

# TABLE OF CONTENTS

**Parts and Chapters** - The Manual is divided into Parts according to the type of regulation in each Part (Administration, Operations, Preliminary Investigations). Chapters within each Part are arranged alphabetically. Articles within each chapter are arranged in alphabetical order for each topic. Articles may be inserted between existing articles by using articles lettered as Article IIA, 11B, etc.

**Reserved Chapters** - In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of future regulations. Help in selecting an appropriate number for a new chapter is available from the editor.

**Section Numbering** - A chapter-related section-numbering system is employed. Each section of every regulation is assigned a number, which indicates the Part of the Manual in which it is located (AD, OP, PI) and the number of the chapter in which it is located and the location of the section within that chapter. Thus, the fourth section of Chapter AD7 is § AD7-4.

**Scheme** - The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

**Page Numbers** - A unique page -numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the Part and chapter number followed by a colon and the numeral "1." Thus, Chapter AD7 begins on page AD7:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

## VOMPD MANUAL OF PROCEDURE

- Policies highlighted in yellow are policies that have been referenced in the PRRC meetings
- Policies highlighted in blue have been excluded as they either:

Are no longer relevant as the items no longer exist

Describe tactics which could compromise officer safety or divulge sensitive information

### PART I: ADMINISTRATION

AD1.	General Provisions.....	AD1: 1
	Article I Agency Jurisdiction	
	Article II County Mutual Aid and Rapid Response Plan	
	Article III Organization and Structure	
	Article IV Standards and Duties	
AD7.	Administration and Organization.....	AD7:1
	Article I Building Management	
	Article II Command Protocol	
	Article III Department Forms Control	
	Article IV Emergency Evacuation of Headquarters	
	Article V Emergency Mobilization of Personnel	
	Article VI Police Desk Procedures	
	Article VII Records Inventory, Retention and Disposal	
	Article VIII Serious Incident Plan	
	Article IX Staff Meetings	
	Article X Support Services Division (Dissolved)	
AD22.	Community Relations.....	AD22:1
	Article I Community Relations and Crime Prevention	
	Article II Honor Guard (Dissolved)	
AD31.	Compensation, Benefits, and Conditions of Work.....	AD31:1
	Article I Alcohol and Drug Test	
	Article II Alcohol and Substance Abuse	
	Article III Body Armor	
	Article IV Drug-Free Workplace and Employee Assistance	
	Article V Family and Medical Leave	
	Article VI Harassment in the workplace	
	Article VII Military Leave	
	Article VIII Off-Duty Employment	
	Article IX Overtime Distribution	
	Article X Physical Fitness	
	Article XI Pregnancy and Maternity Leave	
	Article XII Reasonable Accommodation	
	Article XIII Sick Leave and Compensation	
	Article XIV Time-Off Requests	
	Article XV Personal Appearance	
	Article XVI Federal Medical Records Privacy Regulations	
	Article XVII Sexual Harassment Prevention	
AD40 .	Court.....	AD40: 1
	Article I Court Appearance and Conduct	
	Article II Crime Victims Assistance	

## TABLE OF CONTENTS

Article UI Criminal Case Testimony	
AD48.	Direction..... AD48: I
	Article I Goals and Objectives
	Article II Written Directives
AD64.	Duties and Responsibilities ..... AD64: I
	Article I Unlawful Posting of Notices
AD69.	Employment Standards, Practices and Procedures ..... AD69: I
	Article I Commendation
	Article II Disciplinary Procedures
	Article III Grievance Procedure
	Article IV Performance Evaluation
	Article V Promotions
	Article VI Recruitment and Selection
AD75.	Fiscal Management..... AD75: I
	Article I Firearms Management
	Article II Fiscal Management
AD83.	General Topics .....AD83: I
	Article I Abandoned Infant Protection Act
	Article II Americans with Disabilities Act
	Article III Bias Crimes
	Article IV Cellblock Management and Suicide Screening
	Article V Credit Card Bail Procedure
	Article VI Department Inspections
	Article VII Diplomatic Immunity
	Article VIII Interpreters and Translators
	Article IX Legal Process
	Article X Mediation
	Article XI News Media
	Article XII Sex Crimes Victims Assistance
	Article XIII Sex Offender Registration
	Article XIV Unbiased Policing
ADI05.	Law Enforcement Role and Authority .....AD IOS: I
	Article I Constitutional Safeguards
	Article II Deadly Force
	Article III Discharge of Firearms
	Article IV Distraction Devices (No Longer Using)
	Article V Firearms Procedures
	Article VI Nondeadly Force
	Article VII OC Spray
	Article VIII Off-Duty Action and Firearms Policy

## VOMPD MANUAL OF PROCEDURE

Article IX Officer Discharge of a Firearm  
Article X Patrol Rifle  
Article XI Personnel Equipment  
Article XII Police Baton  
Article XIII Shotgun Procedure (No Longer Using)  
Article XIV Social Contacts, Terry Stops and Arrests  
Article XV Electronic Control Devices

### ADI 12. Occupational Safety ..... ADI 12: 1

Article I Bodily Fluids  
Article II Exposure Control  
Article III Infectious Disease Control  
Article IV Post Critical Incident Debriefing  
Article V Respirator Policy  
Article VI TB/Airborne Pathogens

### ADI 64. Technology ..... AD 164: 1

Article I Call Recorder  
Article II Cell Phone Use  
Article III Communications  
Article IV Computer Software  
Article V Department E-Mail  
Article VI NYSPIN and e-Justice NY  
Article VII Video Car Recorders  
Article VIII Mutual Assistance Radio System  
Article IX Global Positioning Satellite (GPS)

### ADI 75. Training ..... AD 175: I

Article I Field Training  
Article II Training

## PART II: OPERATIONS

### OP 225. Juvenile Operations ..... OP 225: I

Article I Youth Bureau Operational Guidelines

### OP 250. Patrol Activities ..... OP 250: I

Article I Active Shooter Response  
Article II Alarm Response  
Article III AMBER Alert  
Article IV Arrest Processing Procedure  
Article V Automatic External Defibrillator (AED)  
Article VI Bomb Threat Response  
Article VII Child Abuse Referrals  
Article VIII DOA Procedure  
Article IX Domestic Violence  
Article X Emergency Services for Persons Intoxicated,  
Impaired or incapacitated by Alcohol and/or  
Substances

## TABLE OF CONTENTS

Article XI	Foreign Nationals Seeking Asylum	
Article XII	Guarding Hospitalized Prisoners	
Article XIII	Mentally Ill or Disturbed Persons	
Article XIV	Missing Persons or Children	
Article XV	Notifying Next of Kin	
Article XVI	Patrol Lieutenant	
Article XVII	Patrol Section Operations	
Article XVIII	Prisoner Transport	
Article XIX	Strip Searches and Body Cavity Searches	
Article XX	Abandoned Vehicles	
Article XXI	Animal Control	
Article XXII	Immigration Status Concerns	
Article XXIII	Administration & Maintenance of Intranasal Naloxone	
OP265.	Preliminary Investigations	OP265: I
Article I	Child Abuse Investigations	
Article II	Collection, Preservation and Control of Evidence	
Article III	Confrontation Situations	
Article IV	Criminal Investigations	
Article V	Evidence and Property Management	
Article VI	Public and Internal Complaint Process	
Article VII	Services for Intoxicated Persons	
Article VIII	Firearms as Evidence	
OP280.	Special Units	OP280: I
Article I	Commercial Vehicles	
Article II	K-9 Operations	
Article III	Marine Unit	
Article IV	Motorcycle Use	
Article V	Policing by Bicycle	
Article VI	Sound Shore SWAT- (Dissolved)	
OP290.	Traffic	OP290: I
Article I	Accident Reporting	
Article II	DWI Procedure	
Article III	DWI Roadblocks	
Article IV	Impounds	
Article V	Stopping Violators	
Article VI	Traffic Direction and Control	
Article VII	Traffic Enforcement	
Article VIII	Drug Recognition Expert (DRE)	
OP295.	Vehicles	OP295: I
Article I	Pursuits	
Article II	Seatbelts	
Article III	Use of Vehicles	

## VOMPD MANUAL OF PROCEDURE

### PART III: PRELIMINARY INVESTIGATIONS

P13I 0. Administration..... PB IO: I

Article I After-Action Reports  
Article II Informant Management

PI325. Investigations ..... PI325:1

Article I Internal Affairs  
Article II Massage Parlors  
Article III Organized Crime and Vice and Gang Investigations  
Article IV Police Officer Involved in Domestic Abuse

### APPENDIX

A40I. Rules and Regulations ..... A401:1

A402. Workplace Violence Policy ..... A402:1

### DISPOSITION LIST

### INDEX

# **Chapter AD1**

## **GENERAL PROVISIONS**

### **ARTICLE I** **Agency Jurisdiction**

- § AD1-1. Villages.**
- § AD1-2. Mayor.**
- § AD1-3. Chief of Police.**
- § AD1-4. Police Department organization.**
- § AD1-5. Appointment to office.**

### **ARTICLE II** **County Mutual Aid and Rapid Response Plan**

- § AD1-6. Purpose.**
- § AD1-7. Background.**
- § AD1-8. Policy.**
- § AD1-9. Definitions.**
- § AD1-10. Legal considerations.**
- § AD1-11. Zones of response.**
- § AD1-12. Levels of response.**
- § AD1-13. Activation of Plan.**
- § AD1-14. Duties of requesting agency.**
- § AD1-15. Duties of responding agency.**
- § AD1-16. Responsibilities at scene of incident.**
- § AD1-17. Release of personnel.**
- § AD1-18. Postoccurrence reportings.**
- § AD1-19. Annual training.**
- § AD1-20. Annual review and revisions.**

### **ARTICLE III** **Organization and Structure**

- § AD1-21. Patrol Lieutenant.**
- § AD1-22. Patrol operations.**
- § AD1-23. Investigations Division.**
- § AD1-24. Youth/Juvenile Division.**
- § AD1-25. Emergency Preparedness Detail.**

### **ARTICLE IV** **Standards and Duties**

- § AD1-26. Purpose.**
- § AD1-27. Philosophy.**
- § AD1-28. Ensuring public trust.**
- § AD1-29. Guidelines, rules and expectations.**
- § AD1-30. Chain of command.**
- § AD1-31. Knowledge of and adherence to laws and Department policy and procedures.**
- § AD1-32. Communication and confidentiality through chain of command.**
- § AD1-33. Representation of Department.**
- § AD1-34. Confidentiality.**
- § AD1-35. Personnel information.**
- § AD1-36. Correspondence.**
- § AD1-37. Honesty.**
- § AD1-38. Integrity.**
- § AD1-39. Professionalism.**
- § AD1-40. Secondary employment.**

**ARTICLE I**  
**Agency Jurisdiction**

**§ AD1-1. Villages.**

- A. In New York State, a Village is an incorporated area which is usually, but not always, within a single town. The legislature of a Village is the Board of Trustees, composed of a Mayor and (usually) four Trustees. The Mayor may vote in business before the Board and may break a tie. The Mayor is the executive of the Village.
- B. Incorporated municipal governments (also known as "general purpose units of local government"; i.e., counties, cities, towns and villages) in New York State have been granted broad home rule powers enabling them to provide services to their residents and to regulate the quality of life within their jurisdictions. They do so while adhering to the United States Constitution and the Constitution of the State of New York. Article IX (titled "Local Government," but commonly referred to as the "Home Rule Article") and Article VIII (titled "Local Finances") of the State Constitution establish the rights and responsibilities of the municipal governments.
- C. The New York Constitution provides for democratically elected legislative bodies for counties, cities, towns and villages. These legislative bodies are granted the power to enact local laws as needed in order to provide services to their citizens and fulfill various obligations.

**§ AD1-2. Mayor.**

- A. The first statutory power given to the Mayor is the authority to preside at the meetings of the Board of Trustees. In all cases of Board votes, the Mayor has the right to vote. Additionally, it is mandated that the Mayor vote in the case of a tie. While the Mayor has the power to preside over all these meetings, the Mayor's vote is counted as one vote and is equal to the vote of any Trustee. The Mayor of a Village has no veto power over legislative actions of the Board.
- B. One of the more important powers granted to the Mayor is the power to appoint all department heads and nonelected officers and employees. While the Mayor makes all of these appointments, the approval of the Board of Trustees is required. It should be noted that the Mayor is permitted to vote on all Board approvals of mayoral appointments. It should be further noted that the Mayor may, pursuant to Village Law § 4-400, Subdivision 1c(1), delegate the power to appoint certain employees, but these appointments would also be subject to Board approval.
- C. The only mayoral appointment which is not subject to Board approval is the appointment of one of the Trustees as Deputy Mayor. It is the statutory responsibility of the Mayor to make this appointment which should be done at the annual meeting so that someone is available to serve in the absence or inability of the Mayor. During such an absence or inability, the Deputy Mayor is vested with all the powers of the Mayor. However, in the

absence of an appointment under Village Law § 3-312(3), the Deputy Mayor does not automatically become Mayor in the event of a vacancy.

- D. The Village Law also gives the Mayor the responsibility to provide for the enforcement of all laws, rules and regulations and to cause all violations thereof to be prosecuted. This is largely done through the Village Police Department and the various enforcement officers, such as the Building Inspector.
- E. The Mayor is also granted authority to supervise the conduct of the police and other subordinate officers of the Village, as well as the authority to intervene in any and all actions, at the direction of the Board, where deemed necessary to protect the rights of the Village and its inhabitants. This last power is an extremely broad grant of authority under Village Law.
- F. The statutory duties of the Mayor are set forth in Village Law § 4-400. There are numerous other sections of law which place various responsibilities on mayors, such as the responsibility to distribute the local Code of Ethics to every Village employee and Village officer (General Municipal Law § 806), the authority to request the service of outside police (General Municipal Law § 209-m) and the authority to declare a local state of emergency (Executive Law § 24).

#### **§ AD1-3. Chief of Police.**

The Chief of Police:

- A. Shall manage and control the Police Department, its officers and members, in accordance with the rules of the Department, laws of the nation, laws of the State of New York, laws of the county, Village ordinances and orders of the Board of Trustees.
- B. Shall be kept informed of the affairs of the Department and be assured that the duties of his subordinates are properly discharged.
- C. Shall make such recommendations to the Board of Trustees for the appointment, promotion, retention, discipline, and removal of members of the Department, as are required by the Board of Trustees, by law, or by these rules and regulations.
- D. Shall submit such reports and in such form as the Board of Trustees may direct.
- E. Shall be answerable for such management of the Department that the purposes for which the police force is maintained are realized in the greatest measure consistent with the factors involved.
- F. Shall establish such posts, patrols, and assignments as will most adequately perform the police function with the personnel and equipment available.
- G. Shall be responsible for the protection and maintenance in good condition of all offices, buildings, equipment, books, records and other property belonging or assigned to the Police Department. He shall take such steps and issue such orders as are necessary to fulfill this responsibility.

- H. Shall forward to the Board of Trustees a written report of any disciplinary charges, violations of these rules and regulations, or any case of misconduct by any member of his command.
- I. May excuse for one tour of patrol duty a member of the Department who performs any exceptional act or deed of particular merit which, in his opinion, deserves recognition.
- J. May, in his discretion, suspend from duty with or without pay, and report to the Board of Trustees, any member or employee of the Department for any violation of the rules and regulations or for any insubordination. (Rules and Regulations of the Village of Mamaroneck Police Department Article 3.)

**§ AD1-4. Police Department organization.**

The Chief of Police shall be the Chief Executive Officer of the Police Department. He shall be subject to the orders of the Board of Trustees of the Village of Mamaroneck and is subject to its discretion and approval, and the Board's regulation of operation and practices. He shall be responsible for the prevention of crime and the preservation of order within the Village, and for the enforcement of all laws and ordinances within its jurisdiction. He shall have direct supervision over the entire Police Department and shall have the power to issue such orders to his subordinates as he may deem proper. He shall be responsible for the good order, training, efficiency and discipline of the police force under his command and for the enforcement of these rules. (Rules and Regulations of the Village of Mamaroneck Police Department, Article 2.)

**§ AD1-5. Appointment to office.**

The Chief of Police shall be appointed by the Mayor, subject to confirmation of the Mayor and all members of the Board of Trustees. (New York State Village Law and Civil Service Law)

## **MAMARONECK CODE**

### **ARTICLE III Organization and Structure**

#### **§ AD1-21. Patrol Lieutenant. [Revised 4-8-2009]**

The Patrol Lieutenant is responsible for the day-to-day management of the Community Services Division and has command authority over all operations of the Department.

**§ AD1-22. Patrol operations.**

- A. Uniformed Squads will provide uniformed patrol in all areas of the Village.
- B. Bicycle Unit will concentrate uniformed bicycle patrol in the business district of the Village. The unit will work with the community to address identified crime/quality of life issues within the Village.
- C. Harbor Unit will enforce the harbor codes, perform rescue or recovery of victims of water mishaps and provide police patrol in the East and West Basin of Mamaroneck Harbor and coastal areas bordering the Village of Mamaroneck.
- D. SWAT (Special Weapons and Tactics) Unit will apply specific tactical response to priority crime problems.
- E. Traffic Unit will enforce traffic laws, expedite traffic flow and assist patrol when required.
- F. Parking Enforcement Unit will enforce parking regulations and assist with traffic control.
- G. School Guard Detail will provide Mamaroneck students with safe passage and traffic control while students go to and from school.
- H. Canine Unit will provide tracking and detection support to patrol and investigative units with the use of the dog.

**§ AD1-23. Investigations Division. [Revised 4-8-2009]**

The Investigations Division will investigate serious crimes, identify and apprehend suspects, recover stolen property, prepare cases for the prosecutor and assist in the presentation of cases in court. The Detective Lieutenant is responsible for the day-to-day management of the Investigations Division and has command authority over all investigations of the Department.

- A. Sex and Kidnapping Registered Offenses Detail: The Sex Offender Detail will track all registered sex offenders living in the Village. The Detail will prepare sex offender bulletins, verify residency of released sex and kidnapping offenders, provide education to the public about sex offenders and prepare cases regarding violations of residency requirements of sex offenders. The Sex and Kidnapping Registered Offenses Detail shall be assigned by the Criminal Investigations Supervisor.
- B. Gang Identification/Activity Detail: The Gang Identification/Activity Detail will track, identify, maintain detailed records, (including photos of gang members), and investigate all persons and incidents related directly or indirectly to gang activity. This Detail shall be assigned by the Criminal Investigations Supervisor.
- C. Bias Crime Coordinator: The Bias Crime Coordinator shall coordinate Department efforts against hate crimes by handling directly or coordinating the follow-up investigation on all malicious harassment cases. The Coordinator will compile and report on all hate crimes as required by state and federal statutes.

- D. Hostage Negotiation Detail: The Hostage Negotiation Detail will provide the Department with personnel trained to deal with incidents, barricaded persons, hostage situations and extended standoffs.

**§ AD1-24. Youth/Juvenile Division.**

The Youth/Juvenile Division will:

- A. Be responsible for investigation of all crimes involving juvenile suspects.
- B. Provide Mamaroneck Village students and school staff with a visible police presence in the schools and at school activities.
- C. Work with the community, schools and parents to address issues of mutual concern involving children and young adults.
- D. Be a resource to patrol in matters involving juveniles.

**§ AD1-25. Emergency Preparedness Detail.**

The Emergency Preparedness Detail (EPD) shall consist of the Patrol Lieutenant and officers designated by the Chief of Police. The EPD will coordinate the Department's preparedness for, response to, recovery from and mitigation factors of the effects of emergencies or disasters. The EPD will be responsible for coordinating and planning for large-scale events.

**ARTICLE IV  
Standards and Duties**

**§ AD1-26. Purpose.**

This article provides the overarching philosophy for employee conduct and professionalism and serves as the foundation upon which guidelines and rules are promulgated. The content of this article is not all-inclusive; other chapters of this Manual of Procedure, directives, and other formal communications provide expanded or clarified information. A thorough review of this article will give employees, supervisors, and managers an understanding of standards and duties as they relate to their work and conduct as a member of the Mamaroneck Village Police Department.

**§ AD1-27. Philosophy.**

- A. Being an employee of the Mamaroneck Village Police Department and, in particular, a sworn officer places all of us in a position of trust and high esteem in the eyes of the public. As employees we have access to privileged and confidential information and authority that far exceeds that of other citizens. The power to conduct investigations, arrest, and to use force are specifically granted to the police through the process of democratic government. We must be ever mindful that concurrent with this authority

comes additional responsibility and that our actions are subjected to review and oversight through a variety of systems not imposed on others.

- B. Now, perhaps more so than at any other time because of the aftermath of September 11, the work that all of us do is of greater importance to the citizens we serve. The history of policing is one of working together with the community in order to have a safer society.

Members of the policing profession are respected and admired by the public for they truly know and appreciate the demands placed upon all of us as we strive to protect them and preserve civil liberties. Our jobs require professionalism and dedication, and it is incumbent on all of us to adhere to the rules and regulations of the Department and to constantly remember the special place we hold in society.

**§ AD1-28. Ensuring public trust.**

- A. To fulfill its mission, the Department needs the support and assistance from the communities it serves. One of the critical elements in creating and maintaining this important relationship is how the Department responds to perceptions and complaints from citizens.
- B. It is the Department's responsibility to receive and investigate complaints against its personnel and to conduct an investigation when there is information that an employee may have violated a law, rule, policy or procedure. In those instances, the Department will state the legal or policy violation when investigating an employee for alleged misconduct. When initiating an investigation into allegations of misconduct or violations of law not specifically defined in the Manual of Procedure, the Department shall identify the related law, standard, guideline or rule violation alleged. Employees may be disciplined for proven violations of Department standards, guidelines, rules or violation of law. The absence of a specific rule is not a shield against investigation into credible allegations of acts or omissions that are recognized as commonly held legal or workplace standards.
- C. It is not the Department's intent to interfere with or constrain the freedoms, privacy, and liberties of employees. Discipline will only be imposed where there is a nexus or relationship between the conduct and the duties, rank, assignment, or responsibilities of the employee, whether on or off duty or in or out of uniform.


**§ AD1-29. Guidelines, rules and expectations.**

The remainder of this article provides fundamental guidelines and expectations that govern the manner in which the Department fulfills its mission.

