Connor, 490 U.S. 386 (1989) and has subsequently been expanded by further court cases. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with 20/20 vision of hindsight. The reasonableness must account for the fact that officers are often forced to make split second judgements in circumstances that are tense, uncertain and rapidly evolving.

2. The reasonableness inquiry in reviewing use of force is an objective one: the question is whether the officer’s actions are objectively reasonable in light of the facts and circumstances before them. The officer’s perception will be considered along with other factors that may affect the reasonableness of force. These factors may include but are not limited to:
   
a. The severity of the crime(s) at issue

b. Whether the subject possessed an immediate threat to the safety of the officer(s) or others

c. Whether the subject is actively resisting arrest or attempting to evade arrest by flight

d. The influence of drugs, alcohol or the mental capacity of the subject

e. The time available to an officer to make a decision

f. The availability of officers or other resources to de-escalate the situation

g. The subject’s proximity or access to weapons

h. The environmental factors and/or other exigent circumstances

3. The officer will use a level of force that is necessary and within the range of “objectively reasonable” options. When use of force is needed, officers will assess each
incident to determine, based upon policy, training and experience which use of force option will de-escalate the situation and establish control in a safe and prudent manner. Reasonable and sound judgement will dictate the force option to be employed. Therefore, the department examines all uses of force from an objective, rather than subjective, standard.

viii. Definitions

1. **Active Shooter** - An active shooter is an armed person who has used lethal force on other persons and continues to do so while having unrestricted access to additional victims.

2. **Authorized** - Empowered or permitted to act.

3. **Force** - Any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes: aiming of a firearm, discharge of a firearm, use of OC spray, use of impact weapons, use of an electronic control device (ECD), taking a subject to the ground, and any physical contact that includes control techniques. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.

4. **Imminent Danger** - A condition in which an officer reasonably believes that someone is causing or is about to cause physical injury, serious physical injury, or death.

5. **Lethal Force** - Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal force is an extreme measure and shall only be used in accordance with the law.

6. **Necessary** - That which is essential, required, inevitable, or inescapable; cannot be avoided.

7. **Less Lethal Force** - Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.

8. **Police Officer** - A person employed/appointed by the State University of New York, licensed by the State of New York pursuant to Section §355-l of the New York State Education Law and Section §1.2034(s) of the New York State Criminal Procedure Law.

9. **Probable Cause** - Facts and circumstances within the officer’s knowledge and of which he or she has reasonably trustworthy information are sufficient to warrant an individual of reasonable caution to believe an offense has been or is being committed.
10. **Proximate Risk** - Proximate is defined in Black’s Law Dictionary as nearest; direct; or next in order. Risk is defined in Black’s Law Dictionary as hazard, danger, peril, exposure to loss, injury, disadvantage or destruction and comprises all elements of danger.

11. **Reasonable Belief** - The facts or circumstances the officer knows or should know are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

12. **Serious Physical Injury** - Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious physical injury.

13. **Special Knowledge** - Advance knowledge of any person who possesses special military and/or law enforcement training, training in the martial arts or experience as a professional fighter.

14. **Electronic Control Devices (ECD)** – A handheld device that utilizes propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system. The Department approved and utilized X26 or X2 is an electronic control device manufactured by Taser International, Inc.

15. **Use of Force Continuum** - The escalating and de-escalating levels through which an officer can obtain compliance. The levels of force range from the officer’s mere presence to the use of lethal physical force.

16. **Minimum Use of Force** - The least amount of force that will effectively permit an officer to accomplish a lawful objective while still maintaining a high level of safety for themselves and others.

17. **Warning** - Oral notice given by an officer, identifying themselves as a police officer, and of their intention to use force if the subject fails to halt to their threatening action (Not to be confused with a mere failure to halt fleeing).
### Subject

**Use of Force Procedures**

<table>
<thead>
<tr>
<th>DCJS STANDARDS</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
</table>

### General Order

**Number** 1.3.1

### Effective Date

November 20, 2015

### Reviewed Date

June 5, 2020

### Applies To

Sworn Personnel

### Approval

Paul C. Burlingame, Chief of Police

---

1. **Purpose**

The purpose of this Order is to establish policies and procedures for the using of force.

2. **Policy**

It is the policy of the New York State University Police at Albany to accomplish our mission as efficiently as possible, with highest regard for the human dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force, which includes personal strength, non-lethal weapons and lethal force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task. This Department will not tolerate excessive force.

3. **Procedure**

   a. **Use of Less Lethal Force**

      i. A sworn police officer of the New York State University Police at Albany is authorized to use reasonable less lethal force to overcome unlawful physical resistance when necessary. These situations include but are not limited to:

         1. To effect a lawful arrest
         2. To control a person or enact protective custody
         3. To prevent escape or recapture an escapee
         4. To restrain or apprehend a person attempting to cause self-inflicted harm
         5. To disperse an unlawful assembly
6. To suppress a riot or breach of peace

7. To defend oneself, or another, from physical aggression

8. To overcome an impediment when responding to an emergency (e.g. persons obstructing police from responding to a need for assistance)

ii. The primary purpose of less lethal weapons is to provide officers with an advantage when defending against or apprehending a suspect. Officers should not rely on these weapons and techniques to protect themselves from an imminent threat of serious bodily injury, death, or to overcome armed resistance. They are not intended for such use.

Only the amount of force reasonably necessary to effect an arrest or control a person shall be used.

b. Use of Lethal Force

i. A sworn police officer of the New York State University Police at Albany is authorized to, and may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. This may include effecting the capture or preventing the escape of a subject whose freedom represents an imminent danger of death or serious physical injury.

ii. Whenever feasible, prior to the use of a firearm, police officers shall identify themselves and issue clear direction to the subject. An example would be “Police. Don’t Move.” (Standard Police Challenge)

iii. A sworn police officer of the New York State University Police at Albany is authorized to use lethal force to dispatch dangerous animals that pose an imminent danger of serious physical injury or death to the officer or others. A seriously wounded, sick or injured animal, whenever practicable, will be handled by Albany or Guilderland Animal Control in accordance with their policies.

c. Use of Lethal Weapons

i. Prematurely or unnecessarily drawing or displaying a firearm may limit an officer’s alternatives in controlling a situation and creates unnecessary anxiety for citizens.

ii. An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is substantial, proximate risk that the situation may escalate to the point where lethal force may be justified.

iii. When an officer has determined the threat no longer exists, the officer shall secure or holster the firearm as soon as practical.
iv. Examples which an officer may be justified in drawing their weapon include but are not limited to:

1. A situation involving an active shooter

2. A situation involving a suspect armed with an implement or object capable of causing serious bodily injury or death, and whose actions are threatening (e.g. an axe, edged weapon, bat, board, pipe, club, etc.).

3. A suspect with a gun or reported to have a gun.

4. Another officer verbalizing “GUN!”

5. Contact with a suspect considered to be armed and dangerous.

6. Executing a warrant where the nature of the incident poses an increased risk of serious physical injury to the officer. (e.g. building search with circumstances which lead the officer to believe a burglary has taken place, a high risk traffic stop, etc.).

d. Use of Force Prohibitions

i. The use of any force, up to and including lethal force, not reasonably necessary is expressly forbidden. Officers shall not unreasonably endanger themselves, or the public, in application of this policy.

ii. Except for maintenance, end of shift storage or during training, police officers shall not draw or display their firearm unless circumstances create reasonable cause to believe it may be necessary to use the weapon in congruence with this policy.

iii. The use of achokehold or neck restraint is prohibited.

iv. The use of any restraints, techniques or instruments (as weapons) for which training has not been provided (e.g. flashlights or keys) are not authorized for use by members of this agency. Officers are only authorized to carry weapons sanctioned by the department and listed in General Order 1.3.2 Requirements, Uses and Considerations https://powerdms.com/link/IDS/document/?id=152614

v. This language shall not be construed as preventing an officer from utilizing any force, tool or technique reasonably necessary to protect themselves, or a third party, from serious bodily injury or death when the use of such tool for force is the officer’s option of last resort. The use of any unconventional tool or technique must be reasonably justifiable as an option of last resort and the level of force consistent with other requirements imposed by this policy.

1. For example, a flashlight is not an authorized defensive weapon and any use of a flashlight as a weapon is outside of department policy and authorization. However, an officer facing a use of force situation where the only tool they may have at their ready disposal they would
be forced to use such tool in a manner for which it was not intended. Depending on the totality of the circumstances, such use may be justified.

2. Similarly, chokeholds, neck restraints and other similar techniques are documented to have caused unintended death and serious unintended bodily injury when used by police officers. Their use is prohibited by this policy. However, an officer facing a lethal force situation where such a technique is an option of last resort may be justified in utilizing a chokehold, or any other technique or tool necessary to prevent the situation from continuing. With any chokehold or neck restraint, the situation would have to be one that reasonably called for the use of lethal force by the officer.

vi. As soon as practical following any use of force, once restraints are applied or compliance is gained, the officer shall ensure the subject is positioned in a manner that facilitates the subject’s recovery.

vii. No person taken into custody shall be unnecessarily detained, or transported, in a face down, prone position due to the risk of positional asphyxia.

c. Suspicion and Flight – An officer may not use lethal force:
   
   i. Upon mere suspicion that a crime has been committed.
   
   ii. Upon mere suspicion that a threat exists or that a suspect may be armed.
   
   iii. Merely because a suspect is fleeing from an officer.
   
   iv. When effecting the capture, or preventing the escape, of a subject whose freedom does not represent an imminent threat of death or serious physical injury.

f. Risk to Innocent Persons – When employing lethal force, the officer shall not endanger innocent persons if it can reasonably be avoided.

g. Crimes – An officer may not use lethal force to apprehend or subdue persons whose illegal actions are not a threat to human life or do not constitute an imminent danger of serious physical injury or death to another.

h. Self-Inflicted Harm Situations – An officer may not use lethal force to apprehend or subdue persons whose actions are only injurious to themselves.

i. The use of firearms is prohibited in the following circumstances:
   
   i. Warning shots pose a danger to officers and other persons and are therefore prohibited.
   
   ii. Firing at or from a moving vehicle is prohibited, unless exigent circumstances exist.
   
   iii. Officers not having a clear target identification and field of fire are prohibited from firing.
j. Use of Force in Hostage Situations

i. It is this department’s policy to preserve the life of the hostage, citizens and law enforcement personnel and to safely apprehend the hostage taker or barricaded person. In the event of a hostage or barricaded subject situation, the New York State University Police at Albany will call upon The Albany Police Department, The New York State Police or any other agency deemed necessary to provide tactical assistance and hostage negotiations. These agencies will operate in accordance with the Incident Command System. Officers will attempt to avoid confrontations in favor of controlling and containing the situation until the arrival of trained tactical and hostage negotiation personnel.

ii. In exceptional circumstances, such as in life-threatening Active Shooter situations, where the hostage situation is dynamic and an officer must make an immediate use of force decision outside of any planned response, the following policy stands:

   1. Any use of force against the hostage taker must be in the immediate defense of human life or to prevent serious physical injury. This means that the officer has the option of using lethal force against the hostage taker only in cases where the dangers associated with this use of force are outweighed by the actions of the hostage taker relative to the safety of the hostage or other persons.

k. Injury/Medical Aid Procedures in Use of Force Situations

i. Where a person has been injured, the officer’s immediate duty, once the threat has ceased, is to ensure that emergency medical care is provided to all injured persons. Priority shall go to the person with the most apparently severe injury, or as dictated by emergency medical triage procedures.

   1. Officers will request Five-Quad Ambulance to respond.

   2. If Five-Quad Ambulance is unavailable, Albany Fire Department or Guilderland EMS will be requested.

   3. If transport to a medical facility is required, officers will follow the procedures set forth in GO 73.1.1 Prisoner Operations.

   https://powerdms.com/link/SUNYALBANY/document/?id=167797

   4. The shift supervisor shall be notified of all injuries incurred as a direct or indirect result of the use of force.

l. Duty to Intervene

i. Officers have a duty to protect individuals from constitutional violations, which includes acts committed by another law enforcement officer. Any officer present at a force incident that realizes the excessive nature of any police use of force has a duty to intervene through verbal caution and/or physical restraint. In all circumstances, officers shall promptly report these observations to a supervisor.
m. Legal Disclaimer

i. This policy is for departmental use only and violations of this policy will form the basis for departmental administrative sanctions only. This policy is not meant to supplant or replace those legal standards that may be applicable in third party judicial proceedings nor should it be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Nothing in this policy is intended to create nor does it create an enforceable legal right or private right of action.
1. Purpose

The purpose of this Order is to establish policies and procedures related to the requirements, uses and considerations pertaining to all Authorized Use of Force Tools available to sworn department members.

2. Policy

a. It is the Policy of the New York State University Police at Albany that its police officers demonstrate proficiency and knowledge with all Authorized Use of Force Tools which includes: achieving minimum qualification scores in a prescribed course, obtaining and demonstrating knowledge of the laws concerning the use of weapons, attaining knowledge and compliance with Use of Force policies, demonstrating knowledge of the theory of escalation and de-escalation of force and be familiar with, and practicing, safe handling procedures in the management and use of weapons.

   i. New York State University Police Officers can possess, carry and use firearms in the course of their duties under the authority of New York Penal Law, § 265.20-1(b) and New York Criminal Procedure Law, § 1.20-34(s). Officers will comply with all applicable Federal, State and local laws and ordinances governing the possession and use of personally owned firearms.

3. Procedure

a. At least bi-annually, each employee authorized to carry weapons is required to:

   i. Receive in-service training on the department’s Use of Force Policies.

   ii. Demonstrate proficiency with each approved weapon.

   iii. All employees authorized to carry weapons will be issued copies of, and be instructed in, the department’s Use of Force policies before being authorized to carry a weapon.

1. The issuance and instruction of the order shall be recorded.
2. The weapon(s) proficiency training must be monitored by a certified weapons instructor.

3. The training and weapons proficiency must be documented.

4. The agency will provide remedial training for those employees unable to qualify with an authorized weapon prior to resuming official duties and/or the carrying of such weapons.

**4. Authorized Force Tools**

a. Presence and Verbal Communication
   
i. Requirements
   
1. Officers will receive initial training in verbal communication during the Basic Academy for Police Officers. Each member will attend regular in-service training on verbal communication.

   ii. Uses
   
1. Officers will, to the extent reasonably possible, attempt to use presence and verbal communication to gain subject compliance before resorting to physical control methods.

b. Mechanical Restraints

   i. Requirements
   
1. Entry level training is received at the Basic Academy for Police Officers.

2. Four (4) hours of Defensive Tactics training annually for all department Uniformed staff and Investigators. Must demonstrate proficiency with each tactic/tool they are authorized to use.

3. Training shall be conducted by a certified Defensive Tactics instructor.

   ii. Inspection Requirement: Handcuffs will be maintained in clean and working order.

   iii. Approved Use
   
1. This tool will be used only in accordance with this policy and department training.

2. In an attempt to minimize the risk of injury to officers and others during arrest situations, officers will handcuff all persons arrested as soon as practical.

3. During investigative detentions (“Terry Stops”) where one or more of the following factors are present:
   
a. Articulable facts that the subject is physically uncooperative
b. Articulable facts that a subject’s actions at the scene may present physical danger to themselves or others if not restrained

c. Reasonable possibility of flight based upon the subject’s actions

d. Information that the subject is currently armed

e. The stop closely follows a violent crime and the subject matches specific descriptors of the suspect

f. When there are articulable facts that a violent crime is about to occur

g. Care and discretion should be used at extremes of age in handcuffing an individual during an investigative detention

h. The authority to handcuff during investigatory stops continues for only as long as the circumstances above exist

i. Suicidal persons

j. During service of a search warrant

k. Persons being transported to detoxification facilities

l. Whenever transporting subjects in-custody

iv. Disapproved Use

1. If medical circumstances make it unreasonable to handcuff an arrestee, the officer will refrain from handcuffing.

2. When responding to assist another agency or security officer where a subject has already been placed in handcuffs prior to arriving at the scene, officers shall not place New York State University Police at Albany handcuffs on the subject until they have reasonable suspicion or probable cause based on their independent investigation and/or findings.

v. Tactical Considerations

1. Officers will check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.

2. When a handcuffed subject first complains that the handcuffs are too tight or hurting the subject, the officer having custody of the handcuffed subject will, as soon as reasonably possible, check the handcuffs for tightness. If they are too tight (as per training), they will be loosened and double locked.
vi. Additional Considerations

1. Summon medical attention on any incident where a subject is, or complains of injury, due to use of handcuffs or any other restraint device.

vii. Reporting – Any incident where a subject is injured, or complains of injury, shall be documented in the Use of Force Report.

c. Personal Weapons/Defensive Tactics Techniques

i. Requirements

1. Entry level training is received at the Basic Academy for Police Officers.

2. Four (4) hours of Defensive Tactics training shall be received annually for all uniformed personnel and Investigators at which time each must show proficiency with each tactic and tool they are authorized to use.

3. Training will be conducted by a certified Defensive Tactics instructor.

ii. Uses

1. Soft Empty Hand Control
   a. These techniques include physical restraints such as arm bars, low level take-downs, pressure points and other body holds designed to gain compliance with low risk of injury.

2. Hard Empty Hand Control
   a. These techniques include strikes, kicks and punches that are designed to gain compliance with an aggressive subject and is likely to result in physical injury.

iii. Tactical considerations

1. Officer disadvantages and levels of resistance will dictate what personal weapons are reasonable and justified in each situation.

2. The principle of de-escalation applies in these situations. Officers should be prepared to escalate and de-escalate the various forms of defensive tactics and the use of personal weapons based on the threat posed by the subject and level of compliance gained.

iv. Medical attention

1. As soon as practicable, summon medical attention following the use of defensive tactics, or personal weapons, where a subject is injured or complains of injury.
v. Reporting

1. Any incident where defensive tactics or personal weapons are used, a Use of Force Report must be completed.

d. Oleoresin Capsicum Spray (OC)

i. Requirements

1. Entry level training is conducted at the Basic Academy for Police Officers.

2. Four (4) hours of Defensive Tactics in-service training shall be received annually for all uniformed personnel and Investigators. Must demonstrate proficiency with each tactic/tool they are authorized to use. The proper use, considerations and decontamination procedure for OC spray will be covered during this training.

3. OC portion of training will be conducted by a certified OC instructor.

ii. Uses

1. OC spray is an organically based, less lethal aerosol derived from a powerful inflammatory agent that occurs naturally in cayenne peppers. OC spray causes mucous membranes to swell thus producing an immediate closing of the eyes, gagging and gasping, uncontrollable coughing and an intense burning sensation of the skin. The resulting loss of intended thought process, coordination and upper body motor control should produce a compliant subject greatly reducing any further aggressive behavior. A subject may then be restrained or controlled with minimal physical contact.

2. The spray canister produces a stream shaped spray which may be used to incapacitate a person up to twelve (12) feet away. The recommended minimum distance for employing OC spray is 3 feet. The spray should be directed at the subject’s face with a one (1) second burst. Members shall use only the amount of OC necessary to control the situation.

3. Members must consider factors such as wind, weather, building ventilation and the possibility of contamination of other members, or self, prior to using OC spray. Members shall exercise due care to avoid contamination of unintended persons.

4. Only OC devices approved and issued by this department will be carried while on duty. It shall be the individual members responsibility to keep the OC device safe and under control.

5. OC spray shall not be used for the purposes of punishment.

6. Whenever possible, a verbal warning should be issued prior to the use of OC on a subject. Members shall indicate in the Use of Force Report whether a verbal warning was issued. When OC is used without a verbal warning, the report must detail the exigent circumstances surrounding the use of OC without a warning being issued.
iii. De-contamination

1. Once a subject has become compliant, members will as soon as reasonably possible, flush the affected subject’s eyes and contaminated areas with cool water.

iv. Medical Attention

1. As soon as practical, summon medical attention following the use of OC spray where any subject who has been exposed to OC, and takes longer than forty-five (45) minutes to recover or exhibits signs of severe distress not normally associated with OC exposure or a subject requests medical treatment.

v. Reporting

1. Any incident where OC spray is displayed or used, a Use of Force Report must be completed. A copy of the following forms must be retained and included in the case file.

   a. Any subject exposed to OC spray must be provided with the “Department OC Administrative Warning”. This form can be located electronically on the University Police Department’s V Drive in the “Forms” folder.

c. Electronic Control Device (ECD)

   i. Introduction

   1. Use of Force in law enforcement encompasses a broad spectrum of options ranging from officer presence to the employment of lethal force. As a law enforcement professional, it is incumbent upon the officer to employ the minimum level of force necessary to gain compliance. Our Community Policing philosophy is that verbal communication skills are always preferable to the use of force as a means of altering behavior. Therefore, the availability of a Taser ECD does not change, nor lessen an officer’s obligation to initially utilize verbal skills whenever practical and safe. It is this principle, officer's training and use of judgement relevant to the fact of the situation, which guide any lawful and justified use of the Taser ECD. Where verbal skills have proven futile or impractical when encountering an aggressive subject, the Taser ECD represents an effective tool for employing force to gain compliance while greatly reducing the chance of injury to both the officer and the subject when used in accordance with use of force justification defined in the New York State Penal Law; Article 35, Defense of Justification.

   ii. Requirements

   1. All members who carry a Taser ECD must first successfully complete a four (4) hour Taser Use Course which includes practical testing.

   2. All members will attend an annual refresher course to maintain their user certification and proficiency.
iii. Definitions

1. **Less Lethal Philosophy**: A concept of planning and force application which meets operational objectives with less potential of causing death or serious physical injury as compared to conventional projectiles.

2. **Electronic Control Device (ECD)**: The Advanced Taser is a conducted energy weapon; an electronic control device. It is a defense weapon listed in the force continuum at the level of Hard Intermediate Weapon Control. The Taser ECD functions in the following two ways:

   a. Its uses compressed nitrogen to project two probes a maximum of ninety (90) feet. An electrical signal is then sent via small wires, through the probes, which disrupt the body’s ability to communicate messages from the brain to the muscles which causes neuro-muscular incapacitation (NMI).

   b. May be utilized as a touch stun system when brought into immediate contact with a person’s body.

iv. Issuance

1. Officers assigned to Zone coverage, as well as detail and traffic units if a Taser ECD is available, will carry a Taser during their shift. A shift supervisor may assign additional Taser ECD to additional officers during special events. It is encouraged that officers be issued a Taser ECD when available and appropriate to the assigned detail.

2. The department has the ability to utilize an XP cartridge during colder months where heavier clothing may reduce the effectiveness of the regular cartridge. The officer will load the cartridge designated by the department as the primary cartridge onto the TASER ECD at the start of their shift. The does not prevent the officer from using either type of cartridge as a secondary cartridge if needed.

3. The Taser ECD will be signed out at the beginning of each shift and the dispatcher will be made aware of which officers are carrying a Taser ECD.

4. Department personnel shall only carry and utilize the Taser ECDs issued by this department. Member will only use the cartridges issued by this department. A record of the cartridge serial numbers provided with each Taser ECD will be maintained electronically by appropriate department personnel.

5. At the start of each shift, an officer who is assigned a Taser ECD will visually inspect the weapon for damage, check to ensure the battery strength is at least twenty percent (20%), remove the cartridge and perform a spark test as demonstrated during Taser ECD training. The officer will also ensure that cartridges assigned to that Taser ECD are in fact the cartridges being utilized.

6. If any of the above conditions are present, the officer will immediately notify the on-duty supervisor and the weapon will be taken out of service until the condition is corrected.
v. Uses

1. The decision to use the Taser ECD is based upon the same criteria an officer uses when selecting any less lethal force. The officer must be aware that there is a foreseeable risk of physical injury when using the Taser ECD and weigh the severity of the crime, the level of physical resistance encountered and the threat to the safety of the officer, or others, when making the decision to use the Taser ECD. The use of the Taser ECD must be reasonable and necessary.

2. The Taser ECD is programmed to deliver a five (5) second electrical current per trigger activation. The operator has the ability to shorten, or extend, the time as deemed necessary. Each activation must be independently justified.

3. When using the Taser ECD, the officer will select the mode of use based upon the level of force justified and its availability, considerations and the effectiveness of modes. The officer should remain aware that probe deployment increases the likelihood of injury to the subject.

4. The Taser ECD is not to be used as a form of punishment.

vi. Considerations

1. Begin control and restraint procedures as soon as reasonably safe and practical to do so in order to minimize total Taser ECD exposure. The Taser ECD user, and those individuals assisting the user, should avoid touching the probes, wires and the area between the probes to avoid accidental or unintended shock during Taser ECD electrical discharge.

2. When possible, avoid intentionally targeting the Taser ECD on sensitive areas of the body such as the head, throat, chest/breast or known pre-existing injury locations without legal justification. The preferred target areas are the lower center mass (below chest) for front shots and below the neck area for back shots.

3. The Taser ECD has the ability to ignite flammable liquids. It should not be deployed against subjects who are known, or suspected, to have come in contact with flammable or have been in an environment where flammables were present. Officers shall be aware that although the OC spray utilized by the New York State University Police at Albany is listed as non-flammable, tests have shown OC sprays to potentially ignite when combined with the deployment of a Taser ECD. When practical, an officer should not deploy a Taser ECD when OC has already been utilized.

4. Proper consideration and care should be taken when deploying the Taser ECD on subjects who are in an elevated position or near/in water. The risk of injury or death from a fall, or the risk of drowning must be considered in order to justify the use of Taser ECD.

5. Officers must be aware that there is increased risk of serious injury or death for certain populations. The Taser ECD shall not be used on a pregnant, infirm, elderly, small child, or low body-mass index (BMI) person unless the situation justifies the higher risk or death or serious injury to the subject.
6. The Taser ECD is not meant to replace a firearm in a lethal force situation. The Taser ECD should not be used without a firearm back-up in those situations where there is a substantial threat toward the officer(s) or others present.

vii. Duties After Deployment

1. When deemed safe to do so, the probes should be removed by the officer unless located in a sensitive area such as the face, ears, eyes, neck, groin or breast.

2. Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe or probe barb has broken off and is still embedded in the subject’s skin, the subject shall be provided appropriate medical attention.

3. Probes that have been removed from the skin will be treated as a biohazard and placed in a sharps container.

viii. Medical Attention

1. EMS shall be dispatched to evaluate a patient after the use of a Taser ECD. In all cases, officers will recommend that the patient be evaluated at the hospital. Any refusals to go to the hospital shall be noted in the incident report and by EMS personnel.

2. Officers should read the “Taser Aftercare Report” and document that it has been read to the subject. This form can be located electronically on the University Police Department’s V Drive in the “Forms” folder.

ix. Reporting

1. Any incident that a Taser ECD was displayed or used, the display or use shall be documented In a Use of Force Report.

2. A copy of the Taser Aftercare Report must be retained and included in the case file.

3. Officer will attempt to collect some of the yellow, pink and clear “AFID ID Tags” (Anti-Felon Identification Tags) dispersed at the time of the cartridge firing. These will be collected and placed into evidence.

4. A use history will be run on each Taser ECD annually, or after each use. The use history will be maintained for three (3) years.

f. Expandable Baton

i. Requirements

1. Entry level training is taught at the Basic Police Officers Academy.
2. Four hours of Defensive Tactics training per year for all Uniform staff and Investigators and demonstrate proficiency with each tactic/tool they are authorized to use. The proper use, considerations, and decontamination procedure of the use of an Expandable Baton will be covered during this in-service training.

3. A certified Expandable Baton Instructor shall teach this portion of the training.

ii. Use

1. The Officer must be aware that there is a foreseeable risk of physical injury when using an Expandable Baton, and weigh the severity of the crime, the level of physical resistance encountered, and the threat to the safety of the Officers or others when making the decision to use this weapon. In any event, the use of the Expandable Baton must be reasonable and necessary.

2. Only those officers specifically trained in its use shall be authorized to use the expandable baton. All personnel must adhere to the philosophy that the baton is to be used for defensive and control purposes only; to ward off attacks on the officer and only in situations where the use of the baton is justified and authorized.

3. The expandable baton is generally used against an aggressive, unarmed suspect when lesser levels of control have already failed or been determined by the officer to be inadequate.

4. Batons shall not be thrown.

5. Officers are only authorized to carry the department issued Expandable Baton. Any modifications to the issued baton must be approved by a department Expandable Baton instructor.

iii. Considerations

1. When properly used, the expandable baton is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck, spinal column, sternum or groin must be avoided whenever possible. Intentional targeting of these areas may be considered lethal force.

iv. Medical Attention

1. As soon as practical, summon medical attention following the use of an Expandable Baton where a subject is injured or complains of injury.
v. Reporting

1. Any incident where an Expandable Baton is displayed or used, that display or use must be documented in a Use of Force Report.

g. Patrol Deployment of Canine

i. Requirements

1. Entry level training is typically conducted either through a DCJS approved 360 hr. K9 Basic Patrol School or otherwise. Once trained, the canine team (handler and dog) must participate in an evaluation of team performance and meet the basic criteria for team certification.

2. The team must recertify every three (3) years.

ii. Team must also complete a minimum of 96 hours annually of maintenance training under an approved trainer or maintenance trainer.

iii. Use

1. Any use of a patrol trained police canine must be done in accordance with NYS law and departmental policy.

2. Once deployed, the K9 will, either by visual identification, or by olfactory detection/location, bite and hold a subject until either lifted off or verbally commanded to release.

3. The K9 officer must be aware that there is a foreseeable risk of physical injury when deploying a patrol trained police canine in a bite scenario and weigh the severity of the crime, the level of physical resistance encountered and the threat to the safety of the officer or others when making the decision to deploy the canine.

4. Only those officers assigned as part of a K9/handler team may deploy a police canine and only that canine that they are certified with.

5. The patrol K9 is typically only used to apprehend a suspect who is considered potentially violent, a threat to others and/or has committed a felony and are fleeing police pursuit.

iv. Considerations

1. Handler Protection

   a. When deciding to use the patrol trained police canine in a handler protection scenario, the K9 officer must consider the degree to which the attacker poses a threat of physical injury, serious physical injury or death to the officer involved.
2. Building/Area Search

a. When deciding to use the patrol trained police canine in a building search scenario, the K9 officer should take into account the seriousness of the crime in question and the degree to which the suspect poses a threat to officers and the public.

b. Law Enforcement should attempt to ascertain that all persons normally working in or inhabiting a building are outside of said building and that all others within are there unlawfully.

c. If the decision to utilize the K9 for a building search had been made, when practical, a series of three loud verbal warnings to subjects within the premises should be conducted indicating that a police K9 is being deployed and that the dog will find and bite all those within unless there is immediate surrender.

d. When practical, the officer should repeat these warnings at times throughout the search when it is believed that the subject may not have been within hearing distance (for example when moving from one floor of a building to another).

e. Officers may also consider the use to a bullhorn or similar amplification devices for these announcements.

3. K9 handler must take reasonable steps to ensure that the public is not exposed to unnecessary risk of injury due to a Patrol Deployment of Canine. In all cases, the K9 handler must weigh the necessity of the deployment and the reduced risk of officer injury to that of any foreseeable risk to the public.

4. It is also important to remember that although the typical patrol trained police canine is trained to target the arms, legs, abdomen, chest, and back, that the K9 can, and most likely will, apprehend whatever portion of the suspect the presents itself most readily.

v. Medical Attention

1. As soon as practical, summon medical attention following the use of a patrol trained police canine where a subject is injured or claims to be injured.

2. Obtain photographs of all injuries after they have been cleaned and before covered.

vi. Reporting

1. Any incident where a Patrol Deployment of a Canine occurs, even in a deterrent capacity, the circumstances must be documented in a Use of Force Report.
h. Firearms

i. Members shall not carry or use any firearm by which is carried or used by virtue of their status as a NYS University Police Officer while impaired by any substance or medical condition which interferes with the member’s judgement or proficiency.

1. Department Issued Duty Weapon

a. Authorized Weapon

i. The Department Issued Duty Weapon is a Glock .40 S & W. Uniformed patrol staff are issued model 22 pistols, Plain Clothes staff are issued model 23 or 27 pistols depending on personal preference, and subject to qualification and Lead Firearms Instructor approval. Modification to the model or weapon issued to an individual member outside of this criteria is subject to the approval of the Chief of Police, or their designee, and the Lead Firearms Instructor.

ii. Each sworn member approved by the Chief of Police, or their designee, to carry a Department Issued Duty Weapon will be issued a weapon by the Lead Firearms Instructor and that member will be responsible for the care, routine maintenance and safe guarding of that weapon.

iii. The Lead Firearms Instructor will maintain a log of all department owned Duty Weapons that will included Make, Model, Serial number and the date it was issued to a sworn member. Any department owned Duty Weapons that are not assigned to a sworn member will be labeled as unassigned on the log and stored in the caged area of the armory.

iv. Only Department Issued Duty Weapons will be carried by sworn members. The carrying of non-Department Issued Weapons on duty is prohibited.

b. Requirements

i. Members of the department are forbidden to carry firearms on duty unless ALL of the following conditions are met:

1. They must have written authorization to carry firearms from the Office of the President of the University. Such authorization is to be obtained through the Chief of Police.

2. They must be authorized to possess and bear such firearm by the Chief of Police.

3. They must demonstrate proficiency by successfully qualifying with the firearm semi-annually.
ii. Each sworn officer will qualify twice each year to maintain their fitness for the job and the safety of the public they serve. Firearms training will be under the direction of a Range Instructor, who will be responsible for deciding who passes or fails the approved course.

iii. Every officer must qualify with their issued service weapon. If an officer fails to qualify with their service weapon at the time of qualification, they will be brought back to the range and given a remedial session by the firearms training staff.

iv. If the officer should fail to qualify after remedial training, they will be issued a 45 day notice to qualify.

v. During the 45 day period, the officer shall be afforded two (2) remedial training sessions conducted by a member of the firearms training unit.

vi. Failure to qualify following the 45 day period results in the officer losing the right to carry their service weapon.

vii. If an officer loses the right to carry a weapon by failing to qualify, they will be reassigned to a position where a weapon is not required. In the event no such position exists, they will be suspended until such time as he does qualify to be reinstated.

viii. If an officer is unable to attend a regularly scheduled firearms training session, that officer's right to carry their service weapon will not be suspended. The officer will be brought to the range by a member of the firearms training unit as soon as practical to qualify.

ix. If an officer is unable to attend two (2) consecutive firearms training sessions, the officer’s right to carry their service weapon will be suspended and the officer must qualify prior to returning to full duty.

x. If an officer is reassigned within the department to a role which would require the carrying of a different model service weapon, the officer will be required to qualify with said weapon prior to receiving authorization to carry the weapon.

xi. An officer who fails to qualify subsequent to receiving remedial training will not be authorized to carry a patrol rifle. The officer will be afforded an opportunity to qualify at the next scheduled bi-annual firearms training session.

xii. On-duty uniformed members shall carry their issued pistol fully loaded, using only department authorized ammunition, in an approved holster on their strong side. Non-uniformed members shall carry their issued handgun fully loaded as ordered by the Chief of Police.
xic. The only authorized ammunition for use by members will be the ammunition issued by the department. No modification of ammunition or duty handgun may be made without prior written approval from the Chief of Police or their designee.

c. Safe guarding Duty Weapons

i. Each sworn member will be accountable for the proper storage of their assigned Duty Weapon at all times. Weapons will be secured in the member’s assigned gun locker at all times unless the member is on duty or the weapon is signed out per the following section. Weapons will be stored fully loaded in the member’s assigned gun locker.

1. Firearms Sign out Procedure

a. Assigned Duty Weapons may be signed out for the purposes of off duty practice by members in good standing who are currently authorized to carry firearms on duty, a member currently authorized to carry a firearm while attending a training lasting more than one day and when storage in the Department Armory isn’t practical.

b. Members who meet the above criteria may sign out their issued firearm by completing the Department Firearms Sign-Out Log (see Annex B).

c. The member will have their police identification and badge on their person at all times when they are off duty and in possession of their department issued firearm.

d. When possessing a department issued firearm off duty, the member is wholly responsible and liable for the safe storage, care and use of the firearm. The member will be held financially responsible and liable for any and all damage to, or loss of the firearm, that is found to be attributable to the member’s negligence.

e. Any damage to or loss of a department firearm will be immediately reported to the on duty shift supervisor or member of Command Staff and documented in an appropriate RMS report as directed by the supervisor or Commander.

f. Weapon shall be transported in a holster or a case.

g. Any department firearm temporarily stored at a sworn and qualified member’s residence, or training location, will be secured in such a way to prevent unauthorized access to the weapon.

h. Upon returning the issued firearm to the armory, the member will sign their handgun back in on the Firearms Sign-Out Log.
i. This policy may be suspended as appropriate or necessary (e.g., firearms inventory control audit). Sufficient notice shall be given to affected members temporarily suspending this policy.

j. This authorization is a privilege extended to the sworn and qualified members of this department and can be revoked.

k. All sworn and qualified members of this department are encouraged to maintain a high level of proficiency with their issued firearm. As such, it shall be the policy of this department to allow off duty members to sign out their issued firearm to practice at an approved range.

l. Weapons signed out for the purpose of practice may be used only at a facility or property that provides for the safe lawful discharge of a firearm.

m. The use of remanufactured (reloaded) ammunition in department owned firearms is prohibited. Members are responsible for supplying their own ammo for practice and that ammunition must be approved by the lead firearms instructor.

n. Only sworn and qualified members of the department are authorized to handle and/or fire department firearms.

d. Weapon Malfunction and/or Damage

i. In the event of a firearm malfunctioning or needing repair, it shall be immediately reported to the department armorer, if on duty. If an armorer is not available, the shift supervisor shall be notified.

ii. Upon receiving notification of a firearm in need of repair, a department armorer shall:

1. Tag and clearly mark the weapon "NOT SAFE FOR FIRE"

2. Be responsible for having the weapon repaired

3. Return the repaired weapon to the member

4. Maintain a concise and accurate record of all repairs made on any department weapon

iii. Upon receiving a report of a firearm in need of repair a shift supervisor shall:

1. Tag and clearly mark the weapon "NOT SAFE FOR FIRE" and secure the weapon in the member's assigned firearms locker
2. As soon as reasonably possible, notify a department armorer of the need for repair.

e. Uses

i. It is the policy of this department that a member may "SHOOT TO LIVE" in that a firearm may be discharged at a person only when the member reasonably believes that it is necessary to save his life or the life of another.

ii. In considering the use of a firearm, members must understand that the member alone is responsible for their acts and may be required to justify their acts in a court of law. Members are never required to retreat in lieu of justifiable use of force. Nonetheless, lethal physical force must never be used if a less drastic means can be used without unreasonably endangering themselves or another.

iii. Negligence, carelessness or any violation of law or University policy governing the use or incidence of firearms on campus shall be grounds for administrative and/or disciplinary action.

iv. Members shall only discharge their firearm in what the officer reasonably believes to be the defense of self or others from lethal force. A weapon should physical force to officers or others, in affecting an arrest or preventing an escape from custody and only to the extent permitted by §35.30.1 and 2 of the NYS Penal Law, and the United States Supreme Court's decision on Tennessee. v. Garner. Any display of a weapon shall be reasonable under the circumstances and justifiable in terms of officer safety and the safety of others.

v. Upon drawing their firearm, members will maintain their finger off the trigger and OUTSIDE of the trigger guard, except when they have made the decision to fire AND the firing is actually in progress. Situations in which the trigger finger should remain outside of the trigger guard may include, but are not limited to, scanning or searching an area, moving with a drawn weapon or covering a suspect or suspects.

vi. Situations in which members, with weapons drawn, come within "contact distance" (approximately 4-5 feet) of suspects involve an unusually high risk of both weapon take-away and unintentional discharge. Accordingly, every effort should be made to avoid such situations. Whenever possible, a back-up officer should be utilized to cover the suspect from a safe distance and angle so that the member may approach within contact distance to handcuff or search with their weapon safely holstered.

vii. Officers are authorized in using firearms and other weapons to destroy an animal for self-defense and to prevent substantial harm to the officer or another. Officers may also destroy severely injured/sick animals after being authorized by the shift supervisor. In any case where an officer uses a weapon to destroy an animal it shall be done in a manner so as not to endanger other officers or citizens.
viii. Except as provided for above, members will draw their firearms only for cleaning, inspection by a supervisor, Armorer or Firearms Instructor and on an approved range under departmental or other competent supervision.

ix. Shooting at, or from, a vehicle shall be avoided except to defend an officer’s or citizen’s life or as proscribed in Article 35 of the NYS Penal Law. Officers should note that a motor vehicle presents a formidable shield against most firearms and weapons and if the officer disables the operator, the vehicle can be expected to continue uncontrolled creating a potential hazard to officers and the public.

x. No member shall fire warning shots for any reason.

f. Considerations

i. Members shall not wear firearms while fingerprinting suspects.

ii. Challenge Policy - The standard departmental challenge when a member is engaging a potentially dangerous subject shall be: “POLICE - DON’T MOVE!” The purpose of such challenge shall be to identify the member to the subject, and any other law enforcement personnel, and instruct the subject to cease any and all movement. Any member, and particularly any non-uniformed member, who is subject to challenge by other law enforcement personnel shall immediately cease all movement and declare: “POLICE OFFICER - DON’T SHOOT.”

iii. When in uniform, whether on or off duty, an officer shall be armed at all times.

iv. An officer is not required to carry a firearm when off his tour of duty and not in uniform.

g. Medical Attention

i. As soon as practicable, summon medical attention following the use of a Firearm where a subject is injured or complains of injury.

h. Reporting

i. Members shall, as soon as reasonably possible, notify the shift supervisor of any display of a firearm and shall submit required reports before going off duty. Shift supervisors shall notify the Chief, or their designee, of the display.

ii. Supervisors shall, as soon as reasonably possible, report in person or by telephone any voluntary, or involuntary discharge, of a firearm to the Chief of Police, or their designee, except those occurring during authorized training sessions. The shift supervisor or OIC shall immediately institute the procedures outlined in General Order 1.3.4 Officer Involved Shootings
https://powerdms.com/link/IDS/document/?id=152941
iii. The dispatcher shall enter an RMS (Records Management System) report in the computer for all instances involving discharge of firearms noting time of incident, time of notification and circumstances thereof.

2. Department Patrol Rifle

a. Authorized Patrol Rifle

i. The authorized patrol rifle shall be an AR-15 style, .223 caliber semi-automatic carbine or rifle. All patrol rifles shall be loaded and unloaded in a safe manner. Any patrol rifle in the possession of an officer will be secured at all times. When the rifle is in a patrol unit, the operator is responsible for assuring that the weapon is properly secured.

ii. Only department issued patrol rifles and ammunition will be used by department members.

b. Requirements

i. Each officer is required to successfully complete a Basic Patrol Rifle Operator Course approved by the Lead Firearms Instructor before attempting to qualify with a Department Patrol Rifle.

ii. An officer who has met the above criteria shall be afforded three (3) opportunities to qualify with said rifle during the bi-annual in-service firearms training and qualification. The qualifying course will be prepared by the Lead Firearms Instructor and submitted to the Chief of Police for approval.

iii. Only officers that successfully qualify with the Department Patrol Rifle will be authorized to utilize the rifle.

iv. If an officer fails to qualify, the officer will receive remedial training during a succeeding firearms training session.

v. An officer may have their approval to carry a rifle withdrawn based on, but not limited to, the following criteria:

1. Failure to qualify and/or

2. Deficiencies in weapon handling and/or

3. Improper deployment of the rifle
c. Safe Guarding Department Patrol Rifles

i. All Department Patrol Rifles will be stored in the locked rifle cabinet located in the Armory. Any rifle that is removed from the cabinet must be signed out to a qualified member.

ii. It is the qualified member's responsibility to make sure the rifle being removed from the cabinet is notated in the log book located in the Communications Area.

iii. The member signing out the rifle is responsible for proper storage and safe guarding of that weapon until it is secured back in the cabinet and logged back in the communications log.

iv. When not in use, the rifle must be secured in the member's vehicle by means of electronic rifle lock; the locked compartment made for rifles, or housed in a rifle cased and locked in a non-visible location in the vehicle.

v. All vehicles containing a Patrol Rifle will be locked at all times when the officer is not in the vehicle with the exception of executing a traffic stop.

vi. Due to security issues, patrol rifles will not be deployed in SUV style vehicles unless there is a locking gun rack installed or a secure, specifically designed rifle storage unit in that vehicle.

d. Weapon Malfunction and/or Damage

i. In the event of a Patrol Rifle malfunctioning, needing repair or has been damaged it shall be immediately reported to the shift supervisor and a report created in RMS documenting the condition and circumstances.

ii. Upon receiving a report of a rifle in need of repair, a shift supervisor shall:

   1. Tag and clearly mark the weapon "NOT SAFE FOR FIRE" and secure the weapon in the rifle cabinet
   2. Note the status of the rifle on the board in the Supervisors Office and brief the oncoming supervisor of the condition
   3. As soon as reasonably possible, notify a department armorer of the need for repair

iii. Upon receiving notification of a rifle in need of repair, a department armorer shall:

   1. Ensure the weapon is clearly marked as "NOT SAFE FOR FIRE" while it remains in the cabinet
2. Be responsible for having the weapon repaired

3. Inform the on-duty supervisor when the rifle is returned to service so it can be assigned as appropriate

4. Maintain a concise and accurate record of all repairs made on any department weapon

c. Patrol Rifle Issuance and Inspection

i. Patrol rifles will be available only to officers who have completed the basic operator training and are qualified to carry the firearm under the preceding section.

ii. Each patrol rifle will be designated by the last digit of its serial number. Officers issued a patrol rifle will report the last digit of the serial number of the rifle to the dispatcher who will record that information in the equipment log and in that shift’s “Start of Shift” entry.

iii. The assignment of a patrol rifle will be at the discretion of the shift supervisor on duty. They will assign a rifle to a qualified officer based on their perception of community needs and officer assignments. They will record who is issued a rifle on the Daily Briefing Sheet.

iv. The rifles will be assigned with a loaded magazine and a level 4 ballistic vest containing additional magazines or a magazine pouch containing additional magazines.

v. Upon being issued a patrol rifle at the start of the shift, each officer shall inspect it to ensure that it is unloaded, clean and in proper working order. An inspection of the patrol rifle shall be conducted by using the following guidelines:

1. The patrol rifle will be inspected in the station armory with the magazine removed. The action will be locked open with no ammunition chambered

2. The patrol rifle will be checked for cleanliness and proper functioning

3. A functions check will be done in the following manner:
   a. Safety on, bolt locked open
   b. Visually and physically inspect to ensure that it is unloaded
   c. Point the muzzle in a safe direction
   d. Close the bolt on a known empty chamber
e. With safety engaged, pull trigger

f. Switch safety to “fire” position

g. Pull trigger, hold trigger and cycle the charging handle

h. Let trigger forward, until a slight click is heard

i. Pull trigger a second time and then cycle the charging handle

j. Switch safety back to “safe” position

vi. If there is a function problem with the patrol rifle or it needs cleaning, the member will take the rifle out of service as outlined above.

vii. After checking the rifle and prior to going into service, the officer will load the rifle to the cruiser ready condition and verify that it is patrol car ready (bolt closed on a known empty chamber, magazine locked into the magazine well and selector set on safe).

viii. When handling the rifle, officers will ensure that the muzzle is always pointed in a safe direction.

ix. At the completion of their shift, officers will hand the rifle off to an officer coming on the shift. If the transfer takes place at the patrol vehicle, the officer coming on shift is responsible for performing a condition check in the presence of the officer they are relieving. Absent that, secure the rifle in the patrol rifle locker located in the armory. The officer will notify the dispatcher on duty that the firearm has been returned.

f. Uses

i. The purpose of the rifle is to provide officers the maximum tactical advantage by allowing them to accurately deliver justified lethal force across greater distances than would be possible with a handgun.

ii. The patrol rifle may be deployed when the tactical situation requires it or when there is reasonable belief that the situation may escalate to the point that the increased capabilities of the patrol rifle will be necessary.

iii. The number of rifles deployed during any one incident should be appropriate to the level of threat faced and should be appropriate to the situation.

iv. Whenever practical, the patrol rifle will be deployed with the direction of a supervisor.
v. Whenever practical, any officer deploying the patrol rifle will notify the dispatcher of the deployment.

vi. No person shall load or unload a rifle outside of the station armory or a training exercise except when police action is required. The patrol rifle will always be pointed in a safe direction when transporting to and from the patrol car, or when loading and unloading.

g. Patrol Rifle Records and Maintenance

i. The serial number of each department owned rifle will be entered into a log and will be subject to periodic audits.

ii. Each rifle will be checked once a month by a patrol rifle instructor or armorer to ensure that the rifle is clean, being properly cared for and functioning properly. A report will be generated each time a patrol rifle is repaired, inspected or cleaned.

iii. The aim point of each patrol rifle shall be confirmed once per year by members of the firearms training unit. This includes confirming of the optic and iron sights. The approved confirmation target is the NRA diamond 50-yard zero target. A patrol rifle is considered confirmed when three (3) successive rounds fired from a distance of 50 yards are within the larger diamond. Confirmation targets shall be retained in record for twenty-four (24) months.

iv. In the event that patrol rifle is stored in a patrol vehicle which is involved in a motor vehicle accident, that rifle shall be taken out of service until members of the firearms training unit confirm the aim point of the rifle.

h. Medical Attention

i. As soon as practical, summon medical attention following the use of a firearm where a subject is injured or complains of injury.

i. Reporting

i. Members shall, as soon as reasonably possible, notify the shift supervisor of any deployment of a Patrol Rifle and shall submit required reports before going off duty. Shift supervisors shall notify the Chief, or his designee, of the deployment.

ii. Supervisors shall, as soon as reasonably possible, report in person, or by telephone, any voluntary or involuntary discharge of a firearm to the Chief of Police, or their designee, except those occurring during authorized training sessions. The shift supervisor or OIC shall immediately institute the procedures outlined in General Order 1.3.4 Officer Involved Shootings [link to document].
iii. The dispatcher shall enter an RMS (Records Management System) report in the computer for all instances involving discharge of firearms noting time of incident, time of notification and circumstances thereof.

3. Discharge of a Firearm Resulting in Injury or Death

a. In the event of a critical firearm discharge by a member resulting in injury to a person, the shift supervisor or OIC shall immediately institute the procedures outlined in General Order 1.3.4 Officer Involved Shootings https://powerdms.com/link/IDS/document/?id=152941.

4. Off Duty Weapons

a. General Provisions

i. Under section 265.20(1.b) of the NYS Penal law, sworn members of the department are exempt from certain legal restrictions regarding the ownership and possession of firearms. This department does not encourage, nor discourage, the off-duty purchase, carry or use of personally owned firearms.

ii. Members electing to carry firearms off-duty remain solely responsible for their acts and may have to justify those acts in a court of law.

iii. Any member obtaining or carrying a pistol by virtue of their status as a Police Officer must comply with this Order

b. Obtaining Off Duty Weapons

i. After purchasing the weapon an NYSP (New York State Police) C-Form will be filed with the Chief of Police {pursuant to PL section 400 - 12C sub (a)}. This form must also be filed when disposing of a weapon. No handguns will be acquired on a department shield while on Police Officer Probation status. This section does not apply if the member is purchasing the firearm under a NYS Pistol Permit.

ii. Forms for making this report are available through the Chief’s office and must be filled out and returned within 10 days of any weapon transaction. There will be no excuses. Violation of this state law is a class A Misdemeanor.

iii. Upon leaving employment with the department, a member owning and possessing a handgun(s) under the auspices of a NYSP C-Form must transfer any and all personally owned handguns to their NYS Pistol Permit and submit proof of such transfer to the Chief of Police, or their designee. If the transfer of personally owned handguns possessed under the auspices of a NYSP C-Form is not completed prior to a member's separation from the department, any and all NYSP C-Form
handguns must be turned in to the Chief of Police, or their designee, for safe keeping until such time the member transfers the handguns to their NYS Pistol Permit and proof of such transfer is submitted to the Chief of Police, or their designee. The department is not responsible for the care or maintenance of any current or former member’s NYSP C-Form pistols. The same provision shall also apply in the event a member is disciplinarily suspended.

c. Requirements

i. All weapons carried by any department member must be possessed, carried and utilized in a manner consistent with law, regulation and policy.

ii. Members are authorized under this policy to carry any handgun manufactured by a federally authorized firearms manufacturer designed to fire no less than .32 and no greater than .45 caliber ammunition.

iii. Members who carry a weapon while off-duty must utilize a holster that is safe, secure and concealable.

iv. Members who carry a weapon while off-duty must have their badge and identification card in their possession.

v. Remanufactured (reloaded) ammunition may not be used during qualification or during normal off-duty carry.

vi. Any member displaying or discharging an off-duty weapon possessed or carried under this Order, outside of training purposes, shall notify the on-duty Supervisor as soon as practicable. If an on-duty supervisor is not available, a Commander must be notified. A report will be filed upon that member’s return to duty as instructed by the supervisor/Commander.

d. Qualifications

i. Officers shall qualify annually with any off-duty handguns that are on “C” Forms. Officers are also encouraged to qualify annually with any handguns carried off duty that are on their pistol permits.

ii. No member may carry, under their status as a police officer, a firearm while off duty unless they have successfully qualified with that weapon during the most recent calendar year.

iii. Members who intend to qualify with an off-duty carry weapon during a range qualification session must notify the chief firearms instructor no less than two weeks prior to the range qualification session. Included in the notification must be the make, model, caliber and serial number of the handgun.
iv. Members may qualify with up to three handguns during a range qualification session. The handguns must be owned by the member and the member must provide the ammunition necessary for the qualification.

v. Prior to qualification with a handgun intended to be used for off-duty carry, the weapon must be inspected by a department firearms instructor to ensure that it is free from any obvious defect or safety concern and that it appears to have been maintained according to the manufacturer’s recommendations.

vi. Department armorers or firearms instructors are not authorized to repair or modify privately owned firearms.

vii. The course of fire used for qualification on off-duty carry handguns will be the same for all members during a given round of range qualifications and must be approved by both the Chief of Police and the Lead Firearms Instructor prior to implementation as a qualifying course of fire.

viii. Should a member who has successfully qualified with a personal weapon under this policy no longer have access to any weapon that they qualified with under this policy (through damage, sale of the handgun, etc.) they may request permission to carry another weapon under their status as a police officer while off-duty. All such requests may be granted at the discretion of the Chief of Police and, if granted, last only until the next range qualification session.

ix. Current department members shall be subject to the provisions of this policy upon the conclusion of the range qualification session immediately following the adoption of the policy. All other members of the department are subject to this policy on their date of hire as a sworn member of the department.

c. Considerations

i. It is strongly recommended that any weapon carried while off-duty be as similar as possible to the member’s issued handgun to take advantage of the member’s training with the issued handgun and to prevent complications that may arise from the differences in handling and pointing characteristics.

ii. Except for those kept as evidence, no firearms may be stored outside of the department armory. Off-Duty weapons must be stored in the Department Armory if carried in to the building.

5. Ammunition

a. The department will furnish all ammunition for all Department issued firearms.

b. Only authorized ammunition will be fired in department owned firearms.
c. All Department owned ammunition is stored in the secured cage area of the Department’s armory.

d. This ammunition will be inventoried under each of the following circumstances:

   i. A shipment arrives

   ii. Any time a firearms qualification occurs

   iii. Any time ammo is expended

e. A log of the ammunition inventory will be kept in the armory and the Lead Firearms Instructor will maintain this log.

f. Any loss of ammunition, or discharge of ammunition, from any weapon will be reported, in writing, on the appropriate report to the immediate supervising officer, and forwarded to the Chief’s office.
1. **Purpose**

The purpose of this Order is to provide officers and their supervisors with guidelines for reporting and investigating use of force incidents. In order to protect citizens and employees, the New York State Police at Albany is committed to documenting and investigating all use of force incidents.

2. **Policy**

   a. It is the policy of the New York State University Police at Albany to accomplish our mission as efficiently as possible, with highest regard for the human dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force, which includes personal strength, non-lethal weapons and lethal force, shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task. This Department will not tolerate excessive force.

   b. The legal authority given to police to use force carries with it the requirement that police departments and the communities they serve have the ability to review when and how that authority is used. The New York State University Police at Albany is committed to ensuring the transparency that is essential to our community’s ability to review when and how we use force. The Department will regularly report use of force incidents to the community and will fully comply with all requests for information as provided for under law. It is the policy of this Department that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any officer that uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident, shall not be allowed to conduct the review or investigation of that incident.