**§ AD1-30. Chain of command.**

- A. Orders. Employees shall adhere to the authority levels delineated in the Department chain of command. Employees shall obey any lawful order issued by a superior officer. Orders may be issued directly or may be relayed through a subordinate employee. This section specifically includes published notices of mandatory training. Should such order conflict with any previous order, published regulation, or table of organization, this conflict shall be respectfully called to the superior officer's attention. The superior officer who issued the conflicting order shall take steps necessary to correct conflict in orders. Superior officers assume responsibility for the actions of subordinates who are properly discharging the superior officer's directives. The ranks conferred upon employees via the

Department chain of command apply while exercising law enforcement authority, whether in an on-duty or secondary employment capacity.

-  B. Insubordination. Failure to obey a superior officer constitutes insubordination. An employee is not obligated to obey orders of a superior officer when such orders are illegal or unethical; that represent unjustified, substantial and/or reckless disregard for life and officer safety; when the superior officer has been relieved from duty by an officer superior in command; when the superior officer is experiencing a manifest psychological crisis, or is otherwise physically or mentally incapacitated; or when other articulable and substantive circumstances are present that establish that the superior officer is incompetent or incapable of discharging the duties of his/her assignment. Employees confronting this situation shall, if practical, state the basis for objecting to the order to the superior officer. If the situation remains unresolved, the employee shall immediately contact the officer next higher in rank in his/her chain of command. Employees invoking this exception shall be prepared to fully and accurately account for and justify their actions.
- C. Responsibilities of supervisors. Every supervisor or commander and manager of the Department shall apply standards, guidelines and rules of the Department in the execution of the oversight and management of the personnel assigned to them. Every supervisor, commander and manager of the Department is responsible for making and executing decisions within the scope and extent of their authority. It is the obligation of all employees to inform their superiors of their decisions and to obtain their informed advice and consent whenever appropriate or necessary. The mere existence of a person of higher authority does not excuse a supervisor, commander or manager of the decisionmaking responsibilities that are inherent in their assignment.
- D. Incident command.
- (1) The principles of the Incident Command System shall be applied whenever appropriate. The three priorities of incident command, in order, are.
    - (a) Life safety;
    - (b) Incident stabilization; and
    - (c) Property conservation.
  - (2) While the IC system itself may be amended or modified depending on the situation confronting a supervisor or commander, the essential categories are recognized to have universal applicability. These categories are as follows:
    - (a) Command, control and communications.
    - (b) Operations.
    - (c) Planning and intelligence.
    - (d) Logistics.
    - (e) Personnel and finance.

- (f) Safety.
- (g) Public information.

**§ AD1-31. Knowledge of and adherence to laws and Department policy and procedures.**

- A. Laws. Employees shall be knowledgeable of and obey federal and state laws and the laws and ordinances of the Village of Mamaroneck. Employees shall be knowledgeable of the methods to access and obtain the specific law or laws relating to the discharge of their duties, or their own conduct, and take necessary steps to ensure that they are fully informed of the contents of the law relating to their decisions or enforcement action.
- B. Manual of Procedure. Employees shall be knowledgeable of and adhere to the provisions of this Manual and of all published changes or amendments to Department Policy and Procedures as promulgated by the Chief of Police or his/her designee.
- C. Collective bargaining agreements. Employees of the Department, particularly supervisory personnel, shall be knowledgeable of applicable collective bargaining agreements and local, state and federal labor laws (e.g., FLSA).

**§ AD1-32. Communication and confidentiality through chain of command.**

Employees shall direct communications through their chain of command unless directed otherwise. If an employee believes he/she has information of such a sensitive nature as to require communication outside the chain of command, the employee may communicate directly with any higher-ranking officer, including the Chief of Police, and at that point the responsibility for any further dissemination of that information lies with the higher-ranking officer.

**§ AD1-33. Representation of Department.**

- A. Responsibility for management of the Department and promulgation of policy and budget rests with the Chief of Police.
- B. Employees shall not disseminate information concerning their interpretations of Department policy, investigations, crime patterns, budget, deployment or other opinions that could be construed as representing the Department or the Chief of Police. Subordinate employees may be granted authority to represent Department issues on a case-by-case basis, but only following delegation by their chain of command. Specific employees (Public Information Officer) may be granted broad authority to represent Department issues outside their chain of command or on behalf of the Chief of Police (or his designee).
- C. Only employees holding the rank of Lieutenant and above may comment to the media on behalf of the Department. This provision does not apply to union leaders engaged in commentary about the Department as part of their duty of representation.

**§ AD1-34. Confidentiality.**

All employees shall maintain confidentiality of sensitive Department records, the nondisclosure of which is essential to effective law enforcement, as well as private information, including criminal history, criminal investigations, complaints and disciplinary investigations, personnel information and other confidential Department information and documents and not communicate such information outside of the Department unless otherwise required by Department policy, court order or other legal mandate, or by expressed permission of the involved employee.

**§ AD1-35. Personnel information.**

All employees shall maintain confidentiality of personnel information and shall not share information of this nature unless required by Department policy, court order or other legal mandate, or by permission of the involved employee.

**§ AD1-36. Correspondence.**

- A. Departmental correspondence, including official letters and e-mails, addressed to entities outside the Department must be signed and approved by a Lieutenant or higher authority. Blanket approval for routine/repetitive correspondence may be granted by a Lieutenant or higher. Such routine correspondence shall be reviewed for content and compliance with policy on at least an annual basis.
- B. All correspondence and written communication, including but not limited to e-mails, memos and letters, is subject to public disclosure or discovery. All employees shall ensure that their communication is accurate, appropriate and professional.

**§ AD1-37. Honesty.**

- A. Employees shall be truthful, accurate and complete in oral and written communications, statements and reports; testimony; official administrative and employment records; and statements and interviews in internal investigations. The only exception to this standard is when the nature of an employee's assignment or the exigency of ensuring their safety or the safety of others requires the temporary and specific use of deception, and only then for a lawful purpose. Employees may not represent themselves in anyway as a member of the media.
- B. Substantial allegations of dishonesty may affect an employee's ability to serve as an effective witness in court, and thus be grounds for termination.
- C. One of the Department's responsibilities is to investigate and assist the Prosecutor in the prosecution of persons who commit crimes. Police also have an equally important responsibility to assist the Prosecutor in preventing any miscarriage of justice. Employees shall promptly report information that bears on or establishes innocence of a person under investigation, or who has been charged with or convicted of a crime, to their chain of command.

**§ AD1-38. Integrity.**

- A. Integrity is uncompromising adherence to moral and ethical principles and soundness of moral character. As a Department standard, employees shall be consistent in their conduct and adherence to law and Department policy. Employees shall not engage in conduct, nor associate with individuals or groups, to the degree where such conduct or association would lead a reasonable person to believe that the neutrality in employee enforcement decisions and actions may be compromised.
- B. Conflicts of interest. Employees shall not engage in enforcement, investigative or administrative functions that create conflicts of interest or the appearance of conflicts of interest. For example, employees shall not be the primary investigators of crimes where they are the victim, nor effect arrests, except in an emergency, of family members, business associates, or social acquaintances. Employees shall exercise discretion in favor of recusing themselves from any process that might reasonably be expected to either benefit or adversely impact anyone with whom they have a family, business or personal relationship.
- C. Employee associations. Employees shall not associate with persons, entities, and organizations where such association reasonably gives the appearance of conflict of interest in employee enforcement decisions or actions, criminal activity, or permitting criminal activity.
- D. Misuse of authority. Employees shall not use their position or authority as a police officer for personal gain.
- E. Gratuities.
  - (1) Employees shall not solicit or accept any gratuity or any other thing of value where there is any connection, however remote, between such offer or solicitation and the employee's Police Department employment, except as expressly approved by the Chief of Police. Employees shall not:
    - (a) Solicit or accept gratuities of merchandise, meals, beverages, or any other thing of value which might tend to influence their or any other employee's actions in any matter of police business or which might reflect adversely on the Department or any of its employees;
    - (b) Solicit or accept any discounted services or merchandise whatsoever as a result of their Department employment unless such discount is routinely offered to various groups or individuals and not limited to Department employees;
    - (c) Solicit or accept any gift or gratuity from other Department employees if such items would adversely affect the actions of the employee in connection with police operations;
    - (d) Offer or agree to purchase any item of private property, when the contact with the owner or agent of the owner is as a result of the employee's position in the Department; this prohibition to purchase specifically includes firearms and real property;

- (e) Become financially or otherwise indebted to any other employee to the extent that work performance may be affected;
  - (f) Solicit or accept any personal notoriety and/or awards or reward for services rendered incident to their position or duty as an employee of the Department; or
  - (g) Solicit or accept free admission to theaters and other places of amusement for themselves or others, except in the line of duty.
- (2) Any unauthorized gratuity, gift, fee, commission, loan, reward, or other thing falling into any of these categories which comes into the possession of any employee shall be forwarded to the Chief of Police, by chain of command, together with a written report explaining the circumstances connected therewith.

#### **§ AD1-39. Professionalism.**

Department employees, and particularly sworn uniformed officers, are the most conspicuous representatives of government and are legally granted significant authority to enforce the law and ensure public order and safety. The overarching standards that govern this authority include conduct that is respectful, neutral, objective and unbiased. Specific rules and guidelines that relate to this standard include the following:

- A. Exercise of discretion. Discretion consists of the ability to apply reason, professional experience and judgment in decisionmaking. Employees are authorized and expected to use discretion consistent with the mission of the Department and duties of their office and assignment. Generally, the scope of one's discretion is proportional to the severity of the crime or public safety issue the employee is tasked to address. In other words, an employee's scope of discretion in dealing with a minor traffic infraction is broader than when affecting the arrest on probable cause for a domestic violence misdemeanor or felony. The overarching standard defining discretion is that all decisions must be reasonable, articulable, warranted and justified. Employees who engage in conduct that is or reasonably appears to be excessive, unwarranted and unjustified may be investigated for either a specific act of misconduct or an allegation of failure to exercise appropriate judgment and discretion under this article.
- B. Courtesy. Employees shall strive to be professional and courteous at all times, whether in person or through other means of communication.
- C. Traffic stops.
  - (1) Employees shall introduce themselves to the citizen, providing name and stating the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. The officer shall provide this information at the time he/she asks the driver for his/her license and registration.
  - (2) Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense and that the citizen understands the purpose of reasonable delays.

- (3) Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant and circumstances permit.
  - (4) Provide his or her name and badge number, when requested, in writing or on a business card.
- D. Reasonable-suspicion stops. Once the reasonable suspicion for the stop is dispelled or the stop was made in error, the officer will explain why the stop was made and, if appropriate, offer an apology. An explanation and apology may transform what would otherwise have been a negative police contact into a positive one.
- E. Duty to identify. Provided that no investigation is jeopardized and no police function is hindered, when a citizen requests a Department employee engaged in Department-related activities to identify themselves (including but not limited to requests for name or badge number), the employee shall do the following:
  - (1) Uniformed, sworn employees and Parking Enforcement Officers shall provide their name, badge number and unit of assignment in writing or provide a Department-issued business card that contains their name and badge number.
  - (2) Nonuniformed, sworn employees shall display their badge and Department identification card and shall provide their name and Department badge number in writing or provide a Department-issued business card that contains their name and assignment.
- F. Prohibitions concerning derogatory language.
  - (1) Words which imply derogatory connotations or manifest contempt or disrespect toward any race, creed, religion, sexual orientation, or national origin shall not be used at any time by employees of the Department in the course of their duties or at any other time so as to bring the Department or themselves in disrepute.
  - (2) Profanity is discouraged, but it is understood that it will occur occasionally in a law enforcement environment. The use of profanity will be judged based upon the totality of the circumstances in which it is used. **Note:** Profanity is not acceptable in a professional environment.
- G. Training.
  - (1) Employees shall attend all mandatory training and meet all qualifications within the time period proscribed. In the event that an employee is unable to comply with an order for mandatory training, the following will apply:
    - (a) Employees who cannot attend a training program due to medical reasons shall submit a written waiver request on a memorandum.
    - (b) Employees who have been issued subpoenas shall be excused for that portion of the training that coincides with their court appearance.
    - (c) Employees who have missed any mandatory training as a result of excused absences shall make arrangements with the training Sergeant to complete training within a reasonable time frame.

- H. Establishing and maintaining a respectful workplace. The same standards of courtesy and respect required of employees in their conduct with citizens shall govern their relationship to coworkers in the workplace. Derogatory, demeaning, bigoted, harassing, and/or insensitive comments, jokes, printed material etc., is strictly prohibited.
- I. Completion of reports, evidence processing and other official actions. Employees shall give priority to the completion of incident or other official reports and/or processing a scene for evidence when requested by a citizen, unless there are compelling reasons to forgo these investigative actions.
- J. Criticism of others.
  - (1) Public statements of bias, personal political advocacy, criticism of peers, subordinates or superiors, criticism of other agencies or the criminal justice system, or statements that undermine or demean the police profession generally or the Mamaroneck Village Police Department and/or its employees is prohibited whenever an employee is on-duty and/or representing the Department.
  - (2) All employees share the responsibility to promote accountability within the Department. Employees shall report misconduct or complaints about misconduct.

**§ AD1-40. Secondary employment.**

Employees permitted to work secondary employment shall adhere to the standards, guidelines and rules contained in the Department Manual of Procedure. Independent employer/employee relationships that contradict or conflict with the Manual's provisions are prohibited. Employees holding the rank of Sergeant and above shall not engage in secondary employment that is coordinated, or brokered by, nor supervised or scheduled by, an employee of lower rank.

## **Chapter AD7**

### **ADMINISTRATION AND ORGANIZATION**

#### **ARTICLE I Building Management**

- § AD7-1. Purpose.
- § AD7-2. Background.
- § AD7-3. Policy.
- § AD7-4. Procedure.

#### **ARTICLE II Command Protocol**

- § AD7-5. Purpose.
- § AD7-6. Background.
- § AD7-7. Policy.
- § AD7-8. Procedure.

#### **ARTICLE III Department Forms Control**

- § AD7-9. Policy.
- § AD7-10. Creation, revision, and approval of forms.
- § AD7-11. Review and modification.
- § AD7-12. Printing and ordering forms.

#### **ARTICLE IV Emergency Evacuation of Headquarters**

- § AD7-13. Purpose.
- § AD7-14. Background.
- § AD7-15. Procedure.

#### **ARTICLE V Emergency Mobilization of Personnel**

- § AD7-16. Policy.
- § AD7-17. Procedure.

#### **ARTICLE VI Police Desk Procedures**

- § AD7-18. Purpose.
- § AD7-19. Policy.
- § AD7-20. Procedure.
- § AD7-21. Visitors.

#### **ARTICLE VII Records Inventory, Retention and Disposal**

- § AD7-22. Adoption of State Records Retention and Disposition Schedule by Village.
- § AD7-23. Definitions.
- § AD7-24. Retention and disposition.
- § AD7-25. Disposal of police records.

#### **ARTICLE VIII Serious Incident Plan**

- § AD7-26. Policy.
- § AD7-27. Responsibilities of primary officer.
- § AD7-28. Responsibilities of Squad Supervisor.
- § AD7-29. Responsibilities of Patrol Lieutenant .
- § AD7-30. Responsibilities of all supervisors.

#### **ARTICLE IX Staff Meetings**

- § AD7-31. Purpose.
- § AD7-32. Background.

## § AD7-33. Policy.

## § AD7-34. Procedure.

ARTICLE X  
Support Services Division

## § AD7-35. Responsibilities.

ARTICLE I  
Building Management

## § AD7-1. Purpose.

The purpose of this article is to establish a security protocol, including restricted access for the Police Department building.

## § AD7-2. Background.

Due to the nature of our jobs, members of the Village of Mamaroneck Police Department routinely deal with sensitive issues, confidential information, crime victims, youths and dangerous equipment. In order to ensure the safety of civilians, guests, staff and department members, it is important to maintain controlled access to all areas of the Police Department.

## § AD7-3. Policy.

It shall be the policy of the Village of Mamaroneck Police Department to maintain a secure headquarters building, restricting access to private areas to authorized individuals and controlling the access to public areas.

## § AD7-4. Procedure.

- A. Building tours. Any tour of the Police Department building must be prearranged and authorized by a Lieutenant. No building tour is permitted to interfere with a police investigation, interview, court proceeding or normal Police Department operations. Photographs and interviews of restricted areas of Police Headquarters must be authorized by the Chief of Police or his designee. The cellblock area may be shown to civilians only when unoccupied by prisoners.
- B. Building security. The Patrol Lieutenant and/or Superior Officer shall ensure that nonpublic areas of the Police Department building remain locked at all times. The locker room and garage doors will remain closed and locked. The court entrance to the building must be checked after normal business hours and after any public meetings. Court lobby access to private police offices is restricted to key holders. The lobby doors and interior courtroom doors to police offices and the Judge's chambers shall remain secured.
- C. Executive offices. All visitors to the office of the Chief of Police or the Chief's secretary will be announced. The police lobby door leading to the Executive Offices shall remain locked and entry made by authorized personnel only.

- D. Upper floors. Persons with business in the Court Clerk's offices, Building Department, and with the Fire Inspector will be directed to the court entrance to the building. Civilians with business within a branch of the Investigation Division or Support Services Division will be announced by the Desk Officer. The Desk Officer will then direct which entrance the visitor should use. Citizens requesting access to the Records Bureau will be directed to the courtroom entrance during their normal operating hours unless prior arrangements have been made. Visitors in need of bathroom facilities during business hours will be directed to the public rest rooms in the court lobby. Village employees from other departments will be encouraged to use the court entrance to access their offices.
- E. Accessibility. Until the time the Police Department building has achieved ADA compliance, every effort must be made to accommodate persons with special physical needs. The private first floor offices in the Police Department can be accessed, with assistance, through the courtroom entrance when needed. Persons with special needs who have business with departments located on upper level floors will be accommodated by notifying the proper employee.
- F. Locker room. The locker room area in the basement of Police Headquarters is restricted to police personnel only. Maintenance staff or building contractors may be authorized by the Chief of Police or Building Superintendent. Any exceptions must be cleared through the Chief of Police. All lockers must remain locked, and no personal property stored outside of lockers.

## ARTICLE II

### Command Protocol

#### § AD7-5. Purpose.

The purpose of this article is to clarify who is in charge of a situation involving personnel of different subdivisions engaged in a single operation.

#### § AD7-6. Background.

Command is exercised by virtue of office or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control over all members and employees within his/her command. This Department will adhere to any National Incident Management System (NIMS) standards that are applicable.

#### § AD7-7. Policy.

When officers of equal rank are present and in the performance of the same operation, the senior ranking officer shall be in command unless otherwise directed.

**§ AD7-8. Procedure.**

- A. A member who succeeds to any command or duty, stands in regard to his duties, in the same situation as his predecessor. The member relieved shall turn over to his successor any and all orders relating to that position in force at the time.
- B. An officer relieving or temporarily filling the position of a superior in an acting capacity shall be vested with all the authority and responsibilities of the superior. The acting superior shall not interfere with, countermand or modify the orders previously issued by another superior, except in an extreme emergency.
- C. Members acting in the capacity of a higher rank shall be accorded the same obedience and respect as the permanent ranking officer.
- D. Issuance of orders to a subordinate does not relieve a superior officer from the responsibility to see that the orders are obeyed.
- E. Ranking officers shall not perform the duties regularly assigned to a subordinate if a subordinate is available to perform them. Adherence to the chain of command shall not be passed except in an emergency.
- F. Ranking officers may exercise command over subordinates not of their regular command whenever, in his/her judgement, such action is necessary in order not to jeopardize the police purpose or the reputation of the Department.
- G. A member will, as a general rule, be required to take direct orders from and be responsible to one ranking officer. Ranking officers, however, shall exercise direct command over lower ranks outside their usual command in all situations where the police purpose or the reputation of the Department is jeopardized or if no other provision is made for personnel temporarily unsupervised. If a ranking officer requires a subordinate, not of his command, to leave a regular assignment, the ranking officer so directing will inform the subordinate's supervisor as soon as possible.
- H. At every level within this Department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities. Each Department employee will be held fully accountable for the use of, or failure to use, their delegated authority.

**ARTICLE III**  
**Department Forms Control**

**§ AD7-9. Policy.**

The Support Services Lieutenant is responsible for the control of forms utilized by the Department, except for forms used exclusively by one unit. The Forms Control Officer shall maintain a master file of Department forms.<sup>1</sup>

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1. References to specific forms throughout the Manual of Procedure indicate that they may be found in the Form Guide which is available at Police Headquarters.

**§ AD7-10. Creation, revision, and approval of forms.**

- A. Any Department member may originate requests for creation, revision, or discontinuance of Department forms.
- B. Prior to generation of a new form, employees of the Department shall contact the Accreditation and Policy Officer to determine if a form currently exists which may serve in the place of an additional form.
- C. Employee requests shall be submitted through the chain of command. The request must establish the need for the form and include a draft of the form. The Chief of Police will make a determination upon the merits of the request. Approved requests will be forwarded to the Accreditation and Policy Officer.
- D. The Accreditation and Policy Officer shall coordinate the final draft.
- E. Upon final approval, the Accreditation and Policy Officer will assign a form number if required, and add a hard copy of the form to the master file of Department forms. The Accreditation and Policy Officer shall also maintain an electronic version of the form, if one is available.

**§ AD7-11. Review and modification.**

Supervisors shall review all forms utilized within their command and shall recommend modification or discontinuation of any form as appropriate. Such recommendations shall be submitted in writing to the Accreditation and Policy Officer.

**§ AD7-12. Printing and ordering forms.**

- A. Forms used throughout the Department will normally be stocked, distributed, and recorded by the Accreditation Policy Officer or his designee.
- B. Unit-specific forms will be maintained and ordered by the Unit.
- C. All requests for print forms will be sent to the Support Services Lieutenant for authorization.

**ARTICLE IV  
Emergency Evacuation of Headquarters**

**§ AD7-13. Purpose.**

The purpose of this article is to describe the emergency evacuation procedure in the event Police Headquarters must be evacuated.

**§ AD7-14. Background.**

Every member of the Police Department should be conscious of the fact that a situation may occur within Police Headquarters that will require that the building be evacuated.

**§ AD7-15. Procedure.**

In order to prevent serious personal injury or loss of life, the following evacuation procedure shall be adhered to:

**A. Notification.**

- (1) When a member of the Department discovers a situation that will require the immediate evacuation of the building, e.g., fire, gas leak, explosion, etc., he shall, without delay, verbally notify everyone in the immediate area of the emergency. He shall then notify the Desk Officer.
- (2) The Desk Officer shall notify all other departments in Village Hall. The Fire Department and EMS shall be immediately notified.
- (3) EMS building will be utilized as a temporary headquarters until the emergency ends or a more suitable location is established.
- (4) If necessary, the telephone company will be notified to reroute all Police Department calls to the temporary headquarters or to a neighboring jurisdiction, whichever shall be more efficient and expedient.

**B. Evacuation of building. Members shall evacuate the building according to the following plan:**

- (1) The Police Chief's Office, Patrol Lieutenant's and Training Officer's office, and Chief's secretary should use the rear door and stairways to Johnson Avenue. If blocked, exit via the entrance to Headquarters.
- (2) The Detective Bureau should use the staircase located on the east or west side the building.
- (3) The Patrol Section locker room should use the garage entrance on the east side of the building. If blocked, exit via the north stairway.
- (4) The Desk Officer shall be responsible to safely evacuate all persons held in the detention cells and shall be in constant possession of all keys to the detention areas during his tour of duty.

**C. Assembly point. All personnel, after evacuating the building, shall assemble in front of the building for the purpose of being accounted for.****D. Precautions. Before evacuating an area within the building, personnel shall perform the following:**

- (1) If possible, turn off all electrical appliances and equipment.
- (2) Ensure that chairs and other objects are not left in front of doors, windows or in the center of the room.
- (3) Close all doors, but do not lock them.

- (4) Proceed to the nearest exit point as per this article, and leave the building. Do not run.
- (5) After leaving the building, proceed directly to the assembly point.
- (6) Upon arrival at the assembly point, begin accounting for all personnel that were in the building at the time the emergency was declared.
- (7) Do not reenter the building for any reason until the all clear is given, and it is safe to return.

**ARTICLE VI**  
**Police Desk Procedures**

**§ AD7-18. Purpose.**

The purpose of this article is to have and maintain a professional environment at Police Headquarters and to increase the effectiveness and efficiency of the operation of the Police Department.

**§ AD7-19. Policy.**

It is the policy of this Department to present an appearance of professionalism on all levels and to maintain a working environment conducive to a high degree of proficiency.

**§ AD7-20. Procedure.**

- A. Except during times of emergency, or when necessary, at the change of tours, no more than two officers at a time shall be behind the desk. This shall include the Desk Officer, Patrol Supervisors, the Youth Officer, Detective Sergeant and members of the Detective Bureau. It shall be the responsibility of the superior officer and/or the Desk Officer to make sure this is adhered to.
- B. No one shall be behind the desk except to conduct police business. No civilian personnel, off-duty personnel or any other unauthorized persons shall be behind the desk. Reviewing of reports shall take place in the report room.
- C. The drinking of any beverage and eating of food (with the exclusion of the Desk Officer when relief is unavailable) is prohibited. Food and beverages being consumed by the Desk Officer shall be kept clear of all electronic equipment.
- D. Smoking is prohibited in Police Headquarters.
- E. The Desk Officer may read material such as a newspaper or book on the four-to-twelve tour or twelve-to-eight tour only. A superior officer shall not read such material behind the desk except on the twelve-to-eight tour.
- F. The Desk Officer may watch television on the four-to-twelve and twelve-to-eight tour at the discretion of the on-duty supervisor.
- G. Superior officers shall concentrate their time on outside supervision and should be behind the desk only when supervisory duties require them there. Superior officers are to see that the number of personnel at Headquarters is kept to an absolute minimum. The processing of reports by patrol officers should be done on a staggered basis when possible.
- H. The Desk Officer is responsible for the operation of all radio and computer systems located at the police desk. He or she should check all systems frequently to verify that all systems are on and functioning and call for repair or service when needed. An oncoming Desk Officer will be notified of any system problems.

- I. The Desk Officer is responsible for keeping the desk area clean and free of debris. The paper shredder should be checked and emptied on each tour. He or she is also responsible for replacing depleted supplies, when possible (teletype paper, office supplies, etc.).
- J. The Desk Officer is responsible for the logging of all calls for service. Incident numbers shall be assigned in a sequential order, as required. Personnel sign-in is also recorded at the desk for civilian and sworn members of the Department. Times shall be accurately recorded.

#### **§ AD7-21. Visitors.**

Desk Officers shall not allow anyone other than superior officers to enter the rear office of the Chief or Police, his secretary or the Training Officer without first stopping at the desk and stating their business.

- A. Complaints about summonses shall be referred to the court.
- B. If the Desk Officer feels a complaint deserves the attention of the Chief of Police due to the problem at hand not being within the scope of the superior officer, then he should notify the Chief before sending anyone into the back offices.
- C. The Desk Officer shall call to state the business of anyone wishing to see the Youth Bureau, the secretary of the Chief of Police, or the Chief of Police.
- D. The Desk Officer is responsible for screening all visitors to the Detective Bureau. Between the business hours of 0900 to 1230 and 1330 to 1600 Monday to Friday, visitors will be directed to the Detective Bureau as deemed appropriate unless otherwise notified by the Detective Bureau. At all other times, visitors to the Detective Bureau will be announced from the desk by telephone.

### **ARTICLE VII**

#### **Records Inventory, Retention and Disposal**

#### **§ AD7-22. Adoption of State Records Retention and Disposition Schedule by Village.**

The revised Records Retention and Disposition Schedule which has been adopted by the Village of Mamaroneck by resolution (§§ 62-1 and 62-2 of the Mamaroneck Code). It indicates the legal minimum retention periods for municipal officers in disposing of municipal government records listed therein. The purpose of this schedule is to:

- A. Ensure that records are retained as long as needed for administrative, legal and fiscal purposes;
- B. Ensure that state and federal record retention requirements are met;
- C. Ensure that record series with enduring historical and other research value are identified and retained permanently; and
- D. Encourage and facilitate the systematic disposal of unneeded records.

**§ AD7-23. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ARCHIVAL RECORDS** — A permanent record or records which have only temporary legal, financial, or administrative value, but which are of historical and research value, which are transferred to state archives or one of its regional branches rather than being destroyed.

**PERMANENT RECORDS** — Records which have a permanent or enduring administrative, legal, or fiscal value which should be retained indefinitely.

**RECORD SERIES** — A group of related records performing a particular function which are filed as a unit, used as a unit, and which may be transferred and disposed of as a unit.

**RETENTION PERIOD** — A period of time that must elapse before a specific record series is destroyed or is eligible for disposal.

**§ AD7-24. Retention and disposition.**

- A. The Investigations Lieutenant will be the officer in charge of records retention and disposition.
- B. The Investigations Lieutenant shall be responsible for maintaining the Department's completed records retention and disposition book.
- C. The Investigations Lieutenant may designate Section Records Coordinators, for example the Criminal Investigations Supervisor for the Detective Division and the Traffic Sergeant for the Traffic Division.
- D. The Section Records Coordinators shall be the record representatives for their sections. Their duties shall include:
  - (1) Providing a listing of each record series in their unit.
  - (2) Conducting inventories of unit records.
  - (3) Recommending retention and disposition schedules of record series.
  - (4) Conducting periodic audits of retention schedules for records held by their units.
- E. Records retention and disposition shall be in accordance with Schedule MU-1, Section 185.11, 8 NYCRR (Appendix H), which has been adopted by the Village of Mamaroneck.

**§ AD7-25. Disposal of police records.**

- A. Policy.
  - (1) The majority of departmental records contain personal names and references to individuals, policies, and police activities protected by local, state and federal Law.

- (2) The disposal of all incident, case, investigative, and follow-up reports, and other documents containing names of individuals (as subjects, suspects, victims, witnesses, or complainants) shall be by destruction. Such documents shall not be placed in wastebaskets or recycling containers.
- (3) **Note:** The above requirement applies to all writings, copies, originals, and duplicates whether in manuscript, typescript, data processing, microfilm, computer disk, or any other form.

B. Responsibilities.

- (1) The Records Management Officer is responsible for the timely and proper disposition of all original criminal history record information documents including corresponding incident, case investigative, and follow-up reports, and other documents containing names of individuals as subjects, suspects, victims, witnesses, or complainants.
- (2) Individual employees are responsible for the proper disposal of copies of the documents referenced above.
- (3) Each work area shall be provided with a separate container identified as the receptacle for discarding drafts, originals, duplicates, or copies of personal name-related documents.
- (4) Units possessing shredding equipment shall destroy their own materials and those of closely adjacent units as practicable.

**ARTICLE IX**  
**Staff Meetings**

**§ AD7-31. Purpose.**

The purpose of this article is to explain the intent of the Police Department staff meetings.

**§ AD7-32. Background.**

In the operation of any police agency, it is necessary to identify specific functions that are to be accomplished by the departmental staff. An effective means of identifying these functions and obtaining staff input into general and specific departmental operations is through the use of staff meetings.

**§ AD7-33. Policy.**

In order to obtain the input of employees that are directly affected by certain written directives and operational issues, it will be the policy of the Department to review those written directives with the staff prior to promulgation and the implementation of some types of operational plans.

**§ AD7-34. Procedure.**

- A. Staff meetings will be held on an as-needed basis, with the Chief of Police and his command staff. Staff meetings will be scheduled at least quarterly for all supervisory personnel. Occasionally, it may be necessary to have other than supervisory personnel in attendance (e.g., union representative, office staff, youth officer, etc.).
  - (1) Agendas for the supervisory staff meetings will be formulated by the Support Services Lieutenant and coordinated by the Chief of Police.
  - (2) The Support Services Lieutenant will issue a departmental order to all affected personnel at least one week in advance announcing the meetings and stating the agenda. Additional topics may be added to the agenda after the announcement has been distributed.
  - (3) Supervisors are responsible for keeping accurate notes.
- B. Prior to their implementation, proposed written directives shall be distributed to those in attendance for review and commentary. The Chief may also direct that such material be distributed to representatives of employee groups that may be affected by the proposal.

## **Chapter AD22**

### **COMMUNITY RELATIONS**

#### **ARTICLE I**

##### **Community Relations and Crime Prevention**

- § AD22-1. Policy.**
- § AD22-2. Purpose.**
- § AD22-3. Relations with the public.**
- § AD22-4. Interpersonal communications.**
- § AD22-5. Identification.**
- § AD22-6. Request for departmental speakers.**
- § AD22-7. Attending meetings as representative of Department.**
- § AD22-8. Individual dignity.**

**§ AD22-9. Equality of enforcement.**

**§ AD22-10. Responsiveness to community.**

**§ AD22-11. Community access to police information.**

**§ AD22-12. Community relations programs.**

#### **ARTICLE II**

##### **Honor Guard**

**§ AD22-13. Policy.**

**§ AD22-14. Command structure.**

**§ AD22-15. Membership.**

**§ AD22-16. Member responsibilities.**

**§ AD22-17. Uniforms and equipment.**

#### **ARTICLE I**

##### **Community Relations and Crime Prevention**

##### **§ AD22-1. Policy.**

It is the policy of the Police Department, which recognizes the importance of maintaining an atmosphere of openness with the community we serve to actively seek to establish a cooperative relationship with the community and keep it informed on matters of public interest.

##### **§ AD22-2. Purpose.**

The purpose of this article is to define the Department's policy and procedures for community relations and related activities such as crime prevention. The community relations function is a responsibility of all Police Department members. The conduct of each employee reflects on the agency as a whole, and the burden of achieving the agency's community relations objectives should be shared. To that end:

- A. The Chief of Police shall be the community relations officer for the Police Department, which function will be exercised only by the Chief of Police or another member of the Department as designated by the Chief of Police.

- B. All personnel in the Department should shall project a positive image and become involved in the community needs. Every employee must be shall make himself or herself aware of the different programs that the agency has so they can inform the community.

**§ AD22-3. Relations with the public.**

- A. Courtesy. Employees shall be courteous to the public in person or when on the telephone. Employees shall be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussion, even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar circumstances.
- B. Request for assistance. When any person requests assistance or advice, makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Department procedures.
- C. Citizen complaint. Employees shall direct all complaints made by a citizen against any employee of the Department to a superior officer. Employees may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any employee of the Department. Employees shall follow established departmental procedures in Chapter OP265, Preliminary Investigations, Article VI, Public and Internal Complaint Process, for processing complaints.

**§ AD22-4. Interpersonal communications.**

- A. To promote understanding and cooperation, there must be interpersonal communication between members of the community and employees at all levels of the Department.
- B. Each employee must be aware of the law enforcement needs of the community and his or her particular assigned area of responsibility.
- C. Guided by policy, employees must tailor their performance to obtain the objectives of the Department.
- D. The Department will establish programs that encourage productive dialogue with the public at all levels and to ensure that the unity of the police and the people is preserved.

**§ AD22-5. Identification.**

- A. All employees shall carry their issued badge and identification card on their person at all times, except when impractical or dangerous to their safety in an investigation.
- B. All employees shall furnish their names and exhibit their badge to any person requesting that information when they are on duty or holding themselves out as having an official

capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

**§ AD22-6. Request for departmental speakers.**

- A. All requests for Department personnel to speak at public gatherings, luncheons, service clubs, civil associations, etc., will be referred to the Chief of Police.
- B. The Chief of Police will evaluate the request and, if appropriate, identify the Department member best suited to respond to the request.
- C. If an employee receives a request for his/her personal appearance, the employee will forward the request by memo to the Chief of Police.

**§ AD22-7. Attending meetings as representative of Department.**

- A. Whenever any member is asked to attend any meeting, as a representative of the Police Department or owing to his/her status as a member of this Department, he/she must obtain permission from the Chief of Police prior to attending such meeting.
- B. On conclusion of any meeting relative to Police Department affairs, a memo must be submitted to the Chief of Police and include the following information:
  - (1) Number of people attending.
  - (2) Purpose of the meeting.
  - (3) Group leaders of the meeting.
  - (4) Press coverage, if any and by whom.
  - (5) Date, time and location.
  - (6) Topic of discussion.
  - (7) Action proposed or follow-up needed by the Department.
  - (8) Names of police personnel attending.
  - (9) Statements by police personnel (if any needed).
  - (10) Final outcome of the meeting.
  - (11) Any other pertinent information.

**§ AD22-8. Individual dignity.**

- A. All persons have a right to dignified treatment under the law, and the protection of this right is a duty which is binding on all members of the Department.

- B. Employees must treat a person with as much respect as that person will allow and be mindful that the people with whom they are dealing are individuals with human emotions and needs.

**§ AD22-9. Equality of enforcement.**

- A. Consistency in application is a primary and fundamental element of uniform enforcement of the law.
- B. The Department services a community comprised of individuals with varied ethnic and social composition, having unique lifestyles or particular crime problems. All people have a right to the protection and security that is afforded by fair and impartial law enforcement.
- C. All persons must be able to maintain flexibility in their demeanor and enforcement methods. In order to properly respond to the varying law enforcement problems. The Department must be able to maintain flexibility in deployment and enforcement methods.
- D. Employees shall use physical force only to the extent that is reasonable and necessary. Use of physical force shall be in accordance with the law and departmental procedures.

**§ AD22-10. Responsiveness to community.**

The Department must be responsive to the needs and problems of the community. This regard for the community must be shown plainly at all levels of the Department by an obvious willingness to listen and a genuine concern for the problems of individuals or groups.

**§ AD22-11. Community access to police information.**

- A. It is necessary that there be full public disclosure of policies and an openness in matters of public interest.
- B. The Department will disseminate accurate and factual accounts of occurrences of public interest, consistent with the safety and protection of victims, witnesses and the constitutional rights of the accused and with consideration of the necessity for maintaining the confidentiality of Department records.
- C. The Department will strive to make known and accepted its objectives and policies.

**§ AD22-12. Community relations programs.**

All members of the Department, both sworn and civilian, are to be aware of the Police Department's community relations programs and are encouraged to promote them through the Village. The following are some of the community relations and crime prevention programs offered by the Department:

## A. Crime prevention and property:

- (1) Alarms.
- (2) Home security surveys.
- (3) Closed house monitoring.

## B. Crime prevention and business:

- (1) Security surveys.
- (2) Alarms.
- (3) Robbery prevention.
- (4) Participant in Mamaroneck Avenue Task Force.

## C. Crime prevention and the community:

- (1) D.A.R.E.
- (2) Public speaking.
- (3) Operation Safe Smiles.

## D. Community relations:

- (1) PBA-sponsored events for children and seniors.
- (2) Washingtonville community relations meetings.
- (3) Community policing.
- (4) Public speaking.
- (5) Child safety seats.
- (6) Gun lock program.

# CHAPTER AD31

## COMPENSATION, BENEFITS AND CONDITIONS OF WORK

### ARTICLE I Alcohol and Drug Test

- I. Purpose.
- II. Policy.
- III. Definitions.
- IV. Procedure

### ARTICLE II Alcohol and Substance Abuse

- § AD31-1 Intoxicants.
- § AD31-2 Narcotics, dangerous drugs, and controlled substances.
- § AD31-3 Medication while on duty.

### ARTICLE III Body Armor

- § AD31-4 Purpose.
- § AD31-5 Policy.
- § AD31-6 Procedure.

### ARTICLE IV Drug-Free Workplace and Employee Assistance

- § AD31-7 Purpose.
- § AD31-8 Policy.
- § AD31-9 Procedure.

### ARTICLE V Family and Medical Leave

- § AD31-10 Purpose.
- § AD31-11 Definitions.
- § AD31-12 Acceptable reasons for requesting leave.
- § AD31-13 Advance notice and request forms.
- § AD31-14 Intermittent or reduced leave.
- § AD31-15 Medical certification.
- § AD31-16 Employment and benefit protection.
- § AD31-17 Unlawful acts by employer.
- § AD31-18 Complaints.

### ARTICLE VI Harassment in the Work Place

- § AD31-19 Policy.
- § AD31-20 Definitions.
- § AD31-21 Responsibilities.
- § AD31-22 Complaint Procedures.

### ARTICLE VII Military Leave

- § AD31-23 Purpose.
- § AD31-24 Policy.
- § AD31-25 Definitions.
- § AD31-26 Procedure.

### ARTICLE VIII Off-Duty Employment

- § AD31-27 Purpose.
- § AD31-28 Policy.
- § AD31-29 Off-duty employment.
- § AD31-30 Alcoholic Beverage Control Law § 128.
- § AD31-31 Election Law § 17-110.
- § AD31-32 Racing, Pari-Mutuel Wagering and Breeding Law § 107.
- § AD31-33 Public Officers Law (Article IV); General Municipal Law (Article 18).

### ARTICLE IX Overtime Distribution

- § AD31-34 Purpose.
- § AD31-35 Policy.
- § AD31-36 Procedure.
- § AD31-37 Order of call rules.
- § AD31-38 Administrative responsibility.
- § AD31-39 Paid details (Village reimbursed by private entity).

**CHAPTER AD31**  
**COMPENSATION, BENEFITS AND CONDITIONS OF WORK,**  
(Continued)

**ARTICLE X**  
**Physical Fitness**

§ AD31-40 General health and fitness.

**ARTICLE XI**  
**Pregnancy and Maternity Leave**

§ AD31-41 Policy.  
§ AD31-42 Definitions.  
§ AD31-43 Notification.  
§ AD31-44 Limited-duty assignments.  
§ AD31-45 Maternity leave.

**ARTICLE XII**  
**Reasonable Accommodations**

§ AD31-46 Policy.  
§ AD31-47 Definitions.  
§ AD31-48 Accommodation.  
§ AD31-49 Responsibilities.  
§ AD31-50 Accommodation request procedures.

**ARTICLE XIII**  
**Sick Leave and Compensation**

§ AD31-51 Purpose.  
§ AD31-52 Background.  
§ AD31-53 Policy.  
§ AD31-54 General Rules.  
  
§ AD31-55 Sickness and injury.  
§ AD31-56 On-duty injuries or injuries reported in person.  
§ AD31-57 Off-duty injuries or injuries reported by phone.  
§ AD31-58 Existing injuries.

**ARTICLE XIV**  
**Time-Off Requests**

§ AD31-59 Purpose.  
§ AD31-60 Policy.  
§ AD31-61 Time off request.  
§ AD31-62 Back time.  
§ AD31-63 Mutual switches.

**ARTICLE XV**  
**Personal Appearance**

§ AD31-64 Grooming and fitness policy.  
§ AD31-65 Personal hygiene; cleanliness.  
§ AD31-66 Grooming standards for male officers.  
§ AD31-67 Grooming standards for female officers.  
§ AD31-68 Exemptions to grooming standards.  
§ AD31-69 Uniform appearance.  
§ AD31-70 Dress code.  
§ AD31-71 Police uniform headgear.  
§ AD31-72 Special headwear.  
§ AD31-73 Uniform shirts.  
  
§ AD31-74 Uniform jackets, sweaters and rain gear.  
§ AD31-75 Uniform trousers.  
§ AD31-76 General uniform items.  
§ AD31-77 Leather gear.  
§ AD31-78 Badges and identification cards.  
§ AD31-79 Plain clothes attire.  
§ AD31-80 Court appearance dress.  
§ AD31-81 Dress standards while on emergency call out.

**ARTICLE XVI**  
**Federal Medical Records Privacy Regulations**

§ AD31-82 Policy.  
§ AD31-83 Health Insurance Portability and Accountability Act of 1996 (HIPAA); standards for confidentiality of individually identifiable health information (HIPAA Privacy Rule).  
§ AD31-84 Procedure; law enforcement exceptions.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

POLICY NAME: <b>Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

## ARTICLE I Drug Policy

- I. Purpose:** To set guidelines for alcohol and drug testing of sworn members of the Village of Mamaroneck Police Department (herein "Employees") in an effort to establish effective detection and a deterrent to abuse and/or improper use of alcohol and prescription drug, as well as illegal drug possession.
- II Policy:** The Village of Mamaroneck and the Village of Mamaroneck PBA recognize that the use and possession of intoxicating and/or controlled substances in the work place constitutes a serious threat to the health and safety of all employees and members of the public, as well as the employee involved. Accordingly, this policy will formalize department regulations which prohibit the use of any illegal substance or drug and the abuse of alcohol and prescription drugs which are capable of impairing the ability of our employees to perform their duties.
- III. Definitions:**
- 1) Prohibited Use of Alcohol and Prescription Drugs:** The possession, on-duty use, pre-duty use of alcohol, in an amount that would adversely affect job performance, and prescription drugs (beyond the scope of a medical prescription) may subject an employee to testing under the terms of this policy.
  - 2) Prohibited Drugs:** For the purposes of this article "Prohibited Drugs" shall include amphetamines, cocaine, marijuana, methamphetamines, MDMA, opiates (NIDA 5 plus extended opiates (all forms of natural and synthetic), phencyclidine (PCP) and their metabolites.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

- 3) **Prohibited Drug Abuse:** For the purposes of this article, "Prohibited Drug Abuse" shall include the possession or use of a controlled substance or marijuana, which has not been legally prescribed and/or dispensed and the improper or excessive use of a legally prescribed drug.
- 4) **Random Employee Selection Sheet:** A computer generated list of randomly selected employees identified by employee I.D. numbers.
- 5) **Computer Control Sheet:** A computer generated list of all employees contained within the drug test data base.
- 6) **Medical Review Officer ("MRO"):** An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee as having used drugs in violation of this policy. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer prior to the transmission of the results to the Chief of Police. The MRO review shall include review of the chain of custody to insure that it is complete and sufficient on its face. The duties of the MRO with respect to negative results are purely administrative. The MRO shall be a licensed physician with knowledge of substance abuse disorders.