3. **Definitions**

   a. **Critical Firearm Discharge** - When an officer discharges a firearm. Range and training discharges, and discharges at euthanized animals, are not included under this section.

   b. **Force** - Any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact
that restricts the movement of a person. The term includes: aiming of a firearm, discharge of a firearm, use of OC spray, use of impact weapons, use of an electronic control device (ECD), taking a subject to the ground, and any physical contact that includes control techniques. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to affect an arrest or protect the officer or other person.

c. **Hard Empty Hand Control** - Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

d. **Lethal Force** - Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal force is an extreme measure and shall only be used in accordance with the law.

e. **Less Lethal Force** - Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.

f. **Reportable Use of Force** - All force used above non-resistant compliant handcuffing. While it does not include un-resisted (cooperative) handcuffing, it does include handcuffing individuals to objects or where there is injury, or claim of injury, to a subject. This includes all instances where an officer witnesses a reportable use of force.

g. **Resisted Handcuffing** - When a person actively resists being placed in handcuffs and the officers must use “soft hand controls” to gain compliance by forcibly moving the subject’s wrists or arms, or to physically maneuver the subject’s body so the handcuffs can be applied. The “resistance” may range from an active struggle to a person simply “locking” his/her arms to prevent compliant handcuffing. Conversely, “unresisting (cooperative) handcuffing” occurs whenever the subject complies with the officer’s verbal commands and/or unresistingly allows the officers to position their arms in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.

h. **Serious Physical Injury** - Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious physical injury.

i. **Serious Use of Force** - Any action by an officer that involves: 1) the use of lethal force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; 4) the use of chemical spray, electronic control weapon, or any strike against a person that is restrained; 5) any strike to the head, neck, or throat and any neck holds; 6) any force that results in the loss of consciousness; 7) any weapon strike to the head or neck, including an ECD deployment; and 8) any ECD deployment involving more than 2 cycles or a duration of more than 15 seconds.
j. **Soft Empty Hand Control** - The use of physical strength and skill in defensive tactics to control subjects that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

k. **Supervisor** - A supervisor includes a lieutenant and above who is assigned responsibility for supervising officers.

l. **Weapon** - Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

### 4. Procedure

a. **Force Levels**

   i. **Level 1**

      1. Any weapon is displayed or intentionally pointed at a person;
      2. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab).
      3. An on-duty firearm discharge to dispatch an injured animal; or
      4. A weaponless defense technique control hold is applied:
         a. Escort (elbow);
         b. Twist lock;
         c. Arm-bar; or
         d. Bent-wrist.

   NOTE: Un-resisted handcuffing is not considered a reportable use of force.

   ii. **Level 2**

      1. OC Spray is applied to a person;
         a. The use of an ECD involving any of the following circumstances;
         b. When one or more probes impacts or penetrates the subject’s clothing or skin;
c. When the push stun arc touches the subject’s clothing or skin; or

d. An ECD is fired at a person but misses.

2. Any impact weapon, or any other instrument is used in an attempt to strike another person, but no contact is made; or

3. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving, or controlling a person);

4. A weaponless defense technique, other than control holds, but excluding strikes to the head. Examples include:
   a. Hand/palm/elbow strikes;
   b. Kicks;
   c. Leg sweeps; and
   d. Takedowns.

5. An on-duty firearm discharge at an animal, other than to dispatch an injured animal;

6. Any strike to the head (except for a strike with an impact weapon);

7. Neck restraint that is applied that does not result in the loss of consciousness;

8. Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury;

9. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject;

10. Any use of force which results in injuries to the subject requiring emergency medical treatment or hospital admittance.

iii. Level 3

1. Any use of force resulting in death;

2. Any critical firearm discharge regardless of injury;

3. Any force which creates a substantial risk of causing death;

4. Any force which causes serious physical injury as identified in this policy;

5. Any intentional impact weapon strike to the head;
6. Any chokehold or neck restraint that results in the loss of consciousness;

7. Any use of force investigation that is elevated to a Level 3 approved by a supervisor.

iv. Responsibility for Reporting

1. Officers shall, as soon as possible, notify their shift supervisor of any Level 1 Reportable use of force. In all cases, the notification shall be made by the end of the officer’s shift.

2. Officers shall immediately notify their shift supervisor following any Level 2 or Level 3 Reportable use of force. This includes both an officer involved in a use of force and an officer who witnesses a use of force.

3. Officers shall, immediately following all reportable use of force, complete a Use of Force Report form.

4. The completed Use of Force Report form shall be submitted to the shift supervisor prior to the officer completing his/her shift. When completing the report, officers are also required to provide a written narrative statement of the event. The following additional procedures shall apply:

5. Each officer who uses force shall submit a separate written Use of Force Report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.

6. Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit required reports.

7. If an officer uses force on more than one subject during the same event, the officer shall complete one Use of Force Report form for each subject force was used on.

8. If an officer is unable to complete the report due to injury, the officer’s immediate supervisor will complete it to the extent possible.

9. A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).

10. All use of force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.

11. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complaint of injury.

12. Shift supervisors shall investigate and report any reportable use of force as directed in Section (4) of this policy.
13. Any officer(s) who engages in or witnesses a reportable use of force but fails to notify a shift supervisor and/or fails to complete the form as outlined by this policy, shall be subject to disciplinary action.

14. A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force shall not be allowed to conduct the investigation.

15. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor to document the incident as a citizen complaint. The supervisor shall investigate the incident in accordance with applicable policies.

v. Referral/Transport for Medical Attention

1. Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.

2. A suspect shall be examined by qualified medical personnel prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
   a. Is struck on the head or other body parts with an impact weapon or other hard object;
   b. is restrained about the neck or throat;
   c. is sprayed with a OC Spray;
   d. is subject to an ECD application;
   e. is bitten by a police canine.

3. An injured prisoner shall not be admitted to, or held in, detention without being examined and released by a physician or qualified health care provider.
   a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by qualified medical personnel.
   b. Refusal of treatment shall be documented and verified by the officer and appropriate medical personnel.

vi. Supervisory Responsibilities

1. General
a. The Supervisor, after being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force.

b. While at the scene of a Level 2 or 3 use of force, the supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.

c. While at the scene of a Level 2 or 3 use of force, the Supervisor will photograph or videotape all claimed or visible injuries, and all areas where the officer reports striking the subject. Photographs of the subject shall be taken even when there are no signs of injury.

d. Immediately upon determining that a serious use of force has occurred, as described above, the supervisor shall notify the Chief or his designee to respond to the scene for the investigation of the incident.

b. Level 1 Use of Force

i. When notified of a Level 1 use of force, the shift supervisor shall do the following:

1. Document and review the officers Use of Force Report form;

2. Obtain, review, and sign the completed Use of Force Report form from each officer prior to the end of the tour of duty;

3. Evaluate the basis for the use of force and determine whether the officer’s actions were within Department policies;

4. Forward a copy of the approved Use of Force Report form(s) with the supervisor’s findings prior to the end of the shift.

ii. The Chief or his designee shall review the Use of Force Report and the supervisor’s findings and:

1. if necessary, return the report to the shift supervisor to correct any identified deficiencies, or for further review and investigation;

2. approve the findings and forward for filing within 7 calendar days.

c. Level 2 Use of Force

i. When notified of a Level 2 use of force the supervisor will respond to the scene on a priority basis and shall do the following:

1. document, as necessary, the scene of the incident;
2. interview any qualified medical personnel concerning the injuries sustained and their consistency with uses of force reported;

3. collect or cause to be collected all evidence of use of force;

4. identify and interview witnesses other than officers as appropriate and record interview on audio or video if possible;

5. interview all officers present, and record interview on audio or video if possible;

6. obtain, review, and sign the completed Use of Force Report form from each officer’s prior to the end of the tour of duty;

7. forward a copy of the draft Use of Force Report Forms prior to the end of the shift;

8. summarize his or her preliminary investigation and recommendations;

9. notify the Chief or his designee through email of the preliminary investigation.

ii. The Chief or his designee shall review a supervisor’s Level 2 preliminary investigation within 7 calendar days and initiate an Internal Investigation if appropriate.

iii. The Chief or his designee shall make a finding within 15 calendar days unless extenuating circumstances exist to lengthen the final determination, and forward the report for filing

d. Level 3 Use of Force

i. In cases involving a Level 3 or a serious use of force as defined by this policy, the supervisor shall:

1. immediately respond to and secure the scene;

2. insure that officers and citizens receive appropriate medical attention;

3. notify the dispatch that an officer has been involved in a confirmed Level 3 use of force;

4. document, as necessary, the scene of the incident;

5. secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;

6. identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units;

7. as soon as possible, secure the weapon(s) used by the involved officer(s);

8. as appropriate, separate officers involved.
ii. Dispatch will immediately notify the Chief of Police. The Chief of Police will initiate an Internal Investigation to determine whether the officer(s) followed Department policy. At the conclusion of that investigation a finding will be forwarded to the Chief of Police for approval.

iii. When any Member of this Department uses any physical force or displays/uses any Department weapon (except for instances of maintenance, storage, or training), that force will be reported in the following manner:

1. Any Member applying mechanical restraints without further force or injury will report the use in the RMS (Records Management System) report for that incident. The circumstances of the use will be detailed in the Incident Narrative.

2. Any Member that uses any physical force or displays/uses any Department weapon, other than the routine application of restraints, will report that use on the Department's Use of Force Report.
   a. Any Member that uses force will notify the shift supervisor or OIC as soon as practical.
   b. Whenever possible, the shift supervisor, or OIC, will respond to the scene to access the circumstances of the use of force. If this isn’t possible, then the shift supervisor, or OIC, will interview the Member and the subject as soon as practical.
   c. Whenever possible, the shift supervisor, or OIC, should capture the interview of the subject on video and clearly document any injuries.
   d. Photographs of any injuries to subject or Department member will be entered in as evidence. Photographs of the front and back of subject, regardless of injury, should also be taken.
   e. A list of witnesses to the incident should also be obtained and recorded in the Use of Force report.
   f. Any video or audio recordings of the incident will be marked as evidence and retained as such.
   g. The shift supervisor, or OIC, conducting the initial interview should document the findings in a Use of Force Report.
   h. The Chief or Police, or their designee, must be notified of any force incident that involves serious physical injury or death as soon as practical. The scene should be secured until the arrival of the investigating authority. The investigating authority will be determined by the Chief of Police, or their designee.
   i. Each Member that uses force in an incident will complete a Use of Force Report for each subject they used force on.
   j. Any Member that is involved in an incident where forced was used but did not use force personally, will document the same on a Department Use of Force Report.
k. Any Member who causes injury to a subject or has reason to believe that the subject is claiming that a member caused injury to a subject, will report the incident on the Department’s Use of Force Report.

l. The Department’s Use of Force Report will be completed before the end of the Department member’s shift and included in the incidents Case File. The Use of Force Report will be referenced in the Incident Narrative section of the Incident Report. If an electronic version of the Use of Force Report is an option within RMS, the electronic version will be used in place of a paper copy.

5. Review Procedure

a. When any member of this Department reports any use of force that incident shall be reviewed in the following manner:

i. The Chief of Police will designate a member of the Command Staff to review all uses of force.

1. The designee will review each Level 1 uses of force and evaluate the investigation and review the findings of the supervisor.

   a. In the event the investigation or findings are not consistent with department policy or standards, the designee will return the matter to the supervisor for correction.

2. The designee will review each Level 2 use of force preliminary investigation to ensure the investigation was complete and within department standards.

   a. In the event the preliminary investigation is incomplete, the designee will coordinate the continued investigation to a point where findings can be made

   b. The designee will review all relevant material and issue a finding which will be forwarded for filing.

3. The designee will initiate an Internal Investigation on all Level 3 uses of force and any force other than force that was deemed “Justified, Within Department Policy” as defined below. The results of the Internal Investigation will be forwarded to the Chief of Police for review and filing.

ii. During the course of any use of force investigation, the investigating member can obtain the independent review of other Department members that may have expertise or experience in the type of force that is in question. The designee may also seek the opinion of personnel from outside the Department that may benefit the investigation. The force investigator is authorized to obtain statements from witnesses that may include both civilians and Department members regarding the incident.
iii. Investigation Findings

1. Each instance an officer uses force, the investigation will conclude with a finding. The possible findings are as follows:

   a. Justified, Within Department Policy – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate a New York State Police at Albany department policy.

   b. Justified, Policy Violation – a use of force is determined to be justified, but during the course of the incident the subject officers violated a New York State Police at Albany department policy;

   c. Justified, Training Opportunity – a use of force is determined to be justified, no New York State University Police department policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or

   d. Not Justified, Not within Department Policy – a use of force is determined to be not justified, and during the course of the incident the subject officer violated a New York State University Police at Albany department policy.

2. Filing of Force Reviews

   a. Each reportable use of force will be forwarded for filing at the completion of the investigation and subsequent review.

   b. The filed report will be presented to the Chief of Police for final approval.

iv. If the Chief approves the review of force, that review will be distributed as follows:

   1. If the review concludes that the force was “Justified, Within Department Policy” as described above the Chief will forward the matter to the IRC for review. The findings will then be made available to the member(s) involved in the use of force and as well as the public.

   2. If the review concludes that the force was “Justified, Training Opportunity” as described above the Chief will forward the matter to the member’s supervisor and appropriate force training officer, as well as member(s) involved and the public.

   3. If the review concludes that the force was “Justified, Policy Violation” as described above the Chief will forward the matter to the appropriate Command Staff member for further action, as well as the member(s) involved and the public.

   4. If the review concludes that the force was “Not Justified, Policy Violation” as described above the Chief will immediately ensure an appropriate criminal investigation is conducted. The further release of the review will be at the discretion of the criminal investigating agency in conjunction with the District Attorney’s Office.
a. If the Chief does not approve the review of force, the matter can be returned to the
designee for correction or turned over to another member or agency for investigation.

b. At the conclusion of each semester, a summary of the instances that force was used by
members of this Department during that semester will be posted to the Department’s
website. This posting will include the type of force used as well as the demographic
information of the subject force was used on.

6. Training

The Department shall coordinate and review all use of force policies and training to ensure quality,
consistency, and compliance with applicable law and Department policy. The Department shall
provide the appropriate training that will enhance the abilities of supervisors to conduct effective,
complete, and thorough use of force investigations
1. Purpose

It is the purpose of this Order to provide guidelines for the investigation of officer-involved shootings. This policy also provides guidance for investigation of in-custody deaths and other serious uses of force, in addition to the procedures outlined in General Order 1.3.3 Use of Force Reporting and Review https://powerdms.com/link/IDS/document/?id=152617.

2. Policy

It is the policy of this Department that officer-involved shootings, whether on or off duty, be investigated with the utmost thoroughness, professionalism, and impartiality so as to determine whether the officer’s actions conform with applicable law and this Department’s policy, procedures, rules, and training. This policy may also apply to the investigation of situations in which a person dies while in police custody, while an officer is attempting to effect custody and other serious uses of force.

a. Definitions

i. Companion Officer - An officer assigned to another officer to provide emotional support and assistance following a critical incident, such as an officer-involved shooting. The assigned officer is normally a member of the department’s peer support program but may also be another officer who has had a similar experience, a close friend, or both.

ii. Critical Firearm Discharge - When an officer discharges a firearm. Range and training discharges, and discharges at euthanized animals, are not included under this section.

iii. Critical Incident - An incident that is unusual, is violent, and involves perceived threat to, or actual loss of, human life. The incident is a significant emotional event that breaks through an individual’s normal coping mechanisms and may cause extreme psychological distress.

iv. In-Custody Death - The death of an individual while in custody or while an attempt to effect custody is being made.
v. **Involved Officers** - Unless otherwise indicated, refers to those sworn personnel in on-duty or off-duty status who discharge their firearm in a hostile situation or by accident; arrest or are in the process of arresting an individual who subsequently dies; engage in other serious uses of force; and are direct witnesses to such events.

vi. **Lethal Force** - Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal force is an extreme measure and shall only be used in accordance with the law.

vii. **Officer** - All sworn law enforcement personnel employed by the University at Albany Police Department.

viii. **Officer-Involved Shooting** - A discharge of a service weapon by an officer during a hostile encounter or an accidental discharge, while on-duty or off-duty, irrespective of injuries to suspects, officers, or third parties.

ix. **Serious Physical Injury** - Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious physical injury.

x. **Serious Use of Force** - Any action by an officer that involves: 1) the use of lethal force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; 4) the use of chemical spray, electronic control weapon, or any strike against a person that is restrained; (5) any strike to the head, neck, or throat and any neck holds; (6) any force that results in the loss of consciousness; (7) any weapon strike to the head or neck, including an ECD deployment; and (8) any ECD deployment involving more than 2 cycles or a duration of more than 15 seconds.

b. **Procedure**

i. **Officer On-Scene Responsibilities**

Officers involved at the scene of a shooting incident shall take all measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation.

1. This includes the following actions, undertaken in the order deemed appropriate:

   a. Identify any remaining threats and take necessary action;

   b. Secure and separate suspects;

   c. Notify Dispatch of the incident and location;
d. Relay information on fleeing suspects to communications and other field units and work with them to establish a containment area;

e. Request a supervisor and additional backup, emergency medical services, if necessary, and any other assistance required immediately;

f. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g. crowd violence), the shift supervisor at the scene shall have the authority to instruct the officer to move to another, more appropriate location.

g. If injured, administer emergency first aid to oneself first if possible;

h. Determine the physical condition of any injured person and administer basic first aid, as necessary, pending arrival of emergency medical assistance;

i. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings, or in any other manner tamper with involved firearms;

j. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects, and suspect vehicles;

k. As time and capabilities permit before supervisory and other assistance arrives:

i. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured.

ii. Protect evidence from loss, destruction, or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.

iii. Record the names, addresses, and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

c. Initial Supervisor Response/Incident Command Responsibilities

i. Upon notification of the incident, the shift supervisor shall proceed immediately to the scene.

ii. The ranking officer at the scene shall take control of the scene and serve as Incident Commander (IC). As superior officers and investigators respond to the scene, and the officer is relieved of supervision responsibility, he/she shall brief superior officers on investigation status when turning over IC responsibility. The IC shall assign responsibility for completion of the following tasks as appropriate and in the order deemed necessary.

iii. In addition to the IC/Supervisor's responsibilities identified and required for a Level 3 use of force incident in the Use of Force Reporting and Review Policy, General Order 1.3.3
The following actions should be taken:

1. Identify any remaining threats and take necessary action.

2. Determine the physical condition of officers, suspects, and third parties; provide emergency first aid if necessary; and ensure that emergency medical assistance has been summoned.

3. Ensure that a brief public safety statement is collected individually from the involved officer(s), covering only information necessary to focus initial police response and direct the preliminary investigation. This includes information on:
   a. the type of force used;
   b. direction and approximate number of shots fired by officers and suspects;
   c. the number of suspects involved;
   d. location of injured persons;
   e. description of at-large suspects and their direction of travel, time elapsed since the suspects were last seen, and any suspect weapons;
   f. description and location of any known victims or witnesses;
   g. description and location of any known evidence;
   h. any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

iv. Ensure the adequacy of the inner perimeter. Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform.

v. Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the perimeter.

vi. Locate and secure—or secure in place—the officer’s weapon(s) and mark expended ammunition casings. Physically check the firearms and other weapons of all officers who were present during the incident for evidence of a discharge. Weapons that were fired shall be secured as evidence, and primary service firearms shall be replaced by a similar firearm as soon as reasonably possible.

vii. Locate and secure in place weapons, ammunition, and expended cartridges used by the suspect.

viii. Collect information available about the suspect from anyone at the scene.
ix. Ensure that all potential witnesses have been identified and separated and ask that they remain on hand to provide a statement. If witnesses wish to leave, obtain their contact information for future communications.

x. Locate and secure as evidence any clothing or other personal items that may have been discarded or removed from suspects or officers by medical personnel.

xi. Determine and mark the position(s) of the officers and the suspects at the time of the shooting.

xii. Secure, separate, and remove all involved officers from the immediate scene. Ensure that a companion officer is assigned to each.

xiii. Direct all involved officers not to discuss any aspects of the shooting among themselves or with others with the exception of their attorney, a qualified mental health professional, or authorized investigative personnel.

xiv. If an officer is transported to the hospital, ensure that the companion officer accompanies or meets him or her there.

xv. The companion officer should provide all reasonable support to the involved officer and act as liaison between the officer and the hospital. If the officer is incapable of calling, the companion officer shall notify, or ensure that another department member notifies, his or her immediate family as soon as possible and in person, whenever reasonably possible. The notification shall provide the family members with basic information on the status of the officer and when and where they will be able to see him or her. At this time the companion officer shall arrange for their transportation to the hospital or other location as required. In the case of serious injury or death, notifications shall be conducted in conformance with the department’s Death Notification policy https://powerdms.com/link/IDS/document/?id=154508.

xvi. Whenever possible, photograph officer(s) as they appear at the scene, to include any injuries sustained.

xvii. Offer a peer support counselor to the involved officer’s family for security, support, and management of media inquiries and visitors.

xviii. Ensure all necessary department notifications have been made, such as those to the following:

1. Chief of Police
2. The Deputy Chief of Police
3. Internal Affairs Designee
4. NYSP BCI
5. Evidence technicians, or NYSP FIU
6. Public Information Officer
7. Coroner or Medical Examiner, if appropriate

8. Legal Counsel

9. Department chaplain, police advocate, qualified mental health professional, or peer support program coordinator

xix. Establish a command post when it appears that an extended on-site investigation will be necessary.

xx. Appoint an officer to serve as a “recorder,” with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene and actions taken by police, EMT's, or other personnel.

xxi. If equipment is available, ensure that video recordings are made of the entire crime scene and those present, including witnesses and bystanders. Determine if video recordings were made by in-car cameras, electronic control weapons, or surveillance cameras and secure them as evidence as soon as reasonably possible.

xxii. Ensure that a media staging area is established beyond the outer perimeter and that it is appropriately staffed.

xxiii. Ensure all officers complete necessary reports.

d. Treatment of Officer

i. In every instance in which an officer used lethal force, where such use results in death or serious bodily injury to another person, the officer will be immediately relieved of normal duty.

ii. The officer shall be available at all times after the incident and available for official interviews and statements regarding the case. The officer shall be subject to recall to normal duty at any time after the preliminary investigation.

iii. Assignment to a “relieved of normal duty” status shall be non-disciplinary, with no loss of pay or benefits.

iv. Relief from normal duty, during which the officer may be assigned administrative duties, serves two purposes:

1. To address the personal and emotional needs of an officer involved in the use of lethal force in which injury or death occurs; and

2. To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.

v. If the preliminary investigation discloses a question about the officer's actions regarding the incident, then the appropriate guidelines regarding the rights of the officer will be followed.
c. Post Shooting Trauma

i. Supervisory, investigative, and other sworn and non-sworn employees shall be familiar with and follow the provisions established by this department in its policy on dealing with post-shooting emotional trauma in police personnel.

ii. Awareness of and attempts to mitigate the potential effects of critical incident stress, combined with professionally accepted investigative procedures provide the best opportunity for establishing an accurate record of events surrounding officer-involved shootings.

iii. All personnel shall be familiar with the provisions of the University’s policy on the Employee Assistance Program and should avail themselves of these services following officer-involved shooting incidents where appropriate.

f. In-Custody Death Investigations

Facts that are germane to investigations of in-custody deaths include, but are not limited to, the following:

i. Information noted by the dispatcher from background noises during the call, as well as information provided by the reporting party that may be related to the subject’s behavior, use of drugs or alcohol, previous law enforcement encounters, presence of weapons, and mental health concerns.

ii. Officer observations of the subject’s behavior in the course of making the arrest, for example, was the person:

1. calm or emotionally charged,
2. rational or confused,
3. able to communicate or difficult to engage in conversation,
4. experiencing hallucinations or delusions,
5. perspiring heavily,
6. wearing inappropriate clothing or in a state of undress,
7. exhibiting a high tolerance for pain, or
8. engaging in a protracted physical encounter with officers?

iii. Whether family or friends indicate that the subject had been drinking heavily, using drugs, or both; whether the subject had been involved with the police on prior occasions; any other relevant information provided; and whether the subject was threatening anyone or in possession of a weapon.
iv. Whether the subject was visibly injured in any way when the police arrived and what, if any injuries were sustained prior to death.

v. What measures the officer(s) took to gain control and custody, such as

1. attempting to calmly “talk the person down,”
2. maintaining distance,
3. reducing noise by turning off sirens,
4. reassuring the subject,
5. buying time,
6. asking simple questions to determine the subject’s level of coherence,
7. attempting to deescalate the situation or other actions,

vi. Directing others at the scene to move away?

vii. Whether custody was required.

viii. The length of time it took to gain control of the subject. Whether there was a protracted struggle or the subject was subdued quickly.

ix. The means used to restrain the subject.

x. When in custody, where and how the individual was situated (e.g., placed face down on the ground, in a seated position, in a police vehicle sitting, or lying down).

xi. The physical reactions of the subject once arrested. For example, did he or she become calm or continue to struggle and act physically and verbally combative?

xii. Whether EMS was called and, if so, at what point during the confrontation.

xiii. Whether the subject’s condition (such as breathing and consciousness) was monitored after arrest. Whether the subject became unresponsive, who was present at the time, and what steps were taken by the officer(s).

xiv. When death was pronounced and by whom and the results of the autopsy.

xv. Require that the Medical Examiner’s Office or responding medical officials take a core body temperature as soon as possible after the subject is confirmed deceased.

xvi. The information provided in the subject’s medical history and lifestyle.
If the subject did not die but was seriously injured or admitted to a medical facility, discover the answers to these questions:

1. What were the nature and severity of the injuries?
2. Were the injuries consistent with the use of force described by the officer(s)?

### Serious Physical Injury

Where serious physical injury is reported, investigators shall gather relevant information and take actions deemed appropriate from the foregoing section of this policy and the Use of Force Reporting and Review Policy [https://powerdms.com/link/IDS/document/?id=152617](https://powerdms.com/link/IDS/document/?id=152617). The following information will be necessary to collect to assist the investigator in assessing the level of force used that resulted in the serious injury to include:

1. Conduct and behavior of the subject being confronted as perceived by the officer at the time of the incident;
2. The relative age, size, strength, and physical ability of the officer to the subject;
3. Experience of the officer;
4. The number of officers present;
5. Potential influence of alcohol or drugs;
6. Subject’s proximity to weapons;
7. Weapons used or threatened to be used by the subject;
8. Force options available to the officer;
9. Seriousness of the offense, basis for subject contact, and information known about the subject by the officer;
10. Potential for injury to the public, officer, or subject;
11. Risk of escape;
12. Degree of subject resistance;
13. Use of restraints; and
14. Other exigent circumstances
h. Investigator’s Responsibilities

   i. The criminal Investigation of a lethal force incident in which injury occurs will be conducted
      by the New York State Police Bureau of Criminal Investigation. The Chief of Police will initiate
      an internal investigation for administrative purposes as described in General Order 1.3.3

   ii. The State Police and the Forensic Laboratory will be notified in accordance with requirements.

   iii. The lead Criminal Investigator whenever possible shall do the following:

          1. Receive a briefing from the IC including details of the incident as available, a summary of
             all actions completed or in progress as noted in items B. and E. of this policy, and
          2. conduct a walk-through of the incident scene.
          3. Ensure that all items of potential evidentiary value are identified and properly collected.
          4. Obtain recorded preliminary statements from suspects and witnesses.
          5. Ensure that efforts are under way to collect and compile information on the suspect(s).
          6. Consult with the coroner or medical examiner at the scene and at, or subsequent to, the
             autopsy, and compile information as available, such as, entrance and exit wounds, estimates
             of shooters’ positions, the presence of alcohol or controlled substances in the suspect’s
             body, and any other facts that may be deemed relevant.
          7. Canvas the immediate area for potential witnesses who have not come forth and obtain
             information or statements as available.
          8. Obtain search warrants for any vehicles, containers, homes, or vehicles as may be necessary.

   iv. Where possible, record interviews with EMT’s, fire department personnel, and first responding
       officers regarding conditions at the shooting scene when they arrived to include any action that
       may have been taken to move or otherwise alter persons or objects of potential evidentiary
       value.

   v. Develop a summary of preliminary information concerning the shooting for the Chief of Police.

i. Chief’s Responsibilities

   ii. The Chief of Police or his designee shall respond to the scene and take command of the incident.

   iii. Monitor the incident to ensure good scene management and ensure the assigned supervisor
        coordinates and assists with a thorough and proper preliminary investigation.
j. Investigative Process

The investigation of officer-involved shootings shall normally be conducted in two separate parts and by separate authorities—a criminal investigation and an administrative investigation. The criminal investigation is normally completed by criminal investigators prior to and concurrent with the administrative investigation, which is conducted by the department’s internal affairs authority.

i. Criminal Investigation Phase

1. The lead criminal investigator from the NYSP BCI shall manage the criminal investigation unless, by interagency agreement, the lead is passed to another investigative authority. Parallel or sequential criminal investigations, one investigation related to state offenses and the other by federal authorities relating to offenses under federal law, may be undertaken but are not typical. Upon completion of the criminal investigation, findings shall be submitted to the Chief of Police and the office of the district attorney or the appropriate prosecuting agency.

ii. Administrative Investigation Phase

1. This investigation, undertaken by the department’s internal affairs authority, must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of departmental policy, procedures, rules, or training have occurred and, if so, whether disciplinary action should be recommended or modifications to policy, procedures, or training considered.

2. Criminal investigators may not be present during internal affairs questioning nor may information gained as a result of administrative interviews be shared with criminal investigators.

3. All interviews shall be recorded in order to provide evidentiary record of statements.

iii. Investigators shall be cognizant of symptoms of post-traumatic stress during officer interviews, such as time and space distortions, confusion, hearing and visual distortions associated with recalling details of the incident, as well as emotional impairment during questioning.
1. **Purpose**

The purpose of this order is to reaffirm the department’s commitment to unbiased policing, clarify the circumstances in which race can be used as a factor to establish reasonable suspicion or probable cause, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner.

2. **Introduction**

Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups. Law enforcement agencies should not condone the use of any biased based profiling in its programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermines the legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, biased based profiling may alienate citizens, foster distrust of law enforcement by the community, and invite media scrutiny, legislative action, and judicial intervention.

a. **Definitions**

   i. **Bias Based Profiling** – The selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

3. **Policy**

It is the policy of the New York State University Police at Albany and the responsibility of all members to protect the rights of all individuals regardless of race, religious belief, gender, sexual orientation, ethnicity, or economic status; to treat all individuals with dignity, equality and fairness, regardless of race, religious beliefs, gender, sexual orientation, ethnicity, or economic status; and to assure that all official actions where an individual’s freedom to move about is hindered is based upon reasonable suspicion or
probable cause. Bias or prejudice of any kind will not be tolerated in any dealings with individuals whether they are victims, suspects, when being taken into custody, or while in the custody of the department. Bias based profiling in traffic contacts, field contacts and in asset seizure and forfeiture efforts is prohibited. Deviations from this policy will be met with the strictest discipline.

4. Procedure

a. Impartial and Equitable Policing

i. Members will respond to requests for police service, will render aid and assistance, and will investigate offenses and suspicious circumstances independent or regardless of race, religious beliefs, gender, sexual orientation, or ethnic background of any person or group of persons.

ii. All enforcement actions, such as investigative detentions, traffic stops, arrests, searches and seizures and asset forfeitures, will be based upon a standard of reasonable suspicion or probable cause as required by statutes and the 4th Amendment of the United States Constitution.

1. Officers must be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for all enforcement actions.

2. Except as provided in number 2 above in this directive, officers shall not consider race, ethnicity, gender or other potentially improper criteria in establishing either reasonable suspicion or probable cause.

3. Officers may take into account the reported race, ethnicity, gender, or other potentially improper criteria of suspects based on credible, reliable, locally-relevant information that links a person of specific description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals to specific description criteria.

4. Nothing in this directive or other agency directives alters officers’ authority to conduct enforcement actions or otherwise fulfill officers’ enforcement obligations.

iii. Members will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing and prevent inappropriate perceptions of biased law enforcement. These techniques and strategies include, but are not limited to:

1. Be courteous, polite, and professional.

2. Introduce yourself, providing your name, and explain to the citizen the reason for the stop as soon as practical, unless doing so compromises the safety of officers or others. In vehicle stops, provide this information before asking the driver for their license and registration.

3. Ensure that the length of traffic stops, investigative detentions, field contacts, etc., is no longer than necessary to take appropriate actions.

4. Answer questions that citizens may have, including any options for dispositions of related enforcement actions.
5. Explain the credible, reliable, or locally relevant information that lead to stops or contacts when no enforcement actions were taken, unless doing so compromises the safety of officers or others.

6. Request the presence of supervisory or command ranked officers to allow citizens to voice their field contact or enforcement related concerns.

7. Explain the department's personnel complaint process.

iv. Officers will use Digital Tape Recorders or Body Worn Cameras on all vehicle and traffic stops or any other incident as outlined in General Order 1.6.1 Digital Tape Recorders https://powerdms.com/link/IDS/document/?id=153208 and General Order 1.6.2 Body Worn Cameras https://powerdms.com/link/IDS/document/?id=153211.

v. Officers must document the contact, either criminal or non-criminal, in the department’s IETS system. This report must include all pedigree information.

b. Complaint Process

i. Any complaint received by the department that a member conducted policing activities based upon any improper criteria will be conducted consistent with General Order 52.1.1 Investigation of Misconduct and Citizen Complaints https://powerdms.com/link/IDS/document/?id=163948.

ii. Sustained violations of this directive will result in remedial training and/or disciplinary action.

c. Training

i. Supervisors shall ensure all personnel within their command are familiar with the content of this directive and are operating in compliance with the same.

ii. Members will receive annual training in subjects that encourage impartial policing, to include the legal aspects of bias based profiling.

iii. Individual members and/or supervisors may receive additional, specialized, supplemental or remedial training as deemed necessary and appropriate.

iv. Appropriate training subjects may include, but are not limited to:

1. Officer safety

2. Courtesy

3. Field contacts

4. Traffic stops

80
5. Cultural diversity
6. Discrimination
7. Community support
8. Search and seizure and forfeiture
9. Interview techniques
10. Interpersonal communications
11. Constitutional and case law
d. Administrative Review

i. The Chief of Police will ensure that an annual administrative review is conducted to examine the department’s commitment to impartial policing. Dynamics that are to be included in these reviews include, but are not limited to:

1. Related department directives
2. Department practices
3. Related complaints
4. Citizen concerns
5. Training
1. **Purpose**

The purpose of this directive is to establish the procedures for the proper use of Department issued digital audio recorders to officers in the field.

2. **Policy**

In order to protect the public, the officer, the department and the University at Albany as a whole, officers of this department have been issued digital audio recorders to be used in the course of their job duties. The recorder can be used as a valuable tool to reduce confusion in regards to conversations and statements where the officer may be asked to remember “word for word” the contents of such statement or conversation.

3. **Procedure**

   a. Officers of this department will utilize the digital audio recorder under the following circumstances:
      
      i. During the course of a suspect interview or interrogation where other recording equipment is not available (i.e. interview room).
      
      ii. Any circumstance which, in the judgment of the officer, they feel to be confrontational or has the potential to become confrontational.
      
      iii. During the course of any arrest or the approach of any individual who may be considered a possible suspect.
      
      iv. All vehicle and traffic stops.

   b. Officers in the field will be issued a digital audio recorder

   c. Officers are authorized to purchase a lapel microphone and wear it on their uniform.

   d. Officers who need battery replacement may be issued batteries.
c. Retention of Digital Audio Recordings

i. Officers are required to maintain used digital audio recordings for a period of ten working days.

**NOTE:** It shall be the officer’s responsibility to ensure that the issued digital audio recorder is maintained in good working order. The officer will be responsible for ensuring the tapes (if applicable) and the batteries are also in working order.
1. **Purpose**

The purpose of this General Order is to establish department procedure for the proper operation and usage of department issued Body Worn Cameras.

2. **Policy**

In order to protect the public, the officer, the department and the University at Albany as a whole, officers of this department issued Body Worn Cameras will be utilized by officers in the field during the course of their job duties. When used effectively, the camera can promote public reassurance, capture best evidence, modify behavior, prevent harm and deter crime and criminal behavior.

a. **Procedure**

i. The department issued Body Worn Camera (BWC) shall be worn by members of the New York State University Police at Albany while on patrol.

1. In the event that there are not enough BWCs to be provided to all officers on patrol (e.g. due to large event or BWC maintenance) the shift or event supervisor shall determine who will be assigned a BWC.

2. Officers without a BWC will carry their department issued Digital Audio Recorder pursuant to General Order 1.6.1 Digital Audio Recorders

   [https://powerdms.com/link/IDS/document/?id=153208](https://powerdms.com/link/IDS/document/?id=153208)

b. The camera **shall be** activated during any and all police actions with the public that may be considered unusual or confrontational which include but are not limited to:

i. Responding to a report of an emotionally disturbed person.

ii. Responding to assist Res Life
iii. Prior to making contact with any person you intend to interview regarding any potential violation of a law, rule or regulation (e.g. knocking on a door to ask a person about potential marijuana or other drug use).

1. This includes the use of the BWC when interviewing potential victims and witnesses. **EXCEPTION:** Recording devices **shall not** be used when interviewing a victim of a sexual assault unless specific direction is given to do so from a supervisor, investigator or member of command staff.

iv. Prior to initiating a request to search. For all searches officers must either:

1. Record on BWC or Digital Audio Recorder a verbal consent to search. The recording must start whenever the officer begins to consider requesting a search or;

2. Obtain consent in writing.

v. When responding to motor vehicle accident, potential domestic or room/suitmate disputes or other incidents where there is an increased likelihood that persons involved may be at elevated levels of agitation toward responding officers or others.

vi. Any instance where the officer is responding to assist another officer engaged in any activity that would require utilization of a recording device under General Order 1.6.1 Digital Audio Recorders [https://powerdms.com/link/IDS/document/?id=153208](https://powerdms.com/link/IDS/document/?id=153208)

1. This requirement applies regardless of the department or agency the officer is assisting.

c. This department strongly encourages the use of the BWC for all interactions with the community, except in the circumstances outlined as noted in b.iii.1 above.

d. All images obtained through the use of the department issued BWC are the property of the department and may not be copied, reproduced or disseminated in any manner without the permission of Command Staff.

e. Officers will use the BWC issued to them whenever it is available. If their issued BWC is not available officers shall advise their Shift Lieutenant who will issue a temporary camera if one is available.

f. Upon receiving the camera, the officer is responsible for ensuring its proper operation. Any malfunctions are to be immediately reported to the shift lieutenant and the camera will be taken out of service.

g. Whenever they are not using their regularly assigned BWC, Officers will note what BWC they were issued for on their DAR.
h. Officers are responsible for downloading images prior to going off duty pursuant to the software manufacturer’s specifications.

i. Sensitive images or video that is critical to a developing case shall be downloaded as soon as practical.

ii. All video will be stored for at least thirty (30) days.

iii. Officers are responsible for the labeling of images as evidentiary in accordance with software manufacturer’s specifications.

1. Evidentiary Images is defined as: any video or images associated with a misdemeanor or felony arrest, a video containing statements to be used in any and all prosecutions, or a video containing statements, actions or captures pertinent information relating to an incident, or an individual, that has the potential for controversy.

iv. Officers are to note the existence of BWC images in the Investigative Notes Section of any report for which there is downloaded video.
1. **Purpose**

The purpose of this policy is to establish the guidelines and regulations governing the utilization of Naloxone by trained New York State University Police at Albany Police Officers. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when officers are the first to arrive at the scene of a suspected overdose.

2. **Policy**

It is the policy of the New York State University Police at Albany that officers may administer Naloxone in accordance within the mandated training guidelines as determined and provided pursuant to New York State Public Health Law §3309 and the regulations in §80.138 of Title 10 of the New York Codes, Rules and Regulations.

3. **Procedure**

   a. The New York State University Police at Albany Officer will ensure that Naloxone kits are stored in manner that it is:

      ii. Immediately available

      iii. Properly safeguarded from extreme temperature changes, away from direct sunlight and any condition that may affect the Naloxone effectiveness and integrity

   b. Naloxone kits will contain a minimum of:

      i. 1 NARCAN Nasal Spray (naloxone HCL, 4mg.)

      ii. A pair of Rubber Gloves

      iii. An alcohol pad

   c. Officers will use universal precautions and protections from blood borne pathogens and communicable diseases when administering Naloxone.
d. Officers will administer the medication consistent with training guidelines following:

i. Activation of Emergency Services if not already done so.

ii. A patient assessment; which may include but limited to determining unresponsiveness and other indications of an opioid-involved overdose.

e. Officers will use appropriate officer safety measures when administering Naloxone. Aided individuals who are revived by an opioid-reversal medication, such as Naloxone, may become combative, agitated and experience withdrawal upon regaining consciousness.

f. Officers will notify dispatch of administration of Naloxone as soon as scene safety allows.

g. Officers will notify Emergency Services personnel upon their arrival that Naloxone had been administered.

h. Following administration of Naloxone, the administering officer(s) will complete a New York State Quality Improvement Usage Form (See Annex C) https://powerdms.com/link/IDS/document/?id=168240 and forward said form to the New York State University Police at Albany Naloxone Program Coordinator for further action consistent with requirements dictated on the form.

i. Officers will notify the New York State University Police at Albany Naloxone Program Coordinator of used, lost, damaged and expired Naloxone Kits who will dispose of or replace kit pursuant to applicable procedure.
1. Purpose

The purpose of this Order is to describe the jurisdiction of the New York State University Police at Albany.

2. Policy

a. The jurisdiction of the sworn members of the New York State University Police at Albany is geographically defined by the type of the action being taken. The primary responsibility of this department will be the primary jurisdiction as defined below. As a secondary responsibility, the New York State University Police at Albany Police Officers may provide services outside of the primary jurisdiction with certain restrictions. These restrictions include New York State law, Memorandums of Understandings with other governing bodies, and agreements with local police agencies.

3. Definitions

a. **Primary Jurisdiction** – The property owned, leased, or under the control of the University at Albany. This includes buildings, grounds, parking lots, and roadways maintained by the University at Albany.

b. **Geographical Area of Employment** – As defined in CPL §120.34a(d) the geographic area of employment of a police officer appointed by the state university is the campuses and other property of the state university, including any portion of a public highway which crosses or abuts such property.
(Purpose)

The purpose of this Order is to describe the policies and procedures for mutual aid and law enforcement activities outside of the University at Albany Police Department’s geographical jurisdiction.

(Introduction)

Because of the nature of police work and the occasional need for additional personnel and logistical support, it is important to understand policies regarding mutual aid, assisting other agencies without mutual aid and receiving assistance from other agencies. This Order outlines the Mutual Aid Policy and Procedures for assisting or receiving assistance from other law enforcement agencies.

(Off-Campus Assignments while on Duty)

The following procedural guidelines should be followed to determine whether University at Albany Police personnel will respond to off-campus calls for assistance.

1. For a direct request to initiate action from an off-campus police department, the shift supervisor or officer-in-charge (OIC) should determine the scope of response based on campus MOU guidelines, utilizing personal judgment and discretion to analyze the situation. Assistance may be rendered based on the availability of officers and whether or not the request jeopardizes or delays services on campus.

2. For requests from individuals concerning non-emergency incidents occurring off-campus which are made to the Department or to an officer in the field, the complainant should be directed to the police department that has primary jurisdiction where the incident occurred.

3. If a University Police Officer should come upon a crime or emergency, the dispatcher should be immediately contacted to notify the appropriate police department with primary jurisdiction where the incident occurred. A University Police Officer will initiate appropriate actions for crimes committed in their
presence. While waiting for assistance, the officer should initiate steps to protect lives, assist the injured, minimize safety hazards, prevent property loss and protect the crime scene.

Requests for Assistance from Outside Agencies

Requests for outside police assistance from the University Police Department should only be made in extreme and unusual circumstances. The decision to call for support will be made only by the Commander, Supervisor or OIC on duty at the time of the need. If command staff is not present, then notification to such must be done as soon as possible.

Procedure

1. The situation must be such that the personal safety of Department officers or the public safety of the campus community and/or physical plant is at serious risk and the number of officers on duty is insufficient to control or stabilize the situation.

2. The evaluation of the specific situation is the responsibility of the senior sworn Department person available on the scene or by phone.

3. The emergency call for assistance will go to the Albany Police Department. The APD Dispatcher will be advised of the specific situation (i.e. nature of problem, size of crowds, presence of weapons, location, etc.) and recommended level of assistance needed. A supervisory or command officer will be requested. Should the Albany Police Department not be able to provide the requested resources, another adjoining police agency will be contacted.

4. A member of the Department will meet the Albany Police contingent as it arrives on campus and accompany it to the scene. At this time the officer should establish a command post.

5. Our Department will maintain command/control of the situation with Albany Police providing back-up and assistance as required.

6. As soon as practical, Albany Police Department assistance will be released.

7. The Chief will be informed as soon as possible of the presence of APD, if they did not personally authorize the request. In the event the Chief is not available, the following chain will be followed by the dispatcher until a management/executive level official is informed: Deputy Chief of Operations, the Operations Inspector or a member of the Office of the Vice President of Finance and Administration.

Memorandums of Understanding (MOU’s)

The Memorandums of Understanding (MOU’s) that were developed between the University at Albany Police Department, the Town of Guilderland Police Department
and the City of Albany Police Department are located in Annex D and Annex E of this Manual. These MOU’s, which are required by New York State Education Law §355-9(l), outline the general responsibilities and guidelines for emergency assistance and follow-up investigations with regard to primary law enforcement jurisdiction, notification regarding criminal and safety-related incidents, execution of warrants both on and off-campus, transfer of requests for police services, emergency assistance and timely review of various operational issues.
1. **Purpose**

The purpose of this policy is to establish the authority and responsibility for the Department’s fiscal management and to establish procedures for the collection, safeguarding and depositing of cash handled by the department.

2. **Policy**

   a. The Chief of Police is the Chief Executive Officer of the Police Department and has the authority and responsibility for the fiscal management of the Department. The Chief of Police is responsible for the operations of the Department budget. The day-to-day management of the equipment budget will be the responsibility of the Chief of Police or their designee.

   i. **Fiscal Accounting**

      1. The Police Department accounting system will be provided by the Division of Finance and Administration. The Chief of Police, or their designee, will follow accounting procedures and maintain records in accordance with New York State, the New York State University at Albany and the Division of Finance and Administration regulations.

   ii. **Internal Monitoring**

      1. The Chief of Police, or their designee, must authorize all purchases within the police department. All requisitions for purchase must also be authorized by the University’s purchasing office. All payment purchases must be authorized by the Chief of Police, or
their designee, in accordance with New York State Purchasing guidelines. The Chief of Police, or their designee, will be responsible to see all purchases are received and assigned for their intended use.

iii. Safeguarding Cash

1. **Petty Cash** - The New York State University Police at Albany will not maintain a petty cash fund.

2. **Bail** - It is the policy of the New York State University Police at Albany to not accept Bail.

3. **Tow Money** – It is the policy of the New York State University Police at Albany to not accept or collect monies or tow fees. Persons seeking to pay fees associated with their vehicle being towed will be referred to the Office of Parking and Mass Transit Services located on Center Drive East on the University at Albany campus.

4. **Parking Ticket Fines** – It is the policy of the New York State University Police at Albany to not accept or collect monies for parking fines. Persons seeking to pay fees associated with their vehicle being towed will be referred to the Office of Parking Management and Mass Transit located on Center Drive East on the University at Albany campus.

iv. Depositing of Cash

1. All cash obtained by this department will be processed in accordance with General Order 84.1.1 Storage and Transfer of Evidence https://powerdms.com/link/IDS/document/?id=167734

2. The Chief of Police, or their designee, is responsible for the annual depositing of stored cash and will do so subsequent to the annual audit of the Evidence Room as per General Order 84.1.1 Storage and Transfer of Evidence https://powerdms.com/link/IDS/document/?id=167734
1. Purpose

The purpose of this Order is to outline the procedures for inventory control of property, equipment, and other assets owned by the New York State University Police at Albany.

2. Policy

The Chief of Police, or their designee, is responsible for the procurement and/or requisitioning of all agency owned property. No purchase will be made, nor any requisition be forwarded to the University at Albany Purchasing Department without the express written approval of such purchase or requisition by the Chief of Police or their designee.

3. Inventory Control of Property, Equipment and other Assets

The University at Albany Office of Equipment Management will inventory and document all property, equipment and other assets over five hundred dollars ($500) owned and used by the New York State University Police at Albany.

NOTE: This inventory will be conducted annually.
4. Management and Accountability of Property

Part of the general duties of the Chief of Police is to account for the property assigned to and issued for the use of members of the department, and is responsible for the proper care, economical use, sufficiency and serviceability thereof and shall make frequent inspections thereof.

5. Designated Person Responsible for the Distribution and Issuance of Property to Authorized Users

a. The Chief of Police, or their designee, will be responsible for the distribution and issuance of agency owned property to authorized users. Although the Chief of Police, or their designee, does designate responsibility to division supervisors:

i. Criminal Investigations Unit - The Captain is responsible for the distribution and issuance of all agency owned equipment within the Investigative Unit

ii. Patrol Division - The Captain is responsible for the distribution and issuance of all agency-owned equipment such as vehicles (assigned to personnel on each shift). This also includes expendable items such as flares, disposable blankets, fire extinguishers, medical supplies and all reports.

iii. Munitions – The lead Firearms Instructor, or their designee, is responsible for the distribution and issuance of all agency owned munitions such as handguns, shotguns, rifles, and all ammunition thereof. The Lead Firearms Instructor, or their designee is responsible for the distribution and issuance of all agency owned defensive tactics equipment and O.C. munitions (Pepper Mace).

iv. The Vehicle Maintenance Officer is responsible for the distribution of equipment related to vehicle maintenance.
1. **Policy**

The New York State University Police at Albany will maintain a record of each call for service. This record will include a summary of the basic facts of each call. The guidelines contained in this policy will ensure both the integrity of the record system, and that the system will allow for the review of all call activity.

2. **Procedures**

   a. Upon receiving a call for service, the dispatcher will attempt to gather as much relevant information as possible.

   b. This information will be entered into the Records Management System (RMS) module of the IETS (Incident Entry and Tracking System) computer program. The program automatically assigns a complaint number to all entries and captures the date and time that the call for service is entered.

   c. The dispatcher will also obtain and record, to the extent possible, all other information required by the IETS system, including:

   d. Name, address, and telephone number of complainant
      
      i. Type of incident.

      ii. Location of incident.
iii. Identification of dispatcher.

iv. Identification of officer(s) who responded or otherwise assisted.

v. Identification of other person(s) involved.

vi. Dispatch, arrival, and clearance times.

vii. How the call was received.

viii. How the call was initially handled (e.g., patrol dispatched).

ix. Summary of all the basic facts of the incident, including our response and disposition of the call.
1. Policy

It is the policy of the New York State University Police at Albany to fully participate in the DCJS Fingerprint/Criminal History Record Information System, Uniform Crime Reporting, National Incident Based Reporting System, and Cleary Act requirements.

2. Procedure

a. **UCR and Other Monthly Reports:** Uniform Crime Reports (UCR’s) are prepared by the Information Technology Records Officer (ITRO), or their designee on a monthly basis for submission to DCJS utilizing the Department’s computerized IETS System. These are fully automated reports that require error correction as indicated before submission to administrative staff members for combining and distribution. In addition to the monthly UCR’s, the monthly DCJS Arson Report and Bias Related Crime Reports are also completed and submitted. UCR reports are maintained electronically as well as by hard copy in the Administrative Office.

b. **Annual Clery Act Reports:** Other reporting requirements, such as federal Clery Act Reports, are completed on a yearly basis. This is also an automated report through the RMS system.

i. Additional Clery reportable offenses are solicited each year from various campus constituents as well as City of Albany Police and Town of Guilderland Police, compiled and submitted to the Chief of Police for review prior to posting on the appropriate federal web site.

1. The Criminal Investigation Unit Inspector, or their designee, is responsible for compiling and reporting as mandated by the Clery Act.


1. **Policy**

This policy establishes guidelines for preparation of Incident Reports, and the maintenance of a records management system (RMS); which ensures that reports are maintained as required within the New York State University Police at Albany.

2. **Procedure**

a. Preparation

i. Officers shall promptly submit any reports that are required during the performance of their duties. Reports are to be properly completed before the officer reports off duty unless otherwise directed or approved by a supervisor.

1. All reports are to be entered into the Department’s computerized records management system (IETS). Reports are to be free of grammatical and spelling errors, and all required information shall be included.

2. A police report is to be completed for every criminal incident reported to the officer. Suspicious or unusual events may be reported through a miscellaneous report.

3. Officers shall sign all forms that require signatures. IETS reports are signed with a digital signature.

4. Officers shall report all crimes, attempted crimes, and other important matters that come to their attention.

5. Officers shall not repress, conceal, or distort the true facts of any incident.

6. Officers who have information regarding any felony or wanted person, shall immediately report all details to their supervisor. Each supervisor who has been notified of such shall direct the action to be taken, and/or see that such notification is forwarded to the proper unit.
ii. Any officer who has valuable information regarding an arrest or a police case other than one with which they are directly involved, shall forward such information through the chain of command to the appropriate unit supervisor.

iii. Supervisors will be held responsible for review of reports submitted by their subordinates, and will instruct the subordinate in the correction of any errors or deficiencies prior to approving the submission of the report.

b. Report Structure

i. The New York State University Police at Albany use Incident Entry and Tracking Software (IETS) as a computerized RMS.

ii. IETS supports incident based reporting (IBR).

iii. All initial incident reports are considered “Incident Reports.” Any additional information on a given incident is to be added to the original incident as a Supplemental Report or as notes in the Investigative Information section.

1. Supplemental reports must be used to document the following information:

   a. Crime scene processing/Evidence Collection.

   b. Providing K9 assistance.

   c. Interviews where the person should be added as an “Associated Person.”

2. The Investigative Information section can be used to document:

   a. Criminal Investigative Unit follow-up.

   b. Patrol Division follow-up not requiring documentation on a Supplemental Report.

   c. Information of a sensitive or confidential nature.

iv. An incident in IBR is defined as: “One or more offenses, committed by the same offender group of offenders, at the same time and place, including Justifiable Homicide which occurred as a result of such offenses.”

v. All criminal reports must have a victim, an offense and an offender (if the offender is unknown and there is no description, list “unknown” and as much of the description as is known).

vi. Victims can be non-persons, such as corporations, educational institutions, governmental entities and society in general.
vii. All reports involving larceny or criminal mischief, including damage to vehicles, must have a property entry. For incidents involving damage to a vehicle, the report shall have a vehicle entry and separate property entry for the specific vehicle part(s) damaged.

c. IETS Password Security

i. All actions in IETS are registered through the user name login. Personnel are responsible for any computer activity on their account while logged in. For this reason, it is imperative to log out of the system when finished.

ii. Personnel should not login for others, use another person’s account, or share passwords unless granted permission by a supervisor and for a legitimate reason (i.e. training of new personnel).

iii. The Information Technology Records Officer (ITRO) should be contacted to reset or change IETS usernames and passwords if it is suspected that the security of an individual’s account has been compromised.

d. Security of Electronic Records

i. All entries and changes to records in IETS are tracked in a comprehensive audit trail, including date, time, changes made and personnel making changes.

ii. Users should be aware that the privacy or security of an unencrypted electronic message sent or received via the Internet cannot be guaranteed.

iii. The ultimate destination(s) of e-mail once sent is beyond the control of the original sender, and remains potentially recoverable by others both within and outside of this Department.

iv. The use of electronic communication applications and systems will comply with the University at Albany e-mail policy and departmental regulations.

e. Report Entry

i. A Dispatch entry or New – Field Initiated entry is required to start a report.

ii. The segments of an IETS incident report are:

1. Incident Detail
2. Offense(s)
3. Narrative
4. Revision History
5. Suspect(s)
6. Associated Person(s)
7. Property
8. Arrest
9. Vehicle(s)
10. Supplement(s)
11. Assisting Officer(s)
12. Use of Force
13. Referral(s)

f. All segments applicable to the given incident should be entered accurately. Segments and fields that do not apply should be left blank.

g. If IETS is unavailable, a paper police report can be completed and submitted to the shift supervisor for review. Standard Incident Reports (SIR) forms will be provided for such occurrences. When IETS is restored, the Shift Supervisor will be responsible to ensure that the paper reports are entered into IETS as soon as practicable.

h. Traffic Accidents and Summons

i. All traffic accidents reported to the department will be documented in IETS. Those requiring the completion of DMV 104-a in accordance with General Order 61.7.7 [https://powerdms.com/link/IDS/document/?id=167760] will be also be documented in TraCS.

ii. Information regarding traffic summons issued by officers, shall be entered into the appropriate section of IETS.

i. Report Review

i. When an IETS report is completed, the reporting officer shall submit the report for supervisory review.

ii. The supervisor’s responsibility will be to review all IETS reports that are submitted for review during their tour of duty.

iii. IETS reports include a Supervisory Review segment. When the supervisor considers the report to be accurate and complete, the supervisor will then process the review.

iv. The Criminal Investigations Unit will review all criminal and non-criminal reports and self-assign for investigative follow-up as necessary.

v. Edits to reviewed reports should be made as necessary to achieve a complete and accurate report.
vi. Reports shall be updated as new information is discovered. This new information shall be documented in the Investigative Information section or in a Supplemental Report as outlined above.

j. Rules Records
   i. Departmental records are considered confidential. No person or entity, other than those permitted by law or departmental rule, shall examine or copy any departmental record or report.
   
   ii. On-duty officers shall carry a notebook in which they shall record information on all incidents they handle. This information shall include names and addresses of complainants and witnesses, identity of persons arrested, nature of offense, date and time of occurrence, and all other facts that may prove to be of importance in any trial. The officer shall retain all notebooks.
   
   iii. Officers shall complete and submit all required reports and other forms in reference to all evidence or other property found, recovered, seized, or otherwise taken possession of during their tour of duty.
   
   iv. Officers shall not remove, or permit to be removed, any departmental record, communication or report from any file or location where they are retained, without permission from the Chief of Police, or their designee.
   
   v. No departmental record shall be altered, destroyed or permanently removed from departmental files except to comply with the law and by direction of the Chief of Police.

k. Freedom of Information Requests
   
   i. Freedom of Information requests will be forwarded to the Chief of Police, or their designee, for review and release of authorized requested information.
   
   ii. The Chief will consult with the University at Albany’s Counsel as required.
1. Purpose

The purpose of this Order is to establish procedures for making lawful arrests in a manner that ensures the safety of both the officer and the arrestee, while preserving an individual’s rights that are protected by the State of New York.