The MRO shall not be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the MRO has no responsibility for, and is not supervised by, or the supervisor of any persons who have responsibility for the drug testing or quality control operations of the laboratory.

The role of the MRO is to review and interpret confirmed positive test results obtained through the Village's testing program. In addition to carrying out his responsibility, the MRO shall examine alternative medical explanations for any positive test results. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
<b>DATE ISSUED:</b> July 7, 2017	<b>REVIEWED:</b> Annually	<b>AD 31 Article I</b>

biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with the procedures set forth in the mandatory guidelines for federal workplace drug testing programs.

- 7) **Substance Abuse Professional:** Means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.
- 8) **Procedure:** Employees shall be subject to random and reasonable suspicion alcohol and drug testing. If such testing is requested by the Village, it shall be at the Village's expense.

#### **IV. Procedure**

##### **A. Prohibited Conduct**

1. No employee shall report for work or remain on duty after the employee has consumed alcohol in any amount that adversely affects his/her job performance.
2. No employee shall consume alcohol at any time immediately prior or during an employee's tour of duty.
  - a. Exception: This prohibition does not include the reasonable consumption of alcohol by a sworn member of the Department engaged in undercover operations at the direction and request of the Chief of Police or his designee. However, such an employee must consume reasonably and, even under this exception, the recording of a breath alcohol test result of 0.04 or greater will be considered to have consumed more than a reasonable amount and will be in violation of this policy.

POLICY NAME: <b>Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

3. No employee shall engage in any illegal or unauthorized use of drugs at any time while on or off-duty. This includes, but is not limited to, while an employee is on or off the premises, as well as during the employee's meal or other break periods.
  - a. This prohibition does not apply to prescription or over-the-counter medications taken by employees in safety-sensitive positions which:
    - i. Have been lawfully prescribed to, or obtained by, the employee; and
    - ii. Are being used by the employee in accordance with the prescription's guidelines; **and**,
    - iii. Before reporting to work under the influence of such medication, the employee has inquired whether the drug manufacturer or the employee's physician warns against driving, operating machinery or performing other work-related safety-sensitive tasks. If such warnings exist, the employee taking the medication must inform his or her supervisor of such restrictions before reporting to work under the influence of such substances. When informing his or her supervisor(s) or the Human Resources Department of such restrictions, the employee should not identify the medication(s) being used or the reason for its use. The Village will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation, and/or an instruction that the member not work until the restriction is removed. Any employee reporting to work in a safety-sensitive position without first advising the Village about warnings accompanying lawfully

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
<b>DATE ISSUED:</b> July 7, 2017	<b>REVIEWED:</b> Annually	<b>AD 31 Article I</b>

prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this rule.

4. No employee shall engage in the unlawful or unauthorized manufacture, solicit, sell, purchase, transfer, use, posses, distribute or dispense alcohol,
5. or drugs under this policy while on duty, if outside the scope of his/her job duties, including while on any property owned by the Village of Mamaroneck, including vehicles, without permission from the Chief of Police or by prescription from a medical professional. In addition, an employee's illegal conduct involving drugs or alcohol during non-work times may also result in discipline, up to and including discharge.
6. No employee shall refuse to submit to any required drug or alcohol test conducted pursuant to this policy.
7. No employee shall fail to stay in contact with the Village or the medical review officer while awaiting the results of a drug test.
8. No employee shall report to duty if the employee tests positive for alcohol or drugs on a required test under this policy.
9. No employee shall violate the rules and procedures, terms, and/or conditions of any substance abuse program attended in connection with this policy.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

### **B. Random Periodic Testing**

The Department reserves the right to conduct random drug testing based upon an indiscriminate selection basis, as described below. This form of testing shall occur as frequently as on a quarterly basis and shall involve up to fifty (50%) percent of the Department each calendar year; as determined by the Department.

### **C. Refusal to Submit**

The refusal by an employee to submit to a drug test pursuant to the provisions of this policy may result in immediate suspension and subsequent disciplinary action, up to and including termination.

An employee who engages in any of the following conduct will be considered to have refused to submit to a test:

1. refusing or failing to appear for any substance abuse test within a specified time, as determined by the Department, after being directed to do so by the Department;
2. failing to sign an authorization form permitting the release of the drug and/or alcohol test result to the Department;
3. failing to remain at the testing site until the testing process is complete;
4. failing to provide a urine, blood, breath or saliva specimen for testing;
5. failing to attempt to provide a urine, breath or saliva specimen for testing;
6. failing to provide a sufficient amount of urine or breath when directed, without an adequate medical explanation;
7. failing or declining to take a second drug or alcohol test that the Department or collector has directed to be taken;

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
<b>DATE ISSUED:</b> July 7, 2017	<b>REVIEWED:</b> Annually	<b>AD 31 Article I</b>

8. failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Department as part of the “shy bladder” procedures, or the insufficient breath procedures;
9. adulterating or substituting a urine specimen, or attempting to adulterate or substitute a urine specimen;
10. in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (unless prohibited by law);
11. refusing or failing to notify the Department promptly that the employee was involved in a work-related accident , without a valid excuse; or,
12. failing to cooperate with any part of the testing process such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.

#### **D. Testing Procedures**

##### **1. Random Drug Testing**

- i. All testing collection procedures will be supervised by the Chief of Police’s designee and every reasonable effort will be made to maintain employee confidentiality.
- ii. Each sworn member being tested under this section shall present his or her shield and identification card at the test location, as determined by the Department, to ensure proper identification.
- iii. Upon notification by the Department of his/her selection for testing, the employee must make themselves available to the testing location and personnel as soon as practical but no later than 2 hours following notification. Notification of testing will occur while an employee is on duty and any time spent taking a test will be compensable time.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

- iv. Each employee being tested may consult with and be accompanied by a representative of his or her collective bargaining unit. The bargaining representative may confer with and advise the employee before and after the collection process, but shall not participate in or interfere with the process in any way. The collection process shall not be delayed because the association representative is unavailable.
- v. The integrity of the sample collection process will be maintained with due regard for the dignity and privacy of the employee. There shall be no direct observation of the giving of the urine sample unless there is reason to believe that the sample may be tampered with, in which event direct observation shall be made by a person of the same gender as the employee supplying the sample at the testing location.
- vi. Testing shall be performed by a laboratory licensed or certified by the Department of Health and Human Services (DHHS). Two separate containers, supplied by the lab shall be prepared for each employee being tested (split sample). Each container shall have a code number and date of collection affixed. The specimen shall be divided into two samples at the time of collection and shall be sealed and initialed in the presence of the employee and his/her bargaining representative, if so chosen and available.
- vii. The laboratory administering the test shall assure the chain of custody is established in order to verify the identity of each sample being tested.
- viii. Initial screening will be the Enzyme Multiple Immunoassay Test (EMIT). No sample will be further tested upon a negative screening for prohibited substances, as defined in this policy. After a negative screening, the sample will be destroyed.
- ix. Each and every positive EMIT test will be confirmed using Gas Chromatography- Mass Spectrometry test (GCMS). Only if confirmed by GCMS will a test result in a positive report. All

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

- x. confirmed positive drug test results will be reviewed by an MRO to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the employee's medical history, or review of any other relevant biomedical factors and all medical records made available by the employee.
- xi. An employee's use of prescription and over-the-counter medications may result in a positive test result. Employees will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a confirmed positive test.
- xii. If an employee refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the tested individual.
- xiii. If the MRO reports to the Village that a negative drug test was dilute, the employee will be directed to take another test immediately. If the employee refuses to take a second test, this constitutes a refusal to test.
- xiv. Any employee whose test results in a positive report, may, within 5 business days of receiving notification of such result, request in writing to the MRO with a copy to the Police Chief, that the second (split) sample be made available for retesting at a licensed/certified (DHHS) laboratory from a list of such laboratories supplied by the Department. If the re-testing results in a negative report, the test will be deemed negative and all samples destroyed.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

- xv. Selection of employees to be tested on a random basis shall be performed by a computer program which will randomly select the employee numbers of those to be tested. As part of the selection process, all current employees may be selected for random testing regardless of whether they had/had not been previously selected at any point in time. The selection process will adhere to the guidelines set forth by the US Department of Transportation Federal regulation 382.305.
  
- xvi. The list of randomly selected employees will remain valid for 10 business days from the date it is drawn or for 10 business days after a listed employee returns to work from paid leave. In either instance the employee will be scheduled and sent for the test at the Departments earliest convenience, without unreasonable delay. Any randomly generated list will automatically expire on the 11<sup>th</sup> business from the date drawn, the employee returns from paid leave or once the following list is established, whichever occurs first.
  
- xvii. The selected employee will be ordered to report for testing and advised of his/her right to have PBA representation, provided such participation by the PBA representative does not unduly delay testing. Selected employees will not be given any advance notice of randomly scheduled tests. The President of the Village of Mamaroneck PBA or designee will be permitted to review the list of bargaining unit members selected for testing and the computer control sheet after all selected bargaining unit members have been tested.
  
- xviii. The Department is not required to provide any notice to employees selected for random testing. All aspects of the random testing process, the test(s) and results of same, shall be confidential with due regard for the privacy and dignity of the member, except as expressly provided otherwise herein.

POLICY NAME: <b>Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

Members selected for testing must appear, with the following exceptions:

1. Medically Incapacitated (i.e., employee is hospitalized) ;
  2. Regularly scheduled day off;
  3. Military leave;
  4. Scheduled vacation;
  5. Leave due to death in family; and
  6. Personal day/compensatory time day.
- xix. All random employee selection sheets and corresponding computer control sheets will be maintained by the Supervisor in charge of Detectives.

## **2. Reasonable Suspicion Testing**

To assist supervisors to understand and to avoid the problems associated with application and enforcement of this drug/alcohol policy and these procedures, the Village will provide to its supervisors a comprehensive awareness and training program. Training will include, but not limited to, the making of determinations of reasonable suspicion, the process of sending an employee for a drug/alcohol test and referring an employee to an employee assistance program.

- i. If an employee's supervisor has reasonable suspicion to believe that the employee, while on duty, is under the influence of a substance prohibited under this policy, the supervisor shall immediately meet with the employee and provide them the opportunity to explain their conduct, performance or behavior. ***Caution will be taken not to accuse the employee of substance abuse, but the employee will be presented with instances of questionable behavior. Prior to referring an employee for testing, the supervisor will discuss the problem in a private location with the employee and, if available and able to participate in a timely manner, a PBA representative.***

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
<b>DATE ISSUED:</b> July 7, 2017	<b>REVIEWED:</b> Annually	<b>AD 31 Article I</b>

- ii. This meeting shall be considered a disciplinary interview however the employee shall not be entitled to advanced notice as to when the meeting will take place, but the employee shall have the opportunity to request a PBA representative. Should the employee not provide an explanation that is satisfactory to the supervisor, the supervisor shall immediately notify the Chief of Police or his/her designee who, after evaluating the grounds upon which reasonable suspicion is based, shall direct what action should be taken.
- iii. The Chief of Police or his/her designee may direct that testing be immediately performed for prohibited use of alcohol or drugs. Under circumstances where there is reasonable suspicion to believe the employee may be under the influence of alcohol or drugs, the Chief may direct that alcohol and drug testing be administered.
- iv. In the event an employee is directed to submit to testing for one or more of the prohibited substances identified in this policy, he/she shall follow such direction and submit to testing consistent with the terms of this policy.
- v. If the employee is ordered to submit to a test based on reasonable suspicion they shall be advised of their right to have a bargaining representative present for collection of the sample(s), but under no circumstances shall the collection be delayed for more than 2 hours to accommodate the presence of a bargaining representative. The bargaining representative may confer with the employee before and after the actual sample collection, but shall not participate in or interfere with the process in any way. Prior to the testing being conducted, the employee being tested shall be afforded the opportunity and be responsible for contacting a bargaining representative should he or she wish to do so.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

- vi. All testing collection procedures will be supervised by the Chief of Police's designee and every reasonable effort will be made to maintain employee confidentiality.
- vii. Each employee being tested shall present his or her shield and identification card at the test location, as determined by the Department, to ensure proper identification.
- viii. A written report shall be made by the supervisor who made the reasonable suspicion observations which shall include but is not limited to:
  - 1) a description of the employees appearance, behavior, conduct, body order and speech;
  - 2) the names of witnesses to the employee's appearance, behavior, conduct, body order, and speech, when practical;
  - 3) if the employee's appearance speech, body order, conduct, or behavior is not the basis for testing, a list of the facts used to support a determination of reasonable suspicion and the source of that information. A copy of the report shall be provided to the affected employee with in twenty four (24) hours of the test decision.
- ix. Refusal to submit to a reasonable suspicion test, as set forth in this policy, shall be grounds for disciplinary action being taken against the employee, up to and including dismissal from the Department.
- x. Employees subject to reasonable suspicion drug or alcohol testing must make themselves available immediately upon request and no later than 2 hours after request for such testing. Subject employees will be entitled to overtime payment for all hours or fractions thereof over the eight-hour workday that is required to complete the testing process.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

- xi. An employee who is required to submit to a “reasonable suspicion” test will be placed on paid administrative leave (as further defined below) after the completion of the drug or alcohol tests. The Village also reserves the right to evaluate the employee’s conduct that triggered the drug and/or alcohol test, to determine if the conduct in and of itself warrants discipline, up to and including termination.
- xii. The Village shall transport or make arrangements for the transport of the employee to and from the collection site.
- xiii. Testing shall be performed by a laboratory licensed or certified by the Department of Health and Human Services (DHHS). Two separate containers, supplied by the lab shall be prepared for each employee being tested (split sample). Each container shall have a code number and date of collection affixed. The specimen shall be divided into two samples at the time of collection and shall be sealed and initialed in the presence of the employee and his/her representative, if so chosen and available.
- xiv. The laboratory administering the test shall assure the chain of custody is established in order to verify the identity of each sample being tested.
- xv. Initial screening will be the Enzyme Multiple Immunoassay Test (EMIT). No sample will be further tested upon a negative screening for prohibited substances, as defined in this policy. After a negative screening, the sample will be destroyed.
- xx. Each and every positive EMIT test will be confirmed using Gas Chromatography- Mass Spectrometry test (GCMS). Only if confirmed by GCMS will a test result in a positive report. All confirmed positive drug test results will be reviewed by MRO to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the employee’s medical history, or review

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED:	REVIEWED: Annually	AD 31 Article I

of any other relevant biomedical factors and all medical records made available by the employee.

- xxi. An employee's use of prescription and over-the-counter medications may result in a positive test result. Employees will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a confirmed positive test.
- xxii. If an employee refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the tested individual.
- xxiii. If the MRO reports to the Village that a negative drug test was dilute, the employee will be directed to take another test immediately. If the employee refuses to take a second test, this constitutes a refusal to test.
- xxiv. Any employee whose test results in a positive report, may, within 5 business days of receiving notification of such result, request in writing to the MRO with a copy to the Police Chief, that the second (split) sample be made available for retesting at a licensed/certified (DHHS) laboratory from a list of laboratories supplied by the Department. If the testing results in a negative report, the test will be deemed negative and all samples destroyed. All tests will be fully paid for by the Village.
- xxv. If the test is positive for prohibitive substances, the employee may be subject to discipline, up to and including dismissal.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

#### **E. Results of Drug Testing**

Employees will be notified of the results of all tests conducted under this policy and provided a copy of the corresponding test results as they become available.

#### **F. Positive Test Results**

All positive test results will be reviewed and verified by a Medical Review Officer designated by the Department.

#### **G. Miscellaneous**

1. Should any provision of this or any comparable drug or alcohol testing policy and procedure be declared illegal by a Court of competent jurisdiction, the remaining sections of the policy and procedure shall remain in full force and effect. The parties shall, however, meet immediately to negotiate provisions to replace any section declared to be illegal.
2. Nothing herein shall be construed to restrict the Departments right, consistent with applicable provisions of law, to conduct other types of drug testing, provided that random drug testing is defined in the annexed policy and procedure and shall be governed exclusively by the terms of this stipulation.
3. Should a test be required of an off-duty employee, the standard to be employed shall be reasonable cause as opposed to reasonable suspicion.
4. The Village contracts with laboratories shall require that the laboratory maintain employee test records in confidence. The contract shall provide, in addition to the MRO's access to related information, as described herein, the laboratory shall disclose information related to testing only to the Chief of Police or his/her designee.

<b>POLICY NAME: Alcohol and Drug Testing Policy</b>		
DATE ISSUED: July 7, 2017	REVIEWED: Annually	AD 31 Article I

5. Any employee who is the subject of a test conducted under this policy shall, upon written request, have access to any records or results relating to his or her test or related information.
6. The Village reserves the right to elect to engage a different outside testing administrator.

#### **H. Disciplinary Process**

1. If a positive test occurs, such results shall provide grounds for a disciplinary action, up to and including dismissal, based upon incompetency and/or misconduct.
2. The level of discipline determined by the Department shall be premised upon a number of considerations, including but not limited to the employee's prior work history (both prior violations of this policy and other unrelated Department rules), the length of time on paid administrative leave, the nature and quantity of the prohibited substance used in violation of this policy, the events related to the failed test (e.g., if property damage or personal injury occurred in conjunction with the incident preceding the call for a test), etc.
3. Any disciplinary action taken by the Department under this policy shall be processed through the applicable procedures in the Village of Mamaroneck/PBA Collective Bargaining Agreement, the Department's Rules and Regulations, and applicable law.

**ARTICLE II**  
**Alcohol and Substance Abuse**

**§ AD31-1. Intoxicants.**

- A. Employees shall not report for duty with the odor of an alcoholic beverage on their breath or under the influence of any intoxicant.
- B. Employees shall not under any circumstances consume intoxicating beverages in any facilities operated by the Police Department or in police vehicles. This prohibition covers those facilities solely operated by or under the control of the Mamaroneck Village Police Department.
- C. When there are indications that an employee has been affected by the use of an intoxicant while on duty, the employee shall be immediately required to submit to visual tests for intoxication. The results of the tests shall be reported on an Alcohol/Drug Influence Form and will be supplemented by a breath/blood alcohol test administered by a supervisor. The lapse of time, expressed in minutes, between the initial report of observations of the accused employee's condition and the tests shall be accurately recorded.
- D. Whether on or off duty, employees shall not consume intoxicating beverages while wearing any recognizable part of the police uniform. A recognizable part of the police uniform includes but is not limited to the uniform hat, blouse, jacket, shirt, badge, leather gear, or any other uniform item which would be recognized as such by members of the general public.
- E. On-duty employees working plainclothes assignments shall not consume intoxicating beverages except when necessary to complete a particular assignment (e.g., officers in plainclothes conducting vice-related investigations). Officers involved in such investigations shall obtain prior approval from their immediate supervisor or the Chief of Police to consume intoxicating beverages while on duty.
- F. Whether on or off duty, employees wearing any recognizable part of the police uniform shall not consume any food or beverage in any tavern or the lounge area of any spirits, beer, and wine restaurant-licensed premises. Note: This prohibition does not apply to the restaurant portions of spirits, beer, and wine restaurant-licensed premises. This subsection is not meant to prohibit, curtail, or in any way discourage uniformed officers from entering taverns or lounges in the normal performance of their duties.

**§ AD31-2. Narcotics, dangerous drugs, and controlled substances.**

- A. No employee shall use or possess, outside of duty requirements, any narcotic, dangerous drug, or controlled substance, whether on or off duty, except at the direction of a physician, dentist, or other medical authority for medical purposes. Any employee who is directed by such person to use a narcotic, dangerous drug, or controlled substance shall not use such medication to the extent that performance is affected while on duty.
- B. Narcotic, dangerous drug or controlled substance does not include those drugs which can be purchased over the counter without a prescription, except those nonprescription drugs for which a signature is required.
- C. Prescription drugs which require a signature (i.e., cough syrups containing codeine, etc.) shall be reported in the same way as other narcotics, dangerous drugs, and controlled substances by employees who use them while on duty.

**§ AD31-3. Medication while on duty.**

- A. An employee using any medication which has side effects that might impair performance while on duty shall notify his or her immediate supervisor regarding the use of the medication. Employees who are directed by a competent medical authority to use a narcotic, dangerous drug, or controlled substance while on duty shall submit a Medical Release From Work Form. This form will list the type of medication prescribed and note any probable side effects it may cause, as well as any duty limitations resulting from the use of the drug.
- B. The supervisor will determine whether the employee will be allowed to perform their regular duties, be reassigned to limited duty or be relieved of duty for that shift.
- C. The Chief of Police will, as soon as possible, make a determination as to the officer's assignment while using the medication.

**ARTICLE III**  
**Body Armor**

**§ AD31-4 Purpose.**

The purpose of this article is to define the Department policy on protective body armor.

**§ AD31-5 Policy.**

The Village of Mamaroneck Police Department shall provide all sworn members with a ballistic vest or soft body armor and shall establish a policy regarding its use.

**§ AD31-6 Procedure.**

- A. Every sworn officer of the Village of Mamaroneck Police Department shall be issued a bulletproof vest (soft body armor) of a type consistent with state contract.
- B. The wearing of protective body armor will be mandatory for all uniformed patrol personnel below the rank of Lieutenant. Uniformed officers when assigned to the desk, light-duty assignments, appearing in court, teaching D.A.R.E., or other special assignments as authorized by a superior officer shall be exempt from this mandate.
- C. Personnel not mandated under Section B above shall have their issued body armor readily available for use as needed.
- D. Circumstances mandating use of body armor for all members of the Department:
  - (1) Drug raids.
  - (2) High-risk warrant service.
  - (3) Hostage negotiations situations.
  - (4) Civil disturbances.
  - (5) Any other high-risk situation as determined by a superior officer.