2. Policy

It is the policy of the New York State University Police at Albany that no person will be arrested without probable cause to believe that an offense has been committed. Authority to arrest is strictly limited to those situations where the Criminal Procedure Law (CPL) of the State of New York authorizes an arrest. This policy also governs the maintenance of arrest history records within the New York State University Police at Albany. An arrest history record is maintained on each person arrested.

3. Arrest History Records

a. The arresting officer will compile an arrest folder and enter all pertinent arrest and incident information into the Department’s computerized records management system (RMS) for each person arrested, including, but not limited to the Defendant’s:

i. Full and correct name

ii. Date of birth

iii. Social security number

iv. Gender

v. Race

vi. Height and weight

vii. Eye and hair color

viii. Address and phone number(s)
ix. Place of employment with phone number(s).

x. All other information pertinent to the arrest and incident.

b. Maintenance of arrest records:

i. Written records of arrest will be maintained by the ITRO and will be organized by year of arrest and arrest number.

ii. Computerized records of arrest will be maintained in the Department’s computerized records management system (RMS).
Purpose

The purpose of this Order is to govern the collection, maintenance and dissemination of juvenile records.

Policy

The University at Albany Police Department maintains records on all matters relating to persons under the age of sixteen (16) which follow all State mandates and requirements relating to juveniles. These records are kept secure, in a locked filing cabinet, separate from all adult records. These records include juvenile offenses where petitions and related papers were filed with the Family Court / Probation Departments and not available to non-agency personnel.

Procedure

When a juvenile is arrested, the arresting Supervisor/Investigator/Officer will issue the juvenile and parent an appearance ticket to Albany County Family Court, Albany, New York.

The Supervisor/Investigator/Officer will fill out and sign an Intake Complaint Form and the department will forward all original reports, statements, arrest reports, etc. to Albany County Probation, 60 South Pearl Street Albany, New York. The Supervisor/Investigator/Officer will also fill departmental juvenile arrest forms.

The Administrative Captain, or their designee, will place the juvenile arrest forms in the juvenile file secure storage. If the juvenile has no previous record, a new file will be made out.

All juvenile records are kept in the juvenile file and are always kept locked. The only person with access to the cabinet will be the Administrative Captain, or their designee, who will oversee.
The University at Albany Police Department Administrative Services and Criminal Investigative Unit are accountable for all juvenile matters and is responsible for the security of all juvenile records as required by applicable regulations.
1. **Purpose**

The purpose of this Order is to establish procedures for complying with court mandated sealing orders.

2. **Policy**

   a. It is the policy of the New York State University Police at Albany to comply with all court mandated sealing orders. This policy governs the process used to comply with such orders.

3. **Record Sealing Process**

   a. The ITRO (Information Technology Records Officer), or their designee, is responsible for processing all court mandated seals.

   b. These files will be sealed in the following manner:

      i. The ITRO, or their designee, removes the arrest folder from the files.

      ii. The ITRO, or their designee seals the arrest record from the Department’s computerized RMS (Records Maintenance System); thereby rendering this information as not being accessible or retrievable from that system by normal means.

      iii. The case folder is locked into designated filing cabinets maintained by the assigned ITRO, or their designee.

      iv. Unless otherwise indicated in the sealing order, all photos and fingerprints records associated with that file, or copies of such, are destroyed.
1. Purpose

The purpose of this General Order is to describe the organizational structure of the New York State University Police at Albany.

2. Organizational Structure

The organizational structure of the New York State University Police at Albany is a formal structure through which the components are arranged, defined, directed and coordinated according to basic organizational principles. In order to ensure that the Department maintains the degree of flexibility necessary to respond to changing circumstances, the Chief of Police may appoint individuals and/or components to perform additional tasks to meet the Department's goals and objectives. These components or assignments may be of a temporary or permanent nature and are not to be constrained by this policy.

3. Organization

a. The University Police Department is part of the organizational structure of the campuses within the State University of New York system. System-wide policies and certain administrative procedures emanate from the Office of the Chancellor. However, the operational program and implementation of policies are administered locally. The lines of authority flow from the University President through various administrators to the Chief of Police. At the University at Albany, the Chief of Police reports to the Vice President of Finance and Administration who, in turn, reports to the President of the University. Administrative direction, therefore, may come from managers who have no sworn authority while law enforcement direction is the responsibility of the Chief of Police.
b. The New York State University Police at Albany organizational structure includes divisions, sections and units, each of which is assigned specific functional areas of responsibility. Included are activities which are directly related to carrying out the Department's objectives or are in support of them.

c. The Department is organized as follows:

i. Reporting directly to the Chief of Police are the Assistant Chief of Police and the Deputy Chief of Police.

ii. Reporting directly to the Assistant Chief of Police are the Inspectors and the Administrative Support Staff.

iii. Reporting directly to the Deputy Chief of Police are the Lieutenants.

iv. Reporting directly to the Lieutenants are the Police Patrol Division, K-9 Unit, the Security Services Assistants and the University Police Communications and Security Specialists (CSS).

4. Organizational Chart

An organizational chart is maintained which depicts the current formal structure and organization of the department. This chart exhibits the current status of the Department's organization (except for any special or temporary assignments), and is posted in the Department's Briefing room. This chart will be reviewed annually with the General Orders and will be amended whenever organizational components are created or eliminated.
Purpose

The purpose of the Order is to define the legally mandated authority and responsibilities vested in all categories of sworn personnel.

Legal Authority

The University of Albany Police Officer’s sworn officers consist of Command staff, police officers, lieutenants, and investigators. Each of the University at Albany Police Department’s sworn personnel are appointed police officers who derive their legal authority, which includes the authority to make a full custody arrest, from the New York State Criminal Procedure Law, §1.20.34(s) University Police Officers.

Responsibilities

The responsibilities of sworn officers are outlined in General Order 21.2.8 University Police Officer I.
Purpose

The purpose of the Order is to define the legally mandated authority and responsibilities vested in all categories of Lieutenants.

Responsibilities

University Police Lieutenants are members appointed in charge of one or more members and/or employees. In addition to the general and individual responsibilities of all members and employees, lieutenants are specifically responsible for the following on their shift:

1. **Good Order** - Maintains general good order of their command during their tour of duty to include adherence to policies, rules and regulations, conduct, welfare, field training and efficiency.

2. **Roll Call** - Conducts prescribed roll call or pre-shift briefings, communicates all orders or other information at roll call and inspection and makes corrections as necessary.

3. **Reporting** - Assures the preparation of required reports in a timely, accurate and professional manner. Informs superiors and relief of all activities transpiring during the tour of duty.

4. **Personnel Complaints** - Notifies the Chief of the University Police immediately of all allegations of misconduct or abuse of authority made against University Police personnel followed by a written report. Makes inquiry into personnel complaints against members and employees under their command as assigned by the Chief and in accordance with the provisions of this manual.

5. **Supervision** - Schedules and assigns University Police Officers to mobile patrol and dispatch/desk assignments in order to effectively and efficiently utilize staff
and ensure adequate coverage. In addition to subordinate University Police Officer 1, may directly supervise Campus Public Safety Officers, Security Service Assistants, Student Assistants and support staff as assigned.

6. **Leadership** - Effective supervision requires leadership. Leadership shall include on-the-job training as needed for efficient operation and the coordination of effort when more than one member or employee is involved.

7. **Direction** - University Police Lieutenants must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside their usual sphere of supervision if the police objective or reputation of the Department so requires or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily.

8. **Enforcement of Rules** - University Police Lieutenants shall enforce departmental rules and regulations and ensure compliance consistent with departmental policies and procedures.

9. **Inspection** - University Police Lieutenants are responsible for inspection of activities, personnel, and equipment under their supervision and initiation of administrative action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.

10. **Assisting Subordinates** - University Police Lieutenants shall have a working knowledge of the duties and responsibilities of their subordinates. They shall observe contacts made with the public by their subordinates and be available for assistance or instruction as may be required. University Police Lieutenants shall respond to calls of emergencies, felonies in progress, assaults and other serious incidents. They should observe the conduct of assigned personnel and take active charge when necessary.

11. **Campus Relations** - University Police Lieutenants shall maintain effective liaison with other campus departments.

12. **Other Duties** - University Police Lieutenants shall perform such duties as assigned by the Chief of Police, and/or Deputy Chiefs of University Police.

**Accountability for use of Authority**

Each member to whom authority is delegated is accountable for the use of that authority. Members are also accountable for their failure to exercise authority when appropriate.

Additionally, supervisory personnel are accountable for the performance of employees under their immediate control.
Purpose

This Order outlines the authority and responsibility of the Chief of Police. The Chief's responsibility and authority are in balance to ensure the requirements of the position are met. The Chief of University Police is the Chief Executive Officer of the University at Albany Police Department.

Responsibilities

The Chief of Police has overall command of the University at Albany Police Department. In addition to the general and individual responsibilities for all employees and supervising officers, the Chief is responsible for the:

1. Planning, directing, coordinating, controlling and staffing all of the department’s activities to include the protection of people, personal property, state property and equipment;

2. Enforcement of laws and ordinances within the Department’s legal jurisdiction;

3. Training of employees and documentation of such training;

4. Development and maintenance of a positive relationship with all segments of the campus community to obtain their support in conducting a successful campus law enforcement program;
5. Development of rules and regulations within the Department;

6. Appropriate investigation of complaints made against their personnel;

7. Completion of forwarding such reports as may be required by competent authority

8. Department’s relations with the campus community;

9. Appropriate liaison in law enforcement and related matters between campus and local state and federal officials.

**Authority**

The Chief exercises all lawful powers of the office and issues such lawful orders as necessary to assure the effective performance of the Department. The Chief of Police is a member of the University's professional staff and functions in accordance with policy established by the University's administration with considerable latitude in the exercise of independent judgment and discretion in the management and operation of the Department. The Chief's authority is commensurate to carry out the responsibilities outlined in the previous section.
### 1. Purpose

Direction and supervision are among the most critical elements of agency performance. This Order provides that supervisory personnel are accountable for the performance of the employees under their immediate control, requires employees to obey lawful orders, and outlines the procedure to be followed by employees who receive conflicting orders.

### 2. Accountability of Supervisory Personnel for Performance of Those Supervised

Lieutenants are accountable for the performance of the employees under their immediate supervision. Although Lieutenants, through delegation, may free themselves of the actual performance of a task, they cannot rid themselves of responsibility or accountability for the ultimate accomplishment of the task.

### 3. Obedience to Orders

Orders are instructions given to subordinates by those higher in command. Officers are required to obey all lawful orders of Lieutenants and other higher-ranking members, including orders relayed from a supervisor by an employee of the same or lesser rank.

### 4. Conflicting Orders

a. Occasionally, members may receive an order that conflicts with a previously given order in these circumstances, the following policies shall apply:

   i. An employee who receives an order that conflicts with any previous order will inform the person who issued the second order that their directions conflict with those previously received.

   ii. The responsibility for countermanding the original order rests with the supervisor who issued the subsequent order.
iii. In the event the conflict cannot be readily discussed with the Lieutenants involved, the member carries out the most recent order given and advises, as soon as possible, the supervisor who gave the most recent order.

5. Unlawful Orders

a. Under no circumstances will an employee obey an order that is unlawful, unethical or immoral. Obedience to an unlawful order is not a defense for an unlawful action. If a member believes that an order is unlawful, unethical or immoral, that member has the responsibility to inform the person giving the order of such. If the order is not clarified in such a way as to establish it as lawful and proper, or retracted, the member will inform a supervisor of a higher rank than the one issuing the order that such an order has been given.

b. Responsibility for refusal to obey rests with the member and they must be able to articulate the justification for their actions. An unlawful, unethical or immoral order will be investigated according to applicable policies and General Orders.
1. Purpose

The purpose of this Order is to set forth the policies and procedures for specialized assignments within the Department.

2. Policy

Specialized assignments within the Department are characterized by increased levels of responsibility and specialized training but are within a given position classification. The Chief of Police, or their designee, is responsible for determining the need for specialized assignments within the Department's organization.

3. Procedure

a. Once a specialized program, activity or organizational function has been developed within the Department, the Chief of Police, or their designee, shall:

   i. Determine the training needs and establish training requirements accordingly for personnel assigned to specialized assignments or functions.

   ii. Annually review each specialized assignment for the purpose of determining whether it should be continued. The evaluation will include:

      1. A listing of the agency’s specialized assignments,

      2. A statement of purpose for each listed assignment;

      3. The evaluation of the initial problem or condition that required the implementation of the specialized assignment.

   iii. Openings for specialized assignments shall normally be advertised by written job announcement. Written job announcements will be advertised to all personnel and shall be posted in the briefing room.
iv. All job announcements for specialized assignments shall specify the knowledge, skills, abilities and qualifications needed for the job assignment and include any additional requirements.

v. The procedures qualified employees must follow in order to request consideration for selection to a specialized assignment will be specified in the job announcement for said assignment.

vi. The process for selecting personnel to specialized assignments will be set forth in the job announcement for the particular assignment.

vii. The Chief of Police reserves the right to place qualified personnel in specialized assignments on the basis of prior experience, training or similar assignment history without using the job announcement procedure outlined in sections 1 - 5 above.

4. Specialized Assignments

a. The following are the special assignments utilized by the New York State University Police at Albany. Others may be added as required. Not all specialized assignment titles may be filled at any given time and not every specialized assignment performed by Department personnel will necessarily be reflected in this section.

i. Sworn:

1. Bicycle Patrol Unit
2. Bicycle Patrol Coordinator
3. Quartermaster
4. Patrol K9 Team
5. Narcotics K9 Team
6. Explosives K9 Team
7. Vehicle Maintenance Officer
8. Breathalyzer Maintenance Officer(s)
9. Honor Guard
10. Public Information Officer
11. Information Technology and Records Officer
12. Evidence Technician
13. Drug Recognition Expert
1. Purpose

The purpose of this Order is to establish the University Police Department’s role in crime prevention within the University at Albany community.

2. Policy

The New York State University Police at Albany strives to maintain a positive relationship with the university community through community policing and problem solving. To achieve this goal all employees must strive to form collaborative partnerships with the community we serve. The actions of each individual officer and civilian employee reflect on the department as a whole, and all personnel should project a positive image. All departmental personnel must be aware of the various crime prevention programs that this agency provides, so that they may inform the community.

3. Responsibility

a. While every employee has a role, the Chief of Police or their designee, shall oversee all of the Department’s Community Relations functions.

b. All department personnel must assume the responsibility of promoting good community relations. The actions and demeanor of our personnel while dealing with the public have a significant effect on the department image, effectiveness, and acceptance of our programs.

c. This department is committed to correcting actions, practices, and attitudes that may contribute to community tensions and grievances.

4. Community Relations and Crime Prevention Programs

a. Security Surveys

b. Women’s Safety and R.A.D. (Rape Aggression Defense) courses

c. Alcohol Awareness and Education
d. Drug Awareness and Education

e. Personal Safety Workshops

f. Citizens Police Academy

g. Community Observer Program

h. Safety Fairs

i. Information Tables

j. Orientations
Purpose

The purpose of this Order is to establish the policy for composition of the University at Albany Police Department Honor Guard.

Policy

It is the policy of the University at Albany Police Department to maintain an Honor Guard to conduct funerals of deceased University Police Officers (active and retired) and to conduct other ceremonial duties as assigned. See Annex G for complete Honor Guard Guidelines and Procedures.

Composition of the Honor Guard

1. The Honor Guard will be comprised of sworn members selected by the Chief of Police from within the Department. The selection process will follow the guidelines set forth in General Order 11.1.1 – Organization and Administration of the University at Albany Police Department.

2. Criteria for assignment to the Honor Guard include, but are not limited to:
   a. Personal appearance and grooming that meets or exceeds department standards;
   b. Demonstrated military bearing and maturity;
   c. Willingness to act as a representative of the University at Albany Police Department and State University of New York at official functions on a volunteer basis.

The Chief of Police shall designate an officer to serve as the Officer-in-Charge (OIC) of the Honor Guard.
1. Purpose

   a. The purpose of this Order is to provide members with guidelines for interacting with the news media and for releasing information to both the media and general public.

2. Policy

   a. It is the policy of the University at Albany Police Department to cooperate with news-gathering agencies and to provide information to them and the public in accordance with applicable laws.

3. Definitions

   a. Routine Incident - Any incident that occurs or is investigated with great frequency or as in the course of normal police operations (e.g. routine arrest, injured person, larceny, traffic accident).

   b. Unusual Incident - Any incident which that is, other than outside the normal daily routine and of a nature that requires special police actions or procedures (e.g. homicide, hostage situations, barricaded persons, fatal accidents, sex offenses, drug raids, rapes, robbery).

4. Procedure

   a. The Assistant Chief of Police serves as the primary PIO for the department. The Chief of Police shall designate as many Assistant Public Information Officers as necessary to function in the absence of the PIO’s.

   b. Whenever the PIO’s are absent or otherwise unavailable, the Chief of Police or their designee may designate a member of the department to release information to the media/public in the absence of the PIO’s.
c. The PIO’s shall be responsible for the dissemination of information to the community and news media in accordance with all applicable laws. They will also be responsible for consulting with and assisting other members/divisions of the Department regarding media and public requests for police information, reports and statistical data, information concerning confidential agency investigations and operations, ongoing criminal investigations and information regarding the application of Article 6 of the Public Officers Law (Freedom of Information Law), Civil Rights Law, Right of Privacy, Family Court Act and other applicable laws governing the release of information.

d. Specific responsibilities of the PIO shall include, but not be limited to:

i. Preparing and distributing department news releases.

ii. Coordinating and authorizing authorizes the release of information regarding victims, witnesses and suspects.

iii. Assists media personnel in covering routine news stories.

iv. Assists the news media during crisis situations, emergencies or major incidents.

v. Being available for on-call responses to the news media.

vi. Responding to requests for information by the media regarding unusual incidents.


5. Identification of News Media Personnel

a. Members of the local news media are issued identification card. The colors of the cards change each year, and the word "PRESS" (in bold block letters). Each card also indicates the name of the news media representative and his employer. Press cards shall be clipped to the outside pocket or worn around the neck and be clearly visible. The department recognizes only valid identification cards for local news personnel.

b. Vehicles of authorized news media personnel will be identified by a special Press License Plate (NYP) or by vehicle markings.

c. The misuse of credentials by a member of the media shall be reported to the Chief of Police for further action.
1. News Media Access to Incident and Crime Scenes

a. Members of the news media, including photographers, shall be granted unrestricted access to the perimeter (e.g. safe public areas) of crime scenes, major fires, natural disasters, catastrophic events, etc.

b. Upon authorization of the on-scene Incident Commander, representatives of the news media who are properly identified by credentials may be allowed access to areas normally closed to the general public for the purpose of obtaining information or photographs. They shall not be authorized to be within a crime scene or locale where their presence may jeopardize an investigation, integrity of evidence or personal safety. If it is necessary to exclude a member of the news media from the scene of an incident, it shall be done with tact and in a professional manner. When possible, an explanation for such action should be provided.

c. News media vehicles may not violate traffic laws. At the scene of a newsworthy event, officers should extend whatever parking privileges are possible, providing such privileges do not endanger the public safety, hamper the flow of traffic or interfere with public safety operations.

2. News Media Inquiries

a. With the exception of feature stories, information shall be disclosed without partiality to any particular news media representative or agency and shall not be withheld or delayed to favor any person or agency.

b. News media requests for information regarding:

i. Routine incidents - shall be referred to the investigating officer or their supervisor. Members of the department may, at their discretion, agree to or decline media requests for any taped or videotaped interviews.

ii. Unusual incidents or ongoing criminal investigations - shall be referred to the Chief of Police or their designee. The Chief of Police, or their designee may assign the PIO to respond to the request.

iii. Internal affairs investigations, personnel matters or requests for information from agency files - shall be directed to the Chief of Police or their designee.

c. The following information may be released to the news media after an arrest has been made:
ii. The name, age, residence, employment, marital status and similar background information of the accused.

iii. Substance or text of the charge, such as a complaint/information and, when appropriate, the identity of the complainant. Information shall not be released if it would identify (or tend to identify) the victim of a sex crime.

iv. Identity of the investigating and arresting officer and length of the investigation, so long as this does not compromise an undercover or ongoing investigation.

v. Circumstances immediately surrounding the arrest including the time and place of arrest, resistance, pursuit, possession and/or use of weapons and a description of items seized at time of arrest.

d. When releasing information to the media or public to include information regarding ongoing criminal investigations, officers shall not:

i. Disclose the identity of the victim of a sex crime or any other information that would tend to identify such victim.

ii. Disclose personal information identifying a victim.

iii. Reveal the name of any juveniles taken into custody, unless the juvenile is to be tried as an adult (e.g. juvenile offender) in criminal court.

iv. Reveal the results of tests or the refusal of the accused to take a test (e.g. breathalyzer, polygraph and blood tests).

v. Make any statement as to the criminal history, testimony, character or reputation of an accused person or a prospective witness.

vi. Comment regarding any admissions, confessions or the contents of statements or alibis attributable to an accused person.

vii. Comment concerning the credibility or anticipated testimony of prospective witnesses or regarding the merits of the case or quality of evidence gathered.

viii. Speculate regarding the possibility of a plea of guilty to the offense charged or to a lesser offense or any other disposition.

ix. Render opinions concerning the evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be presented at trial.

x. Release the names of deceased victims until after the notification of the next of kin.
xi. Release information that could interfere with an ongoing criminal investigation or endanger the life or safety of any person.

xii. Release information received from other law enforcement agencies without their concurrence in releasing that information.

xiii. Reveal personal information about any member of the department (e.g. personnel records, performance evaluations, and home addresses/telephone numbers).

xiv. Disclose information from a member's personnel file without approval of the Chief of Police or their designee and as provided by law.

e. When other service agencies (e.g. public service agencies such as other law enforcement agencies, fire departments, medical examiner’s office, etc.) are involved in a mutual effort, the agency having primary jurisdiction in the matter should be responsible for releasing, or coordinating the release of, information. Any information released in regard to a mutual service agency effort shall be reported to the PIO as soon as possible.

3. Release of Agency Records

a. The release of agency records shall be in accordance with, General Order 204, "the State University of New York’s policy “Records Administration Retention and Management Disposition”, Article 6 of the New York State Public Officers Law (e.g. Freedom of Information Law - FOIL) and all other applicable laws. This can be accessed at the following URL: http://www.suny.edu/sunypp/documents.cfm?doc_id=650.

b. The following records may be released to members of the news media or general public, when available:

i. Accident reports.

ii. Incident reports.

iii. Arrest reports.

iv. Statistical information.

v. Local conviction records upon specific request.

c. Access to records, or portions thereof, compiled for law enforcement purposes may be denied if disclosure of such records would:

i. Deprive a person of the right to a fair trial or impartial adjudication.
ii. Identify a confidential source or disclose confidential information relating to a criminal investigation.

iii. Reveal criminal investigative techniques or procedures, except routine techniques and procedures.

iv. Endanger the life or safety of any person.

v. Result in an unwarranted invasion of personal privacy.

vi. Impair present or imminent contract negotiations.

vii. Cause substantial injury to the competitive position of an enterprise (e.g. trade secrets).

viii. Violate any federal or state statutes (e.g. identify sex crime victims, police personnel records).

d. Requests for information shall be processed as soon as reasonably possible. Written requests shall be processed within five (5) business days of their receipt by either:

i. Making such record available to the person requesting it; or

ii. Denying such request in writing; or

iii. Furnishing a written acknowledgement of the receipt of such request and a statement of the approximate date when such request will be granted or denied.

e. Persons denied access to records may, within thirty (30) days, appeal the denial in writing to the Office of the VP for Communications and Marketing. Within ten (10) business days of the receipt of such appeal, the Supervisor is required to respond in writing explaining the reason for the denial or providing access to the records requested.

f. News media representatives may submit written requests for procedure or policy changes concerning contact with the news media. All such requests shall be directed to the Office of Media and Marketing for review and appropriate action.

4. Press Releases

a. The department may utilize the press release as a vehicle to convey public information and rely on the media to assist the agency in the release of information during any crisis situation.
b. Whenever practical, press releases shall be issued to release information to the media concerning unusual incidents, sensitive investigations or department programs. The frequency of written press releases shall be as necessitated by specific occurrences or programs or as determined by the Chief of Police or their designee.

c. The subject matter of press releases shall be approved by the Chief of Police, their designee or PIO prior to its release. All information contained in press releases shall be consistent with the guidelines contained in Article 6 of the New York Public Officers Law.

d. When information is disseminated by any person other than the Public Information Officer, Chief of Police or their designee, the PIO shall be notified of the content of the material released (e.g. copy of news release placed in mailbox), who released the material and when it was released. Such notification may be verbal or written, but should occur as soon as practical after the release.

5. Press Conferences

a. The PIO shall be responsible for arranging and conducting press conferences for major incidents, investigations or emergencies. Press conferences shall be conducted to provide the media with timely and accurate information while maintaining the integrity of the investigation response and attentiveness to the emergency at hand.

b. Authorized representatives of the news media with proper credentials shall be given equal access to press conferences.

6. Photographs

a. Members of the news media shall be permitted to photograph:

i. Prisoners in transit.

ii. Activities inside police headquarters in hallways and other public areas.

iii. Incident scenes, as long as this activity does not interfere with police operations.

iv. Defendants in custody, photographed but only while they are in public places.

b. Members of the department shall neither encourage nor discourage the photographing of a defendant, nor shall they pose a defendant so that the media may obtain photographs. A defendant's face shall not be intentionally covered
by a department member unless there is a legitimate law enforcement need (e.g. future identification line-up).

c. Photographs of a subject may be released only when a valid law enforcement function is served. Mug shots of arrested subjects will not be made available to the media for the sole purpose of publicity.
1. Purpose

The purpose of this Order is to establish the responsibilities of specialized assignment of Information Technology and Records Officer.

2. Responsibilities

a. Will serve as the department’s IT (Information Technology) Coordinator.

b. Serve as Administrator and responsible for installation, maintenance and basic trouble shooting of all department software products and hardware. This includes but is not limited to TraCS (Traffic and Criminal Software), IETS (Records Management System), LPR (License Plate Reader), mobile computing platforms and LiveScan and Body Worn Cameras.

c. Administrative functions including but not limited to:

   i. Authorization to void Electronic Traffic Summons created in error.

d. In the event a TraCS ticket is created by an officer in error, the officer will advise the ITRO and the shift supervisor via email. Once voided, the party responsible will email the issuing officer of same.

e. Must possess current certification as an Evidence Technician.

f. Must possess current certification as a NYS Accreditation Program Manager. Responsibilities to include updating and maintaining NYS Law Enforcement Accreditation files and any other duties associated with the position as Accreditation Program Manager.

g. Must possess and maintain certification as a Police General Topics Instructor and shall be responsible for developing training materials and providing instruction to members on records management procedures, department hardware and software utilization, eJustice, LiveScan and other areas as assigned.

h. Responsible for the certification, maintenance and weekly testing of the department’s Datamaster.
i. Responsible for the certification, maintenance and weekly testing of all Department owned Pre-Screen Devices (PSD).

j. Responsible for the certification and maintenance of department RADAR equipment and hardware.

k. Will review the technology utilized by the department on an ongoing basis and make recommendations as appropriate and remain current on Microsoft Office programs.

l. Supply manager for department computer related consumables.

m. Responsible for the maintenance and oversight of Netreg computer registrations.

n. Will maintain report paperwork including:
   i. Criminal Report files, department Arrest files, SART (Sexual Assault Reporting) forms, DIRs (Domestic Incident Reports), MV104As (Accident Reports) and other motor vehicle related paperwork

o. Responsible for addressing FOIL (Freedom of Information Law) requests, general public requests for report copies, and requests for reports for backgrounds from other police agencies in accordance with department policy.

p. Responsible for preparation of arrest materials to be forwarded to the appropriate court and District Attorney’s office.

q. Assist with Arrest Warrants and ensure Persona Non Grata (PNG) files are appropriately maintained.

r. Responsible for the monthly reporting of statistics including: DCJS IBR (Division of Criminal Justice Services Incident Based Reporting), NYS’s Stop DWI, and the Federal Bureau of Investigation’s (UCR’s) Uniform Crime Reports and LEOKA (Law Enforcement Officers Killed and Assaulted).

s. Act as department liaison with the following departments:
   i. Office of Community Standards to coordinate release of documentation to that office and scheduling of members to appear as needed.
   
   ii. University Title IX Coordinator pertaining to records and documentations.
   
   iii. University Telecommunications to obtain employee PAC codes.
   
   iv. SUNYCard to obtain new employee building permissions and camera access.
   
   v. University Environmental Health and Safety for monthly Automated External Defibrillators (AED’s) testing and maintenance.
   
   vi. Obtaining PeopleSoft permissions for appropriate department employees.
t. Monitor and assist with Department’s website as needed.

u. Monitor Department’s Web mailbox and appropriately handle communications received.

v. Act as Department’s Facebook Administrator. Monitor and appropriately handle associated mail account.

w. Act as Department’s Twitter Administrator and monitor associated activity.

x. Will assist the Captain with managing evidence and the performing of random and annual evidence audits.

y. Assist with the department Annual Report.


aa. Reports directly to the Police Captain

bb. Assists other members of Command Staff and other duties as assigned.
1. Purpose

   The purpose of this Order is to establish the responsibilities of specialized assignment of the Evidence Technician.

2. Responsibilities

   The Evidence Technician’s primary responsibilities include photographing, collecting, preserving, and presenting physical evidence. Work is performed in the field, including crime scenes and autopsies, and in the Department. Types of crime scenes include person crimes, such as homicides, sexual assaults, and robberies, as well as property crime. Shift, weekend, and holiday work is required.

3. Essential Functions

   Upon responding to a crime scene, the Evidence Technician is responsible for ensuring the crime scene perimeter has been established and attendance log was started. If a log was not started, the Evidence Technician will task a patrol officer with compiling and maintaining one.

   a. Photographs evidence at crime scenes using department cameras.
   b. Processes evidence using special powers, chemical solutions, forensic light sources, and various cameras, lenses, and filters in order to develop and preserve evidence.
   c. Collects, preserves and presents latent fingerprints, tire prints, shoe prints, tool marks and other physical evidence.
   d. Attends autopsies to photograph and fingerprint the deceased for identification purposes.
   e. Testifies in court as a witness in connection to the scenes processed and evidence developed and preserved.
   f. Writes department reports, supplements and documents the evidence collected.

4. Required Knowledge

   a. Evidence collection and processing using a variety of technical equipment, materials, and processes.
   b. Photographic methods and equipment as related to crime scene investigations and laboratory processing.
   c. Basic rules of evidence.
1. Purpose

The purpose of this Order is to establish the responsibilities of the Bicycle Patrol Unit at the New York State University Police at Albany.

2. Policy

It is the policy of this Department to have the Bike Patrol Unit augment and enhance the patrol function and community policing mission of the Department by having highly visible Bike Patrol Officers.

3. Selection and Assignment

a. Positions in Bicycle Patrol are of a voluntary nature. Openings for positions will be posted according to procedures set forth in General Order 16.2.0, Specialized Assignments and Duties [https://powerdms.com/link/IDS/document?id=153620](https://powerdms.com/link/IDS/document?id=153620)

b. Officers selected for assignment with the Bicycle Patrol must successfully complete an approved Bicycle Patrol Officers Course before beginning actual bicycle patrol duties.

c. Certain specialized assignments may require successful completion of Bicycle Patrol training as a condition of assignment.

d. Officers interested in this assignment must, prior to their selection, submit a Training request and a recent medical clearance note from a physician of their choice clearing the officer to take part in a Bicycle Patrol Officers Course and stating the officer is physically capable of performing the duties of a bicycle patrol officer to the Training Committee.
4. Daily Shift Assignments

a. Schedule

i. Officers are expected to ride on the days they are scheduled and should notify the shift supervisor before pre-shift briefing of any reasons why they are unable to ride.

ii. If an officer cannot ride on their scheduled day, the shift supervisor should substitute another officer if possible.

iii. Minimum and Maximum Staffing – The bike patrol schedule will provide for a minimum number of bike patrols on each shift. Provided that there are an adequate number of officers assigned to patrol cars, there is no maximum limit for bike patrols.

iv. Patrol Car Minimums – In assigning officers to bike patrol on any given shift, there should remain a minimum of two (2) patrol cars in service.

v. Riding with Partners -Bike patrol officers should be encouraged to ride in pairs and should not be forced to ride alone in situations where they feel it is unsafe to do so.

vi. Weather Conditions

1. No bike patrol officer shall be forced to ride in temperature or wind chill conditions below 40 degrees or above 95 degrees Fahrenheit, nor during periods of inclement weather such as heavy rain or high winds.

2. No bike patrol officer who has not been issued cold weather gear shall be forced to ride in weather that is not conducive to wearing short sleeves and shorts.

3. No bike patrol officer should be permitted to ride in weather conditions that would present an obvious hazard to their personal safety, or would physically restrict them from adequately responding to calls. These conditions include: slippery or icy conditions, heavy rains, high winds, and excessively wet or snowy ground conditions that would restrict travel to limited areas of pavement.

5. Uniforms and Safety Equipment

a. Bike patrol officers must have a bike patrol uniform and regular duty uniform available for all regular shifts and overtime assignments.

b. All officers are required to wear the most current issued bike patrol uniform including all issued safety equipment. Discontinued versions of the uniform are not to be worn.
6. Patrol Areas

a. Areas Conducive to Bike Patrol
   i. Bike patrol officers should concentrate their patrol activity on inner-campus and off-road areas where motorized vehicles cannot travel, and high crime areas such as parking lots; where the inconspicuous approach of bike patrols can more easily detect crimes in progress.
   ii. Roadways can be utilized as an efficient means to respond to certain locations but should not be regularly patrolled on bicycles.

b. Riding on Sidewalks - Bike patrol officers must ride at safe speeds and remain aware of pedestrian traffic when patrolling on sidewalks.

c. Riding Inside Buildings - Bike patrol officers should refrain from riding inside buildings unless an emergency response is warranted. Bikes should be walked through buildings, and due consideration should be given to avoid tracking dirt and moisture through interior areas.

7. Response to Calls

a. All bike patrol officers are expected to remain in good physical condition and proficient in the cycling skills necessary to respond to calls in a timely manner.

b. Unless otherwise directed by the shift supervisor, bike patrol officers should be considered a regular patrol unit and should respond to the same call volume as their motorized counterparts.

c. Bike patrols may be dispatched to any type of call but should not be the primary unit dispatched to calls best suited for patrol vehicles. Such calls include:
   i. Motor vehicle accidents
   ii. Ambulance escorts
   iii. Motorist assists
   iv. Calls located on Alumni Quad or Draper Complex

8. Bike Security

a. In order to prevent tampering and theft, and to facilitate quick response to calls, bikes should remain in the custody of the officer while on patrol.

b. When it is impractical to maintain possession of the bike in response to routine calls, it should be placed in a secure room, or as a last resort, handcuffed or locked to an immoveable object.

c. Bikes left unattended on patrol car bike racks should be locked to the rack at all times.
9. Training

a. In order to become a member of the Bike Patrol, officers are required to successfully complete a DCJS certified bike patrol training course.

b. In order to remain an active Bike Patrol member, all bike patrol officers must successfully complete a periodic qualification and refresher course conducted by this department.

10. Bike Assignment

a. Each bike officer will be assigned a bike which will be properly sized, adjusted and equipped to fit their individual body type and riding style.

b. Each officer is responsible to inflate tires to maximum pressure and perform a safety inspection prior to every ride.

c. Each bike officer will be responsible for the basic maintenance of their assigned bike. Basic maintenance includes: washing, drive train cleaning and lubrication, securing loose parts, and tire/tube repair/replacement. All other repairs should be reported to trained maintenance officers.
Purpose

The purpose of this Order is to establish the responsibilities of specialized assignment of Bicycle Patrol Coordinator.

Responsibilities

The Bicycle Patrol Coordinator will be an active member of the Bicycle Patrol Unit. The Chief of Police or their designee will designate a Bicycle Patrol Coordinator whose duties will include, but are not limited to:

1. Coordinates rider training courses with a member of the Command Staff.

2. Maintains responsibility for the bicycle maintenance program.

3. Performs recordkeeping for the Bicycle Patrol.

4. Prepares the annual review and personnel recommendations for the coming fiscal year.

5. Provides an up-to-date roster of Bicycle Patrol Officers.
1. Purpose

The purpose of this Order is to establish the responsibilities of specialized assignment of Quartermaster.

2. Responsibilities

   a. The Captain functions as the Department’s Quartermaster with the following responsibilities:

      i. Maintains records of the Department uniform stock and individual officer issue.

      ii. Receives officer uniform requests:

          1. All initial issuance of uniforms and related equipment will be made by the Quartermaster.

          2. Subsequent requests for new issue or replacement for damaged, worn out, incorrectly sized or lost items will be made to the Quartermaster.

          3. Except for lost or destroyed items, replacement items will be issued on a one-to-one exchange basis.

      iii. Makes recommendations to management staff for new uniform items that will enhance the quality of work life for University Police Officers.
1. Purpose

The purpose of this directive is to establish the policies and procedures for the selection of the specialized assignment of Police K9 Handler, the acquisition and care of department owned K9 partners, and the procedures and restrictions of K9 Team deployment by the New York State University Police at Albany.

2. Introduction

The department’s Police K9 Handler is considered a specialized assignment due to the increased levels of responsibility and specialized training involved but is granted within a given position classification. The department may choose to implement Police K9 Teams in various aspects of its operations.

3. Definitions

a. Patrol K9 Team

The Patrol K9 Team consists of a sworn officer, or Handler, and the Handler’s assigned K9 partner. A Patrol K9 Team can be used to track persons, search buildings and areas for persons, search for articles, provide handler protection and apprehend criminals when that level of force is justified and appropriate. A Patrol K9 Team is also trained to search for lost or missing persons. A Patrol K9 Team can respond to other jurisdictions, with approval of the shift supervisor or appropriate Command Staff member, to assist those agencies with similar incidents. The Team will only perform functions that they are trained for, and in a manner that best protects the safety of the community while not placing the Team in undue danger.

b. Explosives K9 Team

The Explosives K9 Team consists of a sworn officer, or Handler, and the Handler’s assigned K9 partner. An Explosives K9 Team can be used to detect the presence of certain explosive substances. The Team can be used to conduct protective sweeps of buildings or areas for the presence of explosives, respond to bomb threats, and screen suspicious packages. An Explosives K9 Team can respond to other jurisdictions, with approval of the shift supervisor or appropriate Command Staff member, to assist those agencies with similar incidents. The Team will only
perform functions that they are trained for, and in a manner that best protects the safety of the community while not placing the Team in undue danger.

c. Narcotics Detection K9 Team

The Narcotics Detection K9 Team consists of a sworn officer, or Handler, and the Handler’s assigned K9 partner. A Narcotics Detection K9 Team can be used to detect the presence of certain illicit drugs. The Narcotics Detection K9 Team can be used to conduct searches of vehicles, property, and locations to detect the presence of certain illicit drugs. A Narcotics Detection K9 Team can respond to other jurisdictions, with approval of the shift supervisor or appropriate Command staff member, to assist those agencies with similar incidents. The Team will only perform functions that they are trained for, and in a manner that best protects the safety of the community while not placing the Team in undue danger.

4. Procedure

a. Police K9 Team Selection

i. The Chief of Police will determine the need for appointing a Police K9 Handler.

ii. Once a need has been identified, the Deputy Chief of Police will post the training opportunity as described below.

iii. The Captain will form a Handler Selection Committee, made up of members of various ranks and expertise, who will be charged with interviewing interested sworn officers and making an appointment recommendation to the Chief of Police.

iv. The Chief of Police will make the final determination of who will be assigned as a Handler on a Police K9 Team. Assigned persons shall receive the required training/certifications to fill that role.

v. Vacancies

1. Announcement of vacancies are posted in a manner that provides access to all eligible department members. Announcements will include the following information:

   a. A description of the position for which the process is being conducted.

   b. A schedule of dates, times and locations for all elements of the process, including the deadline date for letters of recommendation or intent.

   c. A statement of minimum qualifications for eligibility for selection.

   d. A description of the process to be used to fill vacancies.

vi. Eligibility Requirements and Criteria

1. The eligibility requirements for applying for the specialized assignment of all Police K9 Handlers are as follows:
a. Three years as a police officer (by time of expected appointment).

b. Ability to safely and effectively house, transport, and care for a K9 Partner.

c. Demonstrated record of participation in programs and activities of the department.

d. Demonstrated an interest in continued self-development and education; e.g., continues to attend available training programs.


f. Rated satisfactory or above overall on the most recent performance evaluation.

g. Received a letter of support from the officer’s supervisor addressing any area listed as less than satisfactory on the most recent performance evaluation.

h. Any disciplinary action(s) resulting in a sustained finding against the officer shall be reviewed by the Chief of Police and, at their discretion, may provide grounds to consider an officer ineligible.

vii. Selection Process

1. Upon receipt of qualified candidates, the Captain will initiate the choosing of the selection board for oral interviews. All board members will be voting members. The voting or rank of the candidates by the selection board will be submitted to the Chief of Police, or their designee, who will make the final decision.

2. Applicants will be evaluated on each of the following areas, using rating scale interview sheets, on their knowledge, skills and abilities in the following categories:

   a. Performance
   b. Management ability
   c. Scope and level of previous responsibility
   d. Prior training/experience with K9s
   e. Ability to successfully train and care for a K9 Partner
   f. Related education
   g. Specialized training
   h. Initiative/Attitude
   i. Adherence to Grooming Standards
   j. Communication skills
   k. Administrative skills
l. Motivational and team building skills

3. Each selection board member shall rate each applicant based on the above performance/knowledge dimensions. Many of these areas are addressed by the interview ranking sheets; areas such as past performance and specialized training are evaluated using the applicant record review. Finally, these evaluation worksheets are scored by the final vote of the selection board. At the close of the interview, each candidate will be provided information of the remaining process and the anticipated date a decision will be made.

viii. Assignment Duration

1. Our department’s Police K9 Teams, which includes Patrol K9 Teams, Explosives K9 Teams and Narcotics Detection K9 Teams, are overseen by the Deputy Chief of Police.

2. The selection and assignment of a K9 partner to an officer appointed as a Handler will be coordinated by the Deputy Chief of Police.

3. The acquisition of a Police K9 partner will be coordinated by the Deputy Chief of Police.
   a. The selection of a K9 partner will be based on specific department needs, level of existing training, and past performance.
   b. Before acquiring a dog to be utilized as a K9 partner, it shall be evaluated by an experienced K9 Handler/Trainer for fitness to include temperament, alertness, and drive.
   c. Perspective dogs will be examined by a veterinarian and found to be healthy and capable of performing the intended function. The dog must also be current with all required vaccinations.

4. The Police K9 Team will remain in their assignment until the Handler or K9 partner are no longer able to perform the duties of their position, the Handler resigns from the position, or the Chief of Police terminates their assignment.

5. The Chief of Police may forego the application/selection process to keep a current Handler in their assignment after their assigned K9 partner is no longer able to perform the duties of the position, in order to assign another K9 partner to that Handler.

b. Police K9 Ownership

i. All dogs utilized as Police K9 partners will be owned by the New York State University Police at Albany and are the sole property of this department.

1. Department owned dogs are not available for breeding purposes unless approved in writing by the Deputy Chief of Police.
2. Department owned dogs will not be used for competitions, trials, exhibitions, or
demonstrations without authorization. On duty authorization can be given by the
Handler’s supervisor, off-duty requests can only be approved by the Deputy Chief of
Police.

3. Police K9 partners may be re-assigned to a different Handler to enhance the efficiency of
the team or better suit the needs of the department.

   ii. A Handler may request to assume ownership of their K9 partner if:

       1. The dog is retired or removed from service, or if the Handler is no longer assigned as a
          Police K9 Team and the decision is made not to retrain the dog for another Handler.

       2. Once ownership is transferred, the Handler becomes solely responsible for the care of the
dog as well as solely responsible for the actions of their personally owned dog.

       3. If a Handler does assume ownership, the department will provide up to $500 annually for
          the ongoing medical care of a previously department owned dog, made payable to a
          department approved veterinary clinic.

   c. Police K9 Care

   i. Handlers must maintain their K9 partners in a safe and controlled manner at all times.

   ii. Handlers are responsible for providing a suitable living environment for their partner when off
duty, as well as a vehicle capable of safely transporting their K9 partners when off duty.

   iii. Handlers are responsible for the daily care of their partner to include maintenance and cleaning
of the area the dog is housed, provision of food and clean water, grooming, exercise, general
attention to medical needs, and the maintenance of all records.

       1. Handlers will be compensated for daily care by shortening the Handler’s on duty work
week to 35 hours.

   iv. Food for department owned dogs will be paid for by the department after authorization by the
Deputy Chief of Police.

   v. Equipment and supplies will be paid for by the department after authorization by the Deputy
Chief of Police.

   vi. The department will pay to board a department owned dog for up to 7 days annually at a
department approved kennel.

   vii. Periodic veterinary examinations, vaccinations, and treatment of injury and illness for
department owned dogs will be paid for by the department after authorization by the Deputy
Chief of Police. No authorization is required for a department owned dog to receive emergency
care.
viii. Penalties

1. Any K9 Handler who is thought to be guilty of abuse, neglect, cruelty and/or other unethical behavior toward their K9 partner shall be subject to an investigation consistent with General Order 52.1.1 Investigation of Misconduct and Citizen Complaints. https://powerdms.com/link/IDS/document/?id=163948

2. Any finding of abuse, neglect, cruelty, or other unethical behaviors toward their K9 partner shall result in the immediate removal of the Handler from their specialized assignment and shall prevent the Handler from requesting the transfer of their K9 partner’s ownership.

d. Requests for K9 assistance

i. On duty department personnel may request the assistance of a Police K9 Team through the on duty Supervisor or appropriate Command Staff member. If there isn’t an appropriate Police K9 Team on duty a Supervisor may authorize a Team to be called in utilizing the K9 Team overtime list, keeping in mind the working capabilities of each team. When an appropriate New York State University Police at Albany K9 Team is unavailable, the on duty supervisor or appropriate Command Staff member may call an outside agency for mutual aid.

1. The department will maintain a rotational overtime list, namely the K9 Team Overtime List, to be called when an approved request necessitates that on off duty K9 Team be used to fill the request.

ii. Police K9 Team Request from Outside Agency

1. Should an outside agency request the services of one of our Police K9 teams, the person fielding the request will obtain the following information:

   a. Name/Rank/Badge # of person requesting

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

   c. Type of canine assistance requested i.e. building search, track, narcotics/explosive detection.

   d. Exact location to respond to (specific direction/route of approach if appropriate).

2. The person fielding the request will then notify the on duty Supervisor or appropriate 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. The entry must include the information required in 4.d.ii.1 above.

e. Records

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

1. Veterinary records
2. Training records
3. Certifications
4. Awards/Commendations
5. Uses of Force that their K9 partner was involved in
6. All bites outside of training exercises
7. All injuries to their partner
8. All injuries to a person caused by their partner, regardless of the circumstances
9. Any other records as directed by the Chief of Police

ii. If a Police K9 is involved with an on duty incident that results in an injury to the K9 or a person, the Handler shall notify their shift supervisor as soon as practical. The shift supervisor shall notify the Deputy Chief of Police and ensure an appropriate investigation is conducted.

1. The Handler will complete an incident report documenting the circumstances of the incident as soon as possible.
2. A summary of the incident, to include a finding and resolution, will be added to the K9's records.

iii. If a Police K9 is involved with an off duty incident that results in an injury to the K9 or a person, the Handler shall notify the Deputy Chief of Police as soon as practical. The Deputy Chief of Police will ensure an appropriate investigation is conducted.

1. The Handler will complete an incident report documenting the circumstances of the incident as soon as possible.
2. A summary of the incident, to include a finding and resolution, will be added to the K9's records.

iv. Training Records

1. The handler shall be responsible for keeping up to date with all department and DCJS mandated in service maintenance training and shall document same.
2. The recorded training information shall be considered part of the K9's records.

3. At the end of each calendar year, the Handler shall prepare and provide to the Deputy Chief of Police a summary of activity for their Police K9 Team to include total utilizations, incidents of note, awards, training progress, and future needs.

v. Record Storage

1. All K9 records will be maintained at the New York State University Police at Albany station and available for review by the Deputy Chief of Police and other authorized persons.

f. Training

i. Each new Handler or new K9 shall attend a training academy or similar course of instruction prior to assuming duties as a Police K9 Team.

ii. A pre-trained/certified K9 will conduct in service training with their Handler, overseen by a DCJS certified trainer, and pass a New York State DCJS certification.

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

iv. K9 maintenance training will be conducted at least 24 hours every three months per certification. This training is coordinated by the Handler with approval of the on duty Supervisor. If the Handler will be unable to complete the required maintenance training within the prescribed time period, the Handler must notify the Deputy Chief of Police before the end of the deficient month. Failure to properly maintain a K9's training is grounds to have the Handler removed from their assignment.

v. All training will conform to the standards and principles established by the New York State Department of Criminal Justice Services.

g. Deployment

i. Only Police K9 teams that are currently certified by the New York State Department of Criminal Justice Services will only be available for service.

ii. The Police K9 Team will be assigned a patrol vehicle by the on duty supervisor that is equipped with a kennel system and all necessary safety and emergency equipment.

iii. Police K9 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.

iv. No department member shall approach a Police K9 without the knowledge and approval of its Handler.
v. No member shall conduct themselves in a manner that would elicit a trained response from a Police K9 except to assist the Handler in training exercises.

vi. After physical apprehension by a Police K9, only the Handler or their designee will approach, command the K9 to release, or place the subject under arrest.

vii. The Police K9 Team is intended as support for all divisions within the department.

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

ix. Some examples of situations in which a K9 team might be used are:

1. Building Searches
   a. Verbal warning required unless a tactical liability exists

2. Tracking of Suspects/Missing/Lost Persons

3. Open Area Searches

4. Narcotics Detection

5. Explosive Detection

6. Article/Evidence Detection

7. Public Relations Exhibitions

8. Community Policing Initiatives

9. Apprehend fleeing subjects or overcome physical resistance
   a. Only when that level of force is justified

x. A Police K9 Team shall not be used in crowd control unless exigent circumstances exist that necessitates the deployment of a K9 in order to prevent serious physical injury or death.

xi. The use of a Police K9 Team is subject to all NYS Laws, regulations, and department policies regarding use of force.

   1. Each Handler must remain knowledgeable on the lawful and effective use of a Police K9, and ensure that the training of the K9 properly addresses all legal requirements.

xii. When a Police K9 Team responds to any incident specific to their function, the Handler shall be responsible for documenting the Team’s actions. This is accomplished through Supplemental Incident report when assisting a NYSUP at Albany Officer, submitting an Assist Other PD report when assisting an outside agency, or submitting the appropriately categorized report for incidents that the Handler is also the Reporting Officer. In all cases, the Handler
must ensure that the “K9 Used” box is checked in IETS and any applicable Use of Force Reports are completed before going off duty.
1. **Purpose**

The purpose of this Order is to establish the responsibilities of specialized assignment of Vehicle Maintenance Officer.

2. **Responsibilities**

   a. Coordinates with Vehicle Operations Center, Lieutenants and dealerships in the regular maintenance and repair of all patrol vehicles

   b. Maintains the records of all patrol vehicles to include but not limited to:
      
      i. Year/make/model New York State Registration, University Police Department Registration;
      
      ii. Routine maintenance, record mileage and date work performed;
      
      iii. Additional repairs made, mileage, date, and work performed.

   c. Performs and documents weekly maintenance checks:
      
      i. Basic fluid check;
      
      ii. Tire pressure and wear;
      
      iii. All vehicle lighting, including emergency lighting;
      
      iv. Date of checks.

   d. Oversees routine maintenance as well as unscheduled maintenance as repairs are needed for all patrol vehicles. Regular maintenance shall include and document the following:
      
      i. Oil changes;
      
      ii. Tire changes;
      
      iii. Wiper changes.

   e. Coordinates scheduling with Supervisor for taking vehicles out of service for routine maintenance.
1. Purpose

The purpose of this Order is to establish the responsibilities of specialized assignments of the DataMaster DMT Maintenance Officer.

2. Responsibilities

a. Coordinates with Captain, Bureau of Municipal Police (BMP) and Division of Criminal Justice Services (DCJS) in the regular maintenance and calibration of the Department’s DataMaster DMT.

b. Performs and documents weekly calibration checks of the DataMaster DMT.

c. Oversees semi-annual BMP calibration checks and documentation of such.

d. Performs simulator solution changes as required.

e. Logs and stores related items as received and reorder as necessary.

f. Coordinates with the Captain in the documentation and record-keeping procedure to allow access of these records as necessary for court hearings.

g. Compiles an updated list of certified BTO’s to be posted for the purpose of re-certification and to be called as necessary for the purpose of testing defendants.
GENERAL ORDER 21
CLASSIFICATION AND
DELINEATION OF JOB
RESPONSIBILITIES

SUBJECT

Position/Assignment Descriptions

GENERAL ORDER NUMBER

21.2.3

DCJS STANDARDS

2.2

EFFECTIVE DATE

September 30, 2009

DATE REVIEWED

October 4, 2016

APPLIES TO:

All Employees

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

Purpose

The purpose of this Order is to establish guidelines for ensuring the statements of responsibilities for each organizational component are made available to all personnel.

Introduction

Written job descriptions describing the duties and responsibilities of each position and job assignment within the department are listed below. All job descriptions are based on job and task analysis and are reviewed annually to ensure they are up-to-date. All personnel are encouraged to periodically review their job descriptions and to make suggestions to their supervisor concerning any changes they believe should be made.

The following section delineates the duties and responsibilities for each sworn and non-sworn member of the University Police Department, listed by rank and position. A detailed Classification Standard for each of the following Classified Service positions can be located at the University at Albany’s Human Resource Management Department or the New York State Department of Civil Service at the following URL: https://www.cs.ny.gov/.
SUBJECT
Chief of Police

GENERAL ORDER
NUMBER
21.2.4

DCJS STANDARDS
2.2

EFFECTIVE DATE
September 30, 2009

DATE REVIEWED
August 18, 2016

APPLIES TO:
All Employees

REVISION DATE
July 1, 2015

APPROVAL.

J. Frank Wiley., Chief of Police

Introduction

Through the Chief of Police, the Department is responsible for the protection of people, State equipment and personal property and the enforcement of laws and regulations coming within its legal jurisdiction. The Chief is responsible for the development and maintenance of a positive relationship with all segments of the campus community – student, academic and administrative - to obtain their support in conducting a successful campus law enforcement program. In so doing, the Chief works to ensure continued responsiveness to the needs of the University community and also allows these various interest groups to be kept aware of the importance of their efforts in securing the optimum level of performance and efficiency of the Department.

Responsibilities

1. Serves as the executive head of the Department and reports to the Vice President of Finance and Administration. Responsible for

2. Oversees the proper administration and efficient operation of police and security services.

3. Supervises the maintenance of law and order on campus and the enforcement of federal, State, and local laws. Also supervises the enforcement of such campus rules and regulations deemed appropriate by campus administrators.

4. Plans, directs, coordinates, controls and staffs all activities under the Department’s purview.

5. Oversees the enforcement of rules and regulations within the Department.

6. Ensures the thorough and appropriate investigation of complaints made against personnel, as well as the completion and forwarding of such reports as may be required by competent authority.
7. Oversees the Department's relations with the campus community and ensures appropriate interactions in law enforcement and related matters between the campus and local, State and federal officials.

8. Is a member, ex-officio, of the University Community Council of the University Senate.

9. Ensures proper liaison is maintained with external law enforcement, court and correction agencies so as to promote mutual understanding of the role of each should a campus-related incident have external consequences.

10. Examines generally, through inspection and records, each branch of the Department with a view towards maintaining overall operating efficiency.
1. Introduction

The Assistant Chief of Police assists the Chief of Police in the development, administration, coordination, and implementation of department policies, procedures, programs, and activities. The Assistant Chief acts as the Chief of Police in their absence.

2. Responsibilities

a. Supervises the Criminal Investigations Unit, department staff involved in programming and event management, and administrative staff.

b. Serves as the direct line supervisor of department inspectors and office manager.

c. Oversees department finances and serves as the Chair of the Finance Committee.

d. Manages department human resources related activity, including hiring and labor relations activity.

e. Manages development and implementation of department policy. Advises and assists with the development of University policy related to campus safety, and security.

f. Coordinates compliance efforts and assisting with University compliance policy development, implementation and training, including Clery Act requirements, DCJS accreditation, and other Federal, State, and University requirements.

g. Serves as the primary Public Information Officer and coordinates public information related activities, including emergency notifications, freedom of information act requests, and social media based communications.
h. Reviews all crime and general incident reports

i. Reviews all complaints filed against department personnel.

j. Serves as liaison with outside criminal justice agencies and the Office of Student Affairs on matters regarding student behavior and campus safety.

k. Develops and maintains close positive relationships with other campus offices and departments in order to promote support for security and safety programs.

l. Serves as the department’s Safe Space liaison.

m. Co-chairs the University Emergency Preparedness Advisory Committee – Develops policy, training, and emergency management exercises in coordination with the co-chair (department of Environmental Health & Safety).

n. Carries out internal investigations as assigned.

o. Advisor to the Chief of Police.

p. Assists other members of Command Staff and other duties as assigned.
1. Introduction

The Deputy Chief of Police assists the Chief of Police and the Assistant Chief of Police in the development, administration, coordination, and implementation of department policies, procedures, programs, and activities. The Deputy Chief of Police acts as the Chief of Police in the absence of the Chief of Police and the Assistant Chief of Police.

2. Responsibilities

a. Supervises all uniformed staff.

b. Serves as direct-line supervisor for the Lieutenants.

c. Oversees the scheduling of all Lieutenants, Police Officers, Campus Public Safety Officers, and Security Services Assistants within guidelines set forth by the Chief of Police.

d. Serves as the Chair of the Training Committee and oversees the training of all staff.

e. Serves as the Department’s representative for the Zone 5 Law Enforcement Training Academy.

f. Coordinates the intake, storage, and disposition of evidence and property with the assistance of the Captain,

g. Responsible for maintaining department personnel C-Forms.

h. Oversees the administration of department resources including the selection of equipment and vehicles.
i. Reviews all crime and general Incident Reports.

j. Reviews all complaints filed against Department personnel.

k. Serves as liaison with outside criminal justice agencies and the Office of Student Affairs for matters affecting student behavior and security.

l. Develops and maintains close, positive relationships with other campus offices and departments in order to promote support of security and safety programs.

m. Represents the Department at regular meetings of the President’s Advisory Committee on Campus Security and collaborates with Physical Plant on improvements related to safety on campus.

n. Represents or designates a representative for the Department at regular meetings of the Albany County STOP DWI (Safety/Traffic Options) Program.

o. Carries out internal investigations as assigned.

p. Advisor to the Chief of Police.

q. Assists other members of Command Staff and other duties as assigned.
1. Introduction

The Inspectors are members of the command staff who have specialized skills or are assigned to handle specific tasks. Inspectors act under the supervision of the Assistant Chief of Police and report to other members of Command Staff as appropriate.

2. Criminal Investigations Unit Inspector

Criminal Investigations Inspectors supervise university police investigators and/or senior investigators in the conduct of their duties. In addition to the general and individual responsibilities of a university police investigator or senior investigator, an Inspector performs specialized assignments as directed by the Assistant Chief of Police or their designee.

a. Responsibilities

i. Commander of the Criminal Investigations Unit. Supervises and directs the activity of the University Police Investigators

ii. Represents the department on all matters involving the development and placement of the University camera systems.

iii. Serves as an Assigned Internal Investigator in matters of employee misconduct as deemed appropriate by the Chief of Police.

iv. Oversees the review of officer’s uses of force.

v. Coordinates the dissemination of applicable legal updates to department members.
vi. Oversees the computerized record management system consistent with law and department policy

vii. Advises and assists with the development of department and University policy related to the above areas and areas of expertise.

viii. Advises and assists with the University’s emergency management planning, prevention, mitigation and recovery efforts

ix. Serves as the department’s representative on University committees involving student conduct, behavior and criminality

x. Assists other members of Command Staff as directed

3. Logistics Inspector

Logistics Inspectors may supervise other members within the Department including those assigned to areas such as community policing, education efforts, crime prevention, and special events. This inspector also performs specialized functions and assignments as directed by the Assistant Chief of Police or their designee.

a. Responsibilities

i. Supervises the Captain.

ii. Coordinates department programming.

iii. Acts as the department grant manager.

iv. Advises and assists the Assistant Chief of Police regarding policy development and review.

v. Advises and assists in department’s DCJS accreditation maintenance.

vi. Advises and assists in Department Recruitment Efforts

vii. Advises and assists with the department’s annual report

viii. Manages the day to day operations of the department’s budget and generates reports

ix. Oversees the hiring process for the department work-study and internship programs.
x. Assists the Assistant Chief of Police in department member hiring process and associated Human Resource paperwork.

xi. Performs building maintenance inspections and ensures that building related matters are addressed.

xii. Serves on various committees (within the University and surrounding communities) at the direction of the Assistant Chief of Police.

xiii. Assists other members of the Command Staff as directed
1. **Introduction**

The Program Aide functions as the principal paraprofessional employee providing support to the operational functions of the department. Primary duties include paraprofessional / administrative, office management, personnel, meetings & committees and other duties as assigned. Other duties include office management, correspondence preparation, scheduling, file maintenance, payroll support and Department statistics. The Program Aide works under direct supervision of the Assistant Chief of Police.

2. **Responsibilities**

Paraprofessional Research and Analysis:

a. Assist in reviewing and revising UPD policy and procedures manuals

b. Assist in reviewing, creating and revising internal UPD forms

c. Creates Daily Crime and Incident Report - lists crimes, incidents, parking and traffic activity; then disseminates it electronically.

d. Data Analysis and Recommendations

   i. Analyze UPD related data from various sources and draw conclusions

   ii. Prepare reports, summaries, and charts from your research for Command Staff review

   iii. Recommend plans of action to Command Staff based on findings

   iv. Tracks overtime usage by category.

e. General office management
i. In conjunction with the Assistant Chief of Police, assists in short-term and long-term goals and objectives

ii. Prepare, edit and draft correspondence as needed.

iii. Keeps office files – court calendar, special events calendar, names, reports, arrests, vehicle accidents, investigations, banned persons, etc.

iv. Supervises the Office Assistant and student interns.

f. Background Investigations / Court Requests

i. Compile background information for investigations, grievances, disciplinary and other court appointments / hearings

g. Assists with Department’s budget as requested
1. Introduction

The Office Assistant 1 functions as an office assistant to the Program Aide.

2. Responsibilities

a. General office related tasks to include: typing, copying, faxing, filing and mail sorting.

b. Assists in answering of University at Albany Police Department Administrative phone lines, taking messages and directing calls.

c. Updates department Outlook calendar, schedules appointments and emails event notifications.

d. Assists in department payroll preparation using current software system.

e. Monitors office supplies for the department.

f. Performs certain Program Aide duties in the absence of the Program Aide.

g. Reports to the Program Aide.
1. Introduction

The Captain of the University Police at Albany holds the classified position of University Police Officer II and is appointed to the title of Captain by the Chief of Police. The Captain is a member of the Command Staff assigned to specialized and specific duties. The Captain acts under the supervision of the Logistics Inspector and reports to other members of the Command Staff.

2. Responsibilities

a. Special Events Coordinator: Serves as the agency representative and coordinator for special events occurring on campus or requiring University Police involvement on or off campus. The Captain will attend planning meetings and sit on planning committees as necessary to ascertain police attention and response for impending events and activities. Including but not limited to Athletic events, Concerts, Dignitary events and Commencements.

b. Agency Quartermaster: Duties and Responsibilities as listed.

1. Communicate and coordinate all uniform related matters with agency fiscal manager.

2. Communicate and coordinate with uniform vendors as related to agency uniform needs and requirements.

3. Responsible for the new issuing, ordering and replacement of all uniform related items to department personnel.

4. Maintain a record of uniform related inventory. Such record to include equipment issued to department personnel.
c. **Evidence and Property Custodian:** Duties and Responsibilities as listed

1. Attend DCJS training and maintain certification as “Property and Evidence Room Management” manager.

2. Evidence transfer and accurate chain of custody documentation from temporary booking storage to permanent evidence room (or designated area) storage.

3. Coordination with District Attorney’s office related to criminal case disposition and related case evidentiary disposal/destruction.

4. Oversight of non-evidentiary property, documentation and storage/security of same in coordination with the agency property officer.

5. Time specific disposal and destruction of unclaimed property after 1 year in possession at the time of bi-annual audit as the designated time frame.

d. **Agency Schedule:** Responsible for planning, creation, maintenance, publication, updates and general oversight of the department master duty roster and work schedule.

1. Coordinate with the Chairs of the departments committees to document all appropriate scheduling activity.

e. The Captain will hold a seat on the agency Training Committee.

f. **Agency Fleet Manager:** Responsibilities to include and be broken down into two general areas of oversight. Acquisition and maintenance. The Captain (Agency Fleet Manager) will also maintain and have oversight of all records pertaining to the agency fleet vehicles.

1. Acquisition: Coordinate with Command Staff and the agency fiscal manager for the purchase and outfitting of new or used fleet vehicles.

2. Maintenance: Coordinate with the Supervisory staff, patrol staff and the agency fleet maintenance Supervisor to address any regular scheduled maintenance issues or other maintenance related matters that occur.

g. **ITRO Supervisor:** The agency ITRO will report directly to the Captain. Supervision emphasis to include but not limited to case file management and department record keeping.

h. **Relief Shift Supervisor:** In the absence of a shift Lieutenant or as assigned by the Command staff the Captain will serve as the shift Supervisor.
i. Assists other members of Command Staff and other duties as assigned.
**Introduction**

The University Police Officer 2 (Lieutenant) supervises the police force on duty, performs the full range of duties assigned to University Police Officer 1 and reports to the Command Staff.

**Responsibilities**

The University Police Officer 2 (Lieutenant) is responsible for all law enforcement and security activity on their assigned shift, to include direct supervision of all University Police Officers, Campus Public Safety Officers, Supervising Security Services Assistants and Security Services Assistants. They ensure that officers are deployed to cover all regular posts as well as special events.

Lieutenants will evaluate and counsel all staff under their supervision and prepare required evaluations in conjunction with other Lieutenants as appropriate.

University Police Lieutenants must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside their usual sphere of supervision if the security objective or reputation of the department so requires; or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If Lieutenants require a subordinate other than their own to leave a regular assignment, the supervisor so directing will inform the subordinate’s own supervisor as soon as possible.

**Performance Expectations**

1. Directs staff with the clear understanding that serving the University community is the entire reason for the existence of the Department.

2. Reads and reviews all reports prepared by staff during their tour before the Supervisor submits those reports to the Department.
3. Reviews and monitors the on-duty performance of subordinates in the field during their interactions with the community.

4. Actively guides the professional development of staff through mentoring, counseling and, when appropriate, discipline.

5. Ensures the prompt and full compliance of their staff with all Department policies, procedures and Orders.

6. Fosters a professional environment by treating all Department members, regardless of rank, shift, unit or division, with courtesy and respect and requires that same level of behavior from staff in return.

7. Communicates to peers any and all information that may have an operational impact on any shift, unit or division of the Department in a timely manner.

8. Communicates with the Department’s Command Staff on a regular basis and informs them in a timely manner of any situations that could affect the Department’s operational effectiveness.

**Beginning of Shift**

1. Reviews Incident Reports from the previous shift.

2. Checks radio and key assignments.

3. Checks base station, including alarms and portable radios.

4. Conducts pre-shift briefings for all incoming staff, ascertains that all officers on duty are aware of comments on the shift briefing sheet and that officers returning from leave have reviewed previous shifts’ briefings and Incident Reports.

5. Ensures that officers’ uniforms are complete and neat and that authorized accoutrements are worn in the prescribed manner.

6. Reviews and takes appropriate action on any notes left by other Lieutenants or the Command Staff regarding crimes, incidents or operational matters.

**During Shift**

1. Reviews and initials that all Incident Reports; checks for accuracy and completeness. Reviews narrative for completeness, including crime prevention suggestions made by Insure Officers to victims.

2. Enforces policies requiring officers to check oil, transmission fluid, emergency equipment, communications equipment and general condition of all patrol vehicles on a regular basis.
3. Ascertains that regular foot patrols of each Quad are conducted.

4. Assists Investigators to ensure that any crime scene evidence is properly preserved.

5. Spot-checks officers to ascertain insure they are in assigned areas.

6. Reviews leave requests; recommends approval/disapproval.

7. Ensures that auto maintenance and operational deficiencies are communicated to the Deputy Chief of Administration.

8. Coordinates any special requests or events with the proper department or unit involved.

9. Communicates with the Investigator on duty. Makes sure that Dispatcher notifies Investigator of any felony, unusual incident or other condition that may require his/her expertise.

10. Periodically rides with each officer under his/her direction to reinforce the Department’s mission and goals.

11. Ensures that the University Police Department station is maintained neat and orderly and that custodial staff clean the building.

12. Reviews each arrest during tour of duty to assure that the arrest action was warranted, in compliance with Department policy and both legal and proper. Makes proper notifications per General Order 1.3.6(a).

13. Ascertains that officers assigned to mobile patrol fill gas levels and clean interiors of vehicles at end of shift.


15. Provides line-up for the next day and reviews staffing for the upcoming week - creates line-ups and reviews staffing levels for upcoming week to assure proper staffing levels. Makes or arrange for line-ups to be completed while out on leave. Reviews staffing levels for approaching week.

16. Monthly reviews and processes time cards.


   a. In the event a TraCS ticket is created by an officer in error, the officer will advise the ITRO and the shift Lieutenant via email. Once voided, the party responsible will email the issuing officer of same.

**NOTE:** The above instructions comprise general supervisory responsibilities. The Command Staff may assign Lieutenants other specific duties as required.
Introduction

The University Police Investigator 1 is primarily involved in investigating violations of criminal law on campuses of the State University of New York. They typically conduct investigations, which may extend over periods of weeks or months and which may require application of the full range of interviewing and investigative techniques. These investigations are distinguished from those conducted by University Police Officers, which are incidental to other law enforcement activities, by their longer duration and by the use of the wider breadth of investigative techniques utilized, such as on-site information gathering at the scene of accidents or incidents.

Investigator duties require conducting investigations and maintaining official liaisons. The nature of the work includes interviewing students, Residential Life, Administrative Personnel, complainants etc. The Investigator, when assigned a case, should report fully on case status and include solvability factors.

The Investigator should include the following information in the case file:

1. All action taken, including the names of persons contacted and dates of contact.

2. The dates and times of all events pertinent to the investigation.

3. The final disposition including names of suspects and action taken.

Responsibilities

1. Provides notification to law enforcement agencies relative to stolen or missing property.

2. Maintains cooperative working relationships with law enforcement agencies that the Department comes into contact with.

3. Develops in-service training programs as directed.
4. Conducts inspections of places and premises where crime is particularly likely to occur.

5. Maintains records relating to investigations and submit reports as directed by Command Staff.

6. Treats crime victims in a manner that will assist the victim and maximize his/her cooperation with the investigation.

7. Supervises collection of evidence at scene of major crimes.

8. Reports to the scene of all crimes in progress as necessary.

9. Provides technical assistance to Lieutenants and officers in preparation of court cases.

10. Performs collateral duties as directed.

11. Follows the established guidelines regarding the Case Management System that is in place. Every case is copied and entered into the appropriate case management system subsequently receiving follow-up by one or more investigators.

12. Uses video and surveillance equipment to facilitate investigations as directed. Prior to use of said equipment the investigator will have received appropriate training regarding the proper use of the equipment.

13. Fingerprint and photographs persons arrested by the Criminal Investigation Unit.

14. Prepares cases for court presentation in consultation with the Assistant District Attorney.

15. Provides courtroom testimony.

   a. Ensures 24 hour access to warrants.
   b. Ensures warrants are current and enforceable.
   c. Actively pursues current, enforceable outstanding warrants.

17. Maintains confidentiality appropriate to each case and the related investigations.

18. Notifies the Command Staff in a timely manner of all major developments in a case or incident.

19. Participates in case conferences as directed.
20. Provides statistical information on cases for the monthly report no later than seven days from the end of the month.

21. Performs such other duties and assignments as required by the Chief of Police or other member of Command Staff.

22. Attends briefings regularly, based on caseloads, for the purpose of informational exchanges related to ongoing investigations.

**Introduction**

The First Sergeant - EVOC/Safety Officer will work at the direction of a member of the Command staff, Administrative Captain and Shift Supervisor (Lieutenant) and will take an active role in the following areas (these duties will be in addition to the requirements of a University Police Officer 1):

1. Responsible for fleet maintenance to include, but not limited to:
   a. All full size, mid size, and four wheel drive vehicles;
   b. All unmarked vehicles in the fleet;
   c. All special use vehicles e.g. All Terrain Vehicles (ATV’s).
2. Reviews accident reports involving departmental vehicles.
3. Conducts driver training for civilian members of the Department including both the classroom and practical portions of the course.
4. Maintains current certification as a Radar Instructor.
5. Serves as a court liaison officer with both the City of Albany and the Town of Guilderland.
6. Maintains current certification as a Breath Test Operator.

**Provides the Following Services upon Request**

1. Serves as an advisor on new vehicle purchases.
2. Sets up driver training programs for basic academies and in-service schools.

3. Sets up driver training programs for outside agencies upon special request.

4. Serves as a Vehicle Accident Reconstructionist.

5. Sets up remedial driver training programs as needed.

6. Coordinates the Department’s EVOC in-service program and provides technical assistance to other agencies when appropriate and convenient.

7. Provides training to Security Staff charged with the operation of the SSA transport vehicle.

8. Conducts Basic Radar Course for the Department members in need of said training.

9. Maintains Department records for the EVOC, Radar and Breathalyzer training.

10. Coordinates Department training initiatives at the direction of a member of the Command Staff, Captain or Lieutenant as needed.

**Basic Requirements**

1. Three years as an EVOC instructor.

2. Safe driving record, minimum three years with no preventable accidents.

3. Yearly evaluations with good rating or better.

4. No pending discipline.

5. Be willing to travel to assist other agencies e.g. S.U.N.Y. System in their training needs.

6. Completed Bureau of Municipal Police Instructor Development School or be able to do so within one year.

7. Completion of an Accident Reconstructionist course or the ability to do so within one year.

8. Completed a Bureau of Municipal Police Radar Instructor Course or be able to do so within one year.

9. Instruct Approved by the Chief based on seniority of those qualified to perform the functions of the position.
Introduction

University Police Officers enforce all New York State and local laws and the Student Code of Conduct on the grounds of the State University of New York. University Police Officers are charged with full police officer powers under Criminal Procedure Law, §1.20-34(s) and are responsible for the performance of the full range of professional police duties. University Police Officers assist other Local, State and Federal police officers with investigations and may collect evidence, question witnesses or testify in court in connection with alleged criminal actions.

University Police Officers work under the direct supervision of a University Police Supervisor (Lieutenant) who is a Shift Supervisor. He/she is responsible for the enforcement of the New York State Penal Law, as well as other applicable laws, regulations and policies of the University at Albany.

Responsibilities

1. Conducts mobile and foot patrols of the University campus, buildings and grounds as assigned.

2. Responds to criminal complaints and assists victims as required.

3. Conducts initial criminal investigations of offenses; apprehends and arrests suspects; refers suspects to criminal courts; makes Student Judicial Board referrals.

4. Effects liaison and cooperates with external law enforcement agencies and University Residential Life.

5. Assists Residence staff in maintaining security and order in the residence halls.

6. Provides crime prevention information and techniques to the public including crime prevention presentations to student and staff groups.
7. Protects and secures evidence at crime scene; obtains names of witnesses and perpetrators; turns crime scene over to Investigator, Supervisor or Evidence Technician.

8. Appears in court as complainant, witness or investigating officer.

9. Responds to emergencies of fires, injury or disaster and assists victims. Secures appropriate assistance beyond own capability and secures area of emergency.


11. Reports maintenance defects affecting safety and security to the Dispatcher and the on-duty Lieutenant for referral to the Plant Department.

12. Provides escort services as required for safety of persons, money, ambulance/fire apparatus and other purposes.

13. Provides the public with information regarding campus events and directions to campus locations.

14. Assists in crowd control for assemblies, athletic events, concerts, dignitary visits and other events.

15. Functions as Department Dispatcher when so assigned.

16. Opens locked doors and buildings after regular hours to properly identified and authorized students, faculty and staff.

17. Assists in locating persons and relaying emergency messages to staff Lieutenants and Residence Directors.

18. Refers appropriate situations to Middle Earth Mediation Program, or other campus resources as necessary.

19. Provides emergency first aid and CPR, if trained to do so.

20. Assists motorists in obtaining vehicle service and entry to locked vehicles per protocol.

21. Enforces campus parking regulations. May be asked to coordinate with Parking Management for towing.

22. Issues TSLED summonses or warnings to operators of motor vehicles observed in violation of the New York State Vehicle and Traffic Law. If certified, operates radar and BAC testing equipment Breathalyzer.

23. May be requested to assist with evacuation of buildings in emergency situations.
24. Identifies suspicious individuals in non-public areas or other campus locations after normal business hours.

25. Assists Residential Life and Campus Life staff in maintenance of public order.

26. May be required to secure buildings at closing.

27. Transports prisoners from criminal court to county jail or lock-up facility as required.

28. Prepares complete, clear, accurate and concise written reports prior to end of tour. Reports are to be complete unless otherwise directed by a Lieutenant.

29. Maintains proficiency in safety and firing of firearm when authorized to carry it.

30. Adheres to proper radio and communications procedures.

31. Remains in radio communication with the dispatcher.

32. Responds without unnecessary delay to all calls for assistance from the public or other members of the Department.

33. Conforms to all requirements listed in this manual.

34. Obeys all laws, ordinances and regulations they have sworn to uphold or enforce.

35. Reports for duty in the proper uniform of the day, except when assigned to special duty.

36. Keeps proper appearance and personal hygiene when on duty.

37. Carries an ID card on duty and displays your badge upon request. Provides your name and shows ID when requested.

38. Upon reporting for duty, checks all vehicles and equipment that may be called upon for use during tour of duty. Reports any deficiencies to Communications, Captain, Technical Sergeant and/or shift Lieutenant.

39. Upon reporting for duty, becomes familiar with events that have taken place since the end of last shift worked.

40. Absence from tour of duty without proper notification to Shift Lieutenant shall not be excused.

41. Tours of duty with shall not be exchanged among associates without permission from Shift Lieutenant.

42. Official duties shall not be undertaken without a thorough comprehension of that duty. If needed, for clarification shall be requested from the Shift Lieutenant.
43. Maintains alertness and awareness of all activity in patrol area.

44. Unless following an official orders, shall never remove official documents, records, or files, nor allow anyone other than authorized persons to see them without authorization.

45. Shall not utilize departmental supplies for personal use.

46. Reports any legal action that may be taken as a result of one’s official conduct.

47. Takes diligent care of Department property and equipment that is used or issued.

48. Keeps Department officials informed of current address and telephone number.

49. Does not publish any General Orders, nor divulge Department procedures in any manner without permission.

50. Shall not make a false report or knowingly enter or cause to be entered in any department book or record any inaccurate, false or improper entry or misrepresented facts.

51. Shall be punctual in attendance to all calls and requirements of duty. Keeps appointments and attends all functions at time specified.

52. Shall not be permitted to report for duty if in any way impaired or otherwise visibly under the influence of alcoholic beverage or drugs.

53. **Treats matters regarding the media as follows** - Members of the Department are required to report either verbally or in writing any knowledge or information that comes to their attention regarding any matter within the jurisdiction of the Department. Department personnel will not release information regarding Department matters to the news media. All inquiries regarding cases, situations or policies affecting the Department shall be first referred to the Chief of Police or their designee. The Chief will then supervise proper distribution of appropriate information. No information is to be given to the media prior to it being given to the Chief or other member of Command Staff and discussed with them.

54. **Meal Breaks** - Patrol units will stagger breaks to ensure adequate road coverage at all times. If necessary, officers will be instructed to respond to calls regardless of meal break status.

55. Breaks are not to exceed 15 minutes and only two are allowed per shift. Such breaks shall be scheduled to have a minimum impact on patrol coverage.

56. Patrol personnel will not leave either campus without permission from the Lieutenant or OIC (OFFICER IN CHARGE). Once permission is received, Officers will advise the Dispatcher and an RMS (Records Management System) entry will be made.
57. **Outside Employment** - Any member of the Department wishing to engage in outside employment will file a request as outlined in Section 50.04 of the University Police Manual of Rules. In accordance with that section, the form for outside employment must be completed and approved prior to engagement in said job. If the second job is left or any portion of it changes, then notification must be made to the Chief of Police or their designee.

58. May be appointed as Officer in Charge (OIC) by the Deputy Chief of Operations, or their designee. The following tasks may be assigned to the person designated as OIC:

   a. Conduct briefings & line-ups.
   b. Update reports as necessary.
   c. Secure the scene at any major incidents.
   d. If a major incident occurs, contact the Deputy Chief of Operations, their designee or member of Command Staff for further instructions.
   e. When faced with a staffing shortage, OIC will attempt to fill shortage and if unsuccessful, will confer with the Deputy Chief for Operations, their designee or member of Command Staff for further guidance.


**NOTE:** It is the duty of each officer to familiarize themselves with all aspects of this manual.
1. Purpose

The purpose of this Order is to establish the responsibilities of the University Police Communications and Security Specialist 1.

2. Introduction

a. The University Police Communications and Security Specialist 1 (CSS 1) provides communications services for the New York State University Police at Albany. The CSS must understand the nature of the New York State University Police Department and its operations as they are typically the first representative of the Department to come in contact with those seeking our help. They function as a desk officer, dispatcher and 911 operator. In this multi-faceted capacity, the CSS must be prepared to operate radio receiver and broadcast equipment, telephone equipment, the eJusticeNY Integrated Justice Portal or other similar terminal equipment, personal computers, closed circuit television systems and electronic security systems.

b. Within the course of a routine shift a CSS will be expected to answer telephone, radio and computer communications lines; dispatch mobile and foot patrols; maintain appropriate records; operate data terminals and prepare and file a variety of reports and logs. They may also patrol campus buildings and facilities, enforce building regulations, maintain order and answer questions for students, staff and visitors.

3. Officer - Civilian

a. University Police Communications and Security Specialists function under the direction of the shift Supervisor, typically a Police Supervisor (Lieutenant) or Officer in Charge (OIC).

b. Controls base, fixed or mobile communications.

c. Maintains status and control over all mobile radio units in service.
d. Monitors all equipment in the dispatch area and reports any issues or malfunctions to the appropriate supervisor.

e. Immediately reports emergency situations to supervisory personnel, including the inability to establish communications with a mobile unit.

f. Operates data terminals, computers, communications and support equipment.

g. Complies with eJusticeNY Integrated Justice Portal rules and regulations.

h. Accurately enters and updates information in the various computers and data terminal devices.

i. Retrieves information from computer systems and provides to public safety and police personnel.

j. Reviews all messages received on data terminals and stores or distributes according to prescribed procedures.

k. Prepares written reports and maintains the department files as assigned.

l. Oversees issuance and safe return of keys and keeps accurate log of this activity.

m. Monitors University camera system and maintains visual surveillance of the department’s Booking Room camera system during arrest processing.

n. Maintains Communications files and performs other Communications-related duties as required by the shift Supervisor.

o. Reports directly to the Shift Supervisor or OIC and, in their absence, to a member of the command staff.

4. Provide the Following Services

a. Responds to calls for assistance to ensure that property is secured until a police officer arrives at the scene.

b. Patrols assigned area on foot to deter criminal activity by means of presence and witness and to detect and report any possibly dangerous situations such as fires.

c. Prepares and files a variety of reports and logs, and performs other security-related activities.

d. May be assigned to issue and maintain Department equipment.

5. Specific Requirements

a. Duties are people-oriented and communications, in some instances, may be quite stressful.

b. Demeanor - The dispatcher must exercise tact in dealing with a variety of questions and problems, and in representing the department. They must have the ability to remain calm under pressure.
c. Communications may be received and/or transmitted in a variety of manners, often simultaneously. The CSS requires the ability to remain focused, calm and collected so that all communications received and/or disseminated receive maximum attention and an appropriate response.

d. Clear Communications:

i. Effectively, efficiently and promptly deal with a wide range of information as one is made aware of it, be it of a routine or emergency nature. Verbally communicate to others in a clear and effective fashion.

ii. Write reports and maintain logs in an accurate, neat, clear manner, so that those records may be easily referenced.

iii. Must exercise tact and diplomacy in dealing with a variety of questions and problems, both orally and in writing, in order to gain the cooperation of others and to obtain information.

e. Knowledge of Department Rules, Policies, and Procedures:

i. Must understand and know how to refer to and interpret an abundance of resource information posted at or near the desk and be able to communicate this data clearly and informatively to others as needed.

ii. Must understand a variety of filing systems and be able to file various forms efficiently (e.g. computer messages, communications logs, etc.).

iii. Must understand General Orders, disaster procedures, Manual of Rules and other policies as they pertain to the Dispatch function so that proper procedures are followed.

iv. Appearance - Will dress in a neat and acceptable manner as prescribed by department regulations.

v. eJusticeNY Integrated Justice Portal Certification - Must maintain current eJusticeNY Integrated Justice Portal certification and be familiar with PeopleSoft, SUNYCard and other University computer files.
**Purpose**

The purpose of this Order is to establish the responsibilities of the Security Service Assistants I.

**Responsibilities**

Security Service Assistants I (SSA I’s) function primarily in a building guard/watchman capacity. They may work under the general supervision of a police Supervisor on duty. SSA I’s do not have peace officer or police officer powers of arrest. They will not arrest citizens under any circumstances and will avoid physical confrontations. Situations requiring arrest will be referred to a police officer. The primary function of the SSA I is to observe and report.

1. Reports any suspicious, irregular or dangerous situations to the University Police Department. Observed situations will be reported via radio or by dialing 911. Writes reports, gives statements or appears in court as needed.

2. Patrols public areas of the Residence Halls and exterior areas. SSA I’s may assist Residence Assistant staff (RA) on rounds securing the quad at night. Also required to perform additional rounds per shift.

3. Follows instructions regarding signing in and out of guests, as well as checking and verifying student identification.

4. Remains in assigned area unless directed otherwise by a Police Supervisor (Lieutenant) or Officer in Charge (OIC).

5. Unless accompanied by a police officer or supervisor, SSA I’s are not to enter student dorms or suites. SSA I’s are to remain in public areas and avoid fraternization with students beyond normal conversational interactions.
6. May be issued the following equipment:
   a. Log book,
   b. Keys,
   c. Radio,
   d. SUNY Card.

   This equipment is the responsibility of each SSA I, who signs it out at the start of shift. Should any equipment be discovered missing, it shall be reported without delay to the supervising Police Lieutenant, or Officer in Charge (OIC). All items issued at the beginning of shift (i.e. keys, radio, etc.), shall be returned to the police dispatcher at the return briefing at the end of shift.

9. SSA I’s assigned to the academic buildings will be familiar with their opening and closing hours as well as activities within the assigned buildings.

10. Patrols will encompass both the interior and exterior of the assigned complex.

11. SSA I’s will be particularly alert for:
   a. Doors unlocked after scheduled closing,
   b. Activity of an unusual nature,
   c. Evidence of recent vandalism,
   d. Burned out lights,
   e. Other maintenance or safety defects,
   f. Special group activities,
   g. Criminal activity,
   h. Suspicious persons,
   i. Skateboarders in unauthorized areas.

12. All maintenance defects, unlocked doors, and significant activity will be reported to the dispatcher and in writing on an incident report.

13. Assists in the evacuation of the building in the event of fire or fire drills.

14. Provides information to visitors.
15. Completes Activity Sheets when required.

16. Enforces campus parking regulations as required.

17. Assists University Police Officers as required.

18. Completes Daily Activity Reports (DAR’s) when assigned to a walking post, unless otherwise directed.
GENERAL ORDER 22
COMPENSATION, BENEFITS, AND CONDITIONS OF WORK

SUBJECT
Overtime

GENERAL ORDER NUMBER
22.1.1

DCJS STANDARDS
EFFECTIVE DATE
September 30, 2009

REVIEWS DATE
APPLIES TO
January 25, 2017
All Employees

APPROVAL
J. Frank Wiley, Chief of Police

Purpose
This written Order establishes standard procedures for scheduling personnel for overtime assignments/special events.

Policy
It shall be the policy of the University at Albany Police Department to offer and assign overtime on an equitable basis. It shall not be necessary for each employee to receive identical amounts of overtime during a set period of time; however, the Department will strive to present the opportunity for overtime on a uniform basis. The University at Albany Police Department supports the system-wide bargaining unit process and shall maintain compensation, benefits and conditions of work that are in compliance with established agreements.

Procedure
1. Management and/or Police Lieutenants determine the requirement for overtime in any situation.

2. The Officer in Charge (OIC) is authorized to call for overtime to fill a shift vacancy after receiving approval from a member of the Command Staff, or in their absence, a member of the supervisory staff.
3. General overtime guidance is covered by the union agreement.

4. A member of the Command Staff must approve non-emergency overtime for Lieutenants and Investigators in advance.

5. The pre-approval requirement does not apply to holdovers or call-ins in response to an emergency condition. Police Lieutenants who call in officers will advise the appropriate member of the Command Staff, verbally or in writing, as soon as they report for duty.

6. The overtime call list for University Police Officers and Security Service Assistants is maintained and implemented by a union representative as agreed to with local management. The employee must accept the overtime immediately or the offer will be rescinded. The representative will then proceed to the next officer on the overtime roster. The call will be made to the officer's telephone number of record only. An answering machine will be considered an offer turned down.

7. In the event that no officer volunteers to work overtime, the union will maintain a mandatory overtime (MOT) list and provide management with the next eligible person to work the overtime in accordance with their MOT policy.

8. Planned overtime outside an individual's regular shift hours for training, meetings, or special programs shall be for a minimum of two hours and approved in advance by the Shift Supervisor or a member of Command Staff.

9. Overtime pay for work directly preceding or directly following a scheduled shift will be for the actual time worked.

10. Except in special circumstances decided by a member of the Command Staff, no Department employee will be permitted to work for more than 18 hours continuously without a minimum 6-hour break before beginning work again.
Purpose

The purpose of this Order is to establish procedures and guidelines regarding the requesting and granting of various types of leave to members of the Department.

Introduction

The guidelines below are to be utilized for the review and granting or denying of leave requests at the University at Albany Police Department. Operational needs must be taken into consideration when leave requests are made, but all reasonable effort will be made to accommodate requests.

Policy

The use of holiday leave, administrative leave, personal leave and vacation (annual) leave are governed by New York State Civil Service Rules and the agreements between state and employee bargaining units. Published Civil Service rules and the pertinent section(s) of the current collective bargaining agreement regulate attendance and leave. The following regulations are intended to facilitate these agreements.

Scheduled Annual (Vacation) Leave

Scheduled leave requests shall be reviewed twice annually in two successive vacation request opportunities called “pick periods.” These are referred to as the “A” pick and the “B” pick respectively. Requests for scheduled leave shall be made, reviewed, granted or denied in the following manner:

“A” Pick

During the period November 1 through November 30 (the request period), members may submit no more than two requests for leave, and for no more than a cumulative 80 hours total, beginning at any time during the “A” pick period. The “A” pick period spans January 1 through December 31 of the calendar year following the request period. The review period immediately follows the request period; from December 1 to December
30. Leave requests for the “A” pick shall be evaluated and returned to the requesting member no later than December 31.

“B” Pick

During the period May 1 through May 31 (the request period), members may submit no more than two requests, and for no more than a cumulative 80 hours total, for leave beginning at any time during the “B” pick. The “B” pick period spans July 1 of that same calendar year to June 30 of the following calendar year. The review period immediately follows the request period, from June 1 to June 29. Such leave requests for the “B” pick shall be evaluated and returned to the member no later than June 30 of the same year as the requesting period.

Overview

Members may submit up to two requests totaling no more than 80 hours during the “A” pick and another two requests totaling no more than 80 hours during the “B” pick. These requests will allow scheduled leave for one person per shift, excluding leave moratoriums. During the review period for picks “A” and “B”, leave requests will be reviewed one at a time in order of seniority and, if approved, be granted by seniority. In the case of Police Officers and Communication Officers, the determination of seniority takes into account a locally agreed upon blended seniority list (a copy of which is on file with management).

Members must either have the necessary time accrued to cover the leave request at the time of submission and review, or be clearly capable of accruing enough appropriate leave time between the request period and the actual date(s) requested.

Generally, leave requests that include any dates during the first two weeks of a semester or the final two weeks of a semester (including moving-in days, as applicable), dates between Reading Day and the last day of finals or any portion of the commencement proceedings will not be considered. Typically, the first and last two weeks of any semester shall be considered Restricted Leave Periods. However, at the discretion of the Chief, these periods may be shortened, lengthened or altogether eliminated to adjust for crime trends or changing conditions. Management may establish other periods of restricted leave usage as needed and leave requests, including any period of restricted leave, may or may not be considered by management at their sole discretion.

This policy seeks to review leave requests 12 months in advance. Realistically, it is impossible to anticipate the advent of a future crisis which might force the cancellation of leave. Therefore, members are encouraged to purchase trip insurance wherever and whenever possible in order to protect themselves against the possibility of financial loss.
Annual Leave

1. Annual leave requests should be submitted in advance through the Shift Supervisor to the Deputy Chief of Operations. Investigators will submit requests through the Inspector for Operations. Lieutenants will submit requests through the appropriate commander.

2. Conflicting annual leave requests submitted on the same day will be granted on a seniority basis within each shift and position category.

3. Special leave situations other than prime time (i.e. cruises, cabin rentals, etc.) will be processed at the discretion of the Command Staff.

4. Annual/Personal Leave during restricted leave times will be reviewed and acted upon on a case-by-case basis.

Unscheduled Leave

All leave not reviewed under the guidelines established under the Scheduled Leave section shall be considered Unscheduled Leave.

Unscheduled Leave requests may be submitted for review no more than 21 days in advance from the start of the requested leave. The requesting member must either have the necessary time accrued to cover the leave request at the time of submission and review, or clearly be capable of accruing enough appropriate time between the request period and the actual date(s) requested. Unscheduled leave requests shall, to the greatest extent possible, be reviewed and returned to the requesting member within seven days from the submission date.

The employer retains all of its authority, rights and responsibilities, except as expressly limited by the Agreement. This local Labor-Management Agreement and leave policy may need to be revised in relation to future contractual changes.

Leave in General

1. When returning from leave (or relief days), review shift briefing sheets, daily crime reports and bulletin boards.

2. Tardiness may result in leave without pay and/or disciplinary action.

3. Official military orders or an equivalent official document must accompany military leave (30 calendar days or 22 work days authorized per year) requests.

4. Other leave, such as promotional exams, occupational injury, bereavement leave, etc. will require appropriate documentation with the leave request.
SUBJECT
Attendance Control

GENERAL ORDER
NUMBER
22.2.2

DCJS STANDARDS

EFFECTIVE DATE
September 30, 2009

REVIEWS DATE
January 25, 2017

APPLIES TO
All Employees

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

Purpose

The purpose of this Order is to govern the use of leave in an orderly manner and to identify those employees who exhibit an attendance problem as well as to provide guidelines in addressing that problem.

Policy

It is the policy of the University at Albany Police Department to provide a uniform method by which all personnel can request leave (whether annual, sick, scheduled or unscheduled) and also to establish a standard for handling instances of tardiness.

Definitions

1. **Leave without pay** - Any approved unpaid leave, primarily sick leave without pay.

2. **Absent without leave** - This is unauthorized leave and should be documented by a Dispatcher, OIC, Lieutenant or Command Staff member in the following circumstances:
   a. Failure to report for duty without employee notification to the Department.
   b. Failure to report absence properly, meaning employee notification to the Department two hours or more in advance of the start of the shift.
   c. Employee fails to provide previously requested documentation for an unscheduled absence.
   d. Employee fails to report for duty after previously being denied leave for that day (unless medical documentation is provided). Doctor’s notes are to be provided by all employees who do not come in after being denied the day off. Medical documentation will allow the time to be charged against sick leave.
3. **Non-compensable injury/illness or elective surgery** - Instances that are not covered by Workmen's Compensation.

4. **Hardship** - Occasionally, there will be situations that require the application of compassionate review. These include chronic illness, Employee Assistance Program referrals, serious family emergencies, etc. Individual exemptions to this policy must be approved by the Chief of Police or their designee and are subject to periodic review.

5. **Restricted Leave Period** - A period during which leave is not generally granted. A leave moratorium may be declared at the discretion of the Chief of Police or their designee, in response to specific crime problems or trends during a crisis in the University Community, or for an expected period of higher activity levels. Leave Moratoriums will be announced in advance whenever possible. Leave during this interim will be reviewed on a case-by-case basis.

6. **Leave Cancellation** - In emergencies, the Chief may cancel pass days and/or prior approved leave. It is NOT the intention of this Department to cancel prior approved leave unless a serious emergency arises.

**Occasions of Absence**

1. **One-day call in** – classifies as an occasion, even if medical documentation is provided.

2. **Call in for more than one day** without medical documentation – each day is an occasion.

3. **Call in for more than one day** with medical documentation – entire absence is one occasion.

4. **Call in for more than one day** with medical documentation that does not cover the entire absence – entire period covered by documentation is one occasion, each day not covered by documentation classifies as an additional.

5. Lateness exceeding two hours is an occasion.

6. All absences of more than three consecutive days require acceptable documentation and, upon receipt of such documentation, will be counted as one occasion of absence.
**Evaluation Criteria**

Occasions of absence exceeding 5 during a period of 9 months or less: a Memorandum of Understanding will be directed to the employee addressing the concerns surrounding their excessive absences and recommending improvement to their attendance level.

Occasions of absence exceeding 6 during a period of 9 months or less: the circumstances will be evaluated and a counseling Memorandum will be issued as appropriate. Additionally, a determination may be made to do any or all of the following:

1. Require a doctor’s statement for all subsequent occasions.

2. Require return calls from home.

3. Notify employee that no alternative leave may be used if sick leave is exhausted.

4. Permission for secondary employment may be revoked or denied.

5. Occasions of absence exceeding 7 during a period of 9 months or less: review the record and issue a final warning.

6. Occasions of absence exceeding 8 during a period of 9 months or less: discipline may be sought.

**Sick Leave Use / Abuse**

All employees are encouraged to accumulate and utilize sick leave in a responsible manner. Doing so generally provides adequate sick leave when it is needed and prevents premature exhaustion of sick leave absent extenuating circumstances. Extenuating circumstances include long term or chronic illnesses and non-compensable injuries. Without extenuating circumstances, the exhaustion of sick leave may result in warnings, counseling and ultimately discipline. Under no circumstances, including the exhaustion of sick leave, may other forms of leave be substituted for sick leave without the prior approval of a member of the Command Staff. The exhaustion or near exhaustion of sick leave by probationary employees is cause for concern.

With regards to the granting of prior approved sick leave for non-compensable illness/injury/elective surgical procedures or doctor’s appointments, non-compensable shall refer to situations falling outside the parameters of Workmen’s Compensation. If the absence is four hours or more in duration, the employee is required to submit appropriate medical documentation. This documentation should include the time that the appointment started as well as the time it was completed. Failure to submit this documentation within 72 hours after the conclusion of the appointment will result in the absence being considered an “occasion”.

Only in extreme circumstances should a request for a full shift be approved. Whenever possible, the employee should be encouraged to schedule appointments during off-duty hours.
Sick Leave Requests

Sick leave requests for medical, dental or similar appointments will be submitted as soon as possible before the leave date. Requests for unplanned sick leave will be submitted no later than two days after return to work. If necessary, the appropriate supervisor will verify sick leave. A member of the Command Staff will approve sick leave for Lieutenants and Investigators.

Generally, a requirement to provide medical documentation (a physician's slip) will not be required for absences of three consecutive days or less. Exceptions to this General Order may be made when there is a reasonable basis to suspect that an employee has improperly used sick leave, such as being absent on a day when an annual leave or personal leave request had previously been denied.

The Department may also determine that the employee shall be required to provide medical documentation solely as a result of review of employee's attendance record. Such requirement shall follow notification to and subsequent discussions with said employee concerning the pattern, frequency and length of sick leave usage.

In instances where, after due evaluation, management determines that the explanation offered by the employee is unsatisfactory, the determination to require medical documentation shall take the form of a counseling memo or attendance watch memorandum. The criteria for identifying problem patterns of sick leave usage remains management's prerogative, but shall be equally applied to all contractual employees. Documentation will remain consistent with HIPA regulations.

Sickness while on Duty

Employees must contact their immediate supervisor, report the nature of the illness and see that an administrative RMS (Records Management System) is completed. If illness precludes finishing the current tour of duty, employees will obtain permission from their supervisor to leave. This will be noted in the administrative RMS.

Absences due to Weather Conditions

In the absence of a snow emergency declaration by the Governor, employees may not use leave credits without prior approval to cover absences caused solely by adverse weather conditions. However, an employee may be excused for reasonable tardiness due to such adverse conditions. Any claims for sick leave on such days may be cause to request appropriate medical documentation to cover the absence. Employees asked to produce such documentation will have 48 hours from the time of request to submit it. The documentation will be reviewed in order to determine whether it is acceptable or not. Failure to either report for duty or to submit the required medical documentation may be cause to consider that absence unauthorized.
Secondary Employment

Employees will not engage in secondary employment while on sick leave or Occupational Injury leave.

Work-Related Injuries

Employees must file an accident/injury report as soon as possible following the incidence of an on-duty injury.

When taking leave for an injury incurred while on duty, employees must obtain a practitioner’s statement indicating that the injury is work-related, the type of treatment given, diagnosis of present physical condition and prognosis for recovery. The statement must include the specific, previously reported on-duty injury and where assigned as well as the incident number from the State Insurance Fund or Workmen’s Compensation. This statement is to be provided within 48 hours of the evaluation.

If the practitioner’s statement indicates that the employee should be out of work until a specific date and notes a date for follow-up, the employee must provide a new medical statement based on each re-evaluation, detailing when the employee can return to work or when they will be seen by the practitioner again. Statements are to be provided within 48 hours after the medical appointment.

Time Cards

1. Time cards are to be prepared by the member of the Department for whom the time is reported. No one may sign in or out on behalf of another officer or member of the Department.

2. Time cards shall be updated on a daily basis and submitted according to applicable Civil Service regulations and local regulations of the University at Albany.

3. The employee shall accurately record starting and ending times according to the briefing room clock.

4. Leave taken and overtime shall be accurately and completely recorded. Approved leave and overtime slips shall be attached to a submitted time card.

5. Shift Lieutenants shall review the time card of each officer assigned to their tour of duty at the end of each pay period.
Introduction

Lieutenants, Investigators, UPO's, CPSO’s and SSA's are authorized to "swap" shifts or relief days with other individuals in their job category for reasons of personal convenience.

The following conditions are required:

1. Written request to the appropriate member of the Command Staff, signed by both parties concerned and detailing the specific dates and hours of the proposed swap. The request should be made a minimum of one week prior to the requested swap date.

2. Both individuals understand and agree that neither will receive overtime payment.

3. Any one member may only make swaps for a maximum of two consecutive shifts.

4. In no case will affected officers be allowed to work more than two shifts without a one-shift (8 hour or 10 hour) interval in between.

5. Only two individuals can be party to each swap request (i.e. Officer Smith cannot swap with Officer Brown on Friday and Officer Jones on Saturday).

6. Swaps must occur within the same pay period for both individuals involved.

7. A member of the Command Staff must approve the swap in writing.

8. The swap should be noted on the monthly schedule(s).
Introduction

1. Uniformed personnel must obtain permission from the Dispatcher or Supervisor before going on breaks.

2. When permissible, breaks are limited to two 15-minute periods during a tour.

3. Personnel in UPO, SSA, CPSO, Supervisor and Investigator titles are not authorized a predetermined meal break. The Department allows a brief break for officers to eat. It is suggested that all meals for uniformed personnel be taken in the University Police Building lunchroom or satellite office, except when otherwise permitted by the Supervisor on duty.

4. It is expected that adequate road coverage will be maintained while uniformed officers are on breaks. It is the Supervisor’s responsibility to dictate adequate road coverage during meal breaks.
Purpose

The purpose of this Order is to establish policies and procedures for issuance, return and wearing of the Department's official uniform and related authorized equipment, dress codes for sworn, non-sworn and non-uniform personnel, personal appearance, grooming and hygiene standards for all Department personnel.

Policy

It is the policy of the University at Albany Police Department to:

1. Issue uniforms and equipment to sworn and other designated personnel to facilitate ready identification of personnel by the public;

2. Require all Department personnel to dress in a manner appropriate to their current assignments and present a professional, business-like appearance when they are working; and

3. Require all Department personnel to adhere to the personal appearance standards set forth in this policy.

Introduction

Uniforms will be neat, professionally dry-cleaned (not washed) and pressed according to manufacturers' guidelines. Tears, rips and missing buttons will be properly repaired. Shoes and uniform leather will be shined. Shoe polish will be maintained in the briefing room of the University Police Department. No variations from the uniform code will be allowed. The dress code may be changed from time to time upon order of the Chief of Police or their designee. The uniform of the day will be determined by the Command Staff, supervisory staff or training staff to meet the requirements of a special detail or for training.
**Issue/Replacement**

The Quartermaster will issue uniform items and maintain individual clothing records for all personnel. All clothing and equipment permanently issued is to be signed for by the person to whom it is issued. Uniform and equipment items may be replaced as needed on a one-to-one exchange basis.

Any articles lost or damaged due to employee negligence will be replaced at personal expense. The following chart constitutes the basic issue of uniforms and equipment for University Police Officers and University Police Lieutenants:

<table>
<thead>
<tr>
<th>Issued Items</th>
<th>Number of Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collar insignia (or rank)</td>
<td>1 set</td>
</tr>
<tr>
<td>Tie Bar</td>
<td>1</td>
</tr>
<tr>
<td>Name Plate w/ serving since</td>
<td>1</td>
</tr>
<tr>
<td>Accreditation pin</td>
<td>1</td>
</tr>
<tr>
<td>Shield w/case</td>
<td>1</td>
</tr>
<tr>
<td>SUNY Card</td>
<td>1</td>
</tr>
<tr>
<td>Police ID card</td>
<td>1</td>
</tr>
<tr>
<td>Knit tie</td>
<td>1</td>
</tr>
<tr>
<td>Stetson</td>
<td>1</td>
</tr>
<tr>
<td>Winter knit cap</td>
<td>1</td>
</tr>
<tr>
<td>Baseball cap (Bike Patrol)</td>
<td>1</td>
</tr>
<tr>
<td>Duty belt</td>
<td>1</td>
</tr>
<tr>
<td>Under belt</td>
<td>1</td>
</tr>
<tr>
<td>Holster</td>
<td>1</td>
</tr>
<tr>
<td>Magazine case</td>
<td>1</td>
</tr>
<tr>
<td>ASP and duty belt holder</td>
<td>1</td>
</tr>
<tr>
<td>OC spray and duty belt holder</td>
<td>1</td>
</tr>
<tr>
<td>Handcuffs w/key</td>
<td>1</td>
</tr>
<tr>
<td>Handcuff case</td>
<td>1</td>
</tr>
<tr>
<td>Audio recorder</td>
<td>1</td>
</tr>
<tr>
<td>Radio holder</td>
<td>1</td>
</tr>
<tr>
<td>Glove pouch</td>
<td>1</td>
</tr>
<tr>
<td>Keepers</td>
<td>4</td>
</tr>
<tr>
<td>Winter jacket</td>
<td>1</td>
</tr>
<tr>
<td>Long sleeve uniform shirts</td>
<td>2</td>
</tr>
<tr>
<td>Short sleeve uniform shirts</td>
<td>2</td>
</tr>
<tr>
<td>Uniform pants</td>
<td>2</td>
</tr>
<tr>
<td>Body armor</td>
<td>1</td>
</tr>
<tr>
<td>Service pistol w/magazines</td>
<td>1</td>
</tr>
<tr>
<td>Taser holster</td>
<td>1</td>
</tr>
<tr>
<td>Individual first aid kit (IFAK)</td>
<td>1</td>
</tr>
<tr>
<td>Naloxone kit</td>
<td>1</td>
</tr>
</tbody>
</table>
The following constitutes the additional basic issue of uniforms for the Department’s K-9 Unit:

<table>
<thead>
<tr>
<th>Issued Items</th>
<th>Number of Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navy BDU style pants</td>
<td>4</td>
</tr>
<tr>
<td>Navy short sleeve shirts with embroidery</td>
<td>4</td>
</tr>
<tr>
<td>Navy long sleeve shirt with embroidery</td>
<td>4</td>
</tr>
<tr>
<td>K-9 Collar Brass</td>
<td>1</td>
</tr>
</tbody>
</table>

**NOTE:** Embroidery will consist of “K-9 Unit” inscribed above the left shirt pocket and the officer’s name above the right shirt pocket.

The following constitutes the additional basic issue of uniforms and equipment for the Department’s Bike Patrol Unit:

<table>
<thead>
<tr>
<th>Issued Items</th>
<th>Number of Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform shirts</td>
<td>2</td>
</tr>
<tr>
<td>Bike patrol shorts</td>
<td>2</td>
</tr>
<tr>
<td>Bike patrol pants</td>
<td>1</td>
</tr>
<tr>
<td>Helmet</td>
<td>1</td>
</tr>
<tr>
<td>Gloves</td>
<td>1</td>
</tr>
</tbody>
</table>

The following constitutes the additional basic issue of uniforms for the Honor Guard Unit:

<table>
<thead>
<tr>
<th>Issued Items</th>
<th>Number of Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A Uniform Jacket</td>
<td>1</td>
</tr>
<tr>
<td>Sam Brown Belt</td>
<td>1</td>
</tr>
<tr>
<td>Garrison Belt</td>
<td>1</td>
</tr>
<tr>
<td>Black leather handcuff case - Velcro</td>
<td>1</td>
</tr>
<tr>
<td>Black leather magazine case – Velcro</td>
<td>1</td>
</tr>
<tr>
<td>Black trouser belt</td>
<td>1</td>
</tr>
<tr>
<td>Name tag</td>
<td>1</td>
</tr>
<tr>
<td>Serving since bar</td>
<td>1</td>
</tr>
<tr>
<td>White gloves</td>
<td>1</td>
</tr>
</tbody>
</table>

**NOTE:** All department awards and decorations are to be worn while in Class A uniform. All metal adornments and Stetson braids will be gold in color for ranks of Lieutenant and higher. The wearing of sunglasses while on a detail will be at the discretion of the OIC and must have black frames. No mirrored lenses or ornamentation.
The following constitutes basic issue of uniforms for the Department’s Campus Public Safety Officers and Security Services Assistants:

<table>
<thead>
<tr>
<th>ISSUED ITEMS</th>
<th>NUMBER OF ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform pants</td>
<td>4</td>
</tr>
<tr>
<td>Long sleeve uniform shirts</td>
<td>3</td>
</tr>
<tr>
<td>Short sleeve uniform shirts</td>
<td>3</td>
</tr>
<tr>
<td>Shield (CPSO only)</td>
<td>1</td>
</tr>
<tr>
<td>SUNY card</td>
<td>1</td>
</tr>
<tr>
<td>Name plate w/serving since</td>
<td>1</td>
</tr>
<tr>
<td>Collar insignia</td>
<td>1</td>
</tr>
<tr>
<td>Accreditation pin</td>
<td>1</td>
</tr>
<tr>
<td>Knit tie</td>
<td>1</td>
</tr>
<tr>
<td>Tie bar</td>
<td>1</td>
</tr>
<tr>
<td>Winter knit cap</td>
<td>1</td>
</tr>
<tr>
<td>Trouser belt</td>
<td>1</td>
</tr>
<tr>
<td>Winter jacket</td>
<td>1</td>
</tr>
</tbody>
</table>

**Lost, Stolen or Damaged Equipment**

Any member of the University at Albany Police Department will immediately report to their direct supervisor if any issued equipment is lost, stolen or damaged.

1. A report will be required if the property is stolen and the supervisor at their discretion may require a report to be completed in all other situations.

2. Any lost or stolen equipment with a serial number (this includes badges) will be entered into the E-Justice Portal.

3. In each instance the supervisor will review and recommend if further departmental investigation is required.

**Footwear**

Officers are to furnish their own black socks. Shoes/boots will be cleaned and/or shined prior to the start of each shift.

**Stetson**

Stetsons shall be readily accessible for wear at all times. A member of Command Staff and/or Lieutenants may direct specific events and/or times when wear is mandatory.