**ARTICLE IV**

**Drug-Free Workplace and Employee Assistance**

**§ AD31-7 Purpose.**

The Village of Mamaroneck has had a long-standing commitment to maintaining a drug-free workplace. This commitment results from a concern for the health and well-being of our employees as well as a recognition of the fact that drug and alcohol abuse adversely affects employee productivity and safety as well as increasing the cost of government. Further, Police Department employees have a unique responsibility to maintain the highest standards when conducting public business.

**§ AD31-8 Policy.**

It is the policy of the Village of Mamaroneck Police Department that the unlawful manufacture, distribution, dispensation, possession or use of any illegal controlled substance as defined in Section 812 of the Federal Code (21 U.S.C.S. § 812) is prohibited on the job or at the workplace.

## **§ AD31-9 Procedure.**

As an employer, the Village of Mamaroneck is committed to maintaining a drug-free workplace and will not tolerate drug use in the workplace. Violation of this drug-free workplace policy may subject an employee to civil, criminal and disciplinary penalties, including dismissal from employment. The Department offers confidential help to any employee through the Employee Assistance Program. Any employee with a drug-abuse problem is encouraged to seek this assistance, either directly or through a colleague or supervisor. An employee will not be penalized for seeking voluntary assistance through the Employee Assistance Program.

## **ARTICLE V**

### **Family and Medical Leave**

## **§ AD31-10 Purpose.**

In compliance with the Family and Medical Leave Act of 1993, eligible employees shall be entitled to 90 calendar days of unpaid leave during any twelve-month period for certain family and medical reasons.

## **§ AD31-11 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ELIGIBLE EMPLOYEE** -- Person employed in a permanent position on a full-time basis or part-time basis for a period of at least six months. Eligible employees do not include part-time workers employed less than 20 hours per week, intermittent, seasonal, or temporary workers.

**GROUP HEALTH PLAN** -- Health insurance coverage for medical care provided as an Incident of employment and on existing terms and conditions as provided to employees similarly situated.

## **§ AD31-12 Acceptable reasons for requesting leave.**

The following is a list of acceptable reasons for requesting family and medical leave. The entitlement to take leave under Subsections A and B shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

- A. The birth of a son or daughter of the employee and in order to care for such infant.
- B. To care for the employee's newly placed foster or adopted child.
- C. To care for the spouse or domestic partner, the child, or parent of the employee, or the child, or parent of the spouse or domestic partner, if the person has a serious health condition.

- D. To care for a serious health condition which makes the employee unable to perform his or her job.

**§ AD31-13 Advance notice and request forms.**

- A. The employee shall provide 30 days' advance notice when the need for leave is foreseen; otherwise, the employee shall provide such notice as is practicable under the circumstances.
- B. Employees shall utilize the Leave of Absence Form to request family and medical leave.
- C. The Certification of Health Care Provider Form shall be used for leave related to serious health conditions.
- D. Both forms may be obtained from the Support Services Lieutenant.

**§ AD31-14 Intermittent or reduced leave.**

- A. Leave for the birth or placement of a child shall not be taken by an employee intermittently or on a reduced schedule, unless the employee and the Village agree otherwise.
- B. Leave taken for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary.

**§ AD31-15 Medical certification.**

- A. The certification of a health care provider is required for leave because of a serious health condition. Certification must be issued by the health care provider and include:
  - (1) The date on which the serious health condition commenced.
  - (2) The probable duration of the condition.
  - (3) Appropriate medical facts within the knowledge of the health care provider regarding the condition.
  - (4) A statement that the eligible employee is needed to care for the child, spouse/domestic partner, or parent, or a statement that the employee is unable to perform the functions of the position.
  - (5) In the case of certification for intermittent leave or leave on a reduced schedule:

- (a) For planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment; and
  - (b) Involving the care of the child, parent, or spouse/domestic partner who has a serious health condition, a statement of the medical necessity or that the employee will assist in the recovery and the duration of recovery.
- B. Second and third opinions.
  - (1) The Village may require, at its expense that the eligible employee obtain the opinion of a second health care provider designated or approved by the Village.
  - (2) When the second opinion differs from the opinion in the original certification, the Village may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the Village and the employee. This third opinion shall be considered final and binding.

**§ AD31-16 Employment and benefit protection.**

- A. Upon return from family and medical leave, employees shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- B. Family and medical leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.
- C. The Village shall maintain coverage under any group health plan for the duration of an approved leave at the level, and under the conditions, that coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. Note: If the employee fails to return from leave, the Village may recover the premium paid for maintaining the coverage.
- D. Employees need not exhaust their accrued sick leave, compensatory time, or vacation leave prior to requesting or taking family and medical leave.
- E. There are conditions, obligations, and stipulations which may affect health coverage or tax liability. All employees should obtain full information regarding their particular situation from the Village.

**§ AD31-17 Unlawful acts by employer.**

- A. The Family and Medical Leave Act makes it unlawful for the Village to:

- (1) Interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act; and
- (2) Discharge or discriminate against any person for opposing any practice made unlawful by the Family and Medical Leave Act or for involvement in any proceeding under or relating to the Family and Medical Leave Act.

#### **§ AD31-18 Complaints.**

Contact the United States Department of Labor, Wage and Hour Division, for complaints related to the Family Medical and Leave Act.

### **ARTICLE VI**

#### **Harassment in the Work Place**

#### **§ AD31-19 Policy.**

- A. The Village of Mamaroneck Police Department shall provide a work environment for its employees that respects the diversity of our community, which is free from discrimination and harassment, and promotes equal employment opportunity and equitable treatment for all Department members.
- B. Harassment because of a person's race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, disability, marital status, or political ideology, or that of their relatives, friends, or associates, is employment discrimination. Such harassment violates either Village, state, or federal Laws. The Department will not tolerate any form of harassment.
- C. The Department's intent is to take positive action to prevent the occurrence of harassment in the workplace. The Department encourages employees to come forward with their concerns and complaints about prohibited workplace harassment. Retaliation against any individual for making a complaint of harassment or cooperating in a harassment investigation shall not be permitted. Any person engaging in prohibited harassment or retaliation will be subject to appropriate disciplinary action up to and including discharge.

#### **§ AD31-20 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

##### **HARASSMENT**

- A. Verbal or physical conduct toward an individual because of his or her race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age,

disability, marital status, or political ideology, or that of his or her relatives, friends, or associates, that:

- (1) Has the purpose or effect of creating a hostile, intimidating, or offensive work environment;
  - (2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - (3) Otherwise adversely affects an individual's employment opportunities.
- B. Harassment also includes sexual harassment, which is defined as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
  - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.
- C. Harassing conduct includes, but is not limited to:
- (1) Epithets, slurs, negative stereotyping including that of language or accents; threatening, intimidating, or hostile acts that relate to race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, disability, marital status, or political ideology; and
  - (2) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, creed, color, religion, sex, ancestry, sexual orientation, national origin, age, disability, marital status, or political ideology, and that is placed on walls, bulletin boards, electronic bulletin boards, e-mail or elsewhere on the employer's premises, or circulated in the workplace.
- D. Sexual harassment also includes but is not limited to sexual comments, innuendos, displays or jokes; unwelcome invitations to sexual activity, unwelcome touches, pinches, or hugs; pressure to engage in sexual activity as a condition of employment or promotion; and sexual assault.

**MANAGEMENT EMPLOYEE** -- Sworn employees from the rank of Sergeant or above and civilian employees who are responsible for managing, directing, or administering the affairs of a unit. This includes employees assigned on a temporary, acting, or out-of-class basis to any management position.

**RETALIATION** -- Punitive actions taken against an employee because they have complained about harassment, given a statement about harassment, or otherwise supported an harassment complaint. Retaliation may potentially include transfers or discharges; changes in job duties, assignments, privileges, or performance evaluations; laughing at, ignoring, or failing to take seriously an employee who experiences harassment; acting in ways that blame the victim of harassment for causing the problem; continuing or escalating harassing behavior after a coworker has objected to that behavior.

**SEXUAL HARASSMENT COMPLAINT** -- An oral or written complaint alleging an incident or a set or series of actions as defined above, made by an employee to a supervisor or a management representative, or information obtained by any supervisor or management representative indicating the possible existence of harassment in the workplace.

**§ AD31-21 Responsibilities.**

**A. Detective Supervisor.**

- (1) The Detective Supervisor shall monitor all Department procedures regarding harassment, investigate all complaints of sexual harassment within the Department, including those complaints of sexual harassment which involve possible criminal behavior by the accused employee, and furnish written recommendations for resolving sexual harassment complaints.
- (2) The Detective Bureau Supervisor reports to the Chief of Police. The Detective Bureau Supervisor is responsible for the administration and maintenance of all procedures and deciding which recommended course of action to take in resolving an harassment complaint.

**B. Supervisors and managers.**

- (1) Supervisors and managers shall immediately initiate an inquiry when there is indication that harassment may be occurring. Any action taken in resolving an incident shall be reported immediately to the Detective Supervisor. The Department has an affirmative obligation to investigate the existence of harassment in the workplace whenever it becomes aware of the possibility that harassment might be occurring. Because of this obligation, if a management representative becomes aware of the possibility of harassment in the workplace, he or she is obligated to initiate a formal investigation of the situation.
- (2) The chain of command of the employee who has been accused of harassment shall be responsible for providing assistance and cooperation to the Detective Supervisor whenever necessary during the course of an investigation. In addition, the chain of command shall

be responsible for reviewing alleged incident(s) of harassment and for submitting recommendations for personnel action, including disciplinary action.

**§ AD31-22 Complaint procedures.**

- A. The employee should promptly file a complaint with his or her immediate supervisor or management representative. If the employee has a complaint against his or her supervisor, or if the employee is uncomfortable discussing the complaint with the supervisor, the employee may contact the supervisor's supervisor, Supervisor of the Detective Division, or other management employee, who shall immediately notify the Chief of Police.
- B. The employee's complaint of harassment may be oral or written and should include, when available, the following information: date(s) incident(s) occurred, names of individuals involved, names of witnesses, and description of incident(s). It may also include a statement of the desired remedy.
- C. Employees may, at any time, seek redress from an enforcement agency (Equal Employment Opportunity Commission) or through a court of law. Administrative agencies have established a time limit of 180 days from the date of the last harassment incident for filing complaints.
- D. The Detective Supervisor shall immediately initiate an investigation of the complaint and, where applicable, assess the need to recommend removal of the parties from the same work environment. The alleged harasser shall be notified by the Detective Supervisor that a harassment complaint has been filed naming them and that it will be investigated. During the investigation process the Detective Supervisor will ensure compliance with any right to union representation of individuals, including the alleged harasser, who may be disciplined based upon his or her statements in the investigation. All parties to an investigation shall be advised by the Detective Supervisor that retaliation by anyone for filing a harassment complaint or for testifying or assisting in an investigation violates state and federal laws and shall not be tolerated.
- E. The investigation shall be completed no later than 90 days from the receipt of the complaint or from the time that responsible supervisors or the Detective Supervisor became aware that harassment may be occurring. The time limit for completing an investigation may be extended upon making a determination that additional time is necessary for a full and complete investigation of the complaint. Should the time limit be extended, the accused will be immediately notified in writing with a courtesy copy sent to the complaining employee. Accurate and detailed records of the investigation shall be maintained by the Detective Commander. A written summary of the allegations and findings of the investigation shall be provided to the complainant and to the alleged harasser.

- F. The imposition of discipline for harassment shall be in accordance with departmental personnel policy, the collective bargaining agreement and New York State law. Before making a final decision regarding disciplinary action, the Chief of Police shall ensure that the alleged harasser has been given the opportunity to review the results of the investigation, has been told of the evidence obtained, and has had an opportunity to provide a response to allegations. The Chief of Police shall take into consideration the response given by the alleged harasser.
- G. Confidentiality of a harassment complaint shall be maintained by supervisors and managers to the extent that it does not hinder the investigation or resolution of the complaint and is permitted under law.
- H. All records of complaints shall be maintained by the Detective Supervisor. If the complaint is determined to be unfounded, exonerated, or not sustained, the record of the complaint shall be expunged after three years plus the year of the complaint.

## ARTICLE VII

### Military Leave

#### **§ AD31-23 Purpose.**

The purpose of this article is to establish procedural guidelines for Department members to follow when requesting a military leave of absence.

#### **§ AD31-24 Policy.**

It is the policy of this Department to grant military leave of absence consistent with § 242 of the New York State Military Law.

- A. Pursuant to this law, a paid leave of absence shall not exceed 30 days per calendar year.
- B. Employees are eligible to use accrued time (i.e., back time, personal days, and vacation time) for their military duty in excess of 30 days, subject to the needs of the Department. The Department is not required by law to grant additional paid time off for military duty beyond the thirty-day limit.
- C. Employee's regular work schedules shall not be altered to accommodate military leave unless it is in the best interest of the Village of Mamaroneck Police Department.

#### **§ AD31-25 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

MILITARY DAY -- Any absence from duty for which paid leave is granted for the purpose of attending a military drill or training activity, regardless of the number of hours that an employee is excused from duty. In the event of active military duty, the total number of days specified on the military order plus travel days are counted as military days.

**§ AD31-26 Procedure.**

- A. Employees shall submit a copy of the military leave order plus written notification to the Support Services Lieutenant. Notification will be expected at least 30 days in advance precluding military necessity. Any cancellation or change requires the submission of new orders with written notice.
- B. The employee shall submit proof of attendance to the Support Services Lieutenant as soon as possible. Acceptable proof of attendance is:
  - (1) An original, signed statement that includes dates and times of attendance, with the name and signature of a military commanding officer;
  - (2) Any original military attendance form signed by a commanding officer;
  - (3) A military pay voucher with dates of attendance clearly indicated.
- C. If documentation is not provided after duty is performed, the military leave previously granted will be deducted from the employee's accrued time banks.
- D. If military duty conflicts with the employee's regularly scheduled tour of duty, the employee shall be allowed sufficient time for travel and rest prior to returning to work.
- E. Requests for nonpaid leaves of absence for military training shall be submitted in writing for consideration by the Chief of Police.
- F. The Support Services Lieutenant shall record and maintain cumulative records on military leave taken. A copy of each military order, including proof of attendance, shall be maintained in the employee's personnel folder.

**ARTICLE VIII**  
**Off-Duty Employment**

**§ AD31-27 Purpose.**

The intent of this article is to inform police officers of legal restrictions placed on them to ensure conflicts of interest do not exist and to outline exceptions and procedures for disclosure where applicable.

### **§ AD31-28 Policy.**

It is the policy of the Village of Mamaroneck Police Department that all officers will comply with all restrictions and controls as prescribed by state law and general orders. This policy will not serve to supersede or in any way negate other restrictions of this Department or its rules and regulations.

### **§ AD31-29 Off-duty employment.**

- A. Off-duty employment is defined as it pertains to this policy as that work that is outside the realm of the officer's official police duties. Employment scheduled through this Department as special overtime assignments are not considered by this meaning as outside employment.
- B. The following restrictions apply to all the off-duty employment of sworn members of the Village of Mamaroneck Police Department:
  - (1) All outside employment must be approved by the Chief of Police.
  - (2) Outside employment is limited to a maximum of 20 hours per week.
  - (3) Employment cannot interfere or conflict with the regular duties or regulations of the Police Department.
  - (4) Employment cannot affect the physical condition of the officer to the extent it impairs his ability to efficiently perform his duties.
  - (5) Unless authorized by the Chief, an officer may not wear any part of his uniform in outside employment.
  - (6) An officer may not be employed in a position that is specifically prohibited by law, i.e., ABC Law, Election Law, etc.
  - (7) An officer may not be employed in a position where vested police powers are a condition of employment, whether real or implied.
  - (8) An officer may not be employed in a position that may constitute a threat to the status and dignity of the police profession.

### **§ AD31-30 Alcoholic Beverage Control Law § 128.**

- A. Pursuant to the Alcoholic Beverage Control Law § 128, members shall not have any interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale, or recommend to any licensee, any alcoholic beverage.

- B. No member shall be employed in any retail licensed establishment where the consumption of alcoholic beverages is permitted on premises, except when authorized by the ABC Board and the Chief of Police.
- C. Employment in a licensed establishment for off-premises consumption (deli, etc.) is not prohibited under this procedure.

**§ AD31-31 Election Law § 17-110.**

The Election Law § 17-110 prohibits a police officer from using or threatening to use 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.

**§ AD31-32 Racing, Pari-Mutuel Wagering and Breeding Law § 107.**

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law §107, members of the Department shall not hold, directly or indirectly, any proprietary interest, stock, office, or employment with any firm, association or corporation which:

- A. Is licensed by the Wagering and Breeding Board to conduct pari-mutuel racing.
- B. Conducts its occupation, trade or business at racetracks at which pari-mutuel race meets are conducted.
- C. Owns or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutuel racing is conducted.
- D. Participates in the management of any franchised holder or licensee conducting pari-mutuel racing.

**§ AD31-33 Public Officers Law (Article IV); General Municipal Law (Article 18).**

State and municipal police officers are also subject to the provisions of Public Officers Law (Article 4, § 401 et seq.) or General Municipal Law (Article 18, § 800 et seq.). These statutes deal mainly with conflicts of interest. They impose certain prohibitions on activities by public officers and employees of municipal governments.

- A. The proscribed activities include: Police officers, due to a conflict of interest, are restricted relating to services they may provide to the employing agency.
- B. These sections of law also impose several affirmative duties:
  - (1) Police officers must disclose any interest in any contract or dealings with the Village of Mamaroneck.

- (2) Police officers must disclose any interest in any real property for which an application for any sort of variance is made.
- (3) Certain public employees may be required to file annual financial disclosure forms. As these sections of law are lengthy, it is the responsibility of the individual officer to become familiar with sections of these laws that may apply to his or her specific circumstances if conflicts of interest develop.

## ARTICLE IX

### Overtime Distribution

#### **§ AD31-34 Purpose.**

The purpose of this article is to set forth the procedure to be used in filling unanticipated staffing shortages and, when necessary, in distributing overtime to members of the Police Department.

#### **§ AD31-35 Policy.**

It is the policy of the Police Department to ensure that unanticipated staffing shortages are filled in a manner that promotes the efficiency and sound order of the Department.

#### **§ AD31-36 Procedure.**

For unanticipated overtime (tour shortage, prisoner transport, etc.), the selections shall be made by first offering overtime to the officer who has the most seniority downward until the officer with the least seniority is reached. The following shall be the order of call for unanticipated overtime:

A. Order of call for police officer's vacancy if the tour with the shortage does not have a supervisor working:

- (1) Lieutenant on duty.
- (2) Sergeant on duty.
- (3) Uniformed police officers on duty.
- (4) Any officer that switched from another tour.

In a case where the overtime position cannot be filled voluntarily, the police officer on duty with the least seniority is obligated to work.

B. Order of call for police officer's vacancy if a supervisor is working:

- (1) Uniformed police officer on duty.
- (2) Sergeant on duty.

- (3) Floating Sergeant on duty.
- (4) Lieutenant on duty.
- (5) Any officer that switched from another tour.

In a case where the overtime position cannot be filled voluntarily, the police officer on duty with the least seniority is obligated to work.

- C. Order of call for special details/situations. Overtime for special events and/or emergency situations shall be assigned by the Chief of Police or his designee based on the needs of the Department and by the qualifications and ability of the members available.

**§ AD31-37 Order of call rules.**

- A. The order of call will be by seniority, starting with the most senior to the most junior officer in rotation of the officers on duty.
- B. No officer shall work more than 20 hours of overtime in a seven-day period.
- C. No junior officer shall be obligated to work an overtime detail two days in a row. In the event of an overtime situation two days in a row, the obligated officer will be the second most junior officer on duty.
- D. No officer shall be permitted to work overtime for two consecutive eight-hour shifts following sick leave.
- E. The calling in of another officer to cover an officer's voluntary or mandatory overtime coverage will only be used in special circumstances and at the discretion of the supervisor on duty.
- F. An officer calling in sick for a tour of duty immediately after an overtime detail shall be prohibited from any overtime for the next four weeks.

**§ AD31-38 Administrative responsibility.**

- A. The Patrol Lieutenant is responsible for filling anticipated vacancies that include but are not limited to vacations, training and special details.
- B. Completed overtime slips shall be submitted for processing no later than five days after the date of the scheduled assignment and must be signed by a superior officer.

**§ AD31-39 Paid details (Village reimbursed by private entity).**

Members of the Department are not permitted to use leave time for the purpose of working a paid detail where the Village is reimbursed by a private entity on an overtime basis during the same time period as the officer's scheduled tour. This restriction also applies to an officer using switches or mutual exchange of tours which results in an officer working a detail on an overtime basis that occurs during the same time period as the officer's scheduled tour. No member of the Department shall be allowed to work a detail on an overtime basis that takes place during the same time period as the officer's scheduled tour of duty.

**ARTICLE X**  
**Physical Fitness**

**§ AD31-40 General health and fitness.**

The Department encourages employees to maintain a satisfactory level of general health and physical fitness for their own well-being. The functions of a law enforcement officer can frequently require a level of fitness not demanded by many other occupations. Proper physical fitness allows employees to perform more effectively and reduces the need for sick leave.

**ARTICLE XI**  
**Pregnancy and Maternity Leave**

**§ AD31-41 Policy.**

Pregnancy is recognized as a normal occurrence in a woman's life. The Department will provide pregnant employees an opportunity to participate in the workforce during a normal pregnancy.

**§ AD31-42 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**TEMPORARY INCAPACITY** -- The period during which the employee cannot perform all of her regular duties but is capable of performing temporary limited-duty assignment.

**§ AD31-43 Notification.**

Employees who are pregnant shall notify their supervisors and the Chief of Police at the earliest possible date.

- A. In no event shall notification be later than the conclusion of the fifth month of pregnancy.

- B. Such notification shall be in the form of a signed statement to the Chief of Police.
- C. The employee will be required to submit written certification from her physician.
- D. The employee shall be notified that continued employment shall require the submission of a medical status report at least once every six weeks, indicating that the employee is medically capable of performing the duties of her position.