**Sweater**

The "Wooly Pulley" sweater may be worn with either the long sleeve shirt and tie and the short sleeve shirt.
Winter/Summer Uniform

Short-sleeved uniform shirts without ties will be worn from May 1st to October 1st. A white crew neck tee shirt is to be worn when wearing the short-sleeved uniform shirt. The long sleeved shirts with turtleneck or ties will be worn from October 16th to April 14th. In addition, there will be an optional period during which either the summer or winter uniform may be worn. The optional periods for use of either uniform are April 15th through April 30th and October 1st through October 15th. The winter and lightweight jackets will be worn according to weather and temperature conditions.

Exceptions

1. Officers assigned to uniformed Bicycle Patrol will wear athletic-type footwear that are dark and conservative in color with the summer bicycle uniform.

2. Officers assigned to plainclothes details.

Accoutrements

1. For Patrol Officers and CPSO’s: one set of “New York State” blue enamel state seals will be issued and worn on the shirt collars at all times. For K-9 Officers: one set of K-9 insignias will be worn on the shirt collars at all times.

2. For Captain and Lieutenants: one set of insignia of rank will be issued and will be worn in the center of the shirt collar tab, one inch back and parallel to the leading edge of the collar.

3. For CPSO’s the breast badge will be worn on the uniform shirt and may be worn with the issued mounting board.

4. A standard color 2" x 3" American flag may be worn on the right shoulder area of shirts, sweaters and jackets. It will be machine sewn and centered on the sleeve, 1" below the seam.

5. Specialization patches may be worn on the right sleeve at the discretion of the Chief.

6. A name plate will be issued to each department member. The name plate will be worn centered and 1/4" below and parallel to the top of the right shirt pocket. On the winter jacket, the nametag will be worn centered 1/4" below and parallel to the right flap seam. Name plates will be silver with black letters, with first initial and last name. Ranks of Lieutenant and higher will have brass name plates.

7. Service bar with years of service insert will be worn below the nametag. The bar will be silver enamel with black numbers. Ranks of Lieutenant and higher will have brass service bar.

8. The New York State Accreditation Pin will be worn 1/4” above the name plate.
9. Necktie bar shall be worn so that it is centered with the upper edge even with the top of the shirt pockets.

10. Only white tee shirts are to be worn when wearing the short sleeve uniform shirt. Only black or navy blue turtlenecks are to be worn when wearing the long sleeve uniform shirt without the department issued knit tie.

**Patrol Division Uniforms and Equipment**

Members of the Patrol Division will wear their issued uniform and have on their person the following authorized equipment while on duty, unless otherwise directed by a member of the Command Staff.

1. Exceptions to this include:
   a. Bike Patrol;
   b. Authorized plain clothes assignments;
   c. Special Order by the Chief of Police or their designee.

2. The following equipment must be worn by officers while on duty:
   a. Leather or nylon duty belt with belt keepers;
   b. Collapsible baton with holder;
   c. OC spray with leather or nylon holder;
   d. Portable radio with leather or nylon holder or on outer carrier;
   e. Department issued firearm with leather or nylon holster;
   f. Leather or nylon magazine pouch with two fully loaded magazines;
   g. Disposable gloves for protection from bio-hazards must be carried on person;
   h. Handcuffs with leather or nylon case;
   i. Officers may also carry one additional pair of handcuffs; provided they are of the same design issued and authorized by the Department, and are appropriately secured to their duty belt.
   j. Department issued name plate, Serving Since Bar and New York State Accreditation Pin;
   k. Collar ornaments;
   l. Stetson headwear;
m. Soft Body Armor (as referenced in General Order 22.2.10)

n. Taser with holster;

o. Digital Audio Recorder and/or Body Worn Camera (as referenced in General Orders 1.6.1 and 1.6.2)

p. Naloxone Kit (as referenced in General Order 1.7.1)

q. Department issued badge and identification must be available to be immediately produced upon request;

3. While not required, Officers are strongly encouraged to wear the following equipment on their person:

   a. Flashlight
   b. IFAK

**Criminal Investigative Unit Attire and Equipment**

Members of the Criminal Investigative Unit will wear professional business attire as designated by the Deputy Chief. Generally, when the University is in session, this will be shirt and tie for men and business professional for women.

1. The following equipment must be worn by Investigators while on duty:

   a. Department issued sidearm in leather or nylon holster.
   b. One pair of handcuffs in leather or nylon holder.
   c. Department issued badge and identification must be displayed or carried on person.
   d. Portable radio and mobile phone must be carried on person.
   e. Soft body armor must be readily available.

**Professional Image Standards**

The listing below comprises the professional image standards for classified service, non-uniformed, sworn personnel including University Police Investigators and University Police Officers temporarily in “plainclothes” assignments.

The University Police Department exists to serve the University at Albany community in a professional manner. The following standards have been developed in order to ensure a professional image for all University Police Department personnel. Exceptions
to this standard may be allowed for special details, surveillances or training with prior permission from the appropriate Command Staff member.

1. All uniformed members of the Department shall maintain well-fitted, regulation uniforms in good order. Members shall be neat in appearance and well-groomed while in uniform. All articles of clothing shall conform to University specifications and Department regulations. Civilian clothing will not be worn simultaneously with any distinguishable part of the uniform. Members shall not wear their uniform while off-duty, with the exception of traveling to and from work, nor shall they shop or take care of personal business while in uniform.

2. Personnel shall maintain good personal hygiene and present a professional image. No member shall have offensive body odor nor wear overly strong perfumes or colognes. Cologne or perfume is not to be used in excess.

3. All personnel will not have any tattoos or brands that a reasonable person would find offensive such as tattoos or brands depicting or supporting criminal behavior, drug usage, nudity, profanity, promiscuity, subversive groups, bigotry, etc. All personnel shall not have any tattoos or brands visible while in uniform. All visible tattoos must be covered with the department issued uniform and/or a tight fitting, flesh colored fabric sleeve purchased by the department member.

4. All personnel with visible tattoos or brands must conform to sub 3 of this section. Any member who does not conform will be subject to disciplinary actions and required to wear long-sleeve shirt and/or pants year round. This also applies to any member of the bicycle patrol unit in regards to visible tattoos on the legs.

The following grooming and accessory standards apply for all uniformed personnel:

**Men**

1. Hair will be neat, clean, trimmed and present a groomed appearance regardless of the style personally selected by the member. Hair shall not be dyed, cut or worn so as to appear outstanding from the general population or to present a non-professional image. If wigs or hairpieces are worn on duty, such wigs and hairpieces shall meet all standards set for natural hair. The member’s hairstyle shall not preclude the wearing of the uniform hat in such a manner as to reflect a well-groomed, professional image. Sideburns will be neatly trimmed with a base that may not extend below the lowest part of one's ear lobe. Mutton chop or flared sideburns are not permitted.

2. Mustaches are permitted but must be kept trimmed and may not extend beyond the corners of the mouth or below the centerline of the lip.
3. Beards are not permitted except in cases of medical exigency. For medical cases, the campus Chief of Police must approve a request submitted by an officer. Such request shall be accompanied by a medical review conducted by a medical specialist whose area of competence is related to the problem.

4. Earrings, or other visible piercings are prohibited.

5. Bracelets are prohibited.

6. One (1) watch is permitted.

7. One (1) ring may be worn on one (1) hand.

8. A necklace may be worn but must not be visible; keeping in mind Officer Safety issues with the wearing of such jewelry.

9. Fingernails will be kept neatly trimmed and clean; to extend no more than ¼” beyond the fingertip.

Women

1. Hair must be neatly groomed and clean. Hair may not extend below the top of the shirt collar.

2. The bulk or length of hair must not interfere with the wearing of uniform and emergency headgear.

3. Hair ornaments and ribbons are not permitted. Hairpins or barrettes similar in color to the officer's hair are permitted provided they are unobtrusive and concealed as much as possible.

4. Bracelets are prohibited.

5. One (1) watch is permitted.

6. One (1) ring may be worn on one (1) hand. Wedding and engagement rings collectively count as one (1) ring.

7. One (1) pair of stud earrings, to be worn in the ear lobe only, is permitted while in uniform. They must be small, conservative and matching; not to exceed past the length of the earlobe. All other visible piercings are prohibited.

8. A necklace may be worn but must not be visible; keeping in mind Officer Safety issues with the wearing of such jewelry.

9. Personnel may wear conservative make-up, applied in moderation and with a natural appearance.
10. Members will keep their fingernails neatly trimmed; no more than 1/4" nail length beyond the fingertip, and clean. Officers in uniform may only wear clear nail polish on their fingernails. Non-uniformed personnel may wear nail polish that is conservative in color.

The following are prohibited while on duty:

1. Worn, torn, soiled or wrinkled clothing
2. Worn, torn, soiled shoes
3. Sweatshirts, fleece or flannel, including zip front styles
4. Team jackets or athletic attire of any style
5. Jeans/denim of any color or any style (e.g., jean skirts, jackets)
6. Clothing with messages or slogans
7. Midriff-baring tops, see-through tops
8. Tank tops, halter tops
9. Lace camisole tops
10. Shorts or skorts
11. Pants more than 3” above the ankle
12. Stirrup pants, sweat pants, stretch pants
13. Overalls
14. Skirts more than 3” above the knee
15. Flip-flops, beach/shower sandals, sports sandals

16. Athletic shoes/sneakers (Exception for Bike Patrol Unit)

The following are authorized for wear on duty:

1. Suits, sport coats
2. Dress pants or slacks
3. Dress shirts with ties
4. Buttoned blouses for women
5. Sleeveless blouses for women, but with a sweater or blazer available

6. Khaki, corduroy and cotton pants

7. Pants no more than 3” above the ankle

8. Skirts no more than 3” above the knee

9. Appropriate shoes (e.g. mid-heels, dress sandals or flats for women; dress shoes including oxfords or loafers for men)

10. Clothing with proper fit (not too loose, too tight or too revealing)

11. An appropriate dark-colored suit (black, dark gray, navy blue) will be required for special events or VIP protection details.

12. During extended non-academic periods, sweaters or collared polo (golf) shirts may be worn.
**Purpose**

The purpose of this Order is to establish a policy and procedure for the wearing and care of personal body armor.

**Policy**

It is the policy of the University at Albany Police Department to maximize officer safety through the individual use of soft body armor vests. While soft body armor provides a significant level of protection, it is not a substitute for the diligent use of officer safety practices.

**Definition**

**Body armor** - is engineered to various ballistic standards and is clearly marked as to “Threat Level.” The department has issued soft body armor for everyday wear and is designed primarily to protect against handgun threats. The body armor issued is not designed to protect against rifle fire. It is not intended to protect an officer from sharp edged or pointed instruments like stiletto knives, ice picks, etc.

**Procedure**

Sworn university police members that are assigned to uniformed functions and non-uniformed functions are required to wear department issued body armor while engaged in field activities.* Exemptions to this general order are as follows:

1. When a Physician specifically gives written documentation that a medical condition would preclude the officer from wearing the body armor; or

2. When an officer is involved in undercover or plain clothes work that their supervisor determines could be compromised by wearing body armor; or
3. When the officer is assigned to perform an administrative function which usually involves no patrol or response to patrol functions; or

4. During training, except for firearms training or other times specified by the instructor or Training Officer; or

5. When the Chief of University Police or designee determines as exception is appropriate due to exceptional circumstances, i.e. day shift when the temperature and humidity is excessive, when wearing the blouse for special occasions, etc.

6. On those occasions when exempted from wearing body armor, the officer must have their personal armor ready at hand or within reach in their vehicle.

7. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this general order.

Soft body armor will be inspected at least annually, generally at a firearms training. The armor will be checked for expiration date from the date of issue, wear and tear, and fit. Deficiencies in any of these areas will result in written communication to the Chief of Police outlining the deficiencies while the soft body armor is taken out of commission as soon as practical. A copy of this written deficiency will be sent to the System Administration person in charge of University Police.

Each officer is responsible for the proper storage and daily inspection of their body armor for damage and general cleanliness. The cleaning of the soft body armor shall be done by the officer following the manufacturer’s instruction. The officer is responsible for reporting, in writing, any damage or wear to their immediate supervisor, who will forward the written report to the Chief of University Police.

Each officer will receive training that demonstrates the armor’s stopping power under actual firing conditions and that emphasizes its safe and proper use.

*Field activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

**Standard**

The minimum standard required by the Department is Level II.

**Care and Laundering of Your Body Armor**

See “Care and Maintenance Instructions” which were attached to your body armor.
**Repairs**

If any part of your ballistic panel is torn or damaged, it should be brought to the attention of your supervisor. Such reporting shall take place within a time frame that is no longer than the next tour of duty. **DO NOT** attempt to repair the garment.

**Replacement**

There shall be a five year replacement cycle designed to take into account relevant factors such as, but not limited to, changing protection needs and standards; changing weapons, ammunition, personal dimensions; hygiene factors and set wrinkle development over time.

**Disposing of Soft Body Armor**

When soft body armor has reached the end of its useful life and is no longer serviceable, the department will dispose of it in a manner consistent with industry standard.
Purpose

The purpose of this Order is to reduce the incidents of injury on the job and improve the health and quality of life of each member of the University at Albany Police Department.

Policy

Each employee of the University at Albany Police Department is expected to maintain a level of general health and physical fitness that ensures satisfactory job performance and decreases the chance of injury or illness and excessive sick leave.

Physical fitness should be a personal goal of every employee of the University at Albany Police Department. Research indicates that the level of one’s fitness and the nature of their diet directly affect the likelihood of whether or not they will experience cardiovascular disease and/or cancer. In persons over 35, cardiac disease is the leading cause of death. Furthermore, studies indicate that cardiac disease and cancer can be reduced in frequency and severity if a fitness and nutrition regimen are strictly followed.

Standard of Fitness

1. Police officers in field assignments and in patrol must possess a level of fitness and general health that allows them to adequately perform the physical tasks they may encounter on the job. These activities may include, but are not limited to: climbing obstacles, chasing suspects, running up stairs, jumping over obstacles, lifting heavy objects or persons, subduing persons resisting arrest and physically pushing movable objects.

2. Other employees assigned to field or patrol duties, such as SSA’s, must also possess a level of fitness and general health that allows them to adequately perform the physical tasks they may encounter, many of which are similar to that of a police officer. This may include, but is not limited to: climbing stairs, running, extended periods of walking, amongst other things.
3. Physical examinations may be ordered for officers whose physical condition gives reasonable cause to the Chief of Police to believe that such officer is not able to perform such duties or procedures as set forth in this manual or in the Civil Service description of duties for the position. The results of such examination may be used as a factor in determining the officer’s duty status and/or continued employment.

**NOTE:** Exercise facilities are available to department members at the Physical Education Building or SEFCU Arena.
Purpose

This Order has been established to provide guidelines to govern off-duty employment of both sworn and non-sworn personnel.

Policy

It shall be the policy of the University at Albany Police Department that employees will not participate in any off-duty employment that has not been approved by the Chief of Police. Off-duty employment is defined as employment or hours worked for which an individual or business other than the University at Albany pays compensation in any form.

Referenced below is the section from the SUNY System Statewide Manual of Rules regarding outside employment. A copy of this manual is located on the UPD V drive/general/manuals. It is the responsibility of the employee to be familiar and in compliance with this material.

Ethical Behavior – 3.1 - F. Outside Employment

Employees shall not engage in, solicit, negotiate for or promise to accept outside employment or render services for interests other than their employment with University Police when such employment or service creates a conflict with or impairs the proper discharge of their official duties. Outside employment must be approved by the Chief of Police.
The purpose of this Order is to assist employees and their families in dealing with the stress of a tragic event through proper preparation.

Employee Responsibility

Employees should inform their families of what processes are available to them should they be seriously injured or killed, as well as what to expect as a response from the department should this occur.

Notification to Family

In order to make prompt notification to an employee's family, in the case of a serious injury or death, a “Member Death and Serious Injury” Form (A15) will be kept for all department employees in an Emergency Notification File in the Supervisors’ Office. This file will contain a notification sequence for each employee of the University at Albany Police Department, indicating who should be notified first, second and third, their addresses and phone numbers. Employees should include in this sequence someone who would be able to contact/locate dependents who are in school or additional people to be contacted.

There is space provided for optional information such as clergy, medical conditions, and a preference for whom would make the notification. Notifications will be made in person.

This file should be updated any time the employee wants a change in that sequence, and should be updated annually by the Supervisors during performance evaluation review.
In The Event of a Line of Duty Life-Threatening Injury or Death of an Employee

1. The responsibility of the Lieutenant or Shift Supervisor will be to:
   a. Identify who was directly involved.
   b. Assign support person for employees directly involved.
   c. Keep involved employees together unless they are witnesses to the incident and must be interviewed.
   d. Assume responsibility of the scene until relieved by a member of Command Staff.
   e. Notify Command Staff personnel: the Chief of Police (or their designee)
   f. Notify the departmental Public Information Officer (PIO)

2. The Command Staff shall:
   a. Get briefed by the Lieutenant/Shift Supervisor or OIC (Officer in Charge)
   b. Notify the appropriate University Officials to include the Office of Communications and Marketing to address media relations.
   c. Notify the EAP Coordinator for employee and family support services.
   d. Notify the City of Albany Fire Department Headquarters to coordinate Critical Incident Stress Debriefing for department personnel.
   e. Coordinate notifications and transportation based on the “Member Death and Serious Injury” Form (A-15) on file in the Employee Emergency Notification File.
   f. In the Event of a Life Threatening Injury to an Employee
      i. Ensure the immediate family is notified.
      ii. Secure appropriate transportation to hospital or other location.
      iii. After immediate family has been contacted, allow any officer, whether directly or indirectly involved, to notify their own family regarding their welfare as soon as practical.
iv. Ensure that Worker’s Compensation was notified.

v. Provide follow up meetings or provide a list of resources available to the employee, and their family, to assist with any on-going necessary support or services.

g. In the Event of the Death of an Employee

i. Discuss best location to notify family (hospital, home, etc.).

ii. Discuss who will be present at time of notification and who will do notification (refer to “Member Death and Serious Injury” Form A-15).

iii. Notification to the family shall be done in as soon as practical.

iv. After immediate family has been contacted, allow any officer whether directly or indirectly involved, to notify their own family regarding their welfare as soon as practical.

v. Ensure the Coroner has been notified

vi. Provide follow-up meetings for the family to assist with federal, state, and any other death benefits, employee’s property at work, funeral arrangements, and honor guard and any court proceedings stemming from the incident.
GENERAL ORDER 26
DISCIPLINARY PROCEDURES

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>GENERAL ORDER NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Appearances/Judicial Hearing Appearances</td>
<td>26.1.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCJS STANDARDS</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.2</td>
<td>September 30, 2009</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVIEWED DATE</th>
<th>APPLIES TO</th>
<th>REVISION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2, 2016</td>
<td>All Employees</td>
<td></td>
</tr>
</tbody>
</table>

APPROVAL: J. Frank Wiley., Chief of Police

Purpose

The purpose of this Order is to establish policies and procedures for court appearances and testimony in court, administrative and other legal proceedings including criminal cases and duty-related civil cases, grand jury proceedings, motor vehicle hearings, pre-trial hearings, depositions, Judicial Hearing appearances and all trial proceedings.

Procedure

1. Officers are responsible for meeting appearance dates as scheduled by the Court / Judicial Administrator and as posted in the University Police Department Events Calendar by the Administrative Aide.

2. Uniformed personnel will appear in court / judicial hearings in full uniform. Investigators or other plain clothed personnel will appear in business attire.

3. A member of the Department giving testimony in court:
   a. Should understand the question before answering; if in doubt, the officer shall request to have the question repeated or clarified.
   b. Shall answer the question truthfully and completely without volunteering additional information beyond what is asked; if the answer is not known, the officer shall so state.
c. May refer to his/her notebook to refresh his/her memory when necessary on the witness stand.

d. Shall be calm and impartial and speak in a clear, distinct tone.

**Police or Civil Court**

1. Officers shall respond to court or other subpoenas

   a. Officers under subpoena or direction to attend court shall report at the time specified and remain in court until their case is disposed or until they are advised by competent authority that their presence is no longer necessary.

2. Unexcused absences reflect poorly on the Department, inconvenience other witnesses and the prosecutor and may cause a case to be dismissed. Also, unless the officer has been lawfully excused, they may be liable to a charge of Contempt of Court and disciplinary action by the Department for failure to respond to a subpoena. If an officer needs to be excused from appearing, permission must first be obtained from the Prosecutor's Office and the Chief of Police.

3. The Shift Supervisor of the officer and/or the Administrative Captain submitting a case to Police Court shall ensure that all necessary and relevant documents are prepared and submitted according to applicable law.

**Traffic Court**

1. When notifications are received regarding scheduled trials at Albany Traffic Court or Guilderland Town Court, the information will be placed on the University Police Department Events calendar and emailed to the officer with a hard copy placed in the officer’s mailbox.

2. If an officer is unable to appear at the scheduled trial, they are to complete an adjournment request form and fax it to the appropriate court.
Introduction

The University Police Department will be available to accept legal papers as designated below. However, unless law authorizes such service and they are properly served, acceptance of such papers is made only as a courtesy with full reservation of the University and the individual officer's legal rights. Under no circumstances will service be accepted for any purpose unrelated to an officer's official duties as a University Police Officer.

Procedure

The following procedures shall be followed with regard to handling subpoenas, notices of claim, summonses and complaints:

1. Any notice of claim must be served upon the Office of University Counsel.

2. If a summons or complaint is served upon the Department or an individual on the payroll of the Department:
   a. Service may be left with a member of the Command Staff or, in their absence, the Administrative Aide.
   b. The original document(s) must be sent to the Office of University Counsel.
   c. A copy of said document shall be retained as a Department record.

If a subpoena is served upon the Department or an individual on the payroll of this Department:

1. Service may be left with the Administrative Aide or, in their absence, the Deputy Chiefs or Chief.
2. A copy of the subpoena together with the copies of the requested records (if applicable) shall be forwarded to the Office of University Counsel.

3. If the subpoena requires the appearance of an unnamed representative of the Department, the original shall be forwarded to the Chief or their designee, as to who will appear on behalf of the Department.

4. If a subpoena is served upon the Department, or a department member Department, which requires the appearance of a named Department member, the original and one copy shall be forwarded to the Chief, or their designee, of the named individual.

5. The Chief, or their designee, will attempt to provide the named individual with the original subpoena.

6. A copy shall be retained for Department records.

7. Under no circumstances shall an appearance be made or shall records be produced pursuant to a subpoena, without prior authorization from the Office of University Counsel.

8. All subpoena checks received by the Department must be endorsed over to the University at Albany. Such checks are to be forwarded to the Administrative Aide who will see that the signature of the officer is obtained.

9. In any instance when an officer in this Department is required to appear in court, they will project a professional demeanor in their conduct and attire. Officers will prepare their appearance in advance, review the records pertaining to the case and produce same, as authorized. Uniformed personnel will appear in their regulation uniform unless otherwise directed by a supervisor or commander. Non-uniform personnel will wear appropriate business attire.

Judicial Hearings

1. When notifications are received regarding scheduled hearings, the Administrative Aide will put the information on the court/hearing calendar and also place a written notice in the officer's mail slot.

2. The Administrative Aide will not schedule hearings on officers' relief days except in unusual circumstances.

3. If an officer is unable to appear at the scheduled hearing, they are to:

   a. Notify the Administrative Aide and request that they changed the hearing date with the appropriate office. The Administrative Aide will note the change on the calendar; or
b. Notify scheduling office (Residential Life or Student Affairs Office) directly to request a new date. Any officer who does this must also make an initialed notation of the change on the calendar.

5. Officers may not attend hearings as witnesses without the prior approval of the Deputy Chief.

6. If an officer wishes to convey additional information not appropriate to include in the text of the referral itself, the officer should call the Office of Conflict Resolution & Civic Responsibility directly.
Policy

State law places certain restrictions on police officers in New York State. The purpose of this policy is to inform and remind members of the University at Albany Police Department that these laws exist. Actual law text will not be included in this policy; however, references to the applicable laws will be included. It is the responsibility of each individual officer to be aware of the law and how they may be personally affected.

Applicable Laws Affecting Police Officers

Alcoholic Beverage Control Law

No police officer shall be either directly or indirectly interested in the manufacture or sale of alcoholic beverages or offer for sale, or recommend to any A.B.C. licensee any alcoholic beverages except as noted in Section 128 of the Alcoholic Beverage Control Law.

Election Law

Article 17-110 prohibits a police officer from using his office or powers to aid or oppose any political party, to reward or retaliate against any police officer with respect to voting or party affiliation, or to solicit funds for a political party or other such organization.

Racing, Pari-Mutual Wagering and Breeding Law

Article 107 prohibits police officers from holding any office or employment with any firm that is licensed to conduct pari-mutual racing; conducts its business at racetracks where pari-mutual race meets are conducted; owns or leases to a licensed entity racetrack at which pari-mutual racing is conducted, or participates in the management of any licensee conducting pari-mutual racing.
Public Officers Law, Article 4 and General Municipal Law, Article 18

These statutes address issues related to conflicts of interest. The law imposes certain prohibitions on activities by public officers and government employees. These activities include;


2. Disclosure of confidential information learned in the course of official duties.

3. Receiving compensation for providing services relating to matters before an agency of which they are an employee.

4. Public Officers Law and General Municipal Law also impose on police officers several affirmative duties. These duties include;

   a. Disclosure of any interest in any contract or dealings with New York State government.

   b. Disclosure of the fact that a New York State employee has an interest in any real property for which an application for any sort of variance is made.

   c. As applicable, annual filing of financial disclosure forms is required of certain employees.

   d. Public Officers Law and General Municipal Law also authorize the adoption of codes of conduct for state employees relating to conflicts of interest.

      i. The code of conduct for sworn members of the University at Albany Police Department is outlined in General Order 1.1.2.

      ii. Code of conduct policies adopted by the University at Albany can be found online at the following University at Albany, Community Rights and Responsibilities website:

         http://www.albany.edu/studentconduct/community_rights_and_responsibilities.php

      iii. While certain University at Albany policies may mirror state and local laws, as applicable, state and local government laws supersede policies established by the University at Albany.
Purpose

The purpose of this Order is to affirm the University at Albany’s intent to maintain a working and learning environment free from sexual and unlawful harassment for students, employees and those who apply for student or employee status.

Policy

It is the policy of the University at Albany Police Department that all employees have the right to work in an environment free from all forms of harassment. The agency does not condone, and will not tolerate, sexual or any other form of employee harassment. Therefore, the agency shall direct immediate action to prevent such behavior and/or to remedy all reported incidents of harassment, sexual or otherwise.

Any employee who is found to have committed an act of sexual harassment may be subject to disciplinary action. Additionally, retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

Definitions

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is explicitly made a term or condition of employment;

2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

3. Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile or offensive working environment.
**Prohibited Activity**

1. No employee shall ridicule, mock, deride or belittle another person.

Employees shall not make offensive or derogatory comments based on race, gender, religion or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal law and is also considered misconduct subject to disciplinary action by this Department.

**Employee Responsibilities**

1. Each Supervisor shall be responsible for preventing acts of harassment. This responsibility includes:

   a. Monitoring the work environment on a daily basis for signs that harassment may be occurring;

   b. Counseling all employees on the types of behavior prohibited as well as the Department’s policies and procedures for reporting and resolving complaints of harassment;

   c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether the employees involved are within their line of supervision or not;

   d. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.

2. Each Supervisor has the responsibility to assist any employee of this Department who comes to that Supervisor with a complaint of harassment, documenting and filing the complaint through the chain of command.

3. Each employee of this agency is responsible for assisting in the prevention of harassment through the following actions:

   a. Refraining from participating in or encouraging any actions that could be perceived as harassment;

   b. Reporting acts of harassment to a Supervisor;

   c. Encouraging any employee who confides that they have been harassed to report these acts to a Supervisor.

4. Failure to take action to deter known harassment may be grounds for administrative action.
Complaint Procedures

1. Employees encountering conditions of harassment shall inform the offender that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.

2. Any employee who believes that they are being harassed shall report the incident(s) to their Supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. When this is not practical, the employee may instead file a complaint with another Supervisor, who will forward the complaint through the chain of command to the Chief of Police.

   a. The Supervisor or the other person to whom a complaint was presented shall meet with the employee and document the incidents complained of, the person(s) performing or participating in the harassment and the dates on which it occurred;

   b. If the Department employee taking the complaint is unable to resolve the matter, they shall expeditiously deliver the complaint upward through the chain of command.

3. The Chief of Police or their designee will be responsible for the investigation of any complaint alleging harassment.
Purpose

Nothing is more important to the University at Albany Police Department than the safety and security of its employees. The University at Albany Police Department is committed to “Zero Tolerance” for threats, threatening behavior or acts of violence against employees, visitors, guests or other individuals by anyone on the University at Albany Police Department. Violations of this Order will lead to disciplinary action that may include dismissal, arrest and prosecution.

Policy

Any person who makes substantial threats, exhibits threatening behavior or engages in violent acts on University at Albany property shall be removed from the premises as quickly as safety permits, and shall remain off University at Albany premises pending the outcome of an investigation. The University Police Department will initiate an appropriate response which may include, but is not limited to, suspension or termination of any business relationship, reassignment of job duties, suspension or termination of employment and/or criminal prosecution of the person(s) involved.

No existing University at Albany Police Department policy, practice or procedure shall be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

Definitions

1. \textbf{Violence} – includes but is not limited to: intimidating, threatening or hostile behavior, physical or verbal abuse, harassment, stalking, vandalism, arson, sabotage, use of weapons, the threat of any of the above or any act inconsistent with this policy.

2. \textbf{Threats} – a communicated intent to inflict physical or other harm on any person or property.
Procedures

All University at Albany Police Department personnel are responsible for notifying their Supervisor (or the Supervisor’s superior should the incident involve the employee’s Supervisor) supervisor of any threats which have been witnessed or received, either by themselves or another party. Even without an actual threat, personnel should report any behavior witnessed which might be regarded as threatening or violent when that behavior:

1. Is job-related;
2. Has been carried out on a University at Albany controlled site; or
3. Is connected to University at Albany employment.

Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who was threatened or is the target of the threatening behavior. If the employee’s designated Supervisor is not available, personnel should report the threat to another member of the Command Staff.

All employees who apply for or obtain a protective or restraining order which lists University at Albany locations as being protected areas must provide their Supervisor or a designated Command Staff member with a copy of the petition. Any declarations used to seek the order, a copy of any temporary protective or restraining order that is granted and a copy of any protective or restraining order that is made permanent should also be provided.

University Police Department Response for Stand-By Requests

Many incidents of workplace violence are foreseeable. These types of incidents might include employee discipline problems, employee terminations, potentially problematic meetings, etc. For that reason, there will often be a request for an officer in the area during these occasions. The University at Albany Police Department shall respond to calls for “stand-by” requests using the following protocol:

The Communications Officer shall obtain all essential information including the following:

1. Complainant’s name, address, telephone number and identifying description (e.g. clothing, race, age, gender).
2. Location of the meeting. Information should be as descriptive as possible (e.g. building, room number, location in parking lot, etc.) Specific directions for officers to gain access to the area quickly.
3. Date and time of scheduled meeting, if applicable.

4. Is the caller the one having the problem with the suspect?

5. If caller is the complainant, what is a direct number to contact them? The complainant should be reachable by a direct telephone number. The location of the meeting should have a telephone in it for use of incoming calls to the complainant.

6. Obtain the name, address, telephone number and description of the suspect (clothing, race, age, gender, etc). Vehicle description if there is one.

7. Any possible weapons?

8. Any potential that suspect has been drinking or taking drugs?

9. Has the suspect addressed physical threats to complainant?

10. The above information shall be given to an investigator for a “stand-by” request.

11. If no investigator is available, an attempt to locate an on-duty officer in plain clothes will be made. This includes any administratively assigned personnel.

These types of requests shall be covered by non-uniformed personnel whenever possible. This includes the possibility of a patrol officer being requested to work in their street clothes if necessary.

1. The investigator or assigned personnel will perform the stand-by in plain clothes. They shall walk through the area if possible.

2. The investigator or assigned personnel will utilize a cellular telephone to contact the complainant at the complainant’s direct telephone line, ten minutes into the scheduled meeting.

3. The complainant will be advised to make it seem that a friend has called. The investigator will inquire if things are okay and if there is a continued need for a stand-by presence.

4. If there is a need for the officer to continue the stand-by, the officer will advise the complainant that they will call back in fifteen minutes.

If the complainant advises there is no need for the officers, they will be informed that the officers will remain in the area until the meeting has concluded. They will make contact with the complainant at that point to be sure the situation is under control and determine whether or not there is a need for any further action.

An offense report shall be completed and classified as a Crisis Intervention.
Purpose

The purpose of this policy is to define the authority and responsibility delegated to supervisors for the maintenance of a professional police agency. As the head of the University at Albany Police Department, the Chief of Police has legal authority and a duty to implement policy to establish a disciplinary system. This policy is intended to remain consistent with the current labor contract between New York State and the Union representing University Police Officers.

Policy

Supervisors, whether permanent or acting, are responsible to ensure that Department employees perform their duties in accordance with the policies, procedures, rules and regulations and authoritative instructions of the Department.

Supervisors are required to initiate action(s) in response to the acts of commission or omission of personnel who are either:

1. assigned to their command;
2. come to their attention;
3. or are under their supervision, for however brief a period.

Authority

Supervisors are required to initiate the following corrective measures to fulfill their responsibility of assuring compliance with Department rules, regulations, and policies and procedures. In all cases, the supervisor is required to provide corrective instructions to the subordinate regarding noted inadequacies and document same.

NOTE: Nothing established herein should preclude the supervisor from regularly instructing officers on their performance.
1. Provide remedial instruction in all instances that are, or may be construed to be, violations of Departmental directives. Such instruction to an employee shall be officially recorded in the temporary note file in the Department Records Management System (RMS).

2. Initiate discipline proceedings as indicated by current directives.

3. Recommend to the Chief of Police the preference of departmental charges.

4. Circumstances when an employee may be relieved from duty:
   a. When a supervisor believes that an officer is unfit for duty due to medical or psychological reasons, he or she may excuse that officer for the remainder of the tour.
   b. The Chief of Police may suspend an officer from duty when:
      i. The officer is the target of a criminal investigation.
      ii. The employee’s continued presence represents a potential danger to persons or property.
      iii. The employee’s presence would severely interfere with Department operations.
   c. **Weapon Confiscation** - When it is indicated that the possession of a firearm or other equipment by a police officer is dangerous to himself or others, said equipment will be secured from the officer, generally by the Chief of Police. However, under extreme circumstances where the member’s mental state is such that, in the observer’s opinion, the member is in imminent danger of seriously injuring himself or others near him, any member may secure such equipment. The supervisor shall advise the Chief of Police of such actions. The Chief of Police, if he deems necessary, shall order the employee for a physical/psychological examination prior to the officer’s return to duty.

**Procedures**

1. **Progressive Discipline** - This Department supports the concept of progressive discipline. Depending upon the nature of incident, the following options are available to supervisors:
   a. Verbal Counseling (documented in RMS)
   b. Written Counseling in the form of a Counseling Memorandum
   c. Corrective and/or Remedial Training
   d. Employee Relations Investigation
2. **Verbal Counseling** - All counseling should be conducted in accordance with Appendix C of the current labor contract and as such:

   a. Counseling should be a constructive face-to-face meeting clarifying what has occurred and what is expected.

   b. All counseling must take place in private.

   c. If the situation warrants that more than one supervisor be present, the employee being counseled must be afforded an opportunity to invite a Union representative who is readily available to attend the counseling session.

   d. All counseling that does not warrant the issuance of an official counseling memorandum must be documented in RMS.

4. **Counseling Memorandum**

   a. The purpose of a counseling memorandum is to provide official written documentation of a counseling session after such session has taken place.

   b. The supervisor should document the following on the memorandum:

      i. Specific circumstances of the incident(s) or violation(s) in question.

      ii. Corrective measures or instructions provided to the employee.

      iii. A future date for a follow-up meeting if appropriate.

   c. Upon issuing a Counseling Memorandum, the supervisor will discuss the contents of memorandum and related issues with the employee, and inform the employee that the memorandum will be placed in their personnel file.

   d. The Chief of Police will review the memorandum and will add a notation indicating his concurrence or non-concurrence, and his reasoning for such agreement or disagreement.

   e. The employee may respond to the memorandum in writing and have the response maintained as part of the record.

   f. The Chief of Police will determine whether disciplinary action is to be taken.

   g. In accordance with the current labor contract, counseling memos will be removed from an employee’s personnel file by written request 3 years after issuance, provided no additional counseling memos or notice of disciplines have been issued to the employee during that period. In such instances, a written request should be addressed to the Chief of Police by the employee’s respective unit representative.
5. **Personnel Investigations** - All personnel investigations assigned to a supervisor will promptly be conducted as follows:

   a. Record all necessary and available data to reach an objective conclusion, including but not limited to:
      
      i. Documented complaint interviews
      
      ii. Witness statements/depositions
      
      iii. Police reports
      
      iv. Physical evidence
      
      v. Photographs
      
      vi. Diagrams

   b. Every investigation will be concluded based upon this data and the report thereof will include actions taken by the assigned supervisor.

6. **Records Maintenance** - Procedures for the maintenance of records of disciplinary actions:

   a. Completed written reports will be forwarded to the Chief of Police

   b. The record will become part of the employee’s permanent personnel file maintained by Employee Relations.

   c. Verbal Counseling is documented in the Department RMS.

7. **Supervisory and Command Staff Role**

   a. First-line Supervisors are responsible for taking action as indicated in this directive. Generally, they will be the first to initiate verbal and/or written counseling.

   b. When a case is sent to Employee Relations for investigation, disposition recommendations will be made by the initiating supervisor, the appropriate Deputy Chief, and the Chief of Police.

   c. It is the policy of the University at Albany to utilize positive discipline strategies, when appropriate, prior to involving Employee Relations in the discipline process.
Policy

The Personnel Early Warning System is designed to assist the department in maintaining the highest possible standards for personnel. The intent is to quickly identify and correct problematic behavior early by detecting individual and collective employee patterns of performance and/or conduct that may indicate negative behavior. Then supervision may take documented action to investigate and monitor this behavior. This program is not to be considered discipline, but a process to assist the department and employees in maintaining the highest standards and preventing employees from falling into situations that could result in discipline.

Responsibility

The Chief, or their designee, will verify that information relative to the Early Warning System is collected and maintained by the individuals listed in section 3 of this policy. Quarterly, each Shift Supervisor will review the information collected on their assigned employees and identify any potential issues. The Chief, or their designee, will conduct a review of all of the organizational findings of the Early Warning System bi-annually in order to identify individual and collective patterns of behaviors that may be indicative of a problem or deficiency and ensure the supervisors are utilizing the system effectively.

Definitions

1. Problematic Behavior: Consistent pattern of behavior(s) not otherwise acceptable by department standards.

Procedure

1. The Personnel Early Warning System includes a review of information related to, but not limited to:
a. Demographic data from arrests

b. Data regarding discretionary arrest

c. Demographic data from vehicle stops

d. Data regarding traffic summons discretion

e. Use of Force data to ensure type and frequency are consistent with calls for service

f. Demographic data on Use of Force incidents

g. Personnel complaints/concerns

h. Officer involved motor vehicle crashes

i. Sick Leave Usage

j. Performance Decline

2. A report shall be made outlining any individual and collective patterns of behavior indicating a problem and recommendations for improvement. This shall occur at the supervisor level at the end of each quarter, and at the conclusion of the bi-annual Command review.

3. Supervisors of employees identified by the Early Warning System as exhibiting potentially problematic behavior shall be notified of these findings and shall investigate to determine if the findings are relevant. If the immediate supervisor’s review of the findings of the Early Warning System are found to indicate performance issues and/or misconduct, the employee’s immediate supervisor shall immediately institute a plan to provide additional supervision, guidance, counseling, training, peer counseling and/or referral to employee assistance programs to correct any current or future problems that might occur involving the employee identified as needing assistance.

4. Employees identified during an Early Warning System review as having a potential pattern of performance issues and/or misconduct shall be notified by their immediate supervisor and have an improvement plan developed jointly
by the employee, the employee’s immediate supervisor and the appropriate Command staff member.

5. Periodic reviews of the employee’s improvement plan shall be documented by the employee’s immediate supervisor with notification to the appropriate Command staff member.

6. The Early Warning System review, the improvement plan and periodic reviews shall be documented and kept on file. Employees may submit a memo and/or documentation to be considered and attached to the plan.
GENERAL ORDER 29
COMMUNITY RELATIONS

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>GENERAL ORDER NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victims Assistance</td>
<td>29.4.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCJS STANDARDS</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>29.4</td>
<td>December 1, 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVIEWED DATE</th>
<th>APPLIES TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 4, 2016</td>
<td>Sworn Personnel</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROVAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Frank Wiley., Chief of Police</td>
<td></td>
</tr>
</tbody>
</table>

Purpose

Article 22 of the New York State Executive Law establishing the Crime Victims Board was enacted in 1966 to establish a system by which innocent victims of crime could receive compensation and medical treatment for their losses sustained as a result of the crime. In 1981, the Crime Victims Board also began funding a network of local victim assistance programs to serve victims who were otherwise not eligible for compensation benefits.

Policy

1. All University at Albany Police Officers shall familiarize themselves with the Crime Victims Board and Victim/Witness Assistance Program.

2. Officers will provide this information to every eligible victim who reports a crime.

3. Officers will document on the RMS (Records Management System) when this information has been provided.

4. The Chief of Police or their designee shall assign a member of the department to maintain written information supplied by the Crime Victims Board.
Purpose

The purpose of the Order is to ensure compliance by members of the University at Albany Police Department with article 6-C of the New York State Correction law titled “The Sex Offender Registration Act”.

Policy

The University at Albany Police Department adopts the findings of the NYS Legislature in that the danger of recidivism posed by sex offenders, especially those violent offenders who commit predatory acts characterized by repetitive and compulsive behavior, and that the protection of the public is of paramount concern to government. Consistent with applicable law, the department will disseminate information concerning certain sex offenders to the public in order to alert vulnerable populations and protect the University at Albany community.

Introduction

The Sex Offender Registration Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The Registry contains information on sex offenders classified according to their risk of re-offending: low-risk (Level 1), moderate-risk (Level 2) and high-risk (Level 3). The Act requires that the Division also maintain a Subdirectory of Level 3 Sex Offenders. The DCJS Sex Offender Registry site may be found on the web (http://criminaljustice.state.ny.us/nsor/) and contains their Subdirectory of Level 3 Sex Offenders as well as other information regarding New York State’s Sex Offender Registry.
Procedures

1. Sex Offender Risk Level
   a. Sex offenders are assigned a risk level based upon the level of risk to re-offend and the threat posed to public safety.
   b. Level 1 Sex Offender (low risk of repeat offense) The Department may release the following information:
      i. The sex offenders name,
      ii. The offenders zip code,
      iii. A photograph of the offender,
      iv. The offenders crime of conviction
      v. The offender’s modus of operation;
      vi. The type of victim targeted.
   c. Level 2 Sex Offender (moderate risk of repeat offense) allows dissemination to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. The following information may be disseminated to such entity:
      i. The sex offenders name,
      ii. An approximate address based upon the offenders zip code,
      iii. A photograph of the offender, and
      iv. Background information including
         1. the offenders crime of conviction
         2. the offender’s modus of operation;
         3. type of victim targeted;
         4. description of special conditions imposed on the offender.

2. Level 3 Sex Offender (high risk of repeat offense and a threat to public safety exists) allows dissemination to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Dissemination on Level 3 sex offenders is the same as Level 2 offenders. Except that a release of the Level 3
offender's exact address is allowed. Information about Level 3 sex offenders will be released utilizing the subdirectory of high risk Level 3 sex offenders.

**Notification**

1. Sex offenders registered in New York are now required to notify the Registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education must also be reported to the Registry no later than ten days after such change.

2. The University at Albany Police Department will maintain a website listing of any registered sexual offenders reported to the University as being enrolled, attending or employed at the University. This website is located at the following URL: http://police.albany.edu/SOR2.shtml.
**SUBJECT**

**Encountering Transgender Individuals**

<table>
<thead>
<tr>
<th>GENERAL ORDER NUMBER</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>29.7.1</strong></td>
<td>August 16, 2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCJS STANDARDS</th>
<th>APPLIES TO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Employees</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVIEWED DATE</th>
<th>REVISION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2, 2016</td>
<td></td>
</tr>
</tbody>
</table>

**APPROVAL**

J. Frank Wiley., Chief of Police

---

**Purpose**

The University Police Department is committed to working with the diverse communities it serves. In the absence of exigent circumstances, the guidelines below apply to all Department employees.

**Definitions**

**Transgender** - an umbrella term used to describe all persons who do not fit into the binary (male-female), socially constructed categories of gender. This includes a person who is born with the genetic traits and anatomy of one sex (i.e., male or female) and self-identifies as another gender (i.e., feminine or masculine or both or neither). A transgender person can be pre-operative, post-operative, or non-operative.

**Gender identity** - (a person’s sense of being a man or a woman) our personal perception and sense of being male or female or a combination of these or neither of these.

**Gender expression** - displays of gender identity through dress, demeanor, and language.

Quite apart from one’s birth sex as male or female, an individual may identify as a particular gender and express that gender various ways. For example, males express masculinity in different ways and females express femininity in different ways. Likewise, transgender individuals express femininity and masculinity in different ways and in ways that may not be consistent with their sex at birth.
Guidelines

The following guidelines are established to ensure police contacts with transgender individuals are professional, respectful, and courteous:

- Do not use language that a reasonable person would consider demeaning to another person, in particular language that references a person’s gender identity, gender expression, or sexual orientation;

- Treat transgender persons in a manner that reveals respect for the individual’s gender identity and gender expression, which includes addressing them by their preferred name and using gender pronouns appropriate to the individual’s gender self-identity and expression; and,

- Recognize that non-traditional gender identities and gender expressions do not constitute reasonable suspicion or prima facie evidence that an individual is or has engaged in a criminal activity.

Determining How to Address a Transgender Individual

1. When a person identifies themselves as transgender, respect the expressed gender and do not question it;

2. If the individual does not self-identify as transgender, the following guidelines apply:

1. When the intention of a person’s gender presentation is clear to a reasonable person (based on attire and other cues), use this as a basis for gender determination.

   a. When a person’s sex is unclear or the officer is not certain of the person’s gender identity, it is appropriate to inquire how the individual wishes to be addressed (e.g., Sir, Ma’am) and the name by which the individual wishes to be addressed. This name shall be noted as an (AKA) if it differs from the individual’s legal name.

   b. If a transgender person is unwilling to provide information that enables the officer(s) to know what name and/or gender is preferable, then the officer(s) should make a determination about the person’s gender based on the person’s gender expression (i.e., clothing, language demeanor, etc.) and any other evidence available to the officer(s). For example, if the person is clearly dressed like a woman and presenting as woman, then the person should be recognized and addressed as a woman. A Department of Motor Vehicle Identification or any other government-issued form of identification (such as a passport) shall only be acceptable as initial proof of gender identity in the absence of self-identification by the individual or some other obvious expression of gender identity;
c. Any information obtained about an individual’s transgender status (e.g., preferred name and pronoun) should be documented and provided to relevant Department employees for the purpose of ensuring continuity of appropriate treatment; and,

d. Under no circumstances shall Department employees disclose to non-involved persons that an individual is transgender. As with other policies, a “need to know” basis should guide decisions about disclosure.

**During Field Searches Involving Transgender Individuals**

1. A search or frisk shall not be performed for the sole purpose of determining an individual’s anatomical gender;

2. Transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals;

3. When an individual is identified as transgender person, Department employees shall respect the gender identification expressed by the individual and shall not question this identity;

4. Officers should not inquire about intimate details of an individual’s anatomy or surgical status to determine an individual’s gender. No proof of an individual’s gender is required. This requirement can change for purposes of booking, as addressed in policies on booking;

5. Requests to remove appearance-related items, such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics, shall be consistent with requirements for the removal of similar items for non-transgender individuals;

6. When an arresting officer has reason to believe that the arrestee is a transgender person, the officer shall specifically inform the arrestee that, as with any other arrestee, he/she must be searched. Ask the arrestee if there is a preference to be searched by a male or female officer and document this preference in the incident narrative. If the arrestee’s gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted; and,

7. An officer shall not refuse to search a transgender arrestee based upon the arrestee identifying as transgender.

**NOTE:** When an immediate cursory search for weapons is necessary for safety, it may be conducted in the field by an officer of either sex.
GENERAL ORDER 32
RECRUITMENT AND SELECTION

SUBJECT
Responsibility for Recruitment and Selection

GENERAL ORDER NUMBER
32.1.1

DCJS STANDARDS
11.2, 11.3, 12.3, 12.4, 12.5, 12.6, 12.8

EFFECTIVE DATE
September 30, 2009

REVIEWED DATE
August 18, 2016

APPLIES TO:
All Employees

REVISION DATE
<October 3, 2016

APPROVAL
J. Frank Wiley., Chief of Police

Policy

The purpose of this Order is to establish policies and procedures on the responsibility for the recruitment and selection process of sworn department personnel.

Introduction

When authorized, SUNY System Administration will notify the New York State Department of Civil Service of their intent to conduct examinations for positions within the University Police Departments. The New York State Department of Civil Service in concert with SUNY System Administration is charged with the following responsibilities:

1. Announcing the availability of positions statewide

2. Advertising and recruitment for the exam

3. The application process which includes distribution of exam announcements that includes a description of duties for the position to be filled

4. Notice that the state is an equal opportunity employer
Selection Process

A written examination, administered by the New York State Department of Civil Service will be used to establish an eligible list of candidates. Once established and at the request of a member of the command staff a certified eligible list of candidates may be requested from New York State Civil Service through the Office of Human Resource Management. A member of the Command Staff may initiate the selection process that will include the following.

1. Determine the number of candidates eligible for consideration

2. Canvass the eligible candidates on the list

3. For the UPO 1 Position: Eligible candidates will then be tested using the Cooper Physical Fitness Standards which meet or exceed standards set by Municipal Police Training Committee (MPTC), with participation only taking place after the candidate has obtained a signed medical release from their physician.

4. Convene a selection panel consisting of Command Staff.

5. Notify the candidate to appear before the selection panels at a specified time, date and place

6. The selection panel will conduct interviews of each candidate in a fair, uniform and non-discriminatory manner to determine the most qualified and suitable candidate(s) to fill the vacant position(s).

7. Candidates will be given an oral interview to determine their suitability for the intended position. The Command Staff panel shall conduct such interviews. These interviews will employ a set of uniform questions and the results will be kept on file for a minimum of one year after appointments resulting from any series of interviews.

8. Candidates considered for appointment must be of good moral character and must satisfy the height, weight, and physical fitness requirements prescribed by the New York State Bureau for Municipal Police (BMP) pursuant to S840 of the New York State Executive Law.

9. Eligible candidates who successfully pass the agility test will then be examined by a physician from the New York State Employee Health Service to determine medical fitness.

10. Candidates successfully completing previous phases will then participate in a psychological exam administered by the New York State Employee Health Service

11. Candidates will undergo a comprehensive background exam
12. Candidates selected will undergo a probationary period to last between 52 – 78 weeks and shall commence upon employment as a Probationary Police Officer. Three evaluations will be conducted during this period, consisting of an initial, midrange and final evaluation.

13. After successful completion of all phases recommendations will be forwarded to the Chief for their consideration. The Chief is ultimately responsible for hiring prospective employees.
Purpose

The purpose of this Order is to establish guidelines for conducting thorough and comprehensive background investigations of candidates for employment as University at Albany Police Officers.

Initiation of Background Investigation

1. The Operations Inspector, or their designee, will provide the candidate with the Background Investigation Packet; which includes a cover letter and the following forms:
   a. Candidate General Questionnaire
   b. Integrity Questionnaire
   c. General Information Release Form
   d. NYS Office of Mental Health Information Release Form.

2. The Operations Inspector, or their designee, will assign an Investigator or individual designated by the Chief of Police to conduct the candidate’s background investigation. The persons assigned will utilize the University at Albany police Department's Background Investigation Manual.

3. If time permits, the candidate will be required to provide the Integrity Questionnaire prior to the interview process.

Scope, Content and Completion of the Background Investigation:

1. The assigned Investigator will interview the candidate and collect and record necessary information from the following documents:
a. A certified birth certificate and naturalization certificate.

b. Three photographs of the candidate (without anyone else in the photograph) measuring between 4” x 5” and 8” x 10”, taken within the past twelve months (at least one of which must be a full body photograph).

c. High school diploma or equivalency.

d. Official transcripts from every college attended.

e. All college diplomas.

f. Driver’s license.

g. Social Security card.

h. All vehicle registrations.

i. Marriage certificate.

j. Any military discharge papers (DD214).

k. Supporting documentation for any additional training, permits, or licenses.

l. A credit report from one of the three major credit reporting agencies obtained within the last 90 days.

m. A copy of all liens and judgments.

n. Signed and notarized “General” and “NYS Office of Mental Health” information release forms.

o. Completed Candidate General Questionnaire.

p. Completed Candidate Integrity Questionnaire.

q. Completed fingerprint card.

r. Completed University at Albany employment application.

2. The assigned Investigator will conduct a thorough and comprehensive investigation into the candidate’s background, character, integrity and reputation that includes, but is not limited to, the following areas and will document the results using appropriate department forms:

a. Family, friends and acquaintances.

b. Education.
c. Current and past residences.
d. Employment history.
e. Personal, professional, and social references.
f. Financial status including, but not limited to, loans, mortgages, and credit history.
g. DMV record.
h. Military history.
i. County records.
j. Criminal history.
k. Organizations and affiliations.
l. Other sources as appropriate.

3. The Investigator will prepare a written final report of the completed background investigation and submit such report and supporting documentation to the Operations Inspector or their designee for his review.

4. Upon completion of the Operations Inspector, or their designee’s review, all documentation will be forwarded to the Deputy Chief of Administration, or their designee, for final evaluation of the candidate’s eligibility for employment as a police officer with the department.

5. Background investigation files will be maintained by the department.
GENERAL ORDER 33
TRAINING

SUBJECT
Training

GENERAL ORDER NUMBER
33.1.0

DCJS STANDARDS

EFFECTIVE DATE
September 30, 2009

REVIEWED DATE
October 4, 2016

APPLIES TO
All Employees

REVISION DATE
October 6, 2016

APPROVAL.

J. Frank Wiley, Chief of Police

Purpose
This Order defines training as it is applied by the Department and outlines the purpose, philosophy, and responsibilities associated with the training function.

Introduction
The primary function of training is to enable individuals to further the mission of the Department. It is also understood that well-trained and educated members bring creativity, insight, and experience to the job and expand the ability of the Department to respond to the challenges of a changing society.

Training is intended to accomplish the following:

- To develop acceptable standards of performance;
- To maintain acceptable standards of performance;
- To improve upon or enhance acceptable standards of performance;
- To correct deficiencies in performance;
- To provide for growth and development;
- To expand knowledge;
• To expand perspectives of law enforcement and criminal justice practices; and,

• To enhance confidence and morale.

**Philosophy**

Training is the opportunity to acquire learning, and thus change behavior to maintain, improve, or enhance desired performance. Training is the responsibility of every member. That responsibility is:

• To be forthcoming in requesting training that is necessary or desired,

• To seek out opportunities for training be they formal or informal,

• To be willing to share acquired knowledge, skills, and techniques with others, and,

• To willingly accept and take advantage of training opportunities and apply new knowledge, skills, and techniques to improve job performance.

Training is a never-ending process with the goal to achieve superior performance. This is in keeping with the Department’s value of education and the pursuit of lifelong learning.

**Types of Training**

**Mandatory/Required** - is training which by law, accreditation standards, or policy requires. Firearm qualifications are an example of required training.

**Career Maintenance** - is training which is designed to maintain critical knowledge, skills and abilities. Many critical law enforcement tasks are low frequency / high consequence. High consequence means one or both of the following:

1. The incident involves greater risks, physically and psychologically, to the victims and the public;

2. The incident involves greater risks to the department in terms of physical danger, liability, reputation and trust.

An example of a low frequency/high consequence incident that occurs infrequently but requires a high level of competent performance would be a rape investigation. Career maintenance also includes legal updates.

**Career Enhancement** - is training intended to stimulate current performance, expand knowledge and improve future performance. This training includes, promotional training designed and intended to prepare members for supervisory or management responsibilities.
**Specialized Training** - is training intended to prepare the member for specialized assignments such as firearms instructor, evidence technician, or bicycle mechanic.

**Remedial** – is training intended to correct a deficiency in attaining acceptable standards of performance.

**Field Training** - is a training program designed to coach and mentor members to acceptable standards of performance, either as a new employee or as an employee in a new assignment.

**The Three-Year-Plan** - is a timetable to provide new officers with advanced training in fundamental areas of law enforcement.

This training may be provided off-site or on-site. These training initiatives are accomplished by two means:

1. **On-Site Training** - Training provided by in-house instruction, University resources or by the Law Enforcement Institute. This training requires little or moderate expenditures of resource and does not involve vehicle assignment, lodging, or significant absence from assigned duties.