**§ AD31-44 Limited-duty assignments.**

**A. Sworn employees.**

- (1) When the pregnant employee's physician determines that she may not safely perform all of the normal duties of her job, the pregnant employee shall provide the Department with a medical status report from her physician detailing what restrictions apply to the employee's continued active employment.
- (2) Upon receipt of the medical status report, the Department will reasonably accommodate the employee's desire for medically approved continued employment during pregnancy, as long as such accommodation can be reasonably made.
- (3) Temporary reassignments made pursuant to Subsection A(2) above shall be limited to the period of the incapacity caused by normal pregnancy, both before childbirth and upon return to work, but prior to the time when released by the employee's physician or a consulting physician retained by the Village, to return to full duty.

**B. Civilian employees.**

- (1) When the pregnant employee's physician determines that she may not safely perform all of the normal duties of her job, the pregnant employee shall provide the Department with a medical status report from her physician detailing what restrictions apply to the employee's continued active employment.
- (2) Upon receipt of the medical status report, the Department will reasonably accommodate such employee's desire for medically approved continued employment during pregnancy as long as such accommodation can be reasonably made.

- (3) Limitations. Temporary reassignments shall be limited to the period of temporary incapacity caused by normal pregnancy, both before childbirth and upon return to work, but prior to the time when released by the employee's physician or a consulting physician retained by the Village, to return to full duty.

**§ AD31-45 Maternity leave.**

- A. The employee shall notify the Support Services Lieutenant at the earliest possible date of the need for maternity leave.
  - (1) Such requests shall be initiated by completing a leave of absence request.
  - (2) A written statement from the employee's physician outlining the medical necessity and the estimated duration of the leave shall accompany the request form.
- B. Limitations.
  - (1) Within 30 days after the childbirth or miscarriage, the employee shall notify the Chief of Police of the approximate day that she will return to work.
  - (2) Every employee using maternity leave shall return to work at the earliest possible date.

## **ARTICLE XII**

### **Reasonable Accommodations**

**§ AD31-46 Policy.**

- A. No qualified individual with a disability shall, on the basis of disability alone, be excluded from participation or be denied the benefits of services, programs, activities, or employment. The Department, subject to reasonable fiscal limitations, shall provide reasonable accommodations to the public, on request, for physical access, communications, or other needs in order to allow participation of people with disabilities in services, programs, and activities.
- B. Since the Department is an emergency service organization dedicated to protecting life and property and preserving public order, employees must respond to large-scale emergencies, disorders, and major public events. Sworn employees, regardless of their current assignment, must be able to perform all law enforcement duties.

- C. The Department recognizes the requirement prescribed by the Americans with Disabilities Act (ADA) to make reasonable accommodations for the known or perceived physical or mental limitations of otherwise qualified employees with disabilities.

**§ AD31-47 Definitions.**

- A. The term "disability" as determined by the United States Equal Employment Opportunity Commission, means with respect to an individual:
- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - (2) A record of such an impairment; or
  - (3) Being regarded as having such an impairment. [Ref. ADA Section 3(2)]

**§ AD31-48 Accommodation.**

- A. There are four categories of reasonable accommodation:
- (1) Accommodations required to enable prospective employees and candidates to compete for a position, and provide equal opportunity in the application process;
  - (2) Accommodations that enable the Department's employees with disabilities to perform the essential functions of the position held or desired;
  - (3) Accommodations that enable the Department's employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities; and
  - (4) Accommodations made that enable people with disabilities to participate in or receive the benefits of services, programs, and activities that the Department provides.

**§ AD31-49 Responsibilities.**

The Support Services Lieutenant shall coordinate reasonable accommodation requests by employees who have incurred disabilities in compliance with the American Disabilities Act.

**§ AD31-50 Accommodation request procedures.**

- A. A request for a reasonable accommodation will be made in writing by the affected employee, addressed directly to the Americans with Disabilities Act

(ADA) representative (Support Services Lieutenant). The written request shall include:

- (1) Identification and a brief history of the employee's disability;
  - (2) A description of the accommodation(s) that the employee is seeking; and
  - (3) All relevant documentation, including any attending physician's report describing the disability and the accommodation(s) required.
- B. Upon receiving a request for a reasonable accommodation, the ADA representative shall review the request and all attached documentation. After reviewing the requirements of the Americans With Disabilities Act, the request shall be forwarded with a recommendation to the Chief of Police.
- C. The Chief of Police, after consulting with the Village Manager and Department legal advisor, shall make a determination on all requests for reasonable accommodation.
- D. The Support Services Lieutenant shall notify the affected employee of the determination, if possible within 30 calendar days of submission of the request, and shall coordinate the accommodation process.
- E. Discrimination complaints shall be handled as per Department policy.

### ARTICLE XIII

#### Sick Leave and Compensation

#### **§ AD31-51 Purpose.**

The purpose of this article is to explain the sick leave and compensation procedures to be adhered to by Department members.

#### **§ AD31-52 Background.**

Sick leave is authorized as stipulated in the collective bargaining agreement which includes an incentive and disincentive program. (See contract for details.)

#### **§ AD31-53 Policy.**

- A. The Department requires that members of the Department will only call in sick (sick or injured) when suffering from an illness or injury that prevents the performance of public duties.
- B. The Department also requires that members not feign sickness or injury nor deceive or attempt to deceive any physician, surgeon, commanding officer or

other established authority investigating the physical condition of the member reporting sick or injured.

**§ AD31-54 General rules.**

- A. Members of the Department, including school crossing guards and civilian employees, are responsible for notifying their superiors each time sick leave or compensation leave is taken, and they must indicate the particular reason for leave.
- B. Advance notification shall be given no later than one hour prior to the member's normal time for reporting for duty, unless an emergency situation exists that prevents timely notification.
  - (1) Notification will be made by a school crossing guard or by a member of his/her family by telephone to the Office of the Support Services Lieutenant. The school crossing guard absence will be documented, and a standby school crossing guard will be utilized in place of the school crossing guard on sick leave.
  - (2) Notification will be made by the member or the civilian employee requesting sick leave. If need be, a family member may notify the Desk Officer, by telephone, that sick leave is being taken. The Desk Officer shall note same on the Desk Officer's log, assigning a blotter incident number and making an appropriate computer entry.
  - (3) The Desk Officer shall also record the aforementioned on the respective Officer's Sick Report Form. The form shall be completed in its entirety, including the nature of the illness/injury and anticipated return date. The reporting officer must notify the Desk Officer where he/she is reporting from and the address and phone number where he/she will be confined. The Desk Officer shall sign and immediately submit the form to the Tour Supervisor. After reviewing the form, the supervisor shall submit the original to the Office of the Support Services Lieutenant for filing.
- C. When Department personnel report sick or injured for an apparent anticipated extended amount of time, it shall be the responsibility of that officer's superior officer or his designee to contact that member to ascertain the nature and extent of the illness or injury and probable date of return, and record this information on a memo to the Support Services Division.
- D. A member who reports himself sick, or is on compensation sick leave, is subject to visitation at his place of confinement by a superior officer or his designee, who shall file a written report of his findings.

- E. Superior officers shall promptly bring to the attention of the Chief of Police every case reported wherein a member of the Department is incapacitated for duty on account of careless, improper, vicious, or immoral conduct, wherein a member of the Department fraudulently or by concealment or by false misleading statements concerning his alleged sickness or disability endeavored to deceive or mislead superior officers or wherein a member of the Department feigns or simulates sickness or disability.

**§ AD31-55 Sickness and injury.**

- A. A member reporting on sick leave or compensation shall notify the Desk Officer each day that he will continue to be absent. If the illness or injury is such that the member will be absent for an extended period, such as an approved worker's compensation case, then periodic notification is required (as determined by the Chief of Police). Unless a specific date of return to duty is indicated, he shall notify the Desk Officer no later than three hours prior to the start of his tour of duty of his intention to return to duty. The Desk Officer shall record the initial notification on the Desk Officer's log.
- B. When on sick leave or compensation, a member shall not leave his place of confinement or residence, except by permission of the Chief of Police, except as required for medical aid, treatment, voting and religious observances during his scheduled working tour. He shall notify the Desk Officer as to the time he/she will be away from his/her place of confinement and the telephone number where he can be reached, as well as the location where he is going. He shall also notify the Desk Officer of his return to his place of confinement. No member shall after notifying headquarters that he is unable to report for duty because of illness or disability work at an off-duty job during the remainder of that calendar date.
- C. A member who has been on sick leave for three or more days (over 72 hours) may be required to submit a physician's certificate of disability, at the discretion of the Chief of Police.
- D. Personnel on sick leave may be scheduled for a doctor's appointment at the discretion of the Chief of Police.
  - (1) Based upon the determination of the doctor's report, officers may be required to remain home or return to duty. Assignments that may be accomplished by those officers returning to duty shall be determined by the Chief of Police.
  - (2) Notification for doctor's appointments will be made in advance for those individuals affected. All appointments will be scheduled on the officer's regularly assigned tours of duty, when practical.

**§ AD31-56 On-duty injuries or injuries reported in person.**

- A. The supervisor investigating the initial report of an on-duty employee injury will perform the following:
- (1) Completion of a Supervisor's Report of Employee Injury (to be submitted in duplicate, one copy to the Support Services Lieutenant and one copy to the Village Manager's office), including the supervisor's recommendations and observations.
  - (2) Obtain reports or statements from all witnesses.
  - (3) Obtain photographs of the scene (Note: Polaroid or digital photos are acceptable).
  - (4) Obtain copies of all police reports related to the incident.
  - (5) Obtain medical records when conditions permit. If medical records cannot be obtained at the time, a release signed by the injured employee will be forwarded to the Support Services Lieutenant for follow up.
  - (6) Complete Section A of the Quick-Fax Report for PERMA and have the employee sign the medical release authorization in Section B. The form should be submitted to the Injury Coordinator in the Village Manager's office on the same day as the injury.
- B. The employee is responsible for completing the Workers' Compensation Report. It is to be sent to the Village Manager's office within 10 days of a work-related injury. If, due to the nature of the injury, the employee is unable to complete the report, the supervisor will complete the form for the injured employee.
- C. All reports related to the incident will be forwarded to the Support Services Lieutenant, who will:
- (1) Forward the original records of the incident to the Chief of Police.
  - (2) Coordinate any needed follow-ups to complete the Department's investigation.
  - (3) Submit the completed investigation to the Chief of Police for review and determination.

**§ AD31-57 Off-duty injuries or injuries reported by phone.**

- A. Supervisors responsibilities shall be as follows:
- (1) The supervisor receiving the injury report shall record as much information as possible at the time he receives the report.
  - (2) The supervisor shall notify the injured employee to obtain copies of medical reports and/or x-rays and deliver same or have forwarded to the Police Surgeon.
  - (3) The supervisor shall forward the incomplete report to the Support Services Lieutenant with a notation of any additional actions taken.
- B. The Support Services Lieutenant shall be the review officer, and he shall determine those cases that do/do not require follow up.
- C. All members are reminded that timeliness of processing is important. Reports are not to be held up or otherwise delayed from processing for any reason.
- D. When personnel report workers-compensation-related injuries, a doctor's appointment is to be scheduled at the discretion of the Chief of Police. The employee is responsible for preparing the initial Workers' Compensation Report. For absences not directly following the initial report, the Workers' Compensation Recurrent/Re-injury Report must be completed and submitted to the Village Manager's office with a new Quick-Fax Report for PERMA.
- (1) Notification for doctor's appointments will be made in advance for those individuals affected. All appointments will be scheduled on the officer's regularly assigned tours of duty, when practical.
  - (2) Based upon the determination of the Police Surgeon, officers will be allowed to get a third doctor's opinion, apart from the officer's own doctor. This doctor shall be selected by the mutual agreement of the officer and the Village. The officer may also be required to report for evaluation by a physical evaluation organization for the purpose of determining the nature and extent of illness or injury. Based upon the medical evidence presented, an initial determination will be made by the Department on whether the officer can perform light duty, full duty or if he must remain out of work.
  - (3) The Department will provide two light-duty assignments to accommodate personnel on compensation or sick leave who are cleared to work light duty but reserves the right to refuse these assignments in the best interest of the Department.
  - (4) All contractual benefits will continue to be paid to those personnel who report for light duty or are unable to work light duty, based upon the

final determination or the Department's inability or refusal to provide a light-duty assignment.

- (5) A person who remains disabled and his retirement application for disability retirement has been denied by the New York State Retirement System will have his benefits continued in accordance with 207-C precedents.
- E. All Police Department personnel who are absent due to worker's-compensation-related injuries shall be required to have a current doctor's certificate or letter submitted to the Chief of Police through proper channels prior to their return to work.
- (1) A member who has been on compensation sick leave shall, upon returning to duty, submit a Return to Work Form directed to the Chief of Police through the proper channels.
  - (2) Workers' compensation cases have been subject to investigation and, in many cases, hearings. Doctor's slips, certificates or letters are necessary in order to protect the interests of the individual and the interests of the Village.
  - (3) Notification to be present at the workers' compensation hearing will be reported to the scheduling officer at least one week prior to the date of the hearing for the purpose of rescheduling the officer to a regular duty day.
  - (4) Documentation is to be forwarded through departmental channels to the Personnel Administrator.

#### **§ AD31-58 Existing injuries.**

- A. Any member reporting unable to report due to an alleged old injury is to be carried as "sick" until such time as the member submits medical proof linking the current absence as being directly caused by the prior injury.
- B. A Worker's Compensation Re-injury/Recurrent Injury Report must be submitted to the Village Manager's office on an injury or re-injury directly related to a prior workers' compensation claim.

### **ARTICLE XIV**

#### **Time-Off Requests**

#### **§ AD31-59 Purpose.**

The purpose of this article is to establish the guidelines in granting members requesting back time, personal days and mutual switches so that the Department is not adversely affected and manpower allocations are maintained.

### **§ AD31-60 Policy.**

It is the policy of the Department to provide all members with the opportunity to take time off whenever possible, according to the requirements of labor agreements and subject to the needs of the Department.

### **§ AD31-61 Time off request. [Revised 4-8-2009]**

- A. All requests for time off, including mutual switches, but excluding vacations, must be approved by the requesting officer's Patrol Supervisor. If a mutual switch involves more than one supervisor, then both must approve mutual switches. The Patrol Supervisor is responsible to make sure his tour has sufficient personnel working before granting a request. This includes checking other time-off slips, vacation schedules, etc., whether or not they have yet been posted. All approved switches are subject to the review of the Patrol Lieutenant.
- B. All requests will be forwarded to the Support Services Division for scheduling purposes.

### **§ AD31-62 Back time.**

It is the Department's intention to provide its members with the opportunity to utilize their accumulated back time. Nonsupervisory members of the Department may not carry any more than 40 hours' time at any time. Personal time must be used during the contract year and will not be carried over to the succeeding year. No more than 40 hours of vacation time may be carried on the books. Back time will be requested and granted as follows:

- A. Personal leave shall be requested on the forms provided. Personal leave will be requested through the member's immediate supervisor at least 48 hours in advance, except in cases of an emergency and each emergency request will be accompanied by the reason. Detectives will submit request through their immediate supervisors.
- B. Personal leave is not for use in conjunction with vacation or other permitted time off. Except in extraordinary circumstances, no request for time off will be accepted by the Patrol Lieutenant more than two weeks prior to the date requested off.
- C. When the operation of the Department may be adversely affected, the request may be denied at the discretion of the Chief of Police. However, permission will not be unreasonably withheld. Whenever a member calls requesting emergency personal leave, he/she will be required to give the reason for requesting the emergency personal day to the Support Services Lieutenant upon his/her return to duty.

- D. Unless prior approval is granted by the Chief of Police, time off will be deducted as follows:
- (1) First: personal days.
  - (2) Second: paid holidays.
  - (3) Third: back time.
- E. The time will be deducted as it is taken.

**§ AD31-63 Mutual switches.**

The following regulations regarding mutual switches are in effect:

- A. Members requesting a mutual switch will submit a memo to their Patrol Supervisor for his/her approval at least 72 hours in advance of the requested day and tour. (This may be waived at the option of both supervisors involved.)
- B. Patrol Supervisors will have the authority to approve or disapprove requests for mutuals. They will be responsible for ensuring that there are no conflicts such as court appearances or scheduled training.
- C. Mutual switches will not be allowed as a routine practice to create long swings on a continuing basis.
- D. Sergeants requesting a mutual with another Sergeant will assume the duties of the Sergeant for that particular tour.
- E. The Department reserves the right to disapprove requests for mutual switches.
- F. A member will not switch from a tour in which he has any scheduled court hearing, administrative hearing, training or any other scheduled Department business.
- G. Mutual switches will not be entered into the computerized schedule (POSS) by the Support Services Division.
- H. Probationary officers are not permitted to work mutual switches.
- I. Changes in the schedule are to be made by authorized personnel only. Authorized personnel are the Chief of Police or Patrol Supervisor of a particular tour affected by the request for time off.

**ARTICLE XV**  
**Personal Appearance**  
**[Added 12-1-2007]**

**§ AD31-64 Grooming and fitness policy.**

Since the Police Department is one of the most publicly visible elements of local government, it becomes incumbent upon the administration to establish and enforce standards of appearance to encourage and maintain public respect and confidence. Said standards must assure that the personal appearance of employees does not interfere with or distract from the performance of duties, so the performance may be evaluated on its own merit, individual appearance notwithstanding. Grooming standards have been devised to ensure uniformity and acceptability, while allowing enough latitude to provide for individual and personal preferences in regard to styles, fashion, and maintaining adequate levels of compliance.

**§ AD31-65 Personal hygiene; cleanliness.**

To maintain the highest degree of individual and group health, and to ensure a positive public image, Department members shall, at all times, maintain themselves, their personal clothing and equipment, and Departmental facilities, vehicles, and equipment in a clean, neat and hygienically acceptable condition.

**§ AD31-66 Grooming standards for male officers.**

Male police officers (uniformed and plain-clothed) are bound by the following provisions:

- A. Head hair may be permitted to grow naturally, but shall be groomed and neatly trimmed so as not to present a ragged, bushy, unkempt, or eccentric appearance. The hair shall not exceed the top edge of the shirt collar in back. The hair may be worn full to the extent that the ears may be partially covered; however, at least the bottom half of the ear must be exposed. In no case shall the hair on the sides or back of the head interfere with uniform headgear. In no case shall the top of the hair be higher than two inches above the top of the head, nor shall hair covering the forehead be worn in such a way to interfere with vision or the wearing of uniform headgear.
- B. Sideburns shall not extend beyond a point even with a line drawn between the bottom of the ear lobe and the bottom of the nose. The terminal portion of the sideburn (flare) shall not exceed the width of the main (unflared) portion by more than one-half inch, nor shall any sideburn exceed 1 1/2 inches in width at its widest point. Sideburns shall be kept neat and well trimmed at all times. "Mutton chop" sideburns are prohibited.
- C. Mustaches shall be kept neatly trimmed. There shall be a definite separation between the ends of the mustache and the sideburns. "Fu manchu" and "handle bar mustaches" are prohibited.

- D. Beards are prohibited. Officers shall be clean shaven in accordance with this chapter while on duty or in police uniform.
- E. If hairpieces are worn, they shall comply with all provisions of this chapter.

**§ AD31-67 Grooming standards for female officers.**

Female police officers (uniformed and plain-clothed) are bound by the following provisions:

- A. Head hair may be permitted to grow naturally, but shall be groomed and neatly trimmed so as not to present a ragged, bushy, unkempt, or eccentric appearance. Hair length shall not exceed the bottom of the shoulder patch. If plain-clothed, hair length shall not exceed the bottom of the area where the shoulder patch would be if in uniform. The bulk of the hair shall not interfere with the normal wearing of uniform headgear, nor shall it flare or curl up from beneath the lower edge of the headgear. Hair on the forehead shall not interfere with vision or the wearing of the uniform headgear.
- B. Only those items necessary to hold hair in place may be worn. Decorative accessories (ribbon, barrettes, etc.) are prohibited.
- C. If wigs are worn, they shall comply with all provisions of this chapter.

**§ AD31-68 Exemptions to grooming standards.**

Department members may be exempted from any provision of this chapter by the Chief of Police for cause. Cause may include health reasons, accommodation of physical disability, or when necessary or desirable for a law enforcement purpose. Officers on special assignment or specialized duties may be so exempted when appropriate; however, all officers shall comply with this chapter when in uniform.

**§ AD31-69 Uniform appearance.**

In the daily performance of police duties it is imperative that members of the Department present a neat, clean, uniform appearance. For that reason, the duty uniform is considered an integral part of the overall image of the Department, and is the key to instant recognition of a peace officer by the community. Accordingly, Department members engaged in general peace officer duties shall be distinctively uniformed, and attired in accordance with applicable provisions of this Manual.

**§ AD31-70 Dress code.**

- A. Compliance with all provisions of the dress code is mandatory. All employees of the Village of Mamaroneck Police Department shall familiarize themselves with the uniform or dress requirements applicable to their rank and/or position, and attire themselves accordingly. Personnel appearing in the official

police uniform shall appear in a complete uniform which is clean, pressed, and not excessively or visibly mended, sewn, repaired, patched, or worn out.

- B. Supervisors, regardless of their assignment within the Department, are responsible for assuring standard interpretation and general compliance with all provisions of this article.

#### **§ AD31-71 Police uniform headgear.**

All officers are required to own and maintain a uniform hat applicable to their rank or position. Wearing of the hat while engaged in regular police duties is optional. The wearing of the uniform hat is mandatory for special and/or formal functions such as parades, funerals, honor guards, etc., and when directed by competent authority for any special occasion.

#### **§ AD31-72 Special headwear.**

Special headwear shall be worn only in compliance with the following provisions:

- A. An approved motorcycle helmet shall be worn at all times while operating a police motorcycle for any purpose. The chinstrap shall be fastened and eye protection shall be worn whenever operating Department motorcycles.
- B. Black mouton caps with a cap badge may be worn for general police duty during exceptionally cold weather.
- C. Only headwear approved by the Chief of Police shall be worn with police uniforms.
- D. All other headwear utilized by special units shall be in accordance with the requirements of the function.

#### **§ AD31-73 Uniform shirts.**

The following provisions shall apply to uniform shirts worn as part of the regulation police uniform:

- A. Officers shall have the option to wear the short- or long-sleeve uniform shirts throughout the year. When wearing the long-sleeve shirt, officers also have the option of wearing a plain black necktie. The necktie, if worn, shall not be tucked into the shirt. Long-sleeve shirts shall not be worn with the sleeves rolled up or under, or with the pockets or sleeves unbuttoned. Any visible undershirt shall be navy blue or white in color.
- B. Officers below the rank of Lieutenant will wear the French blue shirt. Lieutenants shall wear a white uniform shirt. Special units may have an alternate colored shirt as approved by the Chief of Police.