2. **Off-Site Training** - Training which is planned or provided by other agencies and requires a greater expenditure of resources in terms of vehicle assignment, lodging, travel, meal expenses and significant absence from assigned duties.

**Roles and Responsibilities**

Each member is responsible for assessing their own needs and determining areas where improved performance is necessary or desired.

The Chief of Police, or their designee, is responsible for approving long term and Department wide initiatives that reflect policy or require extensive resources to accomplish. Any procedure or policy concerning training will be modified, on a case-by-case basis, at the discretion of the Chief, or their designee. Additionally they authorize all off-site training requests.

Members of Command Staff or Lieutenants ensure that required training is received. The responsibility of the supervisor in coaching and advising is critically important. It is a primary role of the supervisor to monitor the performance of subordinates and take action to ensure acceptable standards are met. The supervisor is the first line in discerning the need for remedial training and must act promptly to correct deficiencies.

**Reimbursements**

Although the Department pays most training costs outright, occasionally a member may accrue some expense that is entitled to reimbursement. Receipts are required for all authorized expenses including meals, which are reimbursed on standard per diem rate.
At the completion of the training reimbursements must be coordinated with the Administrative Inspector.
Purpose
The purpose of this Order is to establish guidelines for in-service training.

Policy
University at Albany Police Administration recognizes the benefits of regular in-service training, and is committed to maintaining and enhancing the occupational skills of its sworn members by providing such training.

Annual In-Service Training
All sworn personnel are required to attend a minimum of 21 hours of in-service training each calendar year. This training must include:

1. Firearms training and qualification sessions.
2. Legal updates.
3. Review of the use of force and deadly physical force.
4. Preventing and minimizing the work-related risks posed by communicable diseases.
5. Additional topics as prescribed by the Training committee.

Instructor Qualifications
Instructors for all in-service training sessions will have the appropriate certifications from the New York State Division of Criminal Justice Services (DCJS); or, when presenters are not DCJS certified, a DCJS certified General Topics Instructor will review and approve both the course content, and the qualifications of the presenter.
**In-Service Training Records**

1. Training records shall be kept up-to-date and properly documented for all personnel by the Department Training Committee.

2. Officer’s individual records should include basic, in-service and specialized training courses.

3. Records should include, but not be limited to, such information as dates attended, total hours and name of the course.

4. Accurate records of all training course attended by department members shall be maintained.

5. A copy of the course curriculum/agenda will be maintained by the Department Training Committee.

6. Department members attending training courses not sponsored by the Department are required to obtain the curriculum/agenda of any course they attend. They are required to forward this to the Department Training Committee.

7. The Department Training Committee shall ensure that accurate records for all training courses the Department sponsors are kept.

8. Lesson plans and/or an official copy of the course curriculum shall be maintained indefinitely.

**Supervisory Training**

1. All supervisors will be provided with annual training designed to enhance their supervisory skills.

2. This training can be considered part of the 21 hours of required annual in-service training.

3. Such training need not be police specific, and may be provided by the following means:
   a. Professional Seminars
   b. College Courses
   c. Any other means approved by the Chief of Police or their designee

4. The Deputy Chief of Operations will note each supervisor’s training on their annual evaluations and discuss and recommend relevant training for the following year.
Requests to Attend Training Requiring Travel

Any member of the Department, who would like to submit a request to attend a training program which would require overnight travel, or significant financial expense to the Department, must complete a request and submit it to the Training Committee for consideration. This requirement does not apply to training opportunities mandated by the Department.
The purpose of this General Order is to establish basic training requirements for Police Officers.

Policy

All sworn members of the University at Albany Police Department must have completed the New York State Basic Course for Police Officers prior to engaging in independent law enforcement activities.

Basic Training Requirements

1. All sworn personnel must successfully complete a Basic Course for Police Officers within one year of their appointment date.

2. This course must meet or exceed the standards set by the Municipal Police Training Council.

3. No University at Albany Police Officer will be authorized, permitted, or assigned to independently perform regular law enforcement duties until they have successfully complete such course. However, they may perform such duties when accompanied and directly supervised by another officer who has successfully completed such course.
Specialized Functions

The following positions within the University at Albany Police Department are considered specialized functions and require specialized training:

1. Bike Patrol Officer
2. Firearms Instructor
3. Honor Guard
4. Breath Test Operator
5. Field Training Officer
6. K9 Officer
7. Evidence Technician

Initial Specialized Training

Some specialized positions have mandated initial training requirements and certification. They include:

1. Bike Patrol - 41 Hours
2. Firearms Instructor - 80 Hours
3. Breath Test Operator - 32 Hours
4. Field Training Officer - 32 Hours
5. Evidence Technician – 80 Hours
Specialized In-Service Training and Record

1. Upon completion of initial specialized training, the training committee shall be responsible for administering or coordinating periodic in-service training.

2. It shall also be their responsibility to provide the Training Committee with all course materials necessary for maintaining accurate documentation of this training.
Policy

The purpose of this Order is to establish policies and procedures for the Field Training Program.

Purpose

Field Training Programs are a complete management system designed to improve the overall effectiveness and efficiency of the Department. The program enhances the overall applicant/probationary screening process with daily on-the-job observation. The Field Training Program places maximum emphasis on post academy, on-the-job training. It also provides a standardized program to guide the department’s Field Training Officers (FTO’s) in the initial orientation and field training of probationary officers and SSAs.

In developing the Field Training Program, the department considered its management responsibilities, weighing the legal issues raised by the courts. Court decisions regarding the negligent appointment/retention of employees and vicarious liability of the Department mandate that management make every effort to hire and retain only qualified employees.

Description/Overview

The University at Albany Police Department’s Police Field Training Program is intended to guide a police officer’s transition from the academy setting to the actual performance of law enforcement patrol duties. Newly assigned officers will receive training in the field, learning from officers who are NYS DCJS certified Field Training Officers (FTO). The Field Training Program introduces a newly assigned officer to the personnel, procedures, policies, and purposes of the department as well as providing formal and informal training specific to the day-to-day duties of its officers. The Field Training Program also addresses the needs of officers transferring into the department from another department or agency.
**Program Goals**

- To produce a competent police officer capable of working a solo patrol assignment in a safe, skillful, motivated, productive, and professional manner.

- To provide standardized training to all newly assigned probationary officers in the practical application of learned information.

- To provide clear standards for rating and evaluation which give all probationary officers every reasonable opportunity to succeed.

- To enhance the professionalism, job skills, and ethical standards of the law enforcement community.

- To provide remedial training in those areas where deficiencies are identified.

- To work towards continuous quality improvement.

**Field Training Unit Chain Of Command**

1. Field Training Commander

2. Field Training Supervisor

3. Field Training Officers (FTO)

**Phase Training**

The Field Training Program is divided into phases, which the new officer will be required to pass:

**Orientation Period** is the time that may occur when a Probationary Officer is hired prior to attending the basic police academy. This is designed to familiarize the Probationary Officer with the working environment of the department. This orientation or "limbo" period are not evaluated. This eases the Probationary Officer into the job and attempts to relieve any nervousness experienced by entering a whole new setting. Academy Phase is a four week phase that a new hire spends working in the department during the basic police academy. In order to progress to Phase One, the Probationary Officer must successfully complete the basic police academy.

**Phase One** is a four-week phase assigned to a specific shift and first FTO. This phase is primarily instructional. If the probationary officer is incapable of completing the phase in the time allotted then the probationary officer may be extended up to two weeks within the phase. During this phase the FTO will be performing 100% of the duties and eventually sharing the duties 75 / 25% with the probationary officer.

**Phase Two** is another four-week phase assigned to a specific shift and a second FTO. This phase is primarily instructional. If the probationary officer is incapable of
completing the phase in the time allotted then the probationary officer may be extended up to two weeks within the phase. During this phase the Probationary officer and FTO will be sharing some of the duties 50/50 to 25/75 % respectively.

**Phase Three** is another four-week phase assigned to a specific shift and a third FTO. This phase is primarily instructional. If the probationary officer is incapable of completing the phase in the time allotted then the probationary officer may be extended up to two weeks within the phase. This phase culminates with the Probationary Officer doing 100% of the work.

**Phase Four** is a two-week phase assigned to a specific shift and with the first FTO. This phase is primarily an observation/evaluation phase. The probationary officer will be operating at a 100% level and the FTO’s responsibility is to override the probationary officer only in the event of an emergency. If the probationary officer is incapable of completing the phase in the time allotted then the probationary officer may be extended up to two weeks within the phase. If at the end of the two week extension the Probationary Officer is still incapable of solo patrol, the Probationary Officer will be sent back to complete Phase three.

**Training Evaluation (Police)**

During the field training process, probationary officers must be guided, directed, and made aware of their progress through written evaluations. Daily Observation Reports (DOR) are crucial to the Field Training Program. These evaluations must be consistent, objective, and administered in a manner that promotes good performance and progress throughout the program. Standardized Evaluation Guidelines have been established to ensure each FTO’s rating of a student will be equal and standard throughout the program. They are designed to provide a definition, in behavioral terms, of various levels of performance. Using the “San Jose Model”, the department will use a 7 point scale of reference points used to properly articulate to explain the rationale supporting a numerical score, such as “1” (Unacceptable), “4” (Acceptable), or “7” (Superior) along with “NO” (Not Observed) or “NRT” (Not Responding To Training).

**NOTE:** FTO’s will only use the DCJS Field Training Forms (Daily Observation Report, Evaluation Summary, and Remedial Training Worksheet) during Phase One. Phases Two, Three, and Four will all utilize the University at Albany Police Department’s Field Training forms.

FTO’s will complete a Daily Observation Report (DOR), on each probationary officer. This daily evaluation must be completed, at the end of the shift, except for extraordinary circumstances. It shall not be done at a later time. If this is not possible the DOR should be turned in at the conclusion of the FTO’s next pre-shift briefing. In this way, the probationary officer is provided the opportunity to ask questions and seek clarification not received earlier in the workday. End of shift feedback also serves to reinforce instructions, criticism, and praise given during or after each earlier incident. After the FTO reviews the DOR with the probationary officer, the FTO will place the DOR in
the Field Training Coordinator’s bin, who will then forward it to the Field Training Commander.

FTO’s will complete a Remedial Training Worksheet supplementing the DOR anytime a probationary officer’s performance is below standard and requires remedial training.

Probationary officers shall fill out a Field Training Self-Evaluation at the beginning of Phases 1, 2, and 3. FTO’s will complete an Evaluation Summary Report at the completion of the Field Training Program. This report must be signed off by the Field Training Officer, Field Training Supervisor, and the Field Training Commander prior to allowing the probationary officer out of the Field Training Program.

After successfully completing the Field Training Program, the probationary officer shall fill out a Field Training Program Feedback Report. This report shall help the Field Training Program address any concerns or need for improvement.

**Transferring Probationary Officers**

Probationary officers who transfer into this department, from another department or agency, may begin the Field Training Program based on their knowledge and past experience in an advanced phase of training. FTO’s are required to produce DOR’s daily basis documenting the transition training. Probationary officers will not be removed from the Field Training Program until the University at Albany Field Training Orientation Packet is completed.

**No Secrets - No Surprises**

There are “no secrets and no surprises” in the Field Training Program. Providing the probationary officer with timely documentation provides for a more complete picture of the overall performance and allows the Field Training Unit an opportunity to monitor day to day progress. The probationary officer shall possess a Field Training Binder including the University at Albany Field Training Orientation Packet, campus maps, copies of all DOR’s, Remedial Training Worksheets, Self- Evaluations, and Evaluation Summaries.
Subject

Basic Training for First-Line Supervisors

<table>
<thead>
<tr>
<th>General Order Number</th>
<th>33.4.4</th>
</tr>
</thead>
</table>

DCJS Standards

34.1

Effective Date

January 27, 2011

Reviewed Date

November 2, 2016

Applies to:

Supervisors

Revision Date

APPROVAL

J. Frank Wiley, Chief of Police

Policy

All sworn members of the University at Albany Police Department who have been duly appointed as first-line supervisors, must be adequately trained as such.

Training Requirements for First-Line Supervisors

1. All sworn members who have been duly appointed as first-line supervisors must successfully complete a Course in Police Supervision within one year of their appointment date.

2. This course must meet or exceed the standards set by the Municipal Police Training Council.

3. If such training cannot be conducted within the one-year time frame, documentation must be generated to establish that reasonable effort has been made to provide this training. This documentation must be made available for review by the Division of Criminal Justice Services. In such cases the training will be provided as soon as practical.

4. New First-Line Supervisors will go through an orientation period permitting them to work 1-week on each of the three primary shifts with an experienced supervisor.

5. Annual in-service training is required for all supervisors as specified in General Order 33.1.1.
GENERAL ORDER 34
GRIEVANCES

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>GENERAL ORDER NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grievance Procedures</td>
<td>34.4.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCJS STANDARDS</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.1</td>
<td>December 1, 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVIEWED DATE</th>
<th>APPLIES TO:</th>
<th>REVISION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2, 2016</td>
<td>All Employees</td>
<td></td>
</tr>
</tbody>
</table>

APPROVAL

J. Frank Wiley, Chief of Police

Purpose
The purpose of this policy is to outline the procedures for departmental grievances.

Policy
The University at Albany Police Administration subscribes to an open door policy for dispute resolution where all employees are welcome to discuss their grievances with the goal of resolving issues prior to entering into a formal grievance process. However, should any unionized employee elect to resolve their grievance through a formal resolution procedure, such procedure will be conducted in manner consistent with the current collective bargaining agreement.

Procedure
The current procedure for addressing grievances for all personnel employed as University Police Officer 1, University Police Officer 2, and University Police Investigator 1, Campus Public Safety Officer, or Security Service Assistant 1 is outlined in the most recent collective bargaining agreement.
Purpose

The purpose of this Order is to establish procedures for personnel performance evaluations.

Policy

1. It is the policy of the University at Albany Police Department that an annual performance reviews shall be conducted on all probationary and permanent sworn personnel as detailed in this order.

2. The performance evaluation is an assessment of an employee’s work performance conducted by their immediate supervisor with the overall goal of improving work performance. The principal purposes of these staff reviews are to encourage staff development and to strengthen the Department’s effectiveness. Some specific purposes are include:
   a. Identify specific indicators of achievement
   b. Pinpoint areas of greatest and/or least effectiveness
   c. Stimulate improved performance
d. Develop mutually established goals

e. Increase employer-employee communication

f. Identify training needs

**Definitions**

1. **Performance Review** - An assessment of work performance that is documented on either the Probationary Period Evaluation Report Form, or the Employee Performance Evaluation Rating Form for Security Services Unit Employees.

2. **Rater** - A supervisor who evaluates the performance of an employee.

3. **Probationary Employee** – Sworn Department employee who has not completed the required probationary period and thereby has not been given permanent civil service status as a Police Officer.

**Procedures**

1. Probationary employees shall have their work performance evaluated as required by Human Resources Management using the Probationary Period Evaluation Report Form. This is in addition to the Daily Observation Reports (DOR) that are completed when an officer is in Field Training.

2. Permanent employees shall have their work evaluated on a yearly basis using the Employee Performance Evaluation Rating Form for Security Services Unit Employees.

3. Annual performance evaluations of all permanent classified service personnel according to the following schedule:

   a. Those personnel with even numbered badges or identification numbers will be evaluated in January of the each calendar year.

   b. Those personnel with odd numbered badges or identification numbers will be evaluated in July of each calendar year.

   c. Probationary employees will continue to be evaluated according to Civil Service rules.

**Completing the Performance Evaluation Form**

1. The employee’s immediate supervisor is responsible for conducting the performance review. The Deputy Chiefs of Police, or their designee, will designate rater assignments to shift supervisors.
2. The evaluation form heading will be completed documenting the employee’s name, position, and review period.

3. The appropriate box for each performance criteria should be clearly marked with an “x” and where applicable and comments written in each space provided.

4. Each job performance criteria will be rated on the exhibited performance. Supervisors must guard against rating the employee for job expectations rather than job performance.

5. Ratings must be substantiated with quantifiable information.

6. A rough draft of each performance evaluation will be completed and submitted to the rater’s supervisor according to a schedule provided by the Deputy Chief of Operations, or his/her designee. The rater’s supervisor shall review each performance evaluation for completeness, clarity, objectivity, and may add remarks regarding the work performance of the employee being evaluated. The reviewed rough draft will be formatted into the final document and reviewed with the employee by the rater. The rater’s superior will review all comments and sign the final document in the appropriate area.

**Rating Scale**

1. Probationary Employees:

   a. **Outstanding** – The employee’s performance is clearly exceptional in comparison with expectations, thereby causing the employee to stand out above the others in the work unit. Performance consistently exceeds expectations for all tasks. The employee can be relied upon to perform the most difficult tasks and has made exceptional contributions to the work of the unit or agency.

   b. **Effective** - The employee generally meets performance expectations for all tasks and performs in a good, competent manner. This is the expected and usual level of performance for most employees.

   c. **Unsatisfactory** – The employee clearly does not meet performance expectations for one or more tasks, not even at a minimally acceptable level. The employee requires extra direction, or the supervisor finds it necessary to avoid assigning normal tasks to the employee. There is need for immediate and significant improvement in performance.

2. Non-Probationary/Permanent Employees:

   a. **Outstanding** – The employee’s performance clearly is exceptional in comparison with expectations, thereby causing the employee to stand out above the others in the work unit. Performance consistently exceeds expectations for all tasks. The employee can be relied upon to perform the most difficult tasks and has made exceptional contributions to the work of the unit or agency.
b. **Excellent** - The employee always meets and frequently exceeds performance expectations for all tasks. The employee is performing better than expected for many of the tasks and is recognized as a particular asset to the work unit.

c. **Good** - The employee meets performance expectations for all tasks and performs in a good, competent manner. This is the expected and usual level of performance for most employees.

d. **Needs Improvement** – The employee meets performance expectations at a minimally acceptable level.

e. **Unsatisfactory** – The employee clearly does not meet performance expectations, not even at a minimally accepted level.

**Rater Responsibilities**

1. Review and understand the job duties and responsibilities for each position they supervise.

2. Review the employee’s previous performance evaluation.

3. Review the employee’s training file.

4. Objectively rate the performance of each employee.

5. Articulate the reasons for ratings above and below expectation in writing.

6. Advise the employee what is acceptable and unacceptable performance.

7. Demonstrate an interest in the subordinate’s continued development.

8. Discuss professional development with each employee; making recommendations for the upcoming year.

**Rater Training**

1. The department will coordinate training for all employees responsible for completing performance evaluations. New raters shall attend the Human Resources Management training for conducting performance evaluations as it becomes available.

**Performance Evaluation Interview**

1. The results of each performance evaluation shall be reviewed with the employee.

   a. The rater and employee should review the Performance Evaluation Form item by item, in private, free from interruptions.
b. The rater should use specific terms to outline the employee’s exhibited performance.

2. During the interview, the rater and employee shall discuss the level of performance expected, the rating criteria utilized, and goals for the new reporting period.

3. The rater shall provide career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

4. The employee must have the opportunity to complete the employee comments section of the evaluation form.

5. After the review is completed, both the rater and the employee will sign and date the evaluation. If the employee does not want to sign the evaluation, this should be noted on the bottom of the form and initialed by the rater.

6. Each employee receives a copy of their completed performance evaluation.

7. Employees who wish to appeal their evaluation may do so in writing to the Chief of Police. A review will be conducted in accordance with the current labor contract agreements.

**Disposition of Performance Evaluations**

1. The Chief of Police or his/her designee will review each completed performance evaluation.

2. Following review and approval by the Chief of Police or his/her designee, a copy of the evaluation is placed in the employee’s Department Personnel File, and the original copy is sent to Human Resources Management office.
Purpose

The purpose of this Order is to explain the promotion process and the role of the University at Albany Police Department in that process.

Policy

It is the policy of the University at Albany Police Department to comply with New York State Civil Service Laws in the hiring and promoting of all employees. Procedures used for promotions are job related and non-discriminatory.

Procedure for Promotion of Civil Service Members

1. No numerical weights are assigned to eligibility requirements other than veterans’ points and seniority points that are added in and controlled by civil service.

2. Employees are ranked according to their test scores on the Civil Service Exam.

3. An eligible list is utilized until such time that the list expires, or is superseded by a new list resulting from a more recent examination. An eligible list may be active for up to four years.

4. New York State Civil Service provides written certification of eligible employees.

5. A vacant position must be posted on the campus Human Resources electronic recruiting system for a period of ten (10) days. After that period, Human Resources send out canvass letters, and provide the University at Albany Police Department with the list of respondents.

6. The Deputy Chief of Administration sets up an interview process with the individuals who rank in the highest test scores yielding a minimum of three qualified candidates. Selection for promotion from the interview process is based upon qualifications of the individual.
Procedure for Promotion of Professional Staff

1. Promotions for professional staff are according to the Promotion Policy for Professional Employees issued by the University at Albany Human Resources Department.

2. Recommendations for promotions are presented to the Chief of Police.

3. The final determination is made by the Chief of Police.
Policy

The University at Albany Police Department recognizes that our employees consistently perform in a professional manner; however, certain actions of employees deserve special recognition. Considering this, all personnel, regardless of rank or position, are urged to report outstanding actions by members of this Department in recommendation for special recognition.

Procedure

1. Any employee of the University at Albany Police Department witnessing an exemplary act by another Department employee, may initiate a request for special recognition by citing the circumstances of the incident in a report addressed to the Deputy Chief of Operations. This report should include:

   a. A description of the event, actions, or continuing project that deserve special recognition.

   b. The names and addresses of witnesses which might be helpful if a further investigation is necessary.

   c. The IETS incident number, if applicable.

   d. The reasons for which the award is being recommended.

2. The Deputy Chief of Operations shall:

   a. Review all recommendations for awards.

   b. Endorse the recommendations as submitted, or

   c. Recommend that another more appropriate award be presented, or
d. Request additional documentation be submitted, and/or
e. Determine that no award should be presented.

3. The Deputy Chief of Operations will then submit the nominations along with his recommendations to the Chief of Police.

4. The Chief of Police will make the final determination regarding the nominations.

**Immediate recognitions**

1. Letters of Commendation:
   a. Letters of commendation may be issued by any member of Command Staff or supervisor and presented at anytime.
   b. These letters may be written to recognize actions or performance of duty that are commendable, but which may not meet the criteria for a specific award.

2. Written Compliments
   a. Letters of commendation may be issued by any supervisor and presented at anytime.
   b. These letters may be written to recognize actions or performance of duty that are commendable, but which may not meet the criteria for a specific award.

**Annual Awards**

**Awards for Sworn Members**

<table>
<thead>
<tr>
<th>Award Name</th>
<th>Service bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Office of the Year</td>
<td>Green with gold stars</td>
</tr>
<tr>
<td>Larry Gaal Award for Police Professional Service</td>
<td>Professionism</td>
</tr>
<tr>
<td></td>
<td>Red, white, blue</td>
</tr>
<tr>
<td>Merit Award</td>
<td>Excellent arrest</td>
</tr>
<tr>
<td></td>
<td>Blue</td>
</tr>
<tr>
<td>Criminal Investigation</td>
<td>Solving an extraordinary case</td>
</tr>
<tr>
<td></td>
<td>Blue and yellow</td>
</tr>
<tr>
<td>Evidence Technician</td>
<td>Completion of training</td>
</tr>
<tr>
<td></td>
<td>Red and white with gold bars</td>
</tr>
</tbody>
</table>
**Awards for Campus Public Safety Officers/Security Services Assistants**

<table>
<thead>
<tr>
<th>Name</th>
<th>Service bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSA of the Year</td>
<td>Green with gold stars</td>
</tr>
<tr>
<td>Robert F. Foster Award for Professional Security Service</td>
<td>Professionalism Green and white</td>
</tr>
<tr>
<td>Clark Dix Award for Excellence in Communications</td>
<td>Professionalism Green and white</td>
</tr>
</tbody>
</table>

**Other Awards**

<table>
<thead>
<tr>
<th>Name</th>
<th>Service bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief’s Special Award</td>
<td>Special accomplishment Green with white with gold bands and gold star</td>
</tr>
<tr>
<td>Silver Star</td>
<td>Bravery Red, white and blue with star</td>
</tr>
<tr>
<td>Community Service</td>
<td>Service to the University or local community Green, white and blue with gold bands</td>
</tr>
<tr>
<td>General</td>
<td>Exceptional service Orange</td>
</tr>
<tr>
<td>Certificate of Appreciation</td>
<td>Civilian assisting police Document</td>
</tr>
<tr>
<td>Unit awards</td>
<td>Excellence by Department units Wall plaque, individual certificates</td>
</tr>
<tr>
<td>Military service</td>
<td>Military service Consistent with military recognition for the era member served in</td>
</tr>
</tbody>
</table>

**Award Presentation**

1. Awards will be presented to department members by the Chief of Police or their designee.

2. The awards presented will be consistent with those currently endorsed by the SUNY Chiefs of Police Association.
**Wearing of Service Bars**

1. Members are encouraged to wear their service bars.

2. The wearing of service bars may be required as part of the uniform of the day.

3. Those members in the dress uniform blouse will wear all awarded service bars on the blouse.

**Special Considerations**

Nothing contained in this directive shall prevent the Chief of Police, under extraordinary circumstances, from granting immediate Departmental recognition to any employee who has performed an act consistent with the standards contained herein.
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: https://dmv.ny.gov/brochure/new-york-state-vehicle-safetyemissions-inspection-program
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 1104-4e).

**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 inoperative.

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 insures 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.
1. **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.

2. **Patrol Function**

   a. **Role of the Department**

      i. The responsibilities and activities of the New York State University Police at Albany 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:

         1. Law Enforcement
         2. Crime Prevention
         3. Responding to Calls for Service
b. Tour of Duty

i. The patrol component is under the command of The Deputy Chief of Police or their designee. The patrol component consists of, but is not limited to, three patrol shifts, each of which is supervised by a Lieutenant or Officer in Charge (OIC).

1. A-Line (2045 – 0700)
2. B-Line (0645 – 1700)
3. C-Line (1645 – 0300)
4. D-Line (1845 – 0500)

iii. Zone Assignments

i. Officers are routinely assigned to a specific zone for purposes of effectively and efficiently providing services to all areas of the University. The zone assignments are as follows:

1. North - This encompasses the north side of the uptown campus with the dividing line dictated by the Zone Map located at the conclusion of this policy.
2. South - This encompasses the south side of the uptown campus with the dividing line dictated by the Zone Map located at the conclusion of this policy.
3. Downtown - This zone includes the Downtown Campus and Alumni Quad. The Downtown Campus includes the block containing the Draper Complex as well as Thurlow Lot.

ii. Additional Shift Assignments are used based on the University’s needs and available staff. Examples of these assignments are as follows:

1. Traffic - Officers assigned to Traffic will be responsible for responding to motor vehicle accidents, assisting disabled motorists, patrolling the parking lots and roadways, and appropriately enforcing Vehicle and Traffic laws within our primary jurisdiction.
2. COPS - Officers assigned to COPS will be responsible for community policing details, focused in areas specified by the shift supervisor. The goal of this assignment is to positively interact with the community in areas assigned. This does not prohibit an officer from taking appropriate enforcement action, just delineates the primary goal.
3. Communications - Officers assigned to Communications will be responsible for dispatch operations to supplement or in the absence of a University Police Communications and Security Specialist 1 (CSS 1).
d. Residential Area Assignments

i. Police Officers and Lieutenants will be assigned a Residential Area for an Academic Year. This assignment will be coordinated by the Deputy Chief of Police and will remain in effect while the Residence Halls are open and occupied.

1. Unless otherwise directed by the shift supervisor or it conflicts with their Shift Assignment, each officer will conduct at least one PWT in their Residential Area Assignment during each Tour of Duty with the goal of positively interacting with the staff and students in that area. Officers should familiarize themselves with the Residential Life staff that work in their assigned Residential Areas to better assist in preventing crime and providing a safe living environment for the students.

2. Officers are expected to participate in various programming activities and other engagement opportunities in their assigned Residential Area in an attempt to foster a cooperative relationship with the staff and students in that area.

3. Unless otherwise directed by the Deputy Chief of Police, each Lieutenant will make contact with Residential Life staff in their Assigned Residential Area during each Tour of Duty in an attempt to foster a cooperative relationship with the staff and ensure we are providing the best service possible to that area.

4. If an Officer or Lieutenant is unable to perform the above listed assignment during their Tour of Duty, they shall notify their supervisor of their inability to complete the assignment.

e. Special Details

i. Officers are frequently assigned to Special Details as deemed appropriate by the shift supervisor or Command. These details may replace a Shift or Zone Assignment and last an entire Tour of Duty, or may be shorter in duration and require an officer to conduct the Special Detail in addition to their Shift or Zone Assignment. Examples of Special Details are as follows:

1. Programming Detail: A planned detail focused on positively providing information to the community. These details may be in the form of a formal presentation or training topic, or may be an informal event such as tabling or attending and participating at an event planned by another department on campus.

2. Special Event Coverage: A detail that focuses on providing security for an event planned by another department on Campus. This may range from a Campus Center party to a Football game with additional information contained in GO 40.1.8: Staffing at Events.

3. Bus Stop Detail: A detail focused on maintaining order at the on campus bus stops during periods when student usage is high.
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.

b. Officers assigned to a Zone, at a minimum during each Tour of Duty, shall perform:

i. A cursory patrol of their assigned area at the start and end of their Tour of Duty.

ii. A Property Check of the required building in their Zone Assignment. A Property Check consists of a patrol of the exterior grounds and structure and a physical check of the interior of the structure.

iii. The locations that require property checks are dependent on several factors including time of day, time of year, occupancy, and crime patterns. Shift supervisors will notify the officers assigned to a Zone which buildings in that Zone need to be checked.

iv. A PWT of any Residential Area within their Zone Assignment if the living area is open and occupied and no other officer is assigned to that Residential Area during that shift.

v. A PWT of any other campus building that is heavily populated during their Tour of Duty. For example; the Podium while classes are being given, the PE Complex during an event, the libraries when heavily populated, etc.

vi. When entering a locked structure during the above listed patrols, the primary means of entry shall be the Employee’s University ID card.

vii. If an Officer is unable to perform the above listed assignment during their Tour of Duty, they shall notify their supervisor of their inability to complete the assignment.

4. **Performance Objectives**

a. The Deputy Chief of Police, or their designee, and supervisors will formulate specific written goals and objectives based on the Department’s mission, goals, and needs.

b. 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.
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).

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.

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.

c. **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.
e. 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 any 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-2\textsuperscript{nd} (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-2\textsuperscript{nd}.
   b. Attempted murder-2\textsuperscript{nd}.
   c. Manslaughter-1\textsuperscript{st}.
   d. Kidnapping-1\textsuperscript{st}.
   e. Attempted kidnapping-1\textsuperscript{st}.
   f. Arson-1\textsuperscript{st} and 2\textsuperscript{nd}.
   g. Assault-1\textsuperscript{st} (1) & (2).
   h. Rape-1\textsuperscript{st} (1) & (2).
   i. Sodomy-1\textsuperscript{st} (1) & (2).
   j. Burglary-1\textsuperscript{st} & 2\textsuperscript{nd}.
   k. Robbery-1\textsuperscript{st} & 2\textsuperscript{nd} (2).
   l. Aggravated sexual abuse.

\textbf{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.
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 (MAGLOCLEN)
   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.
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.
1. **Purpose**

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

2. **Policy**

   a. It is the policy of the New York State University Police at Albany 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.

3. **Notifications**

   a. 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 New York State University Police at Albany, 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.

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

5. Definitions
   a. **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 their residence.”
      i. NYS Education Law §355 (17).
      ii. NYS Education Law §6206.
      iii. NYS Education Law §6450.
   b. There is no age limit specified in these laws.
   c. Colleges and universities are required to adopt specific policies and procedures to ensure that these cases are handled in an expedient and consistent manner.
   d. This includes involvement of and coordination with local police agencies or the New York State Police, whenever warranted by circumstances.
   e. This should be based upon written inter-agency agreements.

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

d. Runaways.

e. Others (e.g., lost or unknown circumstances).

NOTE: Missing college students are “children”

f. 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.

7. Initial Response – Generally

a. 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.

b. 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 their 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.

c. 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 an 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.

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

   i. Is the student missing from the campus, their family residence or another location? (It is extremely important to make this determination as soon as possible.)
ii. Is there a witness to or physical evidence of an abduction or other foul play?

iii. Is the student despondent? Is the student mentally or physically disabled?

iv. Is the student experiencing academic, personal or financial problems?

v. Has the student disappeared before?

vi. Does the student have a known drug and/or alcohol problem?

vii. Has the student received any threats or warnings?

viii. What is the student’s lifestyle? Does the student have a criminal record?

ix. Did the student or perpetrator leave a note?

x. Have any similar incidents been reported within the area (e.g., attempted abductions, prowlers, suspicious persons)?

e. 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.

8. Administrative/Communications

a. Complete an intake report. Obtain as many details from complainant as possible, including:

i. Complainant name, contact information and relationship to the missing student.

ii. Missing student name and description.

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

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

v. Description of any involved vehicles.

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

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

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

c. If warranted by case specifics, inform investigators and/or supervision about the incident. Consider recommending activation of established:
i. Incident command system procedures.

ii. Procedures for working with area police agencies.

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

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

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

ii. Similar complaints.

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

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

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

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

iii. 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.

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

9. First Responding Officer

a. Interview the person(s) who reported the disappearance:

i. Verify the accuracy of complaint information already provided to communications staff, if applicable.

ii. Obtain and document all available details regarding circumstances associated with the disappearance.

iii. Even seemingly unimportant details or statements can become extremely important and must be documented.

b. Determine the circumstances associated with the disappearance:

i. Utilize the initial assessment questions located under “Initial Response - Generally”.

ii. If a witnessed abduction:

a. All details pertaining to the victim, perpetrator and event (as described in the following pages).
iii. If the cause of the disappearance is uncertain:
   a. Date, time and location when the student was last seen.
   b. The student’s mental and physical condition (e.g., normal, depressed, suicidal).
   c. Other case specific details (including the names of possible companions).

c. 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.

10. Urgency

a. The safest course of action is to treat each report as an urgent case until you can determine otherwise.
   i. Obtain detailed descriptions of:
      1. The missing student.
      2. Abductor (if applicable).
      3. Vehicles involved.
      4. Circumstances associated with the disappearance.
   ii. Complete a “New York State Missing Person Report” (two pages) which is located in the NYS DCJS/NYSP “Missing Person Data Collection Guide”.
   iii. If a “New York State Missing Person Report” is not used, the most important information to obtain about the missing student includes:
      1. Name (and nicknames).
      2. Gender.
      3. Race.
      4. Hair color/length.
5. Eye color.

6. Height.

7. Weight.

8. Age/Date of birth.

9. Specific physical attributes (e.g., scars, birthmarks, tattoos).

10. Clothing (at the time of disappearance).

11. Distinctive jewelry worn.

12. Any other identifying information available.

iv. Also obtain the following information as soon as possible:

1. A photograph of the student (preferably head and shoulder portraits from different angles/taken within the last 12 months).

2. Their Social Security Number.

3. Their student identification and campus account number(s).

4. Locations of campus and permanent residences.

5. Their academic and work schedules.

6. Places frequented (on and off campus).

7. Place of employment (if applicable).

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

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

1. Parents/family members.

2. Romantic interests.

3. Roommate(s).

4. Friends/acquaintances.

5. Instructors/professors.
6. Workplace colleagues (if applicable).

7. Residence hall staff.

8. Others.

vi. 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.)

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

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

11. Time frames

a. 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.

i. If abduction appears to be the cause of the disappearance, obtain:

   1. Description and/or identity (if known) of the possible perpetrator(s).

   2. Name.

   3. Age.

   4. Build.

   5. Gender.

   6. Race.

   7. Hair color/length of hair.

   8. Clothing.

   9. Other distinguishing characteristics.

ii. Description of the vehicle involved, if applicable.

   1. Make.

   2. Color.

   3. Model.

   4. License plate (number and state).
5. Unique damage or markings.

iii. Time and direction of travel when last seen.

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

v. 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:

1. Storage areas.
2. Stairways.
3. Classrooms.
4. Dormitories.
5. Vehicles (including the victim’s).
7. Wooded areas/bushes.
8. Ponds, lakes and streams.
9. Student’s residence.
10. Cafeterias.
12. Others.

vi. 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:

1. With the exception of authorized law enforcement officers, everyone should be kept out.
2. Scent articles may be needed for a K-9 search.
3. 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.

12. Privacy Expectations

a. 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.

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

ii. 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.

13. Information Dissemination

a. 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.

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

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

14. Investigative Officer

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

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

c. 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).

i. Evaluate as soon as possible.

ii. Locate, collect and handle potential evidence in accordance with agency procedures and generally accepted practices.

iii. Always photograph/videotape these areas prior to processing them.

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

c. Institute (or continue) area canvasses for witness information and searches to include all surrounding areas, including vehicles and other places of concealment.

i. Abduction site or the general area where student was last seen.

ii. Campus.
iii. Expanded outside of the campus (if warranted).

iv. Ensure that the identification and processing of potential evidence is handled in accordance with agency procedures and generally accepted practices.

v. Obtain and note permission to search non-public areas and buildings, if applicable.

f. 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.

i. Witnesses.

ii. Friends.

iii. Romantic interests.

iv. Acquaintances.

v. Instructors/professors.

vi. Residence hall staff.

vii. Counselor(s).

viii. Registrar/Student Records.

ix. Custodians/Environmental services.

ox. Students in courses.

xi. Coaches (if applicable).

xii. Cafeteria staff.

xiii. Family members.

xiv. Co-workers (if applicable).

xv. Clergy.

xvi. Others.

1. Everyone should be interviewed separately.

2. Obtain and record basic information from each person, including:

   a. Their name, address, telephone number(s) and relationship to student.

   b. When and where they last saw the student.
c. The disposition of the student when last seen.

d. Their thoughts about the disappearance, including response to the question “What do you think happened to ...?”

e. Other case specific details.

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

h. Thoroughly document all information provided by each person interviewed

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

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

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

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

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

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

   iv. Building/dormitory access numbers, if applicable.

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

   i. Campus staff.

   ii. Other students.

   iii. Contractors on campus.

   iv. Delivery personnel (movers, pizza).

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

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

   vii. Post office personnel.

   viii. Trash handlers.

   ix. Newspaper carriers.
m. Investigate the reasons for any conflicting information offered by witnesses and other individuals submitting information.
   i. Note any discrepancies and/or conflicting information (especially with regard to the window of opportunity).
   ii. Immediately resolve differences through verification.
   iii. Confirm and document everything.

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

o. Begin contacting other entities to determine if they have had contact with the missing student.
   i. Campus medical services.
   ii. Ambulance services and hospitals.
   iii. Jails.
   iv. Area medical examiner(s) or coroner(s).
   v. Others.

p. Determine if outside assistance is necessary and request.
   i. Other law enforcement agencies.
   ii. 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).
   iii. NYS DCJS Missing and Exploited Children Clearinghouse, NYS DCJS Sex Offender Registry, NYS DCJS SAFIS.
   iv. FBI.
   v. Victim/Witness Services (e.g., on-campus and local services, Team HOPE, the Center for HOPE).
   vi. Others.

q. Prepare, update and disseminate informational bulletins to police agencies.

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

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

t. 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.
   i. Personally owned.
   ii. College/University owned.

15. Privacy Expectations

a. 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.
   i. Continue to keep communications staff appraised of developing information for dissemination to agency personnel and other area police agencies.
   ii. Prepare agency reports/make all required notifications.
iii. Ensure that the following information is immediately entered into DCJS/NCIC files via eJustice and updated as additional information is received.

1. Missing person information.
2. Wanted person information (if abductor has been identified).
3. Vehicle information (victim’s and/or abductor’s, if applicable).
4. Ensure that files are cross referenced.

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

v. If family members have not been notified about the disappearance, ensure that they are advised. They should be interviewed to obtain:

1. Detailed information about the missing student. Include questions associated with developing a victim profile (“victimology”); including physical characteristics, behavior/personality and family dynamics.
2. Names of all known friends, acquaintances and romantic interests (past and current).
3. Content of recent conversations with the missing student.
4. Names, addresses and telephone numbers of the student’s dentist and physician.
5. Photographs of the student.
6. Credit, debit and checking account numbers/bank names and locations.
7. Information about e-mail addresses/Internet service providers.
8. Student’s cellular telephone and/or pager numbers.
9. Copies of recent telephone bills.
10. Copies of recent correspondence (e.g., letters, e-mail, packages).
11. Names and locations of past and current employers.
12. 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:

   a. Update DCJS and NCIC Missing Person files via eJustice.

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

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

   a. Code and enter data into NCIC files via eJustice.

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

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

   a. The college/university.

   b. NYS DCJS Missing and Exploited Children Clearinghouse.

   c. The Center for Hope.

   d. Team Hope.


16. 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).

17. Assign a liaison to ensure that family members are provided with information in a timely manner throughout the investigation and to facilitate emotional support.

   vi. If warranted by case specifics, assign an officer to victim’s residence with the ability to record and trace all incoming calls.

   1. Use a separate telephone line or cellular telephone for agency communications.
vii. If warranted by case specifics, establish a recorded telephone hotline, Post Office Box and/or e-mail address for receipt of tips and leads.

1. Telephone hotline:
   a. Should be established for the receipt of investigative leads, preferably answered by law enforcement personnel.
   b. This line should not be associated with a police telephone number so callers who are reluctant to become “involved” will feel comfortable calling.
   c. 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.
   d. Calls to this line should also be recorded.

2. Post Office Box/e-mail:
   a. Some individuals who are uncomfortable telephoning might send information to a post office box or e-mail address.
   b. 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.

viii. Develop a follow-up plan based upon case specifics.

1. Conduct record inquiries on all suspects:
   a. Criminal history.
   b. Driver license.
   c. Motor vehicle registration(s).
   d. College/university (e.g., enrollment).
   e. Telephone/Internet service provider (ensure that necessary court orders are obtained).
   f. Others.

2. Compile a list of known sex offenders in the area by contacting the NYS DCJS Sex Offender Registry at (518) 457-3175.

3. Monitor suspect activities and actions, as warranted.
4. Complete and submit a NYS ViCAP report to the New York State Police:
   a. Ensure that all leads generated by ViCAP are reviewed and discussed with involved personnel.

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

6. 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:
   a. Missing student.
   b. Abductor or suspects (if known).
   c. Motor vehicles used by the student, abductor or suspects.

ix. Contact the NYS Missing and Exploited Children Clearinghouse for assistance with:
1. Dissemination of photographs and biographical information.
   a. NCIC and credit record searches.
   b. Assistance with dental records examination and coding.
   c. Other case assistance, including referrals to individuals experienced in abduction investigation.

x. Ensure that all accounts (savings, checking, credit/debit cards, EZ Pass) are monitored for any activity.

xi. 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.
xii. If applicable, ensure that the student’s computer is analyzed for potential lead information.

1. Also, obtain and examine Internet service provider and e-mail records.

2. Monitor instant messaging and chat room activity.

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

xiv. Conduct follow-up interviews of witnesses and suspects. Consider use of polygraph or voice stress analysis examinations, if warranted.

1. 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:

   a. These examinations should be administered by an experienced examiner.

   b. 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.

xv. 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.

16. Supervisors

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

b. Ensure that the first responding officer, investigator(s), communications staff and others have taken all necessary action in accordance with:

   i. Agency policies and procedures.

   ii. Guidelines outlined in the DCJS Missing College Students investigative guide.

   c. Determine if additional agency personnel are needed to assist in the investigation. If so, request that they respond and assign responsibilities.

d. Determine if outside help is necessary.

   i. Other law enforcement agencies.

   ii. 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).

iii. NYS DCJS Missing and Exploited Children Clearinghouse, NYS DCJS Sex Offender Registry, NYS DCJS SAFIS.

iv. Federal Bureau of Investigation (FBI).

v. Victim/Witness Services (e.g., on-campus and local services).

vi. Others.

e. Ensure that all the required resources, equipment and assistance necessary to conduct an efficient investigation have been requested and provided.

17. Management of Information

a. 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.

i. If warranted, establish a command post away from the abduction site, student’s residence or last known location.

ii. Ensure coordination among all personnel involved in the investigation and search effort by making assignments:

1. Crime scene search team.

2. General area and neighborhood search team.

3. Family liaison team.

4. University/college administration liaison.

5. Media liaison.

iii. Make notifications to college/university administration in accordance with established policies and procedures. Ensure that updates are forwarded in a timely manner.

iv. 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.

v. Be available to make any supervisory decisions or determinations.
vi. 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:

1. In accordance with all established protocols.
2. After consultation with other involved agencies.
3. By authorized personnel only.

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

viii. The prolonged investigation.

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

The purpose of this policy is to provide department members with guidelines for responding to reports of sexual assault, 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 assault investigations, this policy is an all-inclusive document that covers first response, investigation, and prosecution.

2. Policy

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 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 in any way to a victim that the victim is to blame for the crime.

3. Definitions

a. There are two main standards that currently apply to this department:
   
i. NYS Penal Law Consent [or lack thereof] and
   
   ii. SUNY Affirmative Consent.

b. Lack of consent results from:
   
i. Forcible compulsion;
   
   ii. Incapacity to consent;

   1. “Mentally Incapacitated” means that a person is rendered temporarily incapable of appraising or controlling their conduct owing to the influence of a narcotic or intoxicating
substance administered to them without their consent, or to any other act committed upon them without their consent.

2. “Physically Helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

iii. 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;

iv. 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.

c. A person is deemed **incapable of consent** when they:

   i. Less than seventeen years old; or

   ii. Mentally disabled; or

   iii. Mentally incapacitated; or

   iv. Physically helpless; or

   v. 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.

d. **Sexual Offense** - is the broad category of offenses that involve any type of sexual misconduct as defined in the New York State Penal Law.

e. **SUNY Affirmative Consent**: “Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.”
4. Procedures

a. Dispatcher or Call-Taker Response

i. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim’s behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.

ii. When a caller reports a sexual assault, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and if any weapons were involved.

iii. To ensure an appropriate response, communications personnel shall:

1. Ask the victim if they are safe, if they are at the location of the assault or somewhere else, and if there is/was anyone else at the location of the assault [roommate, friend, etc.]

2. Let the victim know that evidence may still be identified and recovered so have people leave the scene of the attack [if possible] and don’t touch anything until the officer arrives.

3. Dispatchers and officers working dispatch should make every effort to stay on the line with the caller until an officer makes direct contact. If the victim is in a safe place and other calls for service are coming in, it may be acceptable to end the call and let the victim know that officers are on their way.

b. Initial Officer Response – First Responders

i. As part of the emergency response, officer shall:

1. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed

2. Evaluate the scene for people, vehicles, or objects involved as well as possible threats

3. Relay all vital information to responding officers and supervisors, including any possible language barriers

4. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated.

5. Make notifications to Supervisors, or if one is not on shift, the Deputy Chief of Police. The Deputy Chief will then make contact with the CIU.

6. Begin a search for the suspect when appropriate – not to be done by first responding officer, this officer will maintain contact with the victim until such point that Investigators have assumed responsibility for the case management.
c. Initial Officer Response – Assisting the victim

i. As part of the emergency response, officers shall:

1. Show understanding, patience, and respect for the victim’s dignity and attempt to establish trust and rapport, remember not all victims will react the same way to trauma.

2. If specifically requested, help facilitate the response of a same-sex officer.

3. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process. Advocacy Center for Sexual Violence – 442-2273, if after hours Dispatch will have emergency contacts for Center personnel.

4. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE. Operators at this hotline connect the caller with the rape crisis center closest to the victim’s location. This information can also be located on the Title IX Reporting Options form.

5. The initial officer should clearly explain his or her role and conduct a preliminary interview to determine that a crime has been committed, where it was committed, and who might be involved.

6. Document the preliminary interview and prepare to brief CIU once they take over the investigation.

7. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the roles of the different members of the sexual assault response team and help with transitions through introductions.

8. Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way.

9. Record observations of the crime scene, including the demeanor of the victim and any witnesses, and document any injuries or disheveled clothing, bedding, or furniture.

d. Evidence collection issues

i. Responding officers shall protect the integrity of the evidence and guard the chain of custody recording who was at the location when they arrived, starting and maintaining an entry/exit log.
ii. Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts) – UNLESS the victim is still wearing those items and is going to have a SANE exam immediately. The SANE examiner will collect those clothing items.

iii. Crime Scene Technicians will be responsible for photographs, evidence collection and documentation (of the evidence they actually collected), and diagrams/sketches.

iv. When an investigating officer suspects that a sexual assault may have been facilitated with drugs or alcohol, he or she should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and blood samples.

v. Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim’s wellbeing (this is especially important within 96 hours of the assault). Officers shall not coerce victims to go to the hospital or to provide samples for drug screening.

vi. DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim’s and suspect’s bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine. To properly collect DNA evidence, Evidence Technicians shall:

1. Use sterile gloves and change as needed
2. Use sterile swabs, papers, solutions, and tools
3. Package evidence in individual envelopes
4. Avoid touching the area where potential DNA evidence may exist
5. Avoid talking, sneezing, and coughing over evidence
6. Air dry evidence before packaging
7. Put evidence into new paper bags or envelopes, not plastic

vii. The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled.

1. The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.
2. Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.
3. The kit shall not be allowed to freeze or be exposed to heat such as being near a car’s interior heater.
c. Identify and locate Witnesses and Suspects

Based on the victim’s emotional and physical state, questions of the victim concerning the assault and description and location of the suspect shall be limited. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.

d. Documentation

Any officer who interviews a witness or a suspect, identifies evidence, or processes a crime scene shall write his or her own supplemental report detailing the actions he or she took under the original incident report.

e. Role of the Supervisor

i. First line supervisors shall demonstrate a detailed understanding of victim issues and proper response by subordinates. Supervisors shall:

1. Respond to assist officers investigating sexual assaults and ensure that a safety plan is discussed.

2. Contact the Deputy Chief and they will direct the supervisor on any other notifications they should make (to Inspectors or Investigators).

3. Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line officers.

4. Ensure that officers are properly documenting their actions on scene or responding to the incident.

5. Ensure that the proper community notifications are made (SAID / MIML)

6. Develop and encourage community partnerships to reduce the risk of sexual assault.

7. Create opportunities for ongoing training to improve the skills needed to properly investigate sexual assault.

8. Incorporate victim services issues into the evaluations of officers and investigators.

9. Recognize and reward officers for rendering effective victim services.
h. Preliminary Victim Interview

i. Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand and the report indicate that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops.

ii. Involve a Victim Advocate

Every effort shall be made by the investigating officer to contact a victim advocate as soon as possible. If the victim declines assistance from an advocate, the investigator shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault.

iii. Victim interview protocol

1. Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing post-traumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.

2. The victim’s response to the trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.

3. Interviews shall be conducted promptly if the victim is coherent and consensual, do not pressure the victim to recount the events if they appear unable or unwilling to do so.

4. Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings.

5. Officers and investigators shall:
   a. Remain patient and maintain an open mind while listening to the victim’s account
   b. Remember that victims may struggle with gaps in memory
   c. Avoid leading questions while conducting the interview
   d. Use simple terminology appropriate to the victim’s age, sophistication, and intelligence
e. Avoid using jargon or police, medical, or legal terms

6. As soon as possible, the officer shall:
   a. Interview any witness who might have seen or spoken with the victim before, during, or after the assault
   b. Accommodate the victim’s request for a rape crisis advocate or support person whenever possible
   c. Take responsibility for excluding a support person when appropriate and offer the victim and support person an explanation
   d. Secure a private location for the interview that is free from distractions
   e. Express sympathy to the victim and an interest in the victim’s well-being

7. During the preliminary interview, the officer shall:
   a. Obtain contact information for the victim, including temporary accommodations
   b. Explain the nature of the preliminary interview and the need for follow-up contacts
   c. Ask victims: “Can you tell me what happened or what you remember?” If more details are needed: “can you tell me more about that?” Phrase questions in a manner that empowers the victim, not ways that seem demanding.
   d. Revisit the possibility of a support person for victims who initially declined the offer
   e. Explain that other professionals such as forensic examiners, investigators, evidence technicians, and prosecutors may have additional questions

8. At the conclusion of the interview the officer shall:
   a. Give the victim the investigator’s contact information
   b. Encourage the victim to contact Investigations with any additional information or evidence
   c. Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation
   d. Ensure that requests for victim protection orders are made where indicated
c. Go over the Title IX/ Sexual Assault Reporting Options form with the victim, which also includes resources that are available to the victim. If the officer feels that the victim is not in the mindset to comprehend the form or is otherwise unable to do so the officer must make their supervisor and the CIU aware so that they can ensure the form gets completed as soon as possible.

f. Provide transportation when reasonably possible

g. Inform the victim about next steps in the investigation

iv. Protecting Victim Rights

1. Throughout the investigation of the case, officers shall protect the confidentiality of the victim’s information to the maximum extent possible by law and policy.

2. In addition, victims should be provided information on:

   a. The rights of a crime victim
   
   b. How to contact police if harassed or intimidated by the suspect(s)
   
   c. How to obtain written permission from the victim prior to releasing information
   
   d. The definitions of information that is part of the public record and confidential
   
   e. The possibility of media coverage and information the media has access to regarding sexual assault crimes

i. Arrest and Prosecution decisions

   Investigators will make contact with the Special Victims Unit of the Albany County Office of the District Attorney to advise them of the assault and exchange information so they can contact the victim. Explain to the victim why the DA’s office may contact them.

j. Delayed Reports

   Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Investigators shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.

k. Forensic Examinations for Victims of Sexual Assault
i. Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

ii. Investigating officer actions

1. Ask the victim whether there is anyone who should be called or notified, and facilitate this contact

2. Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need

3. Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure

4. Inquire whether the victim will consent to a forensic examination and facilitate the transport of the victim to the designated medical facility

5. Encourage a victim who is unwilling to undergo a forensic exam to get medical attention anyways, which includes testing for pregnancy and treatment for sexually transmitted diseases

6. Inform the victim of the right to decline any or all parts of the examination but also explain the potential for evidence to be lost or missed if any part of the examination is refused

7. Notify a victim advocate to offer the victim support when a forensic examination is to be conducted

8. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault and assist in arranging for clothing the victim may need after the examination

9. Obtain a signed release from the victim for access to medical records

iii. Coordination with the forensic examiner

1. If the victim consents to a SANE exam they will be transported to Albany Medical Center as appropriate (if the victim does not wish to be transported by ambulance than they should be transported by patrol). If the victim does not want to go to Albany Med for any reason, then accommodations should be made to bring them to
another hospital with a SANE program. If they are going to Albany Med a courtesy call should be made so the Med can advise the SANE that a victim is on their way.

2. When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they are known at that time.

3. Officers should not normally be present in the examining room as the forensic examiner (SANE) will testify about collection of evidence and the chain of custody.

4. The nurse or physician shall brief the investigating officer at the conclusion of the examination.

5. The case file shall contain a copy of the forensic exam, if available, and a summary of the findings that note significant information or injury. After the examination, all the evidence shall be transferred to the department for storage and submission to NYS Forensics Lab or independent Lab in the case of Drug Facilitated Sexual Assaults.

iv. Presence of a Victim Advocate

When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim’s choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. Albany Med contacts someone from Albany County Rape Crisis and they will be present during the exam, if an advocate from the University is going to be present, Albany Med should be advised when the call is made. The officer shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.

l. Drug-facilitated sexual assault considerations

i. If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample from the victim as soon as possible. If it has been less than 24 hours since the time of the assault, advise the victim that the forensic exam may include a blood draw.

ii. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The department priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.

iii. Because of the delay in reporting most sexual assaults, laboratories capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault are essential.
n. Reimbursement for the Examination

i. The department will not pass the cost of the forensic exam onto the victim of a sexual assault, those costs should be reimbursed by the District Attorney’s Office.

ii. Victim can be advised that use of the student ambulance service (5-Quad) is free. They can also be advised that the forensic exam services provided by the hospital can be billed either to the victim’s insurance or be billed to the Office of Victim Services, if they so choose. Other hospital services, such as post-exposure HIV prophylaxis (beyond the 7-day supply) and unrelated medical services (suturing, broken limbs) are not expressly included and the victim will either have to bill their insurance or they or their guardian can apply for an OVS claim to cover these expenses. The hospital should have more information on this procedure.

t. Follow-up victim interview

i. Prior to a follow-up interview, the investigating officer shall consult with agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports. The officer should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.

ii. Investigative strategy

In preparing for the interview, the investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call is appropriate and re-photographing injuries to document changes in visible injuries.

iii. Follow-up interview protocol

1. An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.

2. In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.
3. The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.

4. At the start of the follow-up interview, the investigator shall:
   a. Discuss the purpose and scope of the interview
   b. Review contact information for both the victim and investigator that may need to be updated
   c. Explain the victim’s rights, including confidentiality

5. While conducting the follow-up interview, the investigator shall:
   a. First allow the victim to describe what occurred without interruption
   b. Relay what he or she heard for accuracy, identify new information or developments, and ask questions.
   c. Clarify any inconsistencies with earlier accounts of the sexual assault in a nonthreatening and non-accusatory manner.
   d. Document the victim’s actions in response to the attack, the victim’s state of mind during the attack, specific statements made by the perpetrator, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint.
   e. Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations).