#### **§ AD31-74 Uniform jackets, sweaters and rain gear.**

The following provisions shall apply to uniform jackets, sweaters and rain gear to be worn as part of the regulation uniform:

- A. Both light- and heavy-weight uniform jackets shall be black or navy blue in color. Buttons and other accessories shall be silver for patrol officers and gold for sergeants and above.
- B. The commando sweater with epaulets and badge tab shall be black or navy blue in color. Sweaters shall be tucked into trousers.
- C. Black or a highly visible yellow reflectorized raincoats and transparent cap covers are authorized during inclement weather, as are black galoshes or footwear. All other forms of rain gear are not authorized.

#### **§ AD31-75 Uniform trousers.**

The approved navy blue trouser is the only authorized uniform trouser for police officers.

#### **§ AD31-76 General uniform items.**

Compliance with the following provisions pertaining to uniforms is mandatory:

- A. Footwear: Only plain finished black shoes or boots are authorized. Harness boots or oil-finished footwear is not acceptable. Footwear with unusually high heels is not acceptable.
- B. Socks shall be black or navy blue. If it is necessary that socks be of a different color, the officer will be required to wear boots.
- C. Badges, official identification cards: The official Village of Mamaroneck police badge, issued by the Department, shall be worn above the left breast pocket of the uniform shirt. Cloth badges are authorized for uniform jackets and sweaters, or the issued metal badge may be worn on the jacket or sweater. In all cases, when in uniform, an authorized badge shall be worn on the outermost garment breast. The Department-issued hat badge shall be worn on the regulation police uniform hat.
- D. Name plates, shoulder patches, collar insignia: Name plates shall be silver for patrol officers and gold for Supervisors. Shoulder patches shall be worn on each shoulder of the uniform shirt, jacket or sweater. The printing and insignia of the official shoulder patch shall be readable, and the shoulder patch shall not be frayed or marred in any manner. Collar insignias shall be silver for patrol officers and gold for supervisors and shall be worn on uniform shirts.

E. Rank insignia:

- (1) Rank insignia for Sergeants shall be sewn on the sleeves of all uniform shirts, jackets and sweaters centered one-half inch below the shoulder patch. Said insignia shall consist of three chevrons for Sergeants.
- (2) Rank insignia for those ranks above Sergeant shall be pinned to the collar of uniform shirts and to the epaulets of jackets and sweaters.

F. Tie pins or tie clasps: Exceptionally large, gaudy, or colorful pins or clasps are not authorized. Any question concerning authorization of a tie pin or clasp shall be referred to the office of the Chief of Police.

G. Gloves, mittens, ear muffs, scarves: Gloves, mittens, earmuffs and scarves must be black or navy blue in color.

H. Personal jewelry items: Items of personal jewelry, such as watches, rings, etc., may be worn, provided they do not distract from the uniform. Exceptionally large or gaudy items of jewelry shall not be worn. Pendants, chokers, medallions, necklaces, etc. shall not be worn so as to be visible. Male officers are prohibited from wearing earrings. Other items of jewelry must be authorized by the Chief of Police.

**§ AD31-77 Leather gear.**

All uniform belts and accessories must be Department approved. Trouser belts shall be black. The belt shall be attached with belt keepers, snap loops, or by means of Velcro. All gear shall be kept clean and shined at all times. If metal accoutrements (buckles, snaps, buttons, etc.) are visible, they shall be of the color authorized for the officer's rank.

**§ AD31-78 Badges and identification cards.**

Employees will be issued appropriate badges and official identification cards by the Department. Said items shall not be altered, transferred, exchanged, or loaned except by order of the Chief of Police. Department members shall not use another member's badge or identification card, nor shall they permit any person to use their badge or identification card. Officers assigned to duties not requiring the wearing of the police uniform shall be prompt to display their badge and to verbally identify themselves when the necessity arises. Should it be necessary for a plain-clothed officer to continuously display a badge in the performance of duty, said badge shall be conspicuously worn so as to be easily seen. Officers shall at all times, except when prevented by decorum or special assignment, carry their badge and identification card with them, or have same readily available. Any loss of the badge or identification card shall be immediately reported, in writing, to the office of the Chief of Police.

#### **§ AD31-79 Plain clothes attire.**

- A. Male officers assigned to duties which do not require the wearing of the police uniform will be required to wear a shirt and tie. Civilian clothing will be of such material, style, and construction as to present a businesslike, professional appearance. Female officers assigned to the same type of duty may wear pants, pantsuits, dresses, or skirts and sweaters or blouses. Plain-clothes officers shall refrain from wearing footwear or clothing which does not exemplify a business-like appearance.
- B. An officer may be exempt from complying with the provisions of this order by the Chief of Police when such exemption would facilitate attainment of a police objective.

#### **§ AD31-80 Court appearance dress.**

Uniformed officers on duty shall appear in court in uniform. Off-duty officers and personnel assigned to duties which do not require wearing of the police uniform will appear in uniform or suit or sports coat and tie while attending court. This will apply to any judicial proceeding or administrative proceeding.

#### **§ AD31-81 Dress standards while on emergency call out.**

- A. Personnel called out for emergency duty shall keep in mind that they are considered "on duty" and comply with the dress and grooming standards set forth for their particular assignment. Some latitude may be allowed for emergency situations, but generally, such personnel will be expected to comply with applicable orders regarding personal appearance.
- B. If an employee is unable to comply with the "on duty" dress code, a black nylon jacket, with the visible word "POLICE," should be worn to identify the off-duty employee. The nylon jacket should be worn at all times the employee is working at the scene of a police incident.

### **ARTICLE XVI**

#### **Federal Medical Records Privacy Regulations**

[Added 12-1-2007]

#### **§ AD31-82 Policy.**

Since April 14, 2003, a federal regulation gives federal privacy protections to medical records (45 CFR Parts 160 and 164). The regulation places legal obligations on doctors, hospitals, pharmacies, insurance companies, etc., governing their ability to disclose medical information about a suspect or victim and may, in some situations, prevent them from giving such information. This General Order is written to help law enforcement officers/criminal investigators understand how to obtain personal medical evidence needed for investigations, within the bounds of federal law.

**§ AD31-83 Health Insurance Portability and Accountability Act of 1996 (HIPAA); standards for confidentiality of individually identifiable health information (HIPAA Privacy Rule).**

- A. HIPAA's "Standards for Confidentiality of Individually Identifiable Health Information" governs how and when a "covered entity" can use or disclose individually identifiable health (medical) information (in whatever form) concerning an individual person (in HIPAA terminology: "protected health information").
- B. There are three types of covered entities under HIPAA:
  - (1) Health plans: group and individual health insurance, HMOs, Medicare, Medicaid and other government health plans.
  - (2) Health care clearinghouses: billing services and providers.
  - (3) Health care providers: doctors, nurses, paramedics and other emergency services personnel; hospitals and clinics; pharmacies (see 45 CFR 160.103).
  - (4) Medicare prescription drug discount card sponsors.
- C. Protected health information is individually identifiable health information which is transmitted by electronic media, or maintained in any electronic medium (defined at 45 CFR 162.103), or transmitted or maintained in any other form or medium. (Essentially, all health records identifiable by a patient name or other personal identifier, such as a Social Security number, are protected health information!)
- D. As a general rule, covered entities may not use or disclose protected health information unless permitted by a provision of the rules, such as the:
  - (1) Patient provides written authorization (permission) for the disclosure; or
  - (2) Disclosure is for a health oversight purpose; or
  - (3) Disclosure is for a certain law enforcement purpose (see § AD31-84, Procedure); or
  - (4) Disclosure is otherwise required by law, e.g., statute, subpoena or court order.
- E. The behavior of government agencies that are not covered entities (e.g., law enforcement) is not regulated by the HIPAA Privacy Rule, but when law enforcement agencies seek protected health information from covered

entities, the rules will dictate how the covered entities respond to law enforcement requests for protected health information.

**§ AD31-84 Procedure; law enforcement exceptions.**

A. The HIPAA Privacy Rule provides law enforcement exceptions to the requirement that patients authorize a covered entity's disclosure of their protected health information. So, if a covered entity or a person speaking on behalf of a covered entity, says: "Sorry officer/detective, I can't give you that information because of the HIPAA privacy regulations....." or "The patient didn't authorize this disclosure....." You can respond with one of the following applicable response, if it applies....., "Yes [Covered Entity], you can give me the information I need because [one of the following law enforcement exceptions applies]..."

- (1) Always display your badge and identification when making requests.
- (2) Remember that only one of the law enforcement exceptions need apply.
- (3) Ensure compliance with state medical privacy laws.

B. Law enforcement exceptions:

- (1) Required by Law [45 CFR 164.512(f)(1)(ii)]: for example, "the laws of this state require reporting of [certain types of wounds or other physical injuries...] to law enforcement agencies....."
- (2) Court order, warrant, subpoena or summons issued by a judicial officer [45 CFR 164.512(f)(1)(ii)(A)]: "I am serving a court-ordered subpoena on you, so can (and must) produce the medical records I am seeking."
- (3) Grand jury subpoena [45 CFR 164.512(f)(1)(ii)(B)]: "I am serving a grand jury subpoena on you, so you can (and must) produce the medical records that I seek."
- (4) Administrative subpoena or request, but only if three specific requirements are met [45 CFR 164.512(f)(1)(ii)(C)]: "because I am serving an administrative subpoena on you, and I certify that the subpoena meets the three-part test...":
  - (a) The information sought is material to a legitimate law enforcement inquiry;
  - (b) The request is specific and limited in scope to the purpose for which it is being sought; and

- (c) De-identified information could not reasonably be used (i.e., without SSN or name, the information would be useless as evidence).
- (5) Locate or identify [45 CFR 164.512(f)(2)]: "I am trying to locate or identify a suspect ... fugitive ... material witness ... or a missing person." This exception will permit access to eight types of individually identifiable information (but excludes DNA, dental records, bodily fluid, or tissue, which would require a subpoena).
- (6) Information about a victim of a crime [45 CFR 164.512(f)(3)]: "I need this information about this person, who is or I suspect is a victim of a crime ... or to determine if some else committed a crime ... that cannot be delayed until the victim approves disclosure.."
- (7) Crime on premises [45 CFR 164.512(f)(5)]: "the [covered entity] believes that information is evidence of a crime that occurred on the premises (e.g., a nursing home, hospital, etc.)."
- (8) Reporting crime in emergencies [45 CFR 164.512(f)(6)]: "you are an emergency health care worker who responded to a medical emergency outside the hospital (etc.) and you can tell law enforcement about the commission and nature of the crime; location of the crime and victims; the identity, description or location of the perpetrator....."
- (9) Victims of abuse, neglect, domestic violence [45 CFR 164.512(c)]: This exception is limited to four specific scenarios; if possible, get a subpoena or the individual's agreement to use his/her medical information instead of relying on this exception.
- (10) Coroners [45 CFR 164.512(g)(1)]: "because the coroner or medical examiner needs the information to determine the cause of death or perform his other duties."
- (11) To avert a serious threat to health or safety [45 CFR 164.512(j)]: "The disclosure is necessary to avert a serious and imminent threat to a person's safety or the public...; or to identify or apprehend an individual .. because that individual admitted participating in a violent crime that may have caused serious physical harm to the victim"; or "to identify or apprehend someone who escaped from a correctional institution or from lawful custody."
- (12) Other important miscellaneous exceptions: National security and intelligence; protective services for the President and others; jails, prisons, law enforcement custody to safeguard the person/s in custody or corrections employees who are in proximity of the person/s in custody.

- C. Patient notification. To stop a covered entity from disclosing to patients that you have their medical information:
- (1) Make an oral request that the entity not make a disclosure to the patient; and
  - (2) Follow up with a written request, on official letterhead, within 30 days.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 31 Article XVI

## ARTICLE XVI

### Sexual Harassment Prevention Policy

- I. **Mission:** The Village of Mamaroneck ("Village") is committed to maintaining a work environment free from unlawful sexual harassment, which is a form of employment discrimination. Unlawful sexual harassment is strictly prohibited and will not be tolerated by the Village.
- II. **Purpose:** This Policy applies to all employees, appointed and elected officials, interns, temporary workers, individuals providing services to the Village in the workplace, as well as everyone with whom the Village does business (e.g., outside vendors, consultants, members of the public, independent contractors). All such individuals are prohibited from engaging in unlawful sexual harassment. Anyone who engages in sexual harassment in violation of this Policy will be subject to discipline or other corrective action in accordance with applicable law.

No person covered by this Policy shall be subject to adverse employment action because he/she makes a good faith report of an incident of sexual harassment, or provides information or otherwise assists in any investigation of a sexual harassment complaint. Any person covered by this Policy who engages in retaliation prohibited by this Policy will be subject to disciplinary or other corrective action in accordance with applicable law.

The Village will conduct a prompt, thorough and impartial investigation, consistent with this Policy, in response to any complaint about sexual harassment, and will take appropriate disciplinary or other corrective action against the harasser whenever prohibited sexual harassment is found to have occurred. All employees, interns, and temporary workers are required to cooperate with any investigation of sexual harassment conducted by the Village.

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 31 Article XVI

**III. Policy: What Is "Sexual Harassment"?**

A. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment includes unwelcome conduct which is of a sexual nature or directed at an individual because of that individual's sex when:

1. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment, even if the complaining individual is not the intended target of the sexual harassment;
2. such conduct is made either explicitly or implicitly a term or condition of employment; or
3. submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

B. A sexually harassing hostile work environment can consist of unwanted sexual advances, threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual's sex, where the conduct is so severe and pervasive as to alter the terms of employment for the individual subject to the harassment. It makes no difference if the individual engaging in such conduct is "just joking" or "teasing" or "playful." Sexual harassment can also occur when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment.

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
<b>DATE ISSUED:</b> October 30, 2018	<b>REVIEWED:</b> Annually	<b>AD 31 Article XVI</b>

C. The following is a non-exhaustive list of some of the types of acts that may constitute sexual harassment:

1. Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions.
3. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
4. Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.
5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes sexual displays on Employer-issued or personal computers, cell phones or tablets in the workplace or to anyone covered by this Policy.
6. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
7. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender.

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 31 Article XVI

- D. Sexual harassment can occur between any individuals, regardless of their sex or gender. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment is unlawful, regardless of whether the person engaging in the harassing conduct is a co-worker, intern, temporary worker, subordinate, supervisor or Village officer or elected official, anyone else providing services to the Village in the workplace or anyone else with whom the Village does business (e.g., outside vendors, consultants, members of the public, independent contractors).
- E. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside work. Calls, texts, emails, and social media usage containing inappropriate messages, language, or graphics may also constitute sexual harassment or contribute to a sexually hostile work environment for anyone covered by this Policy, even if such things occur away from the workplace, on personal devices, or during non-work hours.
- F. No Retaliation
1. Retaliation includes any conduct which might deter a reasonable person from making or supporting a charge of sexual harassment. Retaliation against an individual who makes a good-faith complaint about sexual harassment or what they believe to be a violation of this Policy, or who participates in an investigation into alleged sexual harassment is strictly prohibited and will not be tolerated. Anyone who engages in retaliation prohibited by this Policy will be subject to disciplinary or other corrective action in accordance with applicable law.

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 30 Article XVI

**G. Reporting Sexual Harassment**

1. Preventing sexual harassment is everyone's responsibility. The Village cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other person covered by this Policy, who believes the actions or words of a co-worker, supervisor, manager, officer, elected official, intern, temporary worker, anyone else providing services to the Village in the workplace or anyone else with whom the Village does business, or other incident(s) involving such individual(s), constitutes sexual harassment must take the following actions:
  - If possible, tell the harasser that his/her actions are not welcome and must stop.
  - Promptly report the harassing action(s), word(s) and/or incident(s) to the Department Head or Village Manager. If you feel uncomfortable speaking with either the Department Head or Village Manager, or if you feel a complaint you previously made has not been adequately addressed, report the harassing action(s), word(s) and/or incident(s) to the Mayor or Board of Trustees.
  
2. Reports of sexual harassment may be made verbally or in writing. A form for submitting a written complaint is attached at the end of this Policy. Individuals are strongly encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of sexual harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the harassment, direct quotes and/or evidence (e.g., notes, e-mails, digital recordings, etc.) of the harassment. Individuals who report sexual harassment on behalf of another person should state clearly that the complaint is being made on another person's behalf.

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 31 Article XVI

#### **H. Supervisory Responsibilities**

1. Any Department Head or other supervisor who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Village Manager.
2. In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, Department Heads and supervisors will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

#### **I. Investigation of Sexual Harassment**

1. The Village, either itself or through a delegated investigator, will conduct an impartial investigation into all reports, complaints or other information about suspected sexual harassment, regardless of whether that information was reported in verbal or written form. All employees and other individuals covered under this Policy are required to cooperate with the Village's investigation into suspected sexual harassment, and are required to provide truthful and complete answers to questions asked of them by the investigator.
2. Investigations will be conducted in as timely and thorough a manner as possible commensurate with the nature of the complaint, and will be confidential to the extent possible. Immediately upon receiving a complaint, the Village will conduct a review of the allegations and if appropriate put interim measures in place for the investigation. The individual bringing the complaint, and the victim if that person is not the complainant, will each be given an opportunity to present their version of events and any relevant evidence to the investigator. Anyone accused of sexual harassment will be informed of the allegations against them, and will be given an opportunity to present their version of events and any relevant

<b>POLICY NAME: SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 31 Article XVI

3. evidence to the investigator and shall be permitted to do so in the presence of a union representative where required by law. The investigation may also include reviewing documentation and other evidence, and interviewing other individuals identified as witnesses to the alleged harassment or who may otherwise have information relevant to the allegations being investigated. The Village may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.
4. If the Village's investigation is conclusive and prohibited sexual harassment is found to have occurred, appropriate disciplinary or other corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future harassment. Appropriate disciplinary action, which may include termination of employment, will be taken in accordance with applicable law and the terms of any applicable collective bargaining agreement.
5. Once the investigation is complete and a determination has been made, such determination will be communicated to the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint), and the accused harasser. Follow-up interview(s) or other communication with the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint) and/or any individual that participated in the Village's investigation into a complaint of unlawful harassment may be conducted where appropriate, to ensure that the sexual harassment has not resumed and that no retaliation has occurred.

**J. Legal Protections and External Remedies**

1. Sexual harassment is not only prohibited by the Village but is also prohibited by state, federal, and, where applicable, local law.
2. In addition to the procedures described in this Policy, if the sexual harassment involves potential criminal conduct such as rape or sexual assault, such conduct should be reported to the local police department.

POLICY NAME: <b>SEXUAL HARASSMENT PREVENTION</b>		
DATE ISSUED: October 30, 2018	REVIEWED: Annually	AD 31 Article XVI

3. Individuals may also bring complaints to the U.S. Equal Employment Opportunity Commission ("EEOC"), the New York State Division of Human Rights ("NYSDHR"), the Westchester County Commission on Human Rights or in court within the time periods required by law.
4. The NYSDHR enforces the New York State Human Rights Law (N.Y. Executive Law, art. 15, § 290 et seq.), which prohibits sexual harassment in employment in New York State and protects employees and other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the NYSDHR subject to a one-year statute of limitations, or in New York State Supreme Court subject to a three-year statute of limitations. If unlawful discrimination is found, the NYSDHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The NYSDHR can be contacted at (888) 392-3644 or at its website [www.dhr.ny.gov](http://www.dhr.ny.gov).
5. The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (42 U.S.C. § 2000e et seq.). A discrimination complaint can be filed with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints, and may pursue a claim in federal court on behalf of the complaining party or issue a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)) or at its website [www.eeoc.gov](http://www.eeoc.gov).
6. Many localities enforce laws protecting individuals from sexual harassment and discrimination. For example, the Westchester Human Rights Law, which is enforced by the Westchester Commission on Human Rights (<https://humanrights.westchestergov.com/>), may provide protections to individuals who work within Westchester County.

### Questions

If you have any questions about this Policy, please contact the Village Manager.

VILLAGE OF MAMARONECK  
SEXUAL HARASSMENT COMPLAINT FORM

**YOUR INFORMATION**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_ Work Address: \_\_\_\_\_

\_\_\_\_\_

Personal Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Preferred Communication Method: \_\_\_\_\_

**INFORMATION CONCERNING SUSPECTED HARASSMENT**

1. The name of the person(s) you believe is engaging in harassment

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Other identifying information: \_\_\_\_\_

Relationship to you: • Supervisor • Subordinate • Co-Worker • Other: \_\_\_\_\_

2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) harassment occurred: \_\_\_\_\_

Is the harassment continuing?     • Yes   • No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint. Please use additional sheets of paper if necessary.

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5. Have you previously complained or provided information (verbal or written) about harassment at the Village? If yes, when and to whom did you complain or provide information and what was the resolution?

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Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Complaint Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
Print

## **Chapter AD40**

### **COURT**

#### **ARTICLE I Court Appearance and Conduct**

- § AD40-1. Purpose.**
- § AD40-2. Policy.**
- § AD40-3. Procedure.**
- § AD40-4. Members' responsibilities.**

#### **ARTICLE II Crime Victims Assistance**

- § AD40-5. Purpose.**
- § AD40-6. Policy.**
- § AD40-7. Procedure.**
- § AD40-8. Eligibility.**

- § AD40-9. Awarding of compensation.**
- § AD40-10. Emergency benefits.**

#### **ARTICLE III Criminal Case Testimony**

- § AD40-11. Felony case testimony.**
- § AD40-12. Misdemeanor case testimony.**
- § AD40-13. Signing statements or documents.**
- § AD40-14. Department employees appearing as defense witnesses.**

#### **ARTICLE I Court Appearance and Conduct**

##### **§ AD40-1. Purpose.**

The purpose of this article is to establish a policy relative to court appearances or hearings by members and employees of the Village of Mamaroneck Police Department.

##### **§ AD40-2. Policy.**

It is the policy of the Village of Mamaroneck Police Department to have its members and employees appear in court and at court-related appearances prepared and attired in a proper professional manner.