6. Once a thorough follow-up investigation has been completed, the investigating officer shall:
   a. Evaluate impounded evidence and determine which items might have probative value based on the statements and other information.
   b. Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence.
   c. Present the complete case file including forensic results as soon as available to the prosecuting attorney for review and work with the prosecutor’s office to develop the case.
d. Encourage the victim’s continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement.

c. Familiarize the victim, prior to trial, with the types of defense strategies and inquiries that may be made during cross-examination.

7. When lacking the victim’s involvement this department shall respect a victim’s inability, or decision not, to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

u. Contacting and interviewing the suspect

i. The investigating officer(s) shall follow department procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation.

ii. Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim’s emotional and physical state. A victim advocate should be present whenever possible to offer support.

v. Sexual Assault Forensic Examination for the suspect

i. This department will utilize accepted best practices for the procedure involving a suspect forensic exam.

ii. Protocol for suspect examination

1. Immediately after the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.

2. A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report.

3. The investigator shall clearly document the suspect’s freedom to decline any part of the examination if the exam is on a voluntary consent basis.

4. Cotton tipped swabs or other buccal DNA collectors shall be readily available to investigators in the field.

iii. Evidence collection
1. The forensic examiner shall document the suspect's medical history, document all injuries that are observed, and collect biological and trace evidence from the suspect's body.

2. If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the forensic examiner or investigator.

3. If the suspect invokes his right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens.

4. Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

w. Responding to Sexual Assault Checklist:

   i. Immediate response to scene and/or victim

      1. Notification to Supervisor – Supervisor should respond to the scene.

      2. Supervisor to notify the Deputy Chief of Police who will then direct notifications to CIU personnel.

      3. Scene entry/exit log established.

      4. Brief Preliminary interview of the victim if victim is able: get the basic; who? What? Where? When?

      5. Sexual Assault Reporting options form (Title IX form) if victim is in a state to comprehend.

      6. Domestic Incident Report when applicable.

      7. Interview Summary report for each interview [preliminary and follow-up]

      8. Incident and supplemental reports to be completed by each assisting officer.
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 Statutes:
   a. Hate Crime
   b. Hate Incident
   c. Hate Group
   d. Race
   e. Ethnic Group
   f. Religious Group
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.
GENERAL ORDER 43
CRIME SCENES

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.
1. **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.

2. **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
   e. 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 DCJS Domestic Incident Report (DIR) form 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.

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. DIR is then forwarded to the ITRO or placed in the arrest folder if applicable.

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 proceed 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.
GENERAL ORDER 46
EMERGENCY RESPONSE PLANS

SUBJECT

Emergency Personnel Mobilization Plan

GENERAL ORDER NUMBER

46.1.1

DCJS STANDARDS

58.2, 58.4

EFFECTIVE DATE

December 1, 2010

REVIEWS DATE

November 2, 2016

APPLIES TO

All Employees

REVISION DATE

APPROVAL

J. Frank Wiley, Chief of Police

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).
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: https://www.health.ny.gov/diseases/communicable/influenza/pandemic
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 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/blodborne%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.
<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>GENERAL ORDER NUMBER</th>
<th>46.1.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident Command System</td>
<td>DCJS STANDARDS EFFECTIVE DATE</td>
<td>October 30, 2009</td>
</tr>
<tr>
<td>REVIEWED DATE</td>
<td>APPLIES TO</td>
<td>November 2, 2016, All Employees</td>
</tr>
<tr>
<td>APPROVAL</td>
<td>REVISION DATE</td>
<td>J. Frank Wiley, Chief of Police</td>
</tr>
</tbody>
</table>

**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 is 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 Incidence 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.
3. **Search Personnel**: Law enforcement officers and supporting personnel taking part in the execution of a 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.

1. **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 its “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.

2. 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.

3. 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.

4. 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.

5. 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.

e. 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.
f. 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.

c. 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.

b. Following a strip search, the officer performing the search shall include the following in a written report:
   1. 
      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.
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.

c. The employee shall be provided with the name, rank, and command of all persons present during the interview.

d. 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.

e. 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.
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
misdemeanor.

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. The 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 forwarded 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 newspeople, 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.
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


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.
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. Summons books will be issued in sequential numerical order. The on-duty Lieutenant will issue summons 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 summons 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 spot light 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.
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 no 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
April 11, 2017

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 rain coat 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 ITRO is responsible to oversee the proper use and maintenance of all Department radar units.

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 by 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.
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.

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 73.1.1 Prisoner Operations 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.

1. 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 release 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.
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 61.7.8 – Vehicle Towing and Impound Procedures.
   b. Transporting the motorist to the nearest convenient location where assistance can be obtained.
3. Officers performing mechanical repairs or adjustments to a 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.

**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 and handle accordingly.
   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.
Policy

Accidents occurring on the campuses of the University at Albany shall be investigated and documented by members of the University at Albany Police Department. Officers will ensure that injured persons receive care and that the proper identification information is exchanged between parties.

Procedures

1. Upon arrival at any motor vehicle accident, officers should safeguard the scene and care for the injured.

2. The fire department, first aid responders and tow truck shall be requested when needed.

3. All drivers shall be interviewed. The identification and statements of witnesses shall be obtained if appropriate.

4. The New York State Department of Motor Vehicles Police Accident Report and/or RMS incident report, MV-104A shall be completed as per department policy and submitted to the shift supervisor for review. In all instances an Accident Information Exchange form shall be completed to facilitate the exchange of information between all involved motorists, the original is a departmental record and will be kept on file at headquarters.

5. Necessary enforcement action may be taken when traffic violations have occurred.

6. An incident will be entered by the dispatcher on all motor vehicle accidents reported to this department.
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 Administration.

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, uprighted, 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 will tow vehicles that are in violation of certain sections of the New York State Vehicle and Traffic Law. 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. 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.

**EXCEPTION:** The officer may decide not to tow a vehicle under the conditions listed in the section sub g and h, should the vehicle be released to an immediately available licensed and sober driver.

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.

**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.
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.
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.
**SUBJECT**

**Temporary Detention**

---

**GENERAL ORDER NUMBER**

72.0.0

---

**DCJS STANDARDS**

---

**EFFECTIVE DATE**

December 1, 2010

---

**REVIEWED DATE**

April 11, 2017

---

**APPLIES TO**

Sworn Personnel

---

**REVISION DATE**

---

**APPROVAL**

J. Frank Wiley,, Chief of Police

---

**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.
1. **Purpose**

The purpose of this Order is to provide guidelines and procedures for the interaction of agency personnel with Persons in Crisis (PIC). This order also provides a training outline for departmental personnel to better deal with PIC.

2. **Policy**

   a. It shall be the policy of the New York State University Police at Albany that personnel of the department utilize the following procedures when dealing with Persons in Crisis. Field Training Officers shall review and provide instruction of this policy with all newly hired officers.

   b. 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 individuals 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.

3. **Communications Procedure**

   a. Ensure the identity, location and call back number of the reporter.

   b. Verify that the location of the individual is the same or other than that of the reporter.

   c. Determine the nature and severity of the complaint.

   d. Ask if any weapons are involved.

   e. Ask if the individual or others are injured or in immediate danger.

   f. Dispatch University Police Officers to the scene (2 or more) and stage Five Quad Ambulance in a safe location (if necessary).

   g. Advise the Lieutenant on duty of the situation.
h. Check the records management system for prior contacts and nature thereof and initiate a Special File check of individual involved.

4. Patrol Procedure

a. Expedite response - refrain from use of siren as appropriate and advisable, given the circumstances.

b. Advise Communications of the status of the incident upon arrival.

c. Secure a perimeter, if necessary, for safety of all participants.

d. Follow guidelines as taught in the Academy and In-Service Training for PIC.

e. Once an Officer reasonably believes that a person appears to be in crisis and is conducting themselves in a manner which is likely to result in serious harm to the person or others, the Officer shall ensure the individual is evaluated by a qualified mental health professional;

i. Officers may take such person into custody and have them transported to a facility specified in Mental Hygiene Law 9.41 for evaluation;

1. If the individual has no medical conditions or alcohol/substance use, the Officer may have Five Quad Ambulance contact CDPC for approval to transport directly to their facility.

2. If the Officer believes that an individual has attempted suicide, requires medical attention, or has used alcohol or other substances, the individual 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.

3. With the approval of a Supervisor, the PIC 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 in crisis and is approved by the commissioner of Mental Health to receive and retain patients pursuant to the Mental Hygiene Law.

4. 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 individual inside the ambulance, an Officer must follow the Ambulance to its destination.

ii. Officers may also temporarily detain an individual in a safe and comfortable place and have Communications notify Mobile Crisis to respond to that location for an evaluation;

1. If Mobile Crisis determines the individual should be transported, the Officer will facilitate the safe transport of the individual, as described above, to Albany Medical Center, or CDPC if directed by the Mobile Crisis Clinician.

2. If, after evaluation of the Mobile Crisis Clinician, it is determined that the individual does not pose an immediate threat, the individual must be released.
iii. If the individual 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.

f. All mental health transports must be reported in a “New York State University Police, University at Albany, State University of New York - Request for Examination of Person” form.

i. The name of the medical personnel that is accepting the individual will be documented on the form.

ii. The original form must be provided to the facility that accepts the individual, the second copy will be given to the EMS that transported the individual, 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.”

g. 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 asphyxia.

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.
**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, booking room procedures 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.
Transporting 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 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.

**Booking Room Procedure**

**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.
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 audiostream 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.
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).
1. Purpose
The purpose of this Order is to outline the responsibilities of the staff member assigned to serve as the Communications Officer.

2. Introduction

a. The Communications Officer provides communications services for the New York State University Police at Albany. 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 assigned to Communications, whether it is a Police Officer or University Police Communications and Security Specialist 1 (CSS 1), will be referred to as the Communications Officer.

b. Unauthorized personnel are not allowed in the Communications area. This strictly conforms to the regulations established by eJustice regulations.

3. Procedure

a. 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.

b. Start of Shift

   i. Retrieve relevant information from the previous desk officer

   ii. Log into the appropriate Dispatch console computer and ensure that IETS, the Emergency Onsite Notification Client, UC700 911 software, and eJustice are running

   iii. Initiate a “Start of Shift” entry for the incoming shift, which shall include all Police Officers and Security Service Assistants and their patrol assignment, status of key box inventory, status of 911 system, any relevant weather information
c. Key Logbook

i. The Communications Officer is responsible for all keys issued to Police Officers and SSA’s from within the Communications Section.

ii. The Communications Officer is the only staff member to access the key box and will issue all keys.

iii. The Communications Officer will perform an inventory of Key Box #1 to account for all keys at the start and end of their shift. Any discrepancies in the inventory shall be reported to the shift supervisor immediately.

iv. 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.

v. The officers receiving keys from the Communications Officer will have their name placed in the Key Logbook, along with the date, 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.

d. Records Management System (RMS)

i. 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.

e. Radio Communications

i. Conduct

1. The Communication Officer is the controller of all radio transmissions, and when radio traffic is heavy, controls the flow of traffic on air as necessary.

2. Be business-like on the radio. Use appropriate language when broadcasting on air, and maintain bearing at all times.

3. 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.

4. The Communications Officer, at the end of all radio transmissions, will give the correct time.
ii. Time Checks

1. Time checks will be conducted a minimum of one time per shift for SSA’s in the field.

iii. Dispatching Calls for Service

1. Upon receiving a call for service, the Communications Officer will immediately dispatch an available officer to answer the call.

   a. If a unit is not immediately available and no unit is able to clear their current activity to answer the call for service, notify the shift supervisor for direction.

   b. The goal is to have a unit arrive within 4 minutes of the call for service. The Communications Officer will advise the caller if it is expected that service will be delayed beyond the 4 minute goal.

2. Assigning a unit to a call

   a. The Communications Officer will dispatch officers on a rotational basis regardless of the officer’s zone assignment. The emphasis will be on providing efficient service to the community and distributing the calls as evenly as possible. Factors that shall be taken into consideration when dispatching an officer’s response to a call may include, but are not limited to:

      i. The location of available units

      ii. The number of calls taken or reports pending by an officer on that particular shift

      iii. The nature of the call

      iv. The type of activity a unit is already engaged in

      v. An officer on a field training assignment

3. While the Communications Officer will attempt to evenly distribute the calls for service, and once a unit is assigned, that unit will respond unless reassigned by the shift supervisor.

4. Dispatching Additional Units

   a. 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.

b. The following situations or the potential for the following situations require the response of at least two officers:
   
   i. Assault on a police officer
   
   ii. The on-scene arrest for a felony or violent misdemeanor
   
   iii. Resisting arrest
   
   iv. Use of Force
   
   v. Crimes in progress
   
   vi. A fleeing suspect
   
   vii. Response to a 911 call where the nature of the call is unknown or potentially dangerous
   
   viii. Response to an Intrusion Alarm or Panic Button activation

c. Communications will ensure 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.

d. 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.

5. Dispatching the shift supervisor

   a. The Communications Officer will notify the shift Supervisor and request they respond to the following types of incidents:

      i. Serious injury to a police officer
      
      ii. Accident involving a police vehicle
      
      iii. Level 2 or 3 Use of Force
      
      iv. Barricade/ hostage/ “Active Shooter” situations
v. Disasters, catastrophes, or serious weather causing emergency conditions

vi. Any other situation in which a supervisor or Command is requested

6. Prioritizing Patrol Response

a. The Communications Officer is responsible for informing the assigned unit of the priority of their response, unless that priority is clearly understood by the nature of the call.

b. IETS lists a default priority for each type of call for the Communications Officer with the value listed means the following:

i. Priority 1 – Emergency Response: This is an immediate response typically necessitating 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.

1. Reports of life threatening crimes in progress

2. Reports of active fire where human life is thought to be endangered

3. Requests for emergency rescue services in life threatening situations

4. Reports of officers needing immediate assistance due to life threatening situations

ii. Priority 2 – Urgent Response: 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. This response is indicated in the following types of calls:

1. Fire Alarms or Medical Calls where there is no indication that human life is threatened

2. Suspicious vehicles
3. Reports of officers needing assistance where there is no indication that human life is threatened

iii. Priority 3 – Routine Response: This response requires obeying all traffic regulations and speed limits. This response is indicated in the following types of calls:

1. Service Calls or administrative assignments
2. Reports of personal crimes not in progress
3. Reports of property crime
4. Minor law violations and disturbances

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

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

iv. Warrant entry/Warrant cancellation

1. 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 both warrant entry and cancellation within the system.

v. SUNY Card

1. The Communications Officer will sometimes be called upon to run one of the operations provided to the New York State University Police at Albany 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:

   a. Issuing a temporary SUNY Card to students reporting a lost card

   b. Running reports

   c. Unlocking and locking various SUNY Card access doors to control access to buildings.
vi. eJustice

1. The Communications Officer will monitor the eJustice Portal Inbox for Hit Confirmation requests and/or other important messages as per General Order 81.2.9

vii. Lost and Found

2. The Communications Section maintains the University Police Lost and Found property. The Communications Officer will insure that property, which is being turned in to Communications for storage, has all documentation required by procedures.

viii. End of Shift

1. Prior to the end of the Communication Officer’s shift, the Communication Officer will prepare the patrol assignment board in the communications center with the appropriate information/assignments for the incoming shift.

2. Ensure all paperwork is completed and dispatch information is up to date for all open calls.

3. Log off appropriate computers to ensure system security.

4. Ensure that the Communications desk and area is left neat and clean.

5. The Communication Officer will relay any information that needs to be carried over to the next shift to the member assigned to be the Communications Officer for the next shift.
1. Purpose

The purpose of this Order is to establish the procedures by which all telephones at the New York State University Police at Albany will be utilized and answered, determination of emergency and non-emergency calls, and procedures for making and receiving telephone calls, as well as information gathering on incoming calls.

2. Policy

It is the policy of the New York State University Police at Albany 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.

3. Procedure

   a. Business Line Procedure

      i. The New York State University Police at Albany Communications Division operates continuously twenty-four (24) hours a day, three hundred sixty five (365) days a year.

      ii. When answering the telephone, use the appropriate greeting, “University Police, Officer ______ speaking, how may I help you?”

      iii. Always address the person that you are speaking with as “Sir” or “Ma’am”.

      iv. 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?”

      v. Be business-like on the phone. Use appropriate language when speaking on the phone, and maintain bearing at all times.
vi. Keep phone conversations to a minimum.

b. Blue Light/911 Procedure

i. When the Blue Light / Emergency Onsite Notification Client rings, answer it as, “911 Police Emergency”.

ii. 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 an address as student. Blue Light phone numbers will appear with the address as Blue Light.

iii. 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 officers will be appropriately dispatched to the location to check the area to determine if an emergency exists.

iv. Entry of this call is made into the RMS. Other entries may be made for fire or EMS/medical personnel response as necessary.

v. This department works 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 EMS will be called to respond to their respective EMS Zones on the University at Albany Campus.

vi. In the event Albany Fire 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.

c. 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:

i. Collect all pertinent information.

ii. Contact the appropriate agency.

iii. Relay the request documenting same.

iv. Or, if technically possible, directly transfer caller to appropriate agency.

d. 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.
1. 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 (VOIP) system.

2. Policy

a. The multiline Voice-Over IP telephone system (VOIP) operates as the department’s primary telephone system. All lines operating on this system shall be considered recorded lines and all conversations recorded when using. Employees will have access to utilize the conversation playback feature to assist in:

i. Dispatch operations

ii. Call information clarification

iii. Authorized investigative purposes

b. All recordings are considered department records and shall not be duplicated or released by any member of the department other than the Captain without the authorization of the Chief of Police.

c. All recordings will be preserved and shall not be deleted outside of the automatic overwrite process of the storage server.

d. 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.

e. In instances where a telephone conversation contains information evidentiary in nature, the employee will notify the Captain to have the contents of the call exported as evidence.
a. The 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.

3. **Instances With an Expectation of Privacy**

a. 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:

i. Ensure that the conversation is made utilizing an analog telephone.

ii. Notify a supervisor, or member of command staff, to stop the recording function prior to the start of the conversation.

**NOTE:** Any conversations that are personal in nature that an employee is not comfortable with having recorded may utilize the department’s analog phones or their personally owned devices.
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. 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, 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 unless the officer is operating in an official capacity.

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.
1. Purpose

The purpose of this Order is to establish and describe policies and procedures for:

a. The overall security and use of the Integrated Justice Portal (IJP)

b. The use of IJP to access NCIC, NYS DCJS, and NYS DMV records

c. The security, dissemination, and destruction of Criminal Records History Information (CHRI) and other information obtained via the IJP.

2. Policy

It is the policy of the New York State University Police at Albany to:

a. Utilize the e-Justice system or conduct Criminal history inquires, as needed in the performance of duties, in accordance with all applicable State and Federal Laws and in accordance with the Use and Dissemination Agreement with the New York State Division of Criminal Justice Services.

b. The system is for official use for law enforcement purposes only. Access for private, personal or social purpose is strictly prohibited. Information is to be accessed only for the reasons stated herein and in compliance with all applicable Departmental, DCJS or National Crime Information Center (NCIC) regulations.

c. Criminal history records that are received as a result of an arrest or an investigation made by the New York State University Police at Albany shall be placed in the secured arrest or investigation file.

d. Safeguard the privacy of those individuals that are the subject of CHRI.
3. Definitions

a. **Terminal Agency Coordinator (TAC)** – The Department member assigned with responsibility for:

1. Acting as a liaison with the NYS Department of Criminal Justice Services (DCJS)
2. Ensuring Department compliance with DCJS and National Crime Information Center (NCIC) regulations and policies
3. 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
4. Maintaining a complete, up to date list of all terminal operators and their user identifications

b. **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.

c. **IJP User** – For purposes of this order the term “users” refers to all employees of the New York State University Police at Albany and any other person given access to a computer system or equipment owned or maintained by the University at Albany or the Department by virtue of their association with the Department.

4. Procedure

a. 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.

b. The IJP is restricted to authorized personnel only. No information from the IJP is to be given to unauthorized personnel.

c. Any member of the Department whose position or work assignment requires access to law enforcement information may access some or all e-Justice TAC modules, with the permission of their immediate supervisor and the e-Justice TAC.

d. All users of the system will be required to take and pass the Limited Access NCIC Terminal Operator certification test or CJIS certification test within one month of receiving their user name and password.

e. Training for authorized personnel will take place in either a Field Training or in-service setting as appropriate.

f. The e-Justice TAC will arrange for the initial issuance of a user name and password for each user. User names and passwords are initially issued by DCJS. The information is individual to each user and is not to be shared among users.
g. Upon using the system for the first time, each user will immediately change his assigned password. This is accomplished within the e-Justice module by following the on-screen prompts. Thereafter, each user must change his password if it is believed that another person has learned the password.

h. A member must keep his password confidential and secure at all times. Under no circumstance may a user give a loan or disseminate his system password to any other person. In addition, computer functions that allow a member to save his user name and password on a given workstation are not to be used, unless the workstation is dedicated to a single user within a private office. Members are responsible for all system usage occurring with their individually assigned user name and password.

i. Any computer workstation on which the e-Justice system has been activated must be kept secure. Upon accessing the system, the user must maintain a physical presence at the workstation at all times. If the user must leave the workstation unattended or has completed his inquiry, he must close the e-Justice application. Users may access the system for only as long as necessary to obtain the desired information.

j. Members must report to their immediate supervisor and to the e-Justice TAC all attempts or suspected attempts at unauthorized access into the e-Justice system. The coordinator will investigate and take appropriate action, including notification to DCJS and to command level staff.

k. Criminal Justice Repository.

i. Access into the Criminal Justice Repository is only for the purpose of administering a criminal justice function. Criminal justice function means the prevention, detection and investigation of the commission of an offense, the apprehension of a person for the alleged commission of an offense, the detention, release on recognizance or bail of a person charged with an offense prior to disposition of the charge, the prosecution and defense of an offense, the detention, release on recognizance or bail of a person convicted of an offense prior to sentencing, the sentencing of offenders, probation, incarceration, parole, and proceeding in a court subsequent to a judgment of conviction relation thereto.

ii. Any member accessing the criminal justice repository must list the following information in the appropriate on-screen data field(s):

1. Requestor’s name (the person who is requesting will use the information).
2. Request reason code.
3. Associated case year & case number.

iii. The reason code that matches the type of investigation being conducted must be used. Only the following request reason codes may be used.

1. PDI-police department investigation.
2. WAR-warrants or wanted notice investigation.
3. GUN-renewal or amendments to pistol permit.

iv. No inquiry into the criminal justice repository is possible without the requestor’s name, request reason code, and case year & case number being listed. In addition, if a case file exists (hard copy), a copy of the criminal justice data that was obtained will be maintained in such file.

v. All information obtained via the criminal justice repository is to be used only for the purpose to which the inquiry related. All inquiries made through the criminal justice repository are tracked via an automatic audit trail. The requestor’s name, request reason code, case year & case number are automatically saved for each individual request. This audit information is available to the e-Justice TAC and to DCJS to ensure compliance with the applicable regulations.

l. Crime Mapping, Criminal Transaction, Civil Transaction, Sex Offender Registry and Message Services modules.

Access into the crime mapping, criminal transaction, civil transaction, sex offender registry and message service module(s) is only for the purpose of administering a law enforcement function. All information obtained via these modules is to be used only for the purpose to which the inquiry relates.

m. The New York State University Police at Albany maintains the printed information from the IJP it generates when requesting CHRI. Records will be retained as per current DCJS/NCIC policy.

n. The Communications Officer on duty will monitor the E-Justice Inbox for Hit Confirmation requests and other important messages.

o. E-Justice access privileges may be canceled by the e-Justice TAC if any of the following conditions exist.

The user violated DCJS, NCIC or Departmental Regulations pertaining to system use.

p. E-Justice access privileges must be canceled by the e-Justice TAC if any of the following conditions exist.

i. The user failed the applicable NCIC certification test.

ii. The user has ceased employment with the Department.

q. When a user’s e-Justice privileges are canceled, the e-Justice TAC shall immediately notify DCJS and ensure that the applicable user name and password is invalidated.

r. The e-Justice TAC may require any user to engage in remedial actions if the user has failed the online certification test or violated applicable regulation governing system usage. Remedial efforts may take the form of counseling session, explanations of procedures and/or testing of the involved member.
s. If the e-Justice TAC becomes aware of any regulation violation on the part of any member, he must immediately notify the member’s supervisor of the condition. The supervisor will make command level notifications. The e-Justice TAC will take all actions required by Departmental, DCJS or NCIC regulations.

t. If any member becomes aware of any regulation violation on the part of any other member, he must immediately notify the e-Justice TAC and his supervisor in writing. The coordinator will take all action required by Departmental, DCJS or NCIC regulations.
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.
Purpose

The purpose of this Order is to establish procedures for intra-departmental cooperation and communication.

Policy

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 Interview Summary Sheet located in the briefing room and on the V Drive in the “Forms” folder, will be completed and forwarded to the Inspector 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. 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.

4. The Command Staff will conduct weekly Staff Meetings and share information as required. The Chief may cancel these meetings when availability is limited.

5. 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.
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, EJustice 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 oriented, 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

Revision Date: 

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.
3. 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).
4. 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.
5. If a problem occurs that affects the entire local area network, the Department ITRO will be notified immediately.
6. Department personnel will not play or install computer games.
7. 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.
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:

<table>
<thead>
<tr>
<th>VALUE</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100.00 or less</td>
<td>3 months</td>
</tr>
<tr>
<td>Over $100.00 but less than $500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>Over $500.00 but less than $5,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>$5,000.00 or over</td>
<td>3 years</td>
</tr>
</tbody>
</table>

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.
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.
SUBJECT
Non-Agency Issued Firearms Storage

GENERAL ORDER NUMBER
84.1.5

DCJS STANDARDS
7.1, 13.1

EFFECTIVE DATE
October 30, 2009

REVIEWED DATE
April 11, 2017

APPLIES TO
Sworn Personnel

REVISION DATE
February 15, 2011

APPROVAL
J. Frank Wiley., Chief of Police

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 – Administrative C – Form Procedures

1. A police officer must fill out a NYSP “C-form” packet when they purchase a weapon based on their status as a police officer. A police officer must fill out a c-form to sell that weapon.

2. A police officer fills out a C-form packet and returns it to the Deputy Chief of Administration. The Deputy Chief of Administration must review and sign C-forms. A copy of the completed and signed c-form goes into the officer’s file.

3. If the C-form is for the PURCHASE of a weapon;
   a. The officer is given a packet containing a of General Order #9-04, a State Police C-form and a “Standard C Form Letter” to read, complete and sign.

   b. A member of the Command Staff will review and sign the packet if complete. The original GO #9-04 is placed in the officer’s file along with a copy of the completed C-form and “Standard C Form Letter”. The officer may have a copy of the packet if they wish.

   c. The original C-form and ‘Standard C-Form Letter” is mailed to the NYS Police Pistol Permit Unit. This should be done within 10 days of the officer submitting a signed and completed C-form to this Department:

   Pistol Permit Unit
   New York State Police
   Building 22
   1220 Washington Ave
   Albany, New York 12226-2252

4. If the C-form is for the SALE OR DISPOSAL of a weapon;
   a. The officer fills out and signs a C-form indicated the “disposition of a firearm”. A member of the Command staff must review and sign it.

   b. A copy of the disposal C-form is placed in the officer's file.

   c. The original disposal C-form is mailed to the above address.

Department policy and the Penal law should guide all other procedures.
New York State Police

ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS AND PEACE OFFICERS

In accordance with the Federal Privacy Act of 1974, you are hereby notified that your Social Security Number is not mandated by law. It is required by the Pistol Permit Bureau as part of the standard for recording Firearms. Failure to disclose your Social Security Number will prohibit your transaction from being recorded. The State Police will release your Social Security Number only for reasons required by law or with your written consent.

INSTRUCTIONS ON REVERSE SIDE

<table>
<thead>
<tr>
<th>PERSONAL DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF POLICE OFFICER OR PEACE OFFICER (LAST, FIRST, MI)</td>
</tr>
<tr>
<td>DATE OF BIRTH</td>
</tr>
<tr>
<td>NAME OF EMPLOYER (AGENCY)</td>
</tr>
<tr>
<td>AGENCY ORI #</td>
</tr>
<tr>
<td>CHECK ONE: I AM EMPLOYED AS A</td>
</tr>
<tr>
<td>POLICE OFFICER</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRANSACTION DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHECK ONE BOX ONLY AND ENTER THE EFFECTIVE DATE:</td>
</tr>
<tr>
<td>THIS FORM REPORTS:</td>
</tr>
<tr>
<td>ACQUISITION OF A FIREARM – DATE OF ACQUISITION</td>
</tr>
<tr>
<td>DISPOSITION OF A FIREARM – DATE OF DISPOSITION</td>
</tr>
<tr>
<td>NAME OF OTHER PARTY THAT FIREARM WAS ACQUIRED FROM OR TO WHOM IT WILL BE DISPOSED</td>
</tr>
<tr>
<td>DATE OF BIRTH</td>
</tr>
<tr>
<td>IF ACQUISITION, UNDER WHAT AUTHORITY DID OTHER PERSON POSSESS WEAPON? (CHECK ONLY ONE BOX)</td>
</tr>
<tr>
<td>POLICE OFFICER</td>
</tr>
<tr>
<td>PEACE OFFICER</td>
</tr>
<tr>
<td>IF DISPOSITION, UNDER WHAT AUTHORITY WILL OTHER PARTY POSSESS WEAPON? (CHECK ONLY ONE BOX)</td>
</tr>
<tr>
<td>PISTOL LICENSE</td>
</tr>
<tr>
<td>NY LICENSED DEALER</td>
</tr>
<tr>
<td>BUSINESS NAME OF NYS DEALER PERFORMING NICS CHECK</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIREARMS INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAKE</td>
</tr>
<tr>
<td>MODEL</td>
</tr>
<tr>
<td>CALIBER</td>
</tr>
<tr>
<td>SERIAL NUMBER</td>
</tr>
<tr>
<td>TYPE (CHECK ONE)</td>
</tr>
<tr>
<td>PISTOL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CERTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND IS BEING SUBMITTED AS REQUIRED BY LAW</td>
</tr>
<tr>
<td>/S/</td>
</tr>
<tr>
<td>SIGNATURE OF POLICE OFFICER OR PEACE OFFICER SUBMITTING FORM</td>
</tr>
<tr>
<td>DATE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AGENCY ENDORSEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF AGENCY REPRESENTATIVE</td>
</tr>
<tr>
<td>TITLE OR RANK OF AGENCY REPRESENTATIVE</td>
</tr>
<tr>
<td>SIGNATURE OF AGENCY REPRESENTATIVE</td>
</tr>
</tbody>
</table>
POLICE OFFICER OR PEACE OFFICER

- Use this Form to report the acquisition or the disposition of a firearm or machine gun by a police officer or peace officer. A firearm is any pistol, revolver, short barreled shotgun, short barreled rifle or machine gun as defined by Penal Law section 265.00.

- For private sales, an approved National Instant Criminal Background Check (NICS) must be completed on the buyer before transaction can be completed. NICS checks are performed by participating New York State Firearms dealers.

- Use one Form for each firearm or machine gun that you acquire or dispose of.

- Except for signatures, type or clearly print all entries.

- Complete boxes 1 through 4. In box 2 check the appropriate square that indicates whether the firearm has been recently acquired or disposed of. If this is an acquisition – Report the legal status under which the previous owner possesses this firearm. If this is a disposition – Report the legal status under which the new owner possesses this firearm.

- After thoroughly completing the appropriate boxes, submit the Form to your supervisor or agency representative within 10 days of acquisition or disposition.

AGENCY REPRESENTATIVE

- When you receive the completed Form, review the Form for accuracy, then complete box 5 – Agency Endorsement on the bottom of the Form.

- Send the Form to:

Pistol Permit Unit
New York State Police
Building 22
1220 Washington Ave
Albany, New York 12226-2252
Annex B – Firearms Off-Duty Sign Out Form

<table>
<thead>
<tr>
<th>Name</th>
<th>Serial #</th>
<th>Date In</th>
<th>Time In</th>
<th>Time Out</th>
<th>Date Out</th>
<th>Firearm Out</th>
<th>In/Out</th>
<th>Witness Init.</th>
<th>Firearm Init.</th>
<th>In/Out</th>
</tr>
</thead>
</table>

259
NEW YORK STATE UNIVERSITY POLICE
UNIVERSITY AT ALBANY
State University of New York

Authorization for Use or Disclosure of Protected Health Information: Patient Information

<table>
<thead>
<tr>
<th>Patient Name</th>
<th>Last</th>
<th>First</th>
<th>M.I.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Street Address</td>
<td>City</td>
<td>State</td>
</tr>
<tr>
<td>DOB</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Information to be Released to:

| Name | | |
| Address | Street Address | City | State | Zip |
| Telephone ( ) | Fax ( ) |

Reason for Release of Information: Check all that apply

- At request of the Patient
- Legal Purposes - e.g. Attorneys
- Insurance - e.g. Life Insurance Application
- Continuing Care - e.g. Other Healthcare Providers, Hospitals, Physicians
- Other: explain

Information to be Released: Check all that apply

<table>
<thead>
<tr>
<th>Type of Record</th>
<th>Name, Physician, Procedure or other Identifier</th>
<th>Date of Service or Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Records relating to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency department record</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physician office note(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Billing Records</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultation Report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>History &amp; Physical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diagnosis/treatment relating to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operative Report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discharge summary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entire medical record</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Patient Understanding and Signature

I authorize ___________ to release (disclose) information in the manner described above. I have the right to revoke this authorization at any time by sending my written revocation to ___________. I understand that the revocation will not apply to any information released prior to your receipt of my written notice and a reasonable period in which to react to it. Any information used or disclosed under this authorization may no longer be protected by privacy laws and may be subject to re-disclosure by the person or organization receiving or using it.

I understand that the information released may include confidential records regarding psychological or psychiatric conditions or treatment, drug use and/or alcoholism, confidential HIV information as defined by law, including without limitation information regarding treatment of Acquired Immunodeficiency Syndrome (AIDS) or associated conditions, and/or test orders or results relative to HIV infection. HIV/AIDS records may be protected under state or federal law and, except as otherwise provided by law, cannot be disclosed without my written consent which I may revoke at any time and by any reasonable means of communication.

This authorization will expire ninety (90) days from the date I sign unless a longer period is indicated here ___________. I acknowledge that I have received a completely filled in copy of this Authorization after I signed it.

__________________________
Signature of Patient or Legally Authorized (Personal) Representative

__________________________
Disclaimer of Authority of Legally Authorized (Personal) Representative

__________________________
Original: University Police

__________________________
Yellow Copy: Patient

__________________________
Pink Copy: Hospital

__________________________
Date

Revised 8/10

Most bomb threats are received by phone. Bomb threats are serious until proven otherwise. Act quickly, but remain calm and obtain information with the checklist on the reverse of this card.

**If a bomb threat is received by phone:**
1. Remain calm. Keep the caller on the line for as long as possible. DO NOT HANG UP, even if the caller does.
2. Listen carefully. Be polite and show interest.
3. Try to keep the caller talking to learn more information.
4. If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
5. If your phone has a display, copy the number and/or letters on the window display.
6. Complete the Bomb Threat Checklist (reverse side) immediately. Write down as much detail as you can remember. Try to get exact words.
7. Immediately upon termination of the call, do not hang up, but from a different phone, contact FPS immediately with information and wait instructions.

**If a bomb threat is received by handwritten note:**
- Call
Handle note as minimally as possible.

**If a bomb threat is received by email:**
- Call
- Do not delete the message.

**Signs of a suspicious package:**
- No return address
- Excessive postage
- Stains
- Strange odor
- Strange sounds
- Unexpected delivery
- Poorly handwritten
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

**DO NOT:**
- Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
- Evacuate the building until police arrive and evaluate the threat.
- Activate the fire alarm.
- Touch or move a suspicious package.

**WHO TO CONTACT (select one)**
- Follow your local guidelines
- Federal Protective Service (FPS) Police 1-877-4-FPS-411 (1-877-437-7411)
- 911

---

**BOMB THREAT CHECKLIST**

**Date:**  
**Time:**  

**Time Caller Hung Up:**  
**Phone Number Where Call Received:**  

**Ask Caller:**
- Where is the bomb located? (Building, Floor, Room, etc.)
- When will it go off?
- What does it look like?
- What kind of bomb is it?
- What will make it explode?
- Did you place the bomb? Yes No
- Why?
- What is your name?

**Exact Words of Threat:**

---

**Information About Caller:**
- Where is the caller located? (Background and level of noise)
- Estimated age:
- Is voice familiar? If so, who does it sound like?
- Other points:

<table>
<thead>
<tr>
<th>Caller's Voice</th>
<th>Background Sounds</th>
<th>Threat Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accent</td>
<td>Animal Noises</td>
<td>Incoherent</td>
</tr>
<tr>
<td>Angry</td>
<td>House Noises</td>
<td>Message read</td>
</tr>
<tr>
<td>Calm</td>
<td>Kitchen Noises</td>
<td>Taped</td>
</tr>
<tr>
<td>Clearing throat</td>
<td>Street Noises</td>
<td>Irrational</td>
</tr>
<tr>
<td>Coughing</td>
<td>Booth</td>
<td>Profane</td>
</tr>
<tr>
<td>Cracking voice</td>
<td>PA system</td>
<td>Well-spoken</td>
</tr>
<tr>
<td>Crying</td>
<td>Conversation</td>
<td></td>
</tr>
<tr>
<td>Deep</td>
<td>Music</td>
<td></td>
</tr>
<tr>
<td>Deep breathing</td>
<td>Motor</td>
<td></td>
</tr>
<tr>
<td>Disguised</td>
<td>Clear</td>
<td></td>
</tr>
<tr>
<td>Distinct</td>
<td>Static</td>
<td></td>
</tr>
<tr>
<td>Excited</td>
<td>Office machinery</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>Factory machinery</td>
<td></td>
</tr>
<tr>
<td>Laughter</td>
<td>Local</td>
<td></td>
</tr>
<tr>
<td>Lisp</td>
<td>Long distance</td>
<td></td>
</tr>
<tr>
<td>Loud</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nasal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Normal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ragged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rapid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raspy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slow</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slurred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stutter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Information:**
# EVIDENCE / PROPERTY FORM

**Date**

**Incident #**

**Arrest #**

**Type of Incident/Charges**

**Location**

**Property Taken**

Evidence  Prisoner  Safekeeping  Destruction  Other

**Processing Requested**

Photos / Video  Drug / Alcohol Test  Latents  Other

**Owner’s / Defendant’s Name**

**Address**

**Phone(s)**

<table>
<thead>
<tr>
<th>Item #</th>
<th>Item</th>
<th>Item Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes**

---

### CHAIN OF CUSTODY

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Date / Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Disposition:** Returned to Owner  Auctioned  Destroyed  Other

**Final Disposition:** Date / Time  Officer Releasing Property

**signature of Person Receiving Property**

Date / Time

---

Original: University Police  Yellow Copy: Owner / Defendant  Pink: Court Copy

UPD C-01  Revised 9/10

RELEASE OF LIABILITY

In return for the storage of a firearm or firearms belonging to me by the University Police Department, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Undersigned hereby agrees to the following:

I hereby release and agree to hold harmless the University Police Department, the University at Albany, the State University of New York and the State of New York their officers and employees from and against any fault, liabilities, damages costs, expenses, claims, demands or lawsuits arising out of, related to or connected with any loss of or damage to the firearm or firearms from any cause whatever while it or they are in the custody of the University Police Department, and I further agree to abide by and be bound by any and all rules, regulations, and procedures which have been or may hereafter be promulgated by the University for the control of firearms on the University at Albany campus.

Signature of Owner: ___________________________ Date: ___ / ___ / ______
NEW YORK STATE UNIVERSITY POLICE
UNIVERSITY AT ALBANY
State University of New York
WEAPON STORAGE REQUEST
DO NOT BRING A WEAPON ON CAMPUS PRIOR TO RECEIVING AUTHORIZATION - SUBJ. TO ARREST

(Please Print)
Name: _______________________________ Student #: _______________________________

Local Address: ______________________________ Phone: ( ) ____ - _______

Date of Birth: ____ / ____ / _______ Home Phone: ( ) ____ - _______

Home Address: ______________________________

Description of Weapon: ______________________________

Serial and/or Identifying Number: ______________________________

Purpose of Weapon: ______________________________

Do you have a valid permit for the gun? _______ License #: ______________________________

Have you ever been arrested of convicted of a crime, misdemeanor, or violation (other than for a
traffic offense?) _______

Details: ______________________________

Is there any other information pertinent to your possession of a weapon that may have a bearing on
the decision to grant authorization? ______________________________

Signature of Applicant: ______________________________ Date: ____ / ____ / _______

Parent/Guardian signature (if under 21 YOA) ______________________________

FOR UNIVERSITY OFFICIAL USE ONLY

Recommended: YES / NO

Chief of Police Signature

Recommended: YES / NO

Director of the Office of Conflict Resolution and Civic Responsibility Signature

Authorized / Not Authorized

President of the University at Albany Signature

UPD A-07a
# Lost & Found Property Form

Date: __/__/____

UPD Report #: __________________

Special File Ck: YES / NO

File No Entry #: __________________

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY</th>
<th>DESCRIPTION</th>
<th>SERIAL #</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The aforementioned property was turned over by ___________________ on the
# DAY __________ MONTH __________ YEAR _______ to ______________ OFFICER NAME & SHIELD #

a member of the NYS University Police at Albany in accordance with article 7-B of the NYS Personal Property Law.

ICE OF CLAIM BY FINDERS

NAME OF PERSON WHO FOUND PROPERTY: ____________________________

Am _________ years of age and reside at ____________________________

STREET / CAMPUS ADDRESS: ________________________ STATE __________ ZIP CODE: __________

Phone #: ( )

I DO / DON'T wish to claim the aforementioned property if it is unclaimed by the owner:

________________________________________ Date: __/__/____

SIGNATURE OF PERSON WHO FOUND & IS CLAIMING PROPERTY

UNCLAIMED PROPERTY: Property was unclaimed by the owner. Released to ___________________

SIGNATURE OF PERSON WHO FOUND & IS CLAIMING PROPERTY

by ___________________________ Date: __/__/____

UPD MEMBER NAME AND SHIELD #

OWNER NAME: ____________________________

OWNER ADDRESS: ____________________________ TELEPHONE #: ____________________________

Owner was notified on the # DAY __________ MONTH __________ YEAR _______ by ____________________________

UPD MEMBER NAME AND SHIELD #

Owner DOES / DOES NOT wish to recover their property.

Claimed by Owner ____________________________ Date: __/__/____

SIGNATURE OF OWNER WHO IS CLAIMING PROPERTY

Released by ____________________________ Shield # ____________________________

OTHER DISPOSITION / NOTES: ____________________________

UPD MEMBER NAME AND SHIELD # ____________________________ Date: __/__/____

Original - UPD Yellow Copy - PROPERTY OWNER / CLAIMANT


615 Revised 10/10
MEMBER DEATH AND SERIOUS INJURY INFORMATION

CONFIDENTIAL

Personal Information for Agency Use in Cases of On-Duty Death, Serious Illness/Injury

Name: ________________________________ Date: ________________________________

In the event you become seriously injured, ill, or die while on duty, the information contained in this form will be used to help the agency determine which family members or friends to notify, as well as to assist the agency in the processing of business and personal property stored in the workplace. This form will also be used to help ensure that other relevant matters, such as a health care proxy and living will, are made available to family and medical providers. Completion of this form is strictly voluntary and you need not answer every question. Changes can be made to this form at any time.

Once completed, this form should be placed in a sealed envelope marked Member Injury Form A-15 and given to your supervisor. It will be kept in a file in the Supervisor's Office. You should retain a copy of this form so it can be reviewed and updated as necessary.

In the event of death or serious injury to you, the department will make notifications to immediate family and will make available to them transportation, if needed, to the hospital, or other locations. Notification to immediate family will be made in person. Please list below the order that you would like them contacted, those people you would want notified.

Also list any special information, i.e. medical problems, you fell may be important.

1. Name: ________________________________ Relationship: ________________________________
   Address: ________________________________ Phone Number: ____________________________
   Employer: ________________________________ Phone Number: ____________________________
   Employer Address: ________________________________
   Work Schedule & Hours: ________________________________
   Additional Information*: ________________________________

2. Name: ________________________________ Relationship: ________________________________
   Address: ________________________________ Phone Number: ____________________________
   Employer: ________________________________ Phone Number: ____________________________
   Employer Address: ________________________________
   Work Schedule & Hours: ________________________________
   Additional Information*: ________________________________
MEMBER DEATH AND SERIOUS INJURY INFORMATION

3. Name: ___________________________ Relationship: ___________________________
Address: ___________________________ Phone Number: ___________________________
Employer: ___________________________ Phone Number: ___________________________
Employer Address: ___________________________
Work Schedule & Hours: ___________________________
Additional Information*: ___________________________

4. Name: ___________________________ Relationship: ___________________________
Address: ___________________________ Phone Number: ___________________________
Employer: ___________________________ Phone Number: ___________________________
Employer Address: ___________________________
Work Schedule & Hours: ___________________________
Additional Information*: ___________________________

5. Name: ___________________________ Relationship: ___________________________
Address: ___________________________ Phone Number: ___________________________
Employer: ___________________________ Phone Number: ___________________________
Employer Address: ___________________________
Work Schedule & Hours: ___________________________
Additional Information*: ___________________________

6. Name: ___________________________ Relationship: ___________________________
Address: ___________________________ Phone Number: ___________________________
Employer: ___________________________ Phone Number: ___________________________
Employer Address: ___________________________
Work Schedule & Hours: ___________________________
Additional Information*: ___________________________

* Optional: Medical Condition / Special Circumstances, etc.
MEMBER DEATH AND SERIOUS INJURY INFORMATION

Provide the name of an agency employee (as well as an alternate employee) that you would like to clean out your locker, office and/or desk, and to separate agency property from your personal property. Personal property will be sorted by this person and forwarded to the appropriate recipient.

________________________________________________________ (Primary)

________________________________________________________ (Alternate)

Is there an employee within the agency you would like to serve as a liaison with your family regarding funeral arrangements?

Please circle the appropriate answer to the questions below:

Do you wish to have a police funeral?  YES / NO

If you are a veteran and entitled to a military funeral, do you wish to have one? YES / NO

Name and address of place of your worship, if any:

________________________________________________________

Do you wish to be buried in uniform if you die on duty? YES / NO

Do you wish to be buried in uniform if you die off duty? YES / NO

Have any pre-arrangements been made regarding your funeral? YES / NO

If YES, please list information on funeral home, cemetery, etc.

________________________________________________________

________________________________________________________

Do you have a will? YES / NO

Where is it located?

______________________________

Do you have a health care proxy? YES / NO

Where is it located?

______________________________

Do you have a living will? YES / NO

Where is it located?

______________________________

Have you executed a durable power of attorney? YES / NO

If yes, where is the form located?

______________________________

Attach any additional relevant information as needed.

Your Signature:________________________________________ Date: _____ / _____ / _____


Pg3

Revised 6/13
New York State Public Safety Naloxone Quality Improvement Usage Report

Date of Overdose: [ ] [ ] [ ] [ ] [ ] [ ]

Agency Case #: ________________________________

Gender of the Person Who Overdosed: ( ) Female ( ) Male ( ) Unknown

Arrival Time of Officer: [ ] [ ] : [ ] [ ] AM [ ] PM

Arrival Time of EMS: [ ] [ ] : [ ] [ ] AM [ ] PM

Age: [ ]

Zip Code Where Overdose Occurred: [ ] [ ] [ ] [ ] [ ] [ ]

County Where Overdose Occurred: ________________________________

Aided Status Prior to Administering Naloxone: (Check one in each section)

Responsiveness: ( ) Unresponsive ( ) Responsive but Sedated ( ) Alert and Responsive ( ) Other: (specify)

Breathing: ( ) Breathing Fast ( ) Breathing Slow ( ) Breathing Normally ( ) Not Breathing

Pulse: ( ) Fast Pulse ( ) Slow Pulse ( ) No Pulse ( ) Did not check pulse

Aided Overdosed on What Drugs? (Check all that apply)

D Heroin D Benzos/Barbiturates D Cocaine/Crack D Buprenorphine/Suboxone D Pain Pills D Unknown Pills

D Unknown Injection D Alcohol D Methadone D Don't Know D Other: (specify)

Administration of Naloxone:

Number of vials of naloxone used: [ ]

If naloxone worked, how long did naloxone take to work? (Less than 1 minute ( ) 1-3 minute(s) ( ) 3-5 minutes ( ) >5 minutes ( ) Don't Know

Aided's Response to Naloxone:

( ) Combative ( ) Responsive and Angry ( ) Responsive and Alert ( ) Responsive but Sedated ( ) No Response to Naloxone

Post-Naloxone Symptoms: (Check all that apply)

D None D Dope Sick (e.g. nausea, muscle aches, runny nose and/or watery eyes) D Respiratory Distress

D Seizure D Vomiting D Other: (specify)

What else was done by officer? (Check all that apply)

D Yelled D Shook Them D Sternal Rub D Recovery Position D Bag Valve Mask D Mouth to Mask D Mouth to Mouth

D Defibrillator: (If checked, indicate status of shock) ( ) Defibrillator - no shock ( ) Defibrillator - shock administered

D Chest Compressions D Oxygen D Other: (specify)

Was naloxone administered by anyone else at the scene? (Check all that apply)

D EMS D Bystander D Other: (specify)

Disposition: (Check one)

( ) Care transferred to EMS ( ) Other (specify)

Did the person live? ( ) YES ( ) NO ( ) Do not know

Hospital Destination ________________________________ Transporting Ambulance ________________________________

Comments: ____________________________________________

Administering Officer's Information:

Agency ________________________________ Shield# ________________________________

Last Name ________________________________ First Name ________________________________

Please send the completed form to the NYS Department of Health using any one of the three following methods:

E-mail: oper@health.state.ny.us

Fax: (518) 402-6813

Mail: Shu-Yin John Leung

OPER AIDS Institute, NYSDOH Empire State Plaza CR942

Albany, New York 12237
MEMORANDUM OF UNDERSTANDING

by and between

City of Albany

and

The University at Albany

Coordination of Law Enforcement Efforts

This Memorandum of Understanding, effective November 1, 2008, entered into by and between the City of Albany on behalf of its Police Department and the State University of New York, on behalf of the University at Albany, namely the University at Albany Police Department, sets out the respective duties and obligations with regard to the coordination of law enforcement efforts between the University at Albany Police Department and the City Police Department. The parties hereto agree as follows:

1. The State University of New York, University at Albany has primary law enforcement jurisdiction on all property owned, leased, or under the control of the University at Albany and will provide police services on said property, except as otherwise specified in this Memorandum of Understanding.

2. The University at Albany Police Department will notify the City Police Department of any incident or situation on any property owned, leased, or under the control of the University at Albany that may affect the safety of the residents of the City.

3. The City Police Department will notify the University at Albany Police Department of any incident or situation on any property within the jurisdiction of the Town that may affect the safety of the staff or residents on any property owned, leased, or under the control of the University at Albany.

4. When the City Police Department executes a warrant on any property owned, leased, or under the control of the University at Albany, the City Police Department will contact the University at Albany Police Department and request a University Police officer to accompany the City Police Department officer. Efforts will be taken to refrain from interrupting a class to affect an arrest or execute a search warrant. In the event of a continuous close pursuit beginning in the jurisdiction of the City, the City Police Department communications unit will notify the University Police Department as soon as possible and the University at Albany police Department will assist as necessary.
5. When the University at Albany Police Department executes a warrant within the City, excluding any property owned, leased, or under the control of the University at Albany, the University at Albany Police Department will contact the City Police Department and request a City Police Department officer. In the event of a continuous pursuit, the University at Albany Police Department communications unit will notify the City Police Department as soon as possible and the University at Albany Police Department officer will proceed as necessary.

6. The University at Albany Police Department will transfer requests for police services originating on any property owned, leased, or under the control of the City to the City Police Department communications center. In like manner, the City Police Department will transfer requests for police services originating on any property owned, leased, or under the control of the University at Albany to the University at Albany Police Department communications center.

7. For emergency situations, including requests for backup, within the jurisdiction of the City, the City Police Department supervisor or officer-in-charge may request the assistance of University at Albany Police Department personnel. The University at Albany Police Department supervisor or officer-in-charge must grant permission to the responding patrol unit(s) before such assistance is rendered. In like manner, for emergency situations, including requests for backup, within the jurisdiction of the University at Albany, the University at Albany Police Department supervisor or officer-in-charge will request the assistance through the City Police Department supervisor.

8. For non-emergency events in both communities, the Chiefs or designees from the City of Albany and the University at Albany Police Departments will meet in a timely manner to review various operations issues, including traffic, planning, and scheduling for additional personnel.

9. In accordance with Chapter 22 of the Laws of 1999 of the State of New York, which establishes certain requirements for investigation of violent felonies and reporting of missing students on college campuses in New York State, the parties acknowledge the statutory definitions and agree to the protocol for response and investigation as follows:

Definitions:

a. "Missing Student", means any student of the University at Albany subject to the provisions of Section 355(17) of the New York State Education Law, who resides in a facility owned or operated by the University at Albany and who is reported to the University at Albany as missing from his or her residence.

b. "Violent Felony Offense" means a violent felony offense as defined in Section 70.02(1) of the Penal Law of the State of New York.
Response and Investigation:

a. **Missing Student.** When a report of a missing student is received by the University at Albany Police Department or the City Police Department, the receiving department will conduct 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 between departments. If the missing student was last seen on property owned, leased, or under the control of the University at Albany at Albany Campus, the University at Albany Police Department shall take the lead in the investigation; if the missing student was last seen in the City of Albany on property not under the control of the University at Albany Police Department, the City Police Department shall take the lead in the investigation; in all circumstances the University at Albany Police Department and the City Police Department shall cooperate with one another and any other law enforcement agency involved in the investigation. In any event, information relating to any report of a missing student shall be shared by both parties 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 Albany at any time after the matter has been reported, each party shall notify the other immediately.

b. **Violent Felony Offenses.** When any report of an on-campus violent felony offense is received by the University at Albany or when a report of a violent offense involving a college student is received by the City Police Department, the recipient shall notify the other police department as soon as possible. If the offense occurred on property owned, leased, or under the control of the University at Albany, the University at Albany Police Department shall take the lead in the investigation, if the offense occurred in the City of Albany on property not under the control of the University at Albany Police Department, the City Police Department shall take the lead in the investigation; in all circumstances the University at Albany Police Department and the City Police Department shall cooperate with one another and any other law enforcement agency involved in the investigation.

10. The Chief of the University at Albany Police Department and the Chief of the City of Albany Police Department may enter into more specific and detailed operational procedures and guidelines, provided that such additional items are not inconsistent with the above provisions.

11. This Memorandum of Understanding may be amended, consistent with then current law, in writing, by mutual consent of both parties.
12. Either party may terminate this Memorandum of Understanding regarding coordination of law enforcement efforts by written notification to the other party.

IN WITNESS OF WHICH THIS MEMORANDUM OF UNDERSTANDING HAS BEEN EXECUTED:

State University of New York
University at Albany

George M. Philip
President

City of Albany

Gerald D. Jennings
Mayor

J. Frank Wiley
Chief of Police

James W. Tuffey
Chief of Police

SIGN HERE

Signature Date

Signature Date

12/10/68
MEMORANDUM OF UNDERSTANDING

by and between

Town of Guilderland
and
The University at Albany

Coordination of Law Enforcement Efforts

This Memorandum of Understanding, effective September 1, 2008, entered into and between the Town of Guilderland on behalf of its Police Department and the State University of New York, on behalf of the University at Albany, namely the University at Albany Police Department, sets out the respective duties and obligations with regard to the coordination of law enforcement efforts between the University at Albany Police Department and the Town Police Department. The parties hereto agree as follows:

1. The State University of New York, University at Albany has primary law enforcement jurisdiction on all property owned, leased, or under the control of the University at Albany and will provide police services on said property, except as otherwise specified in this Memorandum of Understanding.

2. The University at Albany Police Department will notify the Town Police Department of any incident or situation on any property owned, leased, or under the control of the University at Albany that may affect the safety of the residents of the Town.

3. The Town Police Department will notify the University at Albany Police Department of any incident or situation on any property within the jurisdiction of the Town that may affect the safety of the staff or residents on any property owned, leased, or under the control of the University at Albany.