##### **§ AD40-3. Procedure.**

- A. All members and employees shall appear before any court, hearing board, or investigating body whenever required. A subpoena, notice of hearing, or verbal notification by a competent authority shall, for the purpose of this article, be deemed proper notification for appearance.
- B. All members shall be punctual when reporting to any court, hearing board or investigating body.
- C. Members shall be attired in the proper manner as follows:

- (1) In the uniform of the day, during duty hours, when the member is required to wear a uniform. It will not be mandatory to wear the uniform when appearing on off-duty time.
  - (2) Members having plainclothes assignments, or members appearing on off-duty time who elect not to wear the uniform of the day, shall be dressed in appropriate civilian business attire when making scheduled court appearances.
- D. Members and employees shall verbally report to the Clerk of the Court, Judge, District Attorney, or hearing officer immediately upon arrival at such proceedings. All members and employees giving testimony shall be properly prepared. While in the courtroom, possess only material pertaining to the prosecution of the case. Address your replies to the jurors or the Judge. Answer all questions truthfully and completely. Understand questions before answering.
- E. If in doubt, request that the question be repeated or clarified. If unable to provide an answer, so state. Do not volunteer information or opinions. Be impartial, calm, and speak in a clear tone of voice.
- F. Whenever, for a valid reason, a member or employee is unable to appear as directed, it shall be his/her responsibility to notify the court or agency, and his/her supervisor, stating the reason for nonappearance, with enough notice to avoid disruption of the proceeding.
- G. Whenever a court appearance is made while on off-duty time, the police desk shall be notified, and the member will be placed on the sign-on roster. A properly completed overtime request form shall be submitted by the member upon return to duty.

#### **§ AD40-4. Members' responsibilities.**

- A. The appearance and demeanor of members and employees of the Village of Mamaroneck Police Department are constantly being observed by the court and jurors while in and out of the courtroom. Their appearance, conduct and attitude should be such as to add to the dignity of the court and the credibility of the Department and the officer.
- B. It is the responsibility of the member/employee to notify the on-duty supervisor if he/she will be arriving late for a scheduled tour of duty due to a court appearance.
- C. Members/employees receiving a subpoena, on behalf of the defense in a criminal matter, or all civil matters, will forward a copy of the subpoena to the Office of the Chief of Police.

## **ARTICLE II Crime Victims Assistance**

#### **§ AD40-5. Purpose.**

The purpose of this article is to define the Department's policy, procedures and responsibilities pursuant to the New York State Crime Victims' Compensation Law (Executive Law, Article 22, § 625-a.).

**§ AD40-6. Policy.**

- A. The Village of Mamaroneck Police Department recognizes that many innocent victims suffer personal physical injury, death or disability, incur financial hardships or become dependent upon public assistance as a result of violent crime.
- B. Members of the Department are required to help crime victims avail themselves of assistance as provided by the New York State Crime Victims' Compensation Law.

**§ AD40-7. Procedure.**

- A. Eligible crime victims shall be provided with the State of New York brochure entitled "Crime Victims Can Get Help." This brochure contains a crime victim claim form and is available at the police desk and at the Detective Bureau.
- B. Members of the Department will be required to explain the contents of the brochure and claim form.
- C. Members of the Department will be required to advise victims of their option to contact the nearest victims assistance office for help or guidance in submitting or completing the crime victims claim form.<sup>1</sup>

**§ AD40-8. Eligibility.**

The following persons may be eligible for crime victims' compensation awards:

- A. A victim of a crime who has sustained personal physical injury.
- B. A victim of unlawful imprisonment in the first degree or of kidnapping in the first or second degree.
- C. An elderly (60 or older) or disabled victim who has suffered a loss or damage to articles of essential personal property.
- D. The surviving spouse, parent, child or person dependent upon the victim who dies as a direct result of a crime.
- E. The person who has paid or incurred the burial expenses of an innocent victim who dies as a direct result of a crime.
- F. A child victim (under 18) of or witness to a crime, or the child's parent, guardian or sibling.

**§ AD40-9. Awarding of compensation.**

- A. Compensation may be awarded if:

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1. See Contact Guide.

- (1) The victim was an innocent victim of the crime.
- (2) The crime was reported to the police within one week, or justification for the delay can be shown.
- (3) The claim for compensation benefits is filed within one year of the discovery of the crime, or justification for the delay can be shown.

**B. Compensation benefits include:**

- (1) Expenses for medical or other related services not covered by other insurance or benefit programs.
- (2) Lost earnings or loss of support up to \$400 per week up to a maximum of \$20,000.
- (3) Burial expenses up to \$2,000.
- (4) Occupational rehabilitation expenses.
- (5) Counseling expenses.
- (6) The cost of repair or replacement of essential personal property lost, damaged or destroyed as the direct result of a crime up to \$100.
- (7) Transportation expenses for necessary court appearances in connection with the prosecution of the crime.
- (8) The cost of residing at or utilizing the services of a domestic violence shelter.
- (9) For a victim of a crime who has acted as a good samaritan, the cost of lost, damaged or destroyed property up to \$5,000. (A victim of a crime acts as a good samaritan when attempting to prevent a crime, lawfully apprehend the perpetrator of a crime, or assisting a police officer in making an arrest.)
- (10) The cost of reasonable burial expenses without regard to the financial difficulty of the survivors when a police officer or fire fighter dies from injuries received in the line of duty as a direct result of a crime.

**§ AD40-10. Emergency benefits.**

- A. Emergency benefits may be available if the victim is deemed to be potentially eligible for compensation benefits and would suffer an undue financial hardship if some immediate payment is not made.
- B. In the event it is believed by a member of this Department that a person may be eligible for emergency aid, the victim should be referred directly to Victims Assistance Services.

ARTICLE III  
Criminal Case Testimony

**§ AD40-11. Felony case testimony.**

Department employees shall not discuss the testimony they may give in a felony case with anyone outside the Department without the prior approval of the concerned prosecuting attorney. If an employee receives a request to discuss such a case, the employee shall refer the requestor to the Prosecutor.

**§ AD40-12. Misdemeanor case testimony.**

- A. Department employees, while on duty, may speak with defense attorneys or their investigators about misdemeanor cases (adult or juvenile) without prior approval of the Prosecutor.
- B. Preconversation tasks; concern about line of questioning.
  - (1) Prior to any conversation with the defense, employees shall:
    - (a) Ensure the person asking the questions is actually representing the defendant as either a defense attorney or defense investigator.
    - (b) Review the report(s) of the incident.
    - (c) Confirm the victim in the case is not a Department employee.
    - (d) Make sure they have information relevant to the case.
    - (e) Check to make sure the case is an active criminal court case.
  - (2) If there is a concern about the line of questioning, or if there appears to be the potential that any other investigation may be compromised by answering the questions, terminate the interview and contact the District Attorney's Office.
- C. If any of the above conditions are not met, the employee should refer the defense attorney or investigator to the Prosecutor. Officers who decline to speak with the defense may be subpoenaed or ordered by the court to give a deposition.

**§ AD40-13. Signing statements or documents.**

Department employees shall not sign any statement or document concerning a criminal case prepared for anyone outside the Department, except at the direction of the concerned Prosecutor.

**§ AD40-14. Department employees appearing as defense witnesses.**

Whenever an employee receives a request, notice, or subpoena to be a defense witness in any criminal case, either by personal appearance, deposition, or affidavit, the employee shall immediately notify the concerned prosecuting agency.

## **Chapter AD48**

### **DIRECTION**

#### **ARTICLE I Goals and Objectives**

##### **§ AD48-1. Background.**

##### **§ AD48-2. Policy.**

##### **§ AD48-3. Annual review.**

##### **§ AD48-4. Annual posting.**

##### **§ AD48-6. Background.**

##### **§ AD48-7. Policy.**

##### **§ AD48-8. Definitions.**

##### **§ AD48-9. Authority and responsibility.**

##### **§ AD48-10. Procedure.**

##### **§ AD48-11. Responsibilities of members.**

##### **§ AD48-12. Responsibilities of Accreditation Manager.**

#### **ARTICLE II Written Directives**

##### **§ AD48-5. Purpose.**

#### **ARTICLE I Goals and Objectives**

##### **§ AD48-1. Background.**

The greater the understanding of what the Department hopes to accomplish, the greater the chances for success. It is important that all members of the organization be apprised of Department goals and objectives and how these goals and objectives will be accomplished.

##### **§ AD48-2. Policy.**

It shall be the policy of the Village of Mamaroneck Police Department to list the goals and objectives of the Department by the first day of February each year and that these goals and objectives shall be disseminated to all personnel.

##### **§ AD48-3. Annual review.**

The Chief of Police, with his supervisory staff, will make an annual review of the Department's goals. The goals from the previous year will be assessed to determine the progress made towards attaining those goals. A written evaluation of the Department's progress will be prepared by the Chief of Police, or his designee, and disseminated to all personnel within the first two months of the calendar year.

##### **§ AD48-4. Annual posting.**

- A. The goals and objectives for the coming year will be posted and distributed to all members of the Department.

- B. Each member is expected to be aware of and assist in the achievement of these goals and objectives.

## ARTICLE II Written Directives

### § AD48-5. Purpose.

The purpose of this article is to explain the written directive system of the Village of Mamaroneck Police Department.

### § AD48-6. Background.

The efficient and effective performance of the Village of Mamaroneck Police Department is dependent upon the quality and relevance of information, as well as the direction it provides to Department personnel. This goal can be accomplished through the implementation and utilization of this written directive system.

### § AD48-7. Policy.

The Chief of Police, by authority of the Village Board, has been given the authority to issue, modify or approve agency written directives. To accomplish this, it is the policy of the Department to provide for its members a well-designed current and correctly implemented written directive system. This system will provide employees with a clear understanding of the constraints under which they should operate and expectations they should fulfill.

### § AD48-8. Definitions.

The following types of written directives and communiques will be utilized and their definitions are as follows:

**DEPARTMENTAL ORDER** — A directive affecting only a specified segment of the organization or a statement of policy or procedure regarding a specific circumstance or event that is of a temporary nature.

**ARTICLE** — Permanent directives concerned with policy, rules, regulations, and procedures affecting more than one organizational component.

**INSTRUCTIONAL MATERIAL** — Training guidelines, bulletins and checklists.

**MANUALS** — A compilation of policies, procedures, rules and regulations and/or other written directives used for guidance in a specific area.

**MEMO/REPLY FORM** — An informal document that may or may not convey an order; it is generally used to clarify, inform or inquire.

**E-MAIL NEWS RELEASE** — A specific format utilized to publish all Department news releases.

**POLICY** — A written broad statement of agency principles. Policy statements will be included in general orders and may be characterized by such words as "may or should," and usually do not establish fixed rules or set procedures for conduct of a particular activity.

**RULES AND REGULATIONS** — A set of specific guidelines promulgated by the Village Board to which all employees must adhere.

**SPECIAL BULLETIN** — An informal Department form utilized to communicate general Department information to all employees.

**§ AD48-9. Authority and responsibility.**

- A. Pursuant to the authority granted to the Chief of Police, these written directive manuals are hereby established for the operations of the Village of Mamaroneck Police Department and are approved by the Chief of Police.
- B. Responsibility for the revision and updating of these written directives rests with the Chief of Police or his designee.

**§ AD48-10. Procedure.**

- A. Changes or rewritten or new general orders, policies, procedures and rules and regulations will be subject to review before issuance or adoption.
- B. The individual designated to develop a written directive will submit a typed draft to the Chief of Police or his designee.
- C. The draft will be reviewed by the Chief of Police and his command staff. Upon completion of this review, it will be forwarded to various supervisors for review and comment and returned according to allotted time schedules.
- D. Those written directives that are of interest to the bargaining unit will be forwarded to their representatives for review and comment.
- E. Upon completion of the review and comment phase, a final draft will be completed by the assigned member and forwarded to the Chief of Police for his signature.
- F. Written directives shall not conflict with established rules and regulations or with administrative regulations and statutory law imposed by a higher authority. Written directives adopted by the Village of Mamaroneck Police Department will be considered issued in official form when signed by the Chief of Police or his designee and will be in full force and effect as of the date noted. Any statements in these written directives found to be illegal, incorrect or inapplicable shall not invalidate or affect the validity of the remaining parts.

**§ AD48-11. Responsibilities of members.**

- A. Upon issuance of written directives in the form of general orders, rules and regulations, and manuals, affected members will sign off having read and understood the general orders, rules and regulations, and manuals and will sign a receipt for the materials on the

forms provided, acknowledging in writing the receipt of the directive. The signed forms will be returned to the Support Services Lieutenant.

- B. Individual members will be responsible for reviewing all of the monthly changes made to the written directives contained in the Manual of Procedure.

**§ AD48-12. Responsibilities of Accreditation Manager.**

- A. The Accreditation Manager is responsible for maintaining a master file of all written directives and the purging of same when necessary.
- B. Individual members will be responsible for reviewing all of the monthly changes made to the written directives contained in the Manual of Procedure.

## **Chapter AD64**

### **DUTIES AND RESPONSIBILITIES**

#### **ARTICLE I Unlawful Posting of Notices**

#### **§ AD64-2. Enforcement procedures.**

#### **§ AD64-1. Village Code prohibition cited.**

#### **ARTICLE I Unlawful Posting of Notices**

#### **§ AD64-1. Village Code prohibition cited.**

Mamaroneck Village Code § 238-12 prohibits posting of any poster or other paper or device calculated to attract attention of the public to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

#### **§ AD64-2. Enforcement procedures.**

- A. For on-view incident: Violators may be cited for posting notices on a Village ordinance summons.
- B. For reports of previously posted signs:
  - (1) Attempt to identify the violator.
  - (2) Issue a VO summons to violator.
  - (3) Instruct violator to remove the signs, or contact DPW to remove the signs.

## **Chapter AD69**

### **EMPLOYMENT STANDARDS, PRACTICES AND PROCEDURES**

#### **ARTICLE I Commendation**

- § AD69-1. Purpose.**
- § AD69-2. Policy.**
- § AD69-3. Procedure.**
- § AD69-4. Unclassified awards.**
- § AD69-5. Classified awards.**

#### **ARTICLE II Disciplinary Procedures**

- § AD69-6. Purpose.**
- § AD69-7. Background.**
- § AD69-8. Policy.**
- § AD69-9. Procedure.**
- § AD69-10. Punitive action.**
- § AD69-11. Progressive discipline.**
- § AD69-12. Command discipline.**
- § AD69-13. Nonacceptance of option.**

#### **ARTICLE III Grievance Procedure**

- § AD69-14. Purpose.**
- § AD69-15. Policy.**
- § AD69-16. Procedure.**

#### **ARTICLE IV Performance Evaluation**

- § AD69-17. Purpose.**
- § AD69-18. Higher education.**

- § AD69-19. Objectives.**
- § AD69-20. Procedure.**
- § AD69-21. Documentation.**
- § AD69-21.1. Definition of tasks.**
- § AD69-21.2. Rating categories.**
- § AD69-21.3. Transfer ratings and special ratings.**
- § AD69-21.4. Disputed reviews.**

#### **ARTICLE V Promotions**

- § AD69-22. Purpose.**
- § AD69-23. Policy.**
- § AD69-24. Procedure.**

#### **ARTICLE VI Recruitment and Selection**

- § AD69-25. Purpose.**
- § AD69-26. Policy.**
- § AD69-27. Recruitment.**
- § AD69-28. Selection.**
- § AD69-29. Background investigation.**
- § AD69-30. Psychological screening.**
- § AD69-31. Physical examination.**
- § AD69-32. Probationary appointment.**
- § AD69-33. Oath of office.**
- § AD69-34. Maintenance of records.**

**Request for Commendation  
Form**

**ARTICLE I**  
**Commendation**  
**[Revised 4-8-2009]**

**§ AD69-1. Purpose.**

The purpose of this article is to award commendation to members of the force who perform outstanding acts while in the line of duty.

**§ AD69-2. Policy.**

It is the policy of the Department to accept recommendations for recognition of significant acts by its members and to make awards when the recommended member is deemed qualified.

**§ AD69-3. Procedure.**

- A. When a supervising officer feels that a subordinate under his command, a fellow supervisor, or he himself has performed police acts in the line of duty that qualify him for commendation, he should submit a Request for Commendation. <sup>1</sup> The application must be submitted within 15 days of the date of the incident. A copy of the case report must be attached to the Request for Commendation form, and the supervisor should be prepared to expound upon the incident at the Awards Committee meeting.
- B. Upon completion of the Request for Commendation, it shall be submitted to the Chief of Police for review. The Chief of Police shall review all reports, statements, etc., and forward these documents to the Awards Committee for final determination.
- C. The Awards Committee will consist of the Sergeants, Lieutenants and the Chief of Police.
- D. Any supervisor being considered for an award will exit the meeting room prior to any vote discussion.
- E. The Awards Committee will meet annually in April to evaluate all requests for commendation.
- F. The Chief of Police, at his discretion, may grant meritorious leave to a member of the Department who makes an unusually important arrest or who, in the line of duty, performs an act of particular merit.

**§ AD69-4. Unclassified awards.**

- A. The department medal of honor (medal/bar/certificate). This medal may be awarded to a member who intelligently, and in the line of police duty, gives his life or distinguishes himself by the performance of an act of courage involving risk of imminent danger to his life, with knowledge of the risk, above and beyond the call of duty.

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1. Editor's Note: The Request for Commendation Form is included at the end of this chapter.

- B. Wounded in service (medal/bar/certificate). This award is presented to an officer who suffers serious physical injury by means of a deadly weapon or dangerous instrument which involves a substantial risk of death.
- C. Wounded in service (bar/certificate). This award is presented to an officer who suffers physical injury by means of a deadly weapon or dangerous instrument which involves a substantial risk of death.

**§ AD69-5. Classified awards.**

- A. Distinguished Service Award Class 1 (bar/certificate). This medal may be awarded to a member of the Department who intelligently, and in the line of duty, performs an act involving risk of life, but which is not above and beyond the call of duty.
- B. Exceptional Merit Award Class 2 (bar/certificate). Awarded to a member who, by his diligence, ability and courage, effects an excellent arrest involving a major crime category and which may result in the clearance of several crimes.
- C. Excellent Police Duty Award Class 3 (bar/certificate). Awarded for an act of intelligent and valuable police service; includes acts materially contributing to a valuable police accomplishment.
- D. Honorable Service Award Class 4 (bar/certificate). Awarded for a creditable act in the line of duty which meets some, but not all, of the requirements for other awards and, in so doing, demonstrates initiative and competence.
- E. Lifesaving Award Class 4 (bar/certificate). The Lifesaving Award shall be awarded to any member of the Village of Mamaroneck Police Department who is directly responsible for saving of a human life. Documentation and supporting evidence must be included to substantiate the award, such as statements from witnesses, physicians, or supervisors.
- F. First Aid Award Class 4 (bar/certificate). This award may be made where evidence suggests that actions by the officer(s) were beyond their scope and prolonged a human life to the extent that the victim was released to the care of medical authorities, even though the victim may expire at a later time.
- G. Administrative recognition (Village Board). At a Board of Trustees meeting, a member(s) may be recognized for performing a task in an exemplary manner, thereby displaying alertness, efficiency and dedication to duty as determined by the Chief of Police.
- H. Command recognition (letter). A letter from the Chief of Police, recognizing a member of the Department for performing a task, in displaying alertness, efficiency and dedication to duty, may also be awarded, on an annual basis, to one or more individuals for overall outstanding duty performance.

ARTICLE II  
**Disciplinary Procedures**

**§ AD69-6. Purpose.**

The purpose of this article is to define the authority and responsibility delegated to departmental supervisors for the maintenance of discipline and to describe the progressive disciplinary process and our positive discipline procedures through our commendation system.

**§ AD69-7. Background.**

The Village of Mamaroneck Police Department promotes effective discipline and believes this to be a positive procedure. Our rules and regulations specify rules of conduct for all employees. These rules of conduct are detailed in the rules and regulations of the Village of Mamaroneck Police Department's Manual of Procedure.

**§ AD69-8. Policy.**

Historically, the need for high standards of discipline from Police Department employees is well established and only through a well-disciplined Police Department can the integrity of the agency be maintained. Discipline with both positive and negative sanctions is vital to the effective performance and morale of Department employees, and training is seen as an integral part of this program. Furthermore, the Department utilizes a progressive discipline approach that attempts to correct problems in a constructive, nonpunitive manner.

**§ AD69-9. Procedure.**

- A. Commendations. The Commendation Program of the Village of Mamaroneck Police Department is to provide awards to members of the Department who have performed outstanding or notable acts while in the performance of their duties. A complete detailed explanation of the Commendation Program appears in Article I, Commendation, of this Chapter AD69.
- B. Training. In minor disciplinary cases or where remedial training is indicated, counseling and training will be utilized as a corrective method of positive discipline with the approval of the Chief of Police. The documentation on the individual's progress will be maintained on file with the Training Officer for further reference regarding additional training needs.

**§ AD69-10. Punitive action.**

All punitive actions taken by the Department in the interest of discipline, including all reprimands, written reprimands, reductions of leave, suspensions, demotions or dismissals will be in accord with the Civil Service Law and Unconsolidated Laws of New York State § 5711-q, collective bargaining, and written directives.

**§ AD69-11. Progressive discipline.****A. Counseling.**

- (1) Counseling is a process most often conducted by an immediate supervisor to determine if the member is familiar with a particular issue or aware of Department written directives, policies or procedures that govern his behavior and to determine further training needs.
- (2) A record of these counseling sessions shall be maintained by the counselor for further evaluation of the employee's progress. All superior officers shall maintain a supervisor's notebook which shall contain such records.

**B. Corrective intervention.**

- (1) Corrective interviews are most often the second step in the disciplinary process after counseling has been attempted and may be conducted by the immediate superior officer or other superior officers to point out a member's unacceptable behavior or job directives. Depending on the severity of the incident, corrective interviews may be required in lieu of initial counseling sessions described above.
- (2) Written documentation of the corrective interview sessions shall be maintained for future reference and evaluation of the employee.

**C. Disciplinary charges.**

- (1) Disciplinary charges in most instances will be initiated after counseling and/or corrective interviews have failed to correct the problem. When it has been determined necessary, charges will be preferred against the member pursuant to New York State Civil Service Law and § 5711-q of the Unconsolidated Laws of New York State or command discipline, when appropriate, may be offered to the member in lieu of formal charges. In those situations where the severity of the violation warrants, the Chief of Police may find it necessary to initiate formal departmental charges against a member in lieu of counseling and/or corrective interviews. If an officer is dismissed as a result of a hearing conducted by the Village Board, the officer will be provided the following information:
  - (a) The decision which includes the reason for dismissal.
  - (b) The effective date of the dismissal.
  - (c) A statement