4. When the Town Police Department executes a warrant on any property owned, leased, or under the control of the University at Albany, the Town Police Department will contact the University at Albany Police Department and request a University Police officer to accompany the Town Police Department officer. Efforts will be taken to refrain from interrupting a class to affect an arrest or execute a search warrant. In the event of a continuous close pursuit beginning in the jurisdiction of the Town, the Town Police Department communications unit will notify the University Police Department as soon as possible and the University at Albany Police Department will assist as necessary.
5. When the University at Albany Police Department executes a warrant within the Town, excluding any property owned, leased, or under the control of the University at Albany, the University at Albany Police Department will contact the Town Police Department and request a Town Police Department officer. In the event of a continuous pursuit, the University at Albany Police Department communications unit will notify the Town Police Department as soon as possible and the University at Albany Police Department officer will proceed as necessary.

6. The University at Albany Police Department will transfer requests for police services originating on any property owned, leased, or under the control of the Town to the Town Police Department communications center. In like manner, the Town Police Department will transfer requests for police services originating on any property owned, leased, or under the control of the University at Albany to the University at Albany Police Department communications center.

7. For emergency situations, including requests for backup, within the jurisdiction of the Town, the Town Police Department supervisor or officer-in-charge may request the assistance of University at Albany Police Department personnel. The University at Albany Police Department supervisor or officer-in-charge must grant permission to the responding patrol unit(s) before such assistance is rendered. In like manner, for emergency situations, including requests for backup, within the jurisdiction of the University at Albany, the University at Albany Police Department supervisor or officer-in-charge will request the assistance through the Town Police Department supervisor.

8. For non-emergency events in both communities, the Chiefs or designees from the Town of Guilderland and the University at Albany Police Departments will meet in a timely manner to review various operations issues, including traffic, planning, and scheduling for additional personnel.

9. In accordance with Chapter 22 of the Laws of 1999 of the State of New York, which establishes certain requirements for investigation of violent felonies and reporting of missing students on college campuses in New York State, the parties acknowledge the statutory definitions and agree to the protocol for response and investigation as follows:

Definitions:

a. "Missing Student", means any student of the University at Albany subject to the provisions of Section 355(17) of the New York State Education Law, who resides in a facility owned or operated by the University at Albany and who is reported to the University at Albany as missing from his or her residence.

b. "Violent Felony Offense" means a violent felony offense as defined in Section 70.02(1) of the Penal Law of the State of New York.
Response and Investigation:

a. **Missing Student.** When a report of a missing student is received by the University at Albany Police Department or the Town Police Department, the receiving department will conduct 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 between departments. If the missing student was last seen on property owned, leased, or under the control of the University at Albany at Albany Campus, the University at Albany Police Department shall take the lead in the investigation; if the missing student was last seen in the Town of Albany on property not under the control of the University at Albany Police Department, the Town Police Department shall take the lead in the investigation; in all circumstances the University at Albany Police Department and the Town Police Department shall cooperate with one another and any other law enforcement agency involved in the investigation. In any event, information relating to any report of a missing student shall be shared by both parties 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 Albany at any time after the matter has been reported, each party shall notify the other immediately.

b. **Violent Felony Offenses.** When any report of an on-campus violent felony offense is received by the University at Albany or when a report of a violent offense involving a college student is received by the Town Police Department, the recipient shall notify the other police department as soon as possible. If the offense occurred on property owned, leased, or under the control of the University at Albany, the University at Albany Police Department shall take the lead in the investigation; if the offense occurred in the Town of Guilderland on property not under the control of the University at Albany Police Department, the Town Police Department shall take the lead in the investigation; in all circumstances the University at Albany Police Department and the Town Police Department shall cooperate with one another and any other law enforcement agency involved in the investigation.

10. The Chief of the University at Albany Police Department and the Chief of the Town of Guilderland Police Department may enter into more specific and detailed operational procedures and guidelines, provided that such additional items are not inconsistent with the above provisions or current law.

11. This Memorandum of Understanding may be amended, consistent with then current law, in writing, by mutual consent of both parties.
12. Either party may terminate this Memorandum of Understanding regarding coordination of law enforcement efforts by written notification to the other party.

IN WITNESS OF WHICH THIS MEMORANDUM OF UNDERSTANDING HAS BEEN EXECUTED:

State University of New York
University at Albany

George M. Philip
President

[Signature] [Date]

Kenneth Runion
Supervisor

[Signature] [Date]

Town of Guilderland

J. Frank Wiley
Police Chief

[Signature] [Date]

Carol Lawler
Police Chief

[Signature] [Date]
NEW YORK STATE UNIVERSITY POLICE

University At Albany

Guidelines
And
Procedures

January 2005
TABLE OF CONTENTS

SECTION A

Introduction
1. Types of Funerals
2. General Guidelines
3. Security

SECTION B

Responsibility
1. Command Staff
2. Funeral Detail OIC
3. Formation Officer
4. Pallbearer OIC

SECTION C

1. Police Service Funeral Home
2. Formation and Commands
3. Pallbearer Detail
   a. Hebrew Service
   b. Non Denominational Service
4. Cemetery Detail

APPENDIX

Commands, Sample Teletypes, Thank You Letters
SECTION A INTRODUCTION

The death of a Police Officer is a tragic event to all members of the NEW YORK STATE UNIVERSITY POLICE. Having dedicated his or her life in the service of the State of New York, the deceased is entitled to no less than a solemn and dignified funeral.

The department generally recognizes three (3) categories of funerals; they are as follows:

Retired or Former: A retired or former NYSUP member who left the department in good standing.

Active: A member of the Department who is actively employed and dies as a result of illness or accident sustained off-duty and/or while on duty and death is non-police related. Death incidents may require special determination as to correct category.

Line of Duty: A member who loses his/her life while taking police action, whether on or off duty. This may include combat confrontations, rescue or on-duty vehicular accident.

A department funeral may consist of one or more of the following elements:

1. **POLICE SERVICE** - A Police Service is normally held at the Funeral Home under the direction of the Chief of Police. A chaplain, clergyman or funeral director should be included in the service. A short eulogy (active members or line of duty only) can be delivered by a supervisor.

2. **CHURCH SERVICE** - A Church Service is usually held at a Place of Worship (after the funeral home service) under the direction of a clergy person and can utilize Pallbearers, Formations and Funeral Cortege. All Police activity will be under the direction of the Funeral Detail Officer.

3. **CEMETERY SERVICE** (graveside ceremony) – A Police Service that is normally held in conjunction with a service given by a Religious person or the funeral home director. A cemetery and utilizes Pallbearers, and a small formation.

All Department funerals will be coordinated by the Detail OIC.
SECURITY CONSIDERATIONS

Depending on the circumstances of death of the member, any number of highly-elected officials are expected to attend, a cross section of law enforcement executives may also be present. Such a gathering may invite the attention of the unbalanced individual or the organized terrorists group.

It should be noted, that this manual is intended to provide guidance, suggestions and recommendations. No two funeral homes, churches, chapels, thoroughfares or gravesites are identical. While procedures described in this document are standardized, slight variations are to be expected at any given funeral.
SECTION B
RESPONSIBILITY

1. The Command Staff will:
   a. Designate an Officer as the Detail Officer in Charge.
   b. With the assistance of the Funeral Detail OIC:
      1. Assign an Officer to the position of Formation Officer.
      2. Assign an Advance Team Officer and include Officers as assistants.
      3. Assign an OIC to the position of Pallbearer OIC.
      4. Release all Teletype Messages to avoid duplication.

2. Funeral Detail Officer in Charge
   a. Actively supervise the Advanced Team.
   b. Designate additional OIC’s for Formation Detail if necessary.
   c. Discuss with the advance team all logistical operations and update the Command Staff.
   d. Determine UNIFORM OF THE DAY
      1. Normally Class A Uniform, Blouse, Sam Brown and Stetson.
      2. Extreme weather conditions may warrant substitutions and or additions to the Class A Uniform.
      3. The Uniform of the Day should be clearly described on the Funeral Detail Teletype.
   c. Actively supervise the Funeral Detail and Pallbearer Detail.
   f. Maintain contact and coordinate with the Funeral Director.
   g. Establish cemetery protocol.
h. Check with clergy to insure that police funeral procedures do not interfere or conflict with church policy.

i. Determine the necessity of an amplification sound system.
   1. Large funerals will require the use of a sound system in order to amplify commands.
   2. Line of duty funerals may require a extensive sound systems using remote speakers.

j. A Traffic Advisory may be needed in the event a main street will be closed. Utilize the NYSPIN FILE 28 message.

3. FORMATION OFFICER (for large funeral details - otherwise can be added responsibilities of the funeral detail OIC)
   a. Work closely with the Funeral Detail OIC on all logistical activities pertinent to the formation site and the formation itself.
   b. Review and practice commands and maneuvers contained in this manual
   c. Discuss and coordinate formation protocol with the Pallbearer.
   d. Be thoroughly familiar with procedures as stated.

4. PALLBEARER OIC
   a. Formulate the Pallbearer Detail.
      1. Members of this detail should reflect the racial, ethnic, and religious composition of the department. Criteria for selection should include appearance, physical agility and strength, similar stature and esprit de corps.
   b. Actively work with the Pallbearer Detail and if necessary, practice maneuvers contained in this manual prior to the funeral.
   c. Discuss and coordinate Pallbearer activities with Formation Officer.
   d. Discuss Funeral Home and Church layout with OIC.
   e. Refer to specific instructions under Pallbearer Detail.
A police service may be conducted at the funeral home by the Command Staff, Funeral Detail OIC or his designee. A chaplain, clergyman or funeral director should be included in the service. Also, the deceased supervisor (active member's or line of duty only) should be prepared to deliver short eulogy.

The Funeral Detail OIC may lead two columns of personnel down the side aisles of the room, or the center aisle, if necessary. The Command Staff will lead, uniformed personnel in rank order will go second and personnel in civilian attire will go last.
When all personnel are assembled, the Funeral Detail OIC will give the command: **"Detail, center – face."** All members will make a half turn toward the center of the room, facing the casket (this will not be necessary if the formation is in the center aisle.) (Diagram # 2)

The chaplain will then enter the room and the Funeral Detail OIC will give the command: **"Detail, un-cover."** Members will remove their Stetsons and hold them over their hearts.

Upon completion of the prayers, the Funeral Detail OIC will give the command: **"Detail, cover."**

The eulogy will be given at this time.

If the chaplain returns for a final prayer, the Funeral Detail OIC will again give the command: **"Detail, un-cover."** Upon completion of the prayer, he will give the command: **"Detail, cover."** (the chaplain may talk to the family – if so, wait until he is done, then continue.) The Funeral Detail OIC will then give the command: **"Front – Face."** Whereby personnel will turn facing the front of the room. The next command will be: **"Detail – Post."** The first member in each column will walk up to the casket, give a final salute to the deceased member, about face and walk out of the room. As each pair of members depart from the room, the next pair will approach the casket and salute until the entire contingent has, two at a time, paid their final respects. The last two members to approach the casket will be the Command Staff and the Funeral Detail OIC. After saluting the deceased, and prior to leaving the room, the Command Staff or the Funeral Detail OIC will extend his condolences to the deceased family.

NOTE: Members in civilian attire will salute the deceased by placing their right hand over their heart.
SECTION C PART 2
FORMATION

The Command Staff will assign an Officer to be the Funeral Detail OIC. The Funeral Detail OIC will assign an Officer to assist him, if a large detail and formation is anticipated, additional OIC’s will be assigned. The Funeral Detail OIC will be responsible for all the associated activities regarding the formation. The Funeral Detail OIC will consult with the Advance Team in regards to logistics concerning staging, parking and local street closings which will be necessary.

- All police personnel must be instructed as to where, when and how to assemble prior to the service. This is best accomplished by using one of the sample NYSPIN teletype messages. Members assigned should be inspected by a designated officer as to uniforms, general appearance and conduct. If dealing with a large contingent, avoid telling all to assemble in front of the church, etc. In many instances, it is necessary to make additional formation space in the front of the church because the original space allocated was not sufficient. The Funeral Detail OIC, with the assistance of the Advance Team Officer must consider this situation when assembling the formation.

- Closing local streets is necessary in many cases. It will be the responsibility of the advance team to locate the streets that have to be closed and recommend the adequate number of personnel needed to accomplish this task. The local fire department, ambulance corps and police department (if there is one) should be advised. In the event the formation reaches out a distance from the church, contingency plans should be made for emergency response to the residents on the closed streets if necessary.

- The Funeral Detail OIC will designate a media staging and parking area. The Chief of Police or his designee will coordinate with the Funeral Detail OIC all activities relating to the media.

- Police personnel will essentially be placed according to protocol and hierarchy. The depth (amount of ranks) is determined by the amount of room available and the number of members present. The recommended depth is 4 to 6 ranks, but no two funeral formations are identical. The advance team will be responsible for taking note of the street and sidewalk configurations and limitations, church interior layouts and seating capacity.

Last minute or special requests, weather conditions etc., prohibit the adherence to rigid rules.
COLOR GUARD - Consists of four Police Officers standing in front of the formation, the two standing in the middle holding the American and State flags, the two on the outside at attention with rifles. The National Flag is given the honor position and is carried on the marching right of all other colors (to the left as you face the color guard). Flags should be of equal size, flagpoles should be of equal length. When “Present Arms” is called, and when “Taps” is played, all flags EXCEPT the National Flag shall dip.

NOTE: All flag protocol is the subject of Flag Law enacted by Congress – PUBLIC LAW 94-344 OF THE 94TH CONGRESS.

FLAGS - The American flag will fly at half-mast on at the NYS University Police building in Albany for a line of duty death, the authority and duration is that of the Command Staff. A United States and a New York State flag and two bases should be delivered to the funeral home for display during the wake. The National flag should be positioned at the head of the casket, the State flag at the foot of the casket. If the deceased is a veteran, a National flag, which has flown over the Capitol building, can be obtained at any local office of the US Congress. If the deceased is not a veteran, an additional State flag will be delivered by the advanced team to the funeral home for use on the casket.

HONOR GUARD - May consist of any number of members standing in formation or position of honor during the service or outside the church.

FUNERAL HOME HONOR GUARD - A minimum of two Officers may be assigned to stand at attention during the viewing hours at the funeral home. An OIC should be assigned to provide relief to those Officers.

SCHEDULING

All New York State University Police Officers assigned to the Funeral Detail will arrive at the funeral location at least one and one-half hours prior to the ceremony in order to insure that the area is properly prepared, make assignments and necessary changes. For large scale funerals, additional OIC’s should be brought in to assist the Funeral Unit. Pallbearers will report to the church one hour prior to the service in order to pre-plan.

New York State University Police Members and Outside Agencies and large contingencies should muster in the designated assembly areas one hour prior to the service.
**THE FORMATION** should in place behind the Color Guard approximately fifteen (15) minutes before the service, as well as, fifteen minutes prior to the conclusion of the service. The funeral cortège should arrive five to ten minutes prior to the time of service. Members are formed in order of descending rank, the highest rank to the left as they are faced.

It may be necessary to leave two squared areas to the left and right of the Color Guard for VIP’s, elected officials, etc.

**NOTE:** The timing has to be flexible, if a large attendance is expected, more time will be needed in all areas listed above.

**TIME CONSIDERATIONS**

The amount of time necessary to assemble and adjust the formation will depend upon the number of members and visiting agencies in attendance and the distance from the assembly point to the church. The reporting time should be included in the teletype.

**VISITING AGENCIES**

It is recommended that the Funeral Detail OIC keep all visiting agencies away from the area where the center of the formation will be until all NYSUP members are in place. Visiting police agencies may then be placed to the rear of or next to the State University Police personnel. If only a small number of visiting officers are present, they may be integrated into the Honor Guard in front of the church, thus creating a feeling of direct participation and solidarity. Otherwise, a large contingent should not occupy a preeminent position to the exclusion of local personnel. In either event, a representative number of visiting agency personnel should be invited to join the Honor Guard.

The Funeral Detail OIC will assign a member to distribute and collect **PEDIGREE CARDS** (Diagram # 3). These cards will be used later to compile a list of Thank You notes.
CIVILIAN CLOTHES

Uniform Personnel in civilian clothes should be in suitable attire. Such personnel will be placed at the end of or behind the uniform contingent. Above all, uniformed members and those in civilian clothes should not be intermingled in a given unit.

Retired Officers and Government Officials can be placed in a prominent position in the right front of the formation.

IMAGE

The funeral cortege is a solemn procession of vehicles and personnel moving from place to place. It must never take on the appearance of a spectacle or parade. To do so would seriously detract from the aura of solemnity which NYSUP must strive to project.

In any NYSUP funeral, particular attention must be given to consideration of the family of the deceased. Their grief must not be prolonged by an inordinately long service. Care in planning the formation area is required so as not to interfere with movement of the funeral cortege.

PARKING

If a large turnout is expected, an OIC will be assigned the task of coordination parking. It must be realized that each location and funeral will present different demands and operating conditions. The most important component is traffic flow (the formation area). The funeral formation will be held in only one area. Multiple formations (outside funeral home) over several days is unnecessary. It is recommended inviting one representative visiting agency vehicle to join in the cortege to the cemetery. As previously noted, hundreds of police officers marching through a cemetery frequently interferes with other mourners and or members of the deceased station.

FLY OVER

In the case of a line of duty members death, a helicopter fly-over salute may be appropriate if conditions warrant it.
FORMATION COMMANDS

The Formation OIC will be made by the Funeral Detail OIC.

BEFORE SERVICE

When the funeral cortege approaches ----- "ATTENTION"

When the casket is removed from the hearse --------- "PRESENT ARMS"

After the casket is brought into the church ----------- "ORDER ARMS"

PROCессION INTO CHURCH

LISTED IN ORDER

1. Next of kin and immediate family.

2. Other family members and friends in cortege.

3. VIP’s, visiting dignitaries, religious representatives, fraternal representatives, and Command Staff.

4. NYSUP members, uniform then civilian.

5. Member of visiting agencies.

6. Other visitors in plain clothes.

All members not able to enter the church should be advised to return at a predetermined time depending on information from the clergy involved (usually one half hour).
UPON CONCLUSION OF SERVICE

Police personnel should be brought out from the rear and instructed to regroup in the same formations before the service. The Funeral Detail OIC will be one hand outside to assist with the reformation. A re-alignment may be necessary in the event that some may no longer be present. The exit is usually done near the end of the service, but while it is being performed, the clergy should be advised beforehand and the exit should be quite and orderly.

FORMATION COMMANDS
AFTER SERVICE

When all personnel are back in formation – “ATTENTION”

When the casket emerges from the church – “PRESENT ARMS”

After the casket is placed into the hearse – “ORDER ARMS”

After the last vehicle in cortege has passed the formation – “DISMISSED”

There are several reasons why the formation should be held until the cortege has passed:

1. The Cortege will be given the opportunity to clear the area and will not be subject to interfere by personnel exiting the area.

2. The participants in the funeral cortege are given the courtesy and honor of passing in review of the assembled personnel.

NOTE: In the front of the church, other departmental personnel will be in formation already at present arms when the pallbearers are loading and unloading the casket. In such cases, the pallbearers shall listen only to the pallbearer detail OIC’s commands and ignore those of the formation OIC.
SECTION C  Part 3
PALLBEARER DETAIL

The Pallbearer Detail will consist of one OIC and 6 Police Officer’s. This number is necessary for the shoulder carry and for safety in general. All pallbearers will wear the Class A uniform, regardless of the season or weather conditions. In the extremely cold weather, sufficient undergarments should be worn to provide adequate warmth without impeding arm and shoulder movement. A basic uniformity of height is essential. The two shortest should be positioned in the front and the two tallest in the rear where the weight is concentrated and maneuvering of the casket is more difficult.

The shoulder carry is the preferred method of carry. It is more practical and ultimately more beneficial. Elevating the casket makes it the focus of attention and adds an extra measure of homage to the deceased, it also gives the pallbearers the ability to stand in place for extended periods with less strain and fatigue. The hand carry method should be reversed for icy pavement or other extenuating circumstances. Occasionally a request may be made for family members or friends to assist in carrying the casket, if the family insists, they must do so in conjunction with the funeral director and his staff. The Funeral Detail OIC and the Pallbearer Detail cannot share the responsibility for the safe and proper handling of the casket. The placement of well meaning volunteers in the Pallbearer Detail could lead to missed commands, missteps and the acutely embarrassing dropped casket.

It is strongly suggested that the Pallbearer OIC secure a cardboard box of similar dimensions to a casket and use same for practice purposes.

DEPARTING THE FUNERAL HOME FOR THE CHURCH

On the morning of the funeral, the pallbearers should arrive at the funeral home one hour the scheduled funeral time. Providing that the casket is taken out through the back of the building, the following procedure is to be followed:

- The pallbearers should assemble in two evenly numbered columns flanking the doorway, facing each other and forming an aisle while standing at attention as family members exit the funeral home. (Diagram # 4)
• After the last family member exits, the OIC will give the following commands:

"ONE STEP FORWARD – MARCH"

"FRONT – FACE" (turn toward funeral home)

"FORWARD – MARCH" (detail enters funeral home)

DEPARTING THE FUNERAL HOME FOR THE CHURCH CONTINUED

• During this time, the funeral director will be closing the casket in preparation to load it in the hearse. If a flag is to be placed on the casket (the National Flag for veterans, the New York State Flag for non-veterans), an elastic band should be used to prevent the flag from slipping off. The band may be provided by the funeral director. It will be the responsibility of the OIC to ensure that a band is available for this purpose.

• The flag should be picked up at the center of the front and rear ends forming an inverted “V”. The band should than be placed around the casket, after which the raised ends are allowed to drop back into place. On a casket, the field of blue is placed over the deceased’s heart, making sure that the band is parallel with stripes.
• When the casket is ready to be loaded, wheel it to the door. If the family is viewing the loading, the pallbearers shoulder the casket to the hearse. If not, hand carry it.

• Upon completion of the loading, proceed to the church. Be sure that the funeral director allows adequate time for the pallbearers to assemble.

• The Funeral Detail OIC must consider parking capacities at the church when assembling police vehicles to escort the hearse. If parking is limited, police escort vehicles will be kept at a minimum and instructed not to park behind the hearse so as to leave room for the family vehicles.

**HANDLING THE CASKET**

**Carrying**

• Ordinarily, the casket should be held from underneath. Handles should generally not be used. In some cases, they are ornamental and cannot be used.

• If the functional (check with the funeral director if in doubt), handles may be used in an emergency or to gain leverage when going up or down a set of steps or when lowering a heavy casket. When used, one should hold the casket from the bottom while the other hand is on the handle.

• Note that some wooden caskets have a firm and deep groove or indentation around the bottom edges which allows for a secure grip. A wooden casket without such a grip is nevertheless easier to handle than that of a metal one since the wooden surface is not as slippery as the metal. Therefore, extra care must be taken to prevent an accident.
NARROW DOORWAY

- When confronted with a narrow doorway, the middle man should step out and wait on the other side of the door.

- The front and rear men should side-by-side, shoulder to shoulder in order to clear the doorway.

Narrow Doorway

- The rear men should push while the front men steer.

- When the casket has cleared the doorway, the middle men should return to their designated positions.
BOOSTING

The pallbearer OIC is essential when shouldering a heavy casket. The OIC should follow directly behind and provide assistance when raising and lowering the casket, ascending and descending the stairs and at such other times as deemed necessary.

Boosting
SHOULDERING

- Six (6) pallbearers should shoulder the casket regardless of its weight. Using eight (8) pallbearers is potentially dangerous because the configuration is too compact. One member could step on the member in front of him. Four (4) members may be able to shoulder a very light casket if absolutely necessary but, as previously stated, it is not recommended.

- When all members are in place, the Pallbearer OIC should give the command "READY – UP". The casket must be raised slowly, carefully and in unison.

- When the casket is secured, the pallbearers should extend both arms down and place their outside hand over the inside hand. (Diagram # 9)

- All pallbearers now extend their left foot out and proceed, walking at a slow, dignified pace on a "FORWARD MARCH" command from the Pallbearer OIC.

- The Pallbearer OIC must ensure that all pallbearers keep in step, to prevent the casket from swaying. The OIC should periodically look down to double check the cadence. If more than one pallbearer is out of step, it is advisable for everyone to stop and start over again.
ASCENDING STAIRS

- Just prior to reaching the first step, using both hands all pallbearers will raise the casket off their shoulders.

- The front men should lower the casket to waist level. The middle men should lower the casket to chest level. The end men will replace the casket on their shoulders. The casket must ride smoothly and as level as possible throughout this procedure.

DESCENDING STAIRS

- This maneuver is the reverse of the ascending procedure.

- The front men should keep the casket up at shoulder level. The rear men lower the casket to waist level. The middle men lower the casket to chest level.
LOWERING THE CASKET

- Prior to placing the casket onto the church truck or into the hearse, the Pallbearer OIC should give the command: "READY – DOWN".

- Using both hands, the pallbearers should grasp the casket (both hands under or one hand under and one hand on a usable handle) and slide out from under the bottom.

- This procedure must be done slowly, smoothly, in unison and from a stationary position.

- When placing the casket on the church truck (four-wheeled cart used for wheeling casket), care must be taken to position it squarely on the four support columns.

- When placing the casket in the hearse, two front men guide the casket, the middle men provide supplementary support and the two rear men keep the casket parallel with the ground until the detail OIC can assume sole control and push the casket fully into the hearse. Care must be taken so as not to knock over the floral pieces which might be lined up within the hearse.

SALUTING

- After the casket has been placed in the hearse, the six pallbearers and the pallbearer OIC line up in two columns behind the hearse.
The following commands are then given by the pallbearer OIC:

"ONE STEP TO THE REAR – MARCH" (step back on the right foot)

"PRESENT ARMS"

"ORDER – ARMS"

NOTE: In front of the church, other departmental personnel will be in formation already at present arms when the pallbearers are loading or unloading the casket. In such cases, the pallbearers shall listen only to the pallbearer OIC’s commands and ignore those of the Funeral Detail OIC.

- Before the hearse is closed, the pin must be inserted in the floor board and the screw turned in a clockwise direction to lock the casket in place. This task should be done by the pallbearer OIC (may be done by the funeral director).

- If departing the church for the cemetery, the pallbearer OIC will give the commands: "FORWARD – MARCH".

- Pallbearers will then flank the hearse, an even number on each side, to march alongside the hearse a distance to be determined by the size of the formation.
CHURCH PROTOCOL

These procedures specifically pertain to Roman Catholic Services. Protestant Church services are very similar, and Hebrew services will be addressed later. Remember to always check with the funeral director for guidance.

- All six pallbearers should be lined up in the street, a distance from the church depending on the street layout, in two even columns, facing the direction that the funeral procession is approaching from. The pallbearer OIC should stand to the rear of the outside column’s rear member.

- The hearse should be stooped when the front of the vehicle reaches the front two pallbearers. The pallbearer OIC will then give the command: “FRONT – FACE”.

652
• The Pallbearers will then escort the hearse to the church, stopping approximately two car lengths past the front steps/door, to allow sufficient distance for removing and shouldering the casket.

The left front pallbearer can give the command “FORWARD MARCH”, and “DETAIL HALT”, in order to allow the hearse driver to hear the commands and watch the movement of the pallbearers. An additional member can be assigned as the church usher and can be used to stand at a predetermined spot for the hearse to stop. (Diagram # 15)

• Upon arrival at the church, the pallbearer OIC will give the following commands:

“ABOUT – FACE”

“FORWARD – MARCH” (march to the rear of the hearse)

“DETAIL – HALT”
“CENTER – FACE” (face each other)

“ONE STEP FORWARD”

The pallbearer OIC will also step to the rear of the formation.

- At this time, family members may be gathering in front of the church. The pallbearer OIC or funeral director will step up and open the hearse door and disengage the locking pin.
CHURCH PROTOCOL CONTINUED

- The pallbearer OIC will then pull the casket out, using either rear handle or casket sides. The pallbearers will assist in the removal as the casket reaches them.
• When all six pallbearers have the casket in hand, they will back up on the pallbearers OIC’s command “REVERSE – MARCH”. When backing up, pallbearers should turn 90 degrees to get the foot of the casket facing the church entrance.

• After the foot of the casket is facing toward the church entrance, the pallbearers will shoulder the casket and enter the church.
CHURCH INTERIOR
Christian Services

- After helping stop the hearse in the appropriate spot in front of the church, the usher should immediately go back inside the church to make sure that the church truck is properly placed in the vestibule prior to the removal of the hearse.

- After placing the casket on the church truck, the pallbearers will receive a command of "DETAIL UNCOVER", from the pallbearer OIC. Pallbearers will then carry their Stetsons under their outside arm to allow for use of the inside arm to wheel the casket.
• On the command "FORWARD MARCH", pallbearers will wheel the casket to the point where the priest is standing (usually the center aisle near the rear of the church).

• If a flag is on the casket, it should be removed at this time by the pallbearer OIC. The flag should be slowly pulled to the rear of the casket and layered in three sections. The flag should then be draped across a pew in the rear of the church, positioned nearest the center aisle.

• Near the end of the entrance blessing, the pall is placed on the casket.

• The casket is now wheeled down the center aisle, following behind the priest and preceding the family.
If the aisle is too narrow for the casket and the pallbearers to pass, the front pallbearers move in front, the center pallbearers move to the rear and the rear behind the center, leaving four men to wheel it down the aisle.
**CHURCH INTERIOR CONTINUED**

- When rolling the casket down the aisle, the front members steer while the rear members push. The casket should be stopped in front of the altar just behind the Pascal Candle.

- In unison, the pallbearers then march column left and right in front of the pews to face the altar and on the motion of the pallbearer OIC, bow toward the altar. After bowing, the pallbearers will lift and right face, toward the outside aisles and march column left and right down the outside aisles.
• If the pallbearers stay for the service, they should sit in one of the rear pews.
CHURCH SERVICE CONCLUSION

- When the service is concluded, the pallbearers will march up the side aisles (three on each side) of the church, turn across the front, stop in front of the pews and turn, facing the altar.
On the motion of the pallbearer OIC, the pallbearers will bow.

- The first pallbearer on each side will then take up a position on either side of the casket to turn it around.

The funeral director should move the Pascal Candle out of the way, but, if he does not, the pallbearer OIC or the nearest pallbearer should move it.
- The first pallbearers will turn the casket around by (a) pulling it in front of the left side pews; (b) backing it in front of the right side pews and then (c) pulling it back into the center aisle.

The priest will step into the lead position while the casket is being turned.

- The first pallbearers will be in the lead position (on opposite sides), headed back down the aisle, and the other four face right and left and, in unison, file into position.
- The pallbearers will then wheel the casket to the rear of the church and stop so the pall can be removed and the flag can be put back onto the casket.

The blessing will usually take place at the rear of the church either before or after the pall is removed. The flag is replaced onto the casket after the blessing.

**CHURCH SERVICE CONCLUSION CONTINUED**
• After the blessing, the pallbearer OIC will give the command: “DETAIL COVER”.

• After covering, the pallbearers will lift the casket off the church truck and the pallbearer OIC will give the command: “READY – UP”, (pallbearers will shoulder the casket) and “FORWARD MARCH”.

In some churches, it may be necessary to hand carry the casket through low doorways, and shouldering may not be possible until the casket gets outside. It will be the responsibility of the pallbearer OIC to the predetermine the logistics of the moving the casket.

• Upon exiting the church, the honor guard contingent will be at attention holding a salute.

**EXITING THE CHURCH**

• Upon exiting the church, in most cases, the pallbearers will have already shoulder the casket. At times, the pallbearers will stop with the shouldered casket to allow for the band to play a funeral dirge. Pallbearers will stand at a predetermined place until the song is finished, and then load the casket into the hearse.

• Either the funeral director or the pallbearer OIC will open the door to the hearse and the pallbearers will lower the casket to a hand carry on the command “READY DOWN”.

• Again, loading will be done by the pallbearer OIC pushing the casket into the hearse. Upon completion of loading, the pallbearers will be facing each other. The pallbearer OIC will give the commands “FRONT FACE” (face toward hearse), “ONE STEP TO THE REAR MARCH”, “PRESENT ARMS”, “ORDER ARMS.”

• The pallbearer OIC will then give the command, “FORWARD MARCH”, and the pallbearers will march to either side of the hearse to escort it past the honor guard or a distance to be determined by circumstances peculiar to he funeral.

• When the hearse reaches the designated point, the left front pallbearer should signal the hearse driver to stop. The pallbearers will continue to march another fifty feet or so ahead.

**EXITING THE CHURCH CONTINUED**

• The pallbearer OIC will give the following command:
"DETAIL HALT"

"CENTER FACE" (columns will face each other)

"PRESENT ARMS" (to be held until the hearse and limousines pass)

"ORDER ARMS" (remain at attention until the rest of the cortege passes)

The pallbearer OIC will quietly dismiss the pallbearers so that they can immediately join the funeral cortege and proceed to the cemetery without delay.
HEBREW SERVICE

- The funeral service for a member of the Hebrew faith takes place in a chapel located within the funeral home.

- Prior to the service, the Funeral Detail OIC should confer with the funeral director and or the Rabbi who will be officiating. Entering, seating and exiting maneuvers should be finalized before the service begins.

- Pallbearers participating in the actual service is generally limited to attendance in the chapel and the carrying of the casket. There is normally no genuflecting, bowing or interaction with the mourners.

- At the conclusion of the service, the casket is usually wheeled to the lobby of the funeral home and shouldered out. All other procedures as stated in the section STREET should be performed.

- It should be noted that extra care must be exercised when handling an Orthodox casket since wooden dowels are used in its construction in place of nail or screws. If the deceased is especially heavy, the funeral director may request that the casket may not be shouldered. In such cases, the request will be honored.

- The casket is positioned parallel with the pews in a Hebrew service. Refer to Diagram # 30 regarding the proper approach to and removal of casket in such cases.
OTHER DENOMINATIONAL SERVICES

- Regardless of the denomination of the deceased, the pallbearer detail may encounter varied church services. In some cases, the casket may be brought from the funeral home to the church the evening before the service.

- The pallbearers should report to the church approximately one hour prior to the service.

- When the service is nearly concluded, the casket may be opened for the family and congregation to pay their final respects.

- Whether or not the pallbearers remain in the church for the service, they should march up to the casket in single file after the last mourner has filed past the casket. Members will tender a hand salute and line up in such location where they will be in close proximity to the casket.

- Since the casket is placed parallel with the pews, one column of pallbearers should approach the casket and pull it away from the pulpit (or wall, partition, railing, etc.) to allow the other column of pallbearers to take their assigned positions.

- At the conclusion of the service, the minister will usually lead the casket out of the church. The family members usually follow behind the casket.

- The pallbearers should wheel or shoulder the casket out of the church and then follow the procedure entitled STREET.
SECTION C PART 4

The pallbearers will respond to the cemetery unless the family requests otherwise. It is important to limit the number of University Police personnel attending the cemetery ceremony as large numbers of members can prove disruptive to others at the cemetery.

- The casket is usually removed from the hearse and set at the gravesite by cemetery personnel prior to the arrival of the family.

- Pallbearers will stand as an honor guard during the graveside service and will form up prior to the arrival of the family. Other uniform personnel in attendance should also form up in the honor guard. At this time, the pallbearer OIC can assume the duties of the funeral detail OIC. (Diagram # 28)

- Positioning will be determined at the graveside to allow for folding and presenting the flag to the deceased’s spouse and to prevent blocking family members from viewing the service. The funeral detail OIC (with the assistance of the funeral director) will determine proper positioning and the timing of the flag folding and TAPS.

- TAPS If a bugler is provided, the pallbearer OIC will give the command “PRESENT ARMS” and the bugler will play taps. At the conclusion of taps, the command “ORDER ARMS” will cue the folding of the flag. The detail remains at attention.

- At the motion of the pallbearer OIC, the two pallbearers at the ends of the formation will break off simultaneously and go to the ends of the casket to remove and fold the flag.
Fold the flag in half, width-wise

Fold the flag in half width-wise again

Fold up a triangle, starting at the striped end...

...repeat...

...until only the end of the Union is exposed.

Then fold down the square into a triangle, and tuck inside the folds.

- Once the flag is folded, it will be presented to a member of the command staff or the funeral detail OIC. When the officer receives the flag, the pallbearer renders a salute to the flag and returns to the formation.

- The funeral detail OIC will then approach the widow/widower, present the folded flag and state: “The New York University Police Department under which your husband (wife, son, etc.) served so well, presents you with this flag.

- The funeral detail OIC then salutes the flag, about faces and returns to the formation.

- Prior to the beginning of the prayers, the funeral detail OIC will give the command “DETAIL UNCOVER”.


• Upon completion of the prayers the funeral detail OIC will give the command “DETAIL COVER”.

SECTION C PART 4 CONTINUED

• After the prayers, the funeral detail OIC will give the command “PRESENT ARMS”. This will be held as the family makes their final pass by the casket and starts to leave the gravesite.

• “ORDER ARMS” will be given after the last person passes the casket. The detail will remain at attention and not be dismissed until the immediate family leaves the area.

GUN SALUTE

• When a member dies in the line of duty, he can receive a gun salute at the cemetery (or appropriate place) if the family has no objection, the funeral detail OIC will ascertain if a gun salute will be given. The salute can have an adverse effect on the civilian family members at the gravesite.

• The detail is the responsibility of the senior firearms instructor. The family should be advised by the funeral detail OIC to expect a loud report.
EXECUTING COMMANDS

ALL commands will be prefaced with the prepitory command “DETAIL”....

“ATTENTION”
1. Heels together and in the same line with toes pointing out equally, forming a 45 degree angle.

2. Arms hanging straight without stiffness, thumbs along trousers seam.

3. Legs straight, body and head erect, eyes front.

“PRESENT ARMS”
1. Right hand to stetson.

2. Fingers and thumb extended and joined palm inward.

3. Tip of forefinger touching rim of stetson slightly to the right of right eye.

4. Civilian clothes – place right hand over heart.

“ORDER ARMS”
1. Return hand smartly to side, resuming position of attention.

“LEFT/RIGHT FACE”
1. Raise opposite heel and toe of other foot.

2. Turn 90 degrees to the left on left heel, assisted by the slight pressure on the ball of right foot, keeping right leg straight.

3. Place right foot beside left foot, resuming position of attention.

“ABOUT FACE”
1. Toe of right foot touches ground approximately ½ length of foot to the rear and slightly to the left of left heel.

2. Rest most of weight on heel of the left foot, allowing right knee to bend naturally.

3. Turn 180 degrees to the right on left heel and ball of right foot, resuming position of attention.
EXECUTING COMMANDS CONTINUED

"FORWARD MARCH"
1. Step out with left foot from the position of attention.

"DETAIL HALT"
1. "HALT" issued when on left foot.

2. Proceed onto right foot and stop on the following left foot.

"PARADE REST"
1. Issued from the position of attention only.

2. Moved left foot (10) inches to the left of right foot.

3. Place hands at the small of the back, centered on the belt.

4. Fingers extended and joined, palm of right hand outward.

"UNCOVER"
1. Raise right hand to stetson, grasping it at the crown with the thumb and index finger of the right hand.

2. Remove stetson and place it over heart.

"COVER"
1. Return stetson to head.

2. Return right hand to side.
### FUNERAL DATA SHEET

<table>
<thead>
<tr>
<th>Name</th>
<th>DOB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rank</td>
<td>SHIELD</td>
</tr>
<tr>
<td>Address</td>
<td>STATION</td>
</tr>
<tr>
<td>Spouse’s Name</td>
<td></td>
</tr>
<tr>
<td>Children’s Names</td>
<td></td>
</tr>
<tr>
<td>Family liaison and Phone #</td>
<td></td>
</tr>
<tr>
<td>Cause of Death</td>
<td></td>
</tr>
<tr>
<td>Religion</td>
<td>Veteran Status</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>Phone #</td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Director</td>
<td></td>
</tr>
<tr>
<td>Viewing Hours</td>
<td>Day/date, afternoon, evening</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Service</td>
<td>Day/Date, Time</td>
</tr>
<tr>
<td>Chaplain</td>
<td>Phone #</td>
</tr>
<tr>
<td>Church</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Phone #</td>
</tr>
<tr>
<td>Funeral Service</td>
<td>Day/Date, Time</td>
</tr>
<tr>
<td>Interment</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
</tbody>
</table>
FORMAT FOR ORGINAL NYSPIN TELEYTYPE

Chief _______________ regrets to announce the death of 
__________________________, (retired – if applies), formerly of
(rank/name)

________________________. 
(department name/university name)
Viewing will be at __________________________.
(funeral name)
______________________________________________________________________
(address)
Viewing Hours are as follows:
(day/date/time)
______________________________________________________________________
(day/date/time)
THERE WILL BE POLICE SERVICE ON ____________________ AT
(day/date)
______________________________________________________________________
(time) (funeral home – address)
MEMBERS ATTENDING IN UNIFORM SHOULD REPORT TO
(funeral detail OIC) __________________________, at _____________.
(time)
A FUNERAL SERVICE WILL BE HELD AT
(church)
______________________________________________________________________
(address)
MEMBERS ATTENDING WILL REPORT TO ___________________________.
(time) (day/date)
IN FRONT OF ___________________________ AT _____________.
(location) (time)
INTERMENT WILL FOLLOW AT _____________________________.
(cemetery – address)
IF INCLEMENT WEATHER IS PREDICTED, MEMBERS ASSIGNED TO THE DETAIL WILL BE DIRECTED TO HAVE RAIN GEAR AVAILABLE. FORMAT FOR ADDITIONAL INFORMATION REGARDING THE DEATH OF _____________________________.
(Retired – if applies)
(rank/ name)
THE FOLLOWING MEMBERS THAT ARE ASSIGNED AS HONOR GUARD WILL REPORT TO ___________________________ , at _____________.
(funeral detail OIC) __________________________, (funeral home)
(address) _____________.
(date/time)
IN A CLASS “A” UNIFORM, BLOUSE, SAM BROWN BELT, AND STETSON.
FORMAT FOR LINE OF DUTY DEATH - NYSPIN TELETYPY

IT WITH A DEEP SENSE OF LOSS THAT THE NEW YORK STATE UNIVERSITY POLICE ANNOUNCES THE DEATH OF [rank and name] OF [station], WHO WAS KILLED ON [day/time].


VIEWING WILL BE AT [funeral home and address]

VIEWING HOURS ARE AS FOLLOWS:

[day/date] [hours] [funeral detail OIC]

A POLICE SERVICE WILL BE HELD ON [day/date] AT [time].

OFFICERS ATTENDING WILL REPORT TO [location], AT [time].

FUNERAL SERVICES WILL BE HELD AT [location/address] ON [day/date] AT [time].

THOSE ATTENDING WILL REPORT TO [funeral detail OIC] AT [location], AT [time].

DIRECTIONS TO THE STAGING AREA:

FOR ADDITIONAL INFORMATION CALL [station ph #]. ANY POLICE AGENCY PLANNING TO ATTEND THE FUNERAL SERVICE IS REQUESTED TO CONTACT THIS OFFICE AT ABOVE PHONE NUMBER OR BY TELETYPY IN ORDER TO MAKE PROPER ARRANGEMENTS.
LINE OF DUTY DEATH OF ANOTHER POLICE AGENCY

Chief, has authorized a detail to attend the funeral of
(rank, name, department) (died, was killed, died as result of)
Funeral Service will be held at (location)
on , at hours.
(date) (time)
Volunteers are encourage to attend. All reporting members will report
to (name of OIC) on at ,
at (location)
(date) (time)

THE FOLLOWING MEMBERS ARE ASSIGNED TO THE DETAIL:


All members will use a marked department vehicle for transportation purposes. Four
members per vehicle.

UNIFORM OF THE DAY: CLASS “A” UNIFORM, BLOUSE, SAM BROWN BELT
AND STETSON.
FOLLOW-UP COMMUNICATIONS

The following is a sample Thank-You note to be sent to the Commanding Officer/Chief of Police of the agency which has sent representation to a line of duty death funeral or has sent a sympathy card or condolence card to the department.

The members of the New York State University Police (station), wish to extend their gratitude for your show of support and concern at the recent loss of one of our members.

Thank You
Chief of Police
CONDOLEENCE NOTES

The following is a sample condolence note for a member of another law enforcement agency who dies or is killed in the line of duty. It should be addressed to the deceased’s family, in care of the Commanding Officer/Chief of Police concerned.

Upon learning of your tragic loss the members of the New York State University Police (station) wish to express their deepest sympathy in this most difficult time.

Respectfully,
Chief of Police
3. ADVANCED TEAM OFFICER

The Advance Team Officer should ensure that the following duties are performed as soon as possible after the death notification:

- Personally contact the family liaison – advise them of the service available and offer whatever assistance is appropriate. Complete FUNERAL DATA SHEET.
  
  Gather information for death teletype promptly even if information is incomplete, include phone number of the PIO (primary contact) on all teletypes.

- Contact the funeral director
  
  - Confirm the time and details of the service he is providing.
  - Ascertain if there are any special requests from the family.
  - Formulate and distribute an itinerary.
  - Obtain the necessary flags and flag holders and deliver them to the funeral director

- Escorts – Designate a member to perform the following tasks:
  
  - Establish primary and secondary routes
  - Contact the city or county highway patrol for additional assistance, if required
  - Large funerals may necessitate a printed route for distribution prior to the day of the funeral.

- Survey and sketch the affected area
  
  - Designate assembly areas for personnel and parking areas for vehicles,
  assign an officer to supervise this activity
  - Large funerals may necessitate a long walk from parking area, busing might be necessary.
  - Locate rest room facilities
  - Locate break area for those who choose not to enter church.

Ascertain/estimate the number of persons to attend the funeral ceremony and check with the church as to capacity.
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?
r. 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:
<table>
<thead>
<tr>
<th>TYPES</th>
<th>DESCRIPTION</th>
<th>EXAMPLES</th>
<th>GENERALLY HANDLED BY</th>
</tr>
</thead>
</table>
| Level 1 | Allegations that have the potential to damage the reputation of the Department or its personnel, and generally include, but are not limited to, allegations of serious misconduct, serious violations of a Department General Order or other written directives, or criminal conduct. | - Excessive and/or improper use of force  
- Brutality  
- False arrest  
- Unlawful search and/or seizure  
- Corruption  
- Dishonesty and untruthfulness  
- Gross insubordination  
- Violation of civil rights  
- Bias-based profiling  
- Sexual harassment  
- Workplace violence  
- Violation of criminal statutes | INVESTIGATOR ASSIGNED BY THE CHIEF OF POLICE  
Formal and Documented with Written Statements and Tape/Video Recorded Interviews  
MAY INCLUDE THE INVOLVEMENT OF EXTERNAL AGENCIES OR SOURCES. |
| Level 2 | Allegations that generally include, but are not limited to, allegations of a non-serious nature and violations of Standards of Conduct and other written directives of a non-serious nature.                          | - Violation of policies, procedures or rules that would not likely result in formal discipline.  
- Inappropriate conduct and/or behavior of a less-serious nature, such as rudeness, discourtesy, and offensive language  
- Violation of personnel rules  
- When a citizen complains about the behavior of an employee, such as rudeness or demeanor, but does not wish to file an official formal complaint.  
- When a citizen questions or complaints about the procedures or tactics used by the Department or employee, such as on-scene command presence, or why handcuffs were used when detaining a subject, but does not wish to file an official formal complaint. | FIRST-LINE SUPERVISOR  
Informal and Documented as Informational Purposes Only |
New York State Vehicle Safety/Emissions Inspection Program

For Cars and Light Trucks

The New York State vehicle safety inspection program helps make sure every vehicle registered in this state meets the minimum standards for safe operation on public streets and highways. In addition, most vehicles are subject to an emissions inspection to help reduce air pollution.

A properly maintained vehicle is safer, performs better, uses fuel more efficiently and saves the owner money. You can help by doing your own equipment safety checks between annual inspections, and by following a program of regular vehicle maintenance as recommended by the manufacturer.

This publication highlights the safety and emissions inspection requirements for cars and light trucks. Other motor vehicles, including motorcycles and trailers, must meet different requirements for annual inspection.

NEW YORK STATE VEHICLE INSPECTION REQUIREMENTS:

Motor vehicles are required, by law, to be in safe operating condition whenever they are driven on a public street or roadway in New York State.

Each vehicle registered in New York State must be inspected at least every 12 months. The inspection must be done before the expiration date of the current inspection sticker, and whenever the vehicle becomes registered in a different name.

When a vehicle inspection is requested, an inspection station must inspect any vehicle it is licensed to inspect or must provide, in writing, an appointment date that is within eight working days. If an appointment is made, the station may require a deposit that cannot exceed the inspection fee.

The inspection must be done in a licensed inspection station displaying an official sign, and must be performed by a certified motor vehicle inspector.

If your vehicle fails the safety and/or emissions inspection, the inspection station must have your permission before beginning any repairs.

You are not required to have your vehicle repaired or re-inspected at the station that performed the initial inspection. Your vehicle may be taken to any registered repair shop, or you may make the required repairs yourself. Your vehicle must then pass a new inspection, at an inspection station of your choice, before an inspection sticker will be issued.

It is a misdemeanor for an inspector to knowingly issue, or a motorist to knowingly accept, an inspection sticker unless a full and proper inspection has been performed.

SAFETY ITEMS INSPECTED ON CARS AND LIGHT TRUCKS
Seat Belts

Inspect for proper operation and anchorage.

- Model years 1969 and newer - one seat belt is required for each seating position
- Model years 1967 and 1968 - two front seat belts are required (driver position included), and one seat belt is required for each seating position elsewhere in the vehicle
- Model years 1965 and 1966 - two front seat belts are required (driver position included)

Your vehicle’s Air Bag Warning Lamp will be checked for proper operation. You will be informed if the vehicle’s air bag warning lamp is on or is not working. This is an advisement only and not cause for rejection.

Brakes

At least one front wheel must be removed to inspect the brakes.

- Brake pedal reserve - brake pedal must have 1/3 reserve
- Brake pedal fade - brake must hold for one minute without fading
- Power brake unit - check for proper operation
- Brake master cylinder - check for leakage and proper fluid level
- Disc brake pads - check condition
- Drum brake linings - thickness of linings must be at least 1/16 inch on bonded linings or at least 1/32 inch over rivet head on riveted linings, with no loose or missing rivets or lining
- Brake drums and/or rotors - check condition
- Wheel cylinders and/or calipers - check for leakage
- All brake lines and hoses - check for leaks, cracks, chafing, restrictions, and improper support
- Parking brake - check for components and function
- Brake equalization - test vehicle for a straight stop without significant wheel pull

Steering, Front End, Suspension, Chassis, Frame and Wheel Fasteners

Front end assembly - check condition

- Steering wheel play - check for excessive freeplay
- All steering linkages - check for tightness or binding, excessive wear and/or looseness in parts, including idler arm, center control arm, tie-rod ends, drag link ends, steering and pitman arms, gear box, cross shafts, bushings, wheel bearings, steering column or steering wheel shaft mounting
- Power steering - check operation, condition of belt, and for leakage
- Shock absorbers - check shock mountings and for broken or missing shock absorbers
- Springs and torsion bars - check for sagging or broken springs, or a broken, disconnected, missing or bent torsion or stabilizer bar
- Chassis/frame - check for breaks, cracks, or severe rust at the suspension attachment points
- Wheel fasteners - check for missing or broken parts

Tires (Except spare)

- Tread depth - must be at least 2/32 inch when measured in two adjacent major tread grooves showing the most wear
- Tire condition - check for any fabric break or cut over the length or width of 1 inch, visible bumps, bulges or knots, and any restricted use designation on the tire
- Tire pressure - You will be informed if the vehicle’s tire pressure in not within the manufacturer’s recommendation. This is an advisement only, and not cause for rejection.
Lights

All lighting must be of an approved type and inspected for operation, proper mounting, and broken or missing lenses. Side marker lamps, parking lamps, and additional flashing turning lamps mounted on the side of the vehicle are not inspected.

- Headlamps (low and high beam)
- Tail lamps
- Stop lamps
- Directional signals
- Backup lights (1969 and newer)
- License plate lights
- Hazard warning/four-way flasher (1966 and newer)
- Directional signal indicator

Windshield and Other Glass

- All windows
  - Check for approved safety glass or rigid plastic and condition
  - Check for window tint

- Windshield
  - Check for presence and condition

No crack of 11 inches long or longer is allowed if any part of the crack is within the area cleared by the windshield wiper.

Windshield Wipers and Blades

(Not including rear window or headlamp wipers)

- Wipers - check for presence and operation
- Blades - check condition

Horn

Check mounting and operation

Mirrors

Check mirror locations for proper mounting, cracks, breaks, and/or discoloration.

- Model year 1970 and newer - must have a left outside mirror and an inside mirror, or both left and right outside mirrors
- Model year 1968 and newer - must have a left outside mirror
- 1967 and older - must have one mirror that is either an inside mirror or a left outside mirror

Note: Any vehicle that has a permanent obstruction of the view through the rear window (Example: a truck or van) must have both a left and a right outside mirror.
Fuel Leaks

Any fuel leak that causes dripping or pooling is not acceptable.

EMISSIONS INSPECTIONS FOR CARS AND LIGHT TRUCKS

The 1990 Federal Clean Air Act requires New York State to conduct an inspection program to help reduce harmful emissions from most passenger cars and light-duty trucks. The emissions inspection is done at the same time as the annual safety inspection. Vehicles that fail the emissions inspection may not be able to become registered or, if already registered, the registration may not be renewed.

On-Board Diagnostics Generation II (OBDII) Inspection. Most 1996 or newer gasoline-powered vehicles and most 1997 or newer diesel-powered vehicles that have a gross vehicle weight rating (GVWR) less than 8,501 pounds are subject to the OBDII emissions inspection. This test examines the Malfunction Indicator Lamp (MIL), also known as the "check engine" light, for operation/illumination, and verifies the test results of the vehicle’s "on-board emissions diagnostic" system.

Low Enhanced Inspection. A "Low Enhanced" emissions inspection is required for most other vehicles, unless they are subject to the OBDII test or are exempt from all emissions inspections. This inspection is required for all vehicles from and including model year 1995 and older, through and including vehicles that are up to 25 model years old, and that weigh 18,000 lbs. or less.

Each emissions inspection for gasoline-powered vehicles confirms the presence and connection of the vehicle’s required emissions control devices. This includes making sure that the vehicle’s gas cap is present, is in good condition, and fits properly.

The following emissions control devices are examined if the vehicle was originally manufactured with them:

- Catalytic converter (CAT)
- Exhaust gas recirculation valve (EGR)
- Positive crankcase ventilation system (PCV)
- Air injection system (AIS)
- Evaporative emissions control (EVAP)
- Fuel inlet restrictor (FIR)
- Thermostatic air cleaner (TAC)

You can help your vehicle pass an OBDII emissions inspection by keeping it properly maintained. If the vehicle’s Malfunction Indicator Lamp (MIL, or "check engine" light) indicates there may be a malfunction or other problem, have the vehicle properly repaired. A well maintained, properly functioning vehicle uses less fuel and creates less exhaust emissions.

Diesel Emissions Inspection (smoke opacity test)

Most diesel-powered vehicles that have a GVWR greater than 8,500 pounds and are registered in the New York Metropolitan Area (one of the five counties with New York City or the counties of Nassau, Suffolk, Rockland or Westchester) are subject to a smoke opacity test.

Registration Based Enforcement (RBE)
You cannot renew a vehicle registration unless the DMV has a computer record that the vehicle passed the required emissions inspection within the last 12 months or you can provide proof of the inspection by providing a copy of the vehicle inspection report.

**Consumer Help**

If you are not satisfied with the quality of a vehicle inspection or repair, or the service provided by a motor vehicle dealer, first discuss it with the management of the business. Many misunderstandings can be resolved through calm, honest discussion.

Keep a written record of all contacts with the management, and details about the inspection, repair, or sale. The copies of work orders and invoices are proof of your attempts to resolve the problem. If your complaint remains unresolved, please contact:

- **Complaint Unit**
  - Bureau of Consumer & Facility Services
  - Department of Motor Vehicles
  - P.O. Box 2700-ESP, Albany, NY 12220-0700
  - Phone: 1-518-474-8943 (between 8:30 a.m. and 4:15 p.m., Monday - Friday)

You may also submit a completed **Vehicle Safety Complaint Form** [2] (VS-35) to the DMV Complaint Unit. The complaint form, and copies of the **Motor Vehicle Inspection Regulations** [3] (CR-79) and **Motor Vehicle Repair Shop Regulations** [4] (CR-82), may be downloaded from the DMV web site at [dmv.ny.gov] [5].

Forms, addresses of certified inspection stations in your area, and "Frequently Asked Questions," also are available from the DMV web site.

**Note:** Your complaint against a vehicle repair shop must be filed within 90 days or 3,000 miles of the repair, whichever comes first. If your complaint is within the jurisdiction of another agency, and not DMV, you will be referred to the proper agency for assistance.

For additional information, see **Inspection Requirements** [6]

---

**NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES**

Andrew M. Cuomo, Governor
Theresa L. Egan, Executive Deputy Commissioner

C-50 (2/11) Edited for the internet 12/16

---

Return to **DMV Publications** [7]

---


**Links:**
[1] [https://dmv.ny.gov/node/61096](https://dmv.ny.gov/node/61096)

https://dmv.ny.gov/print/40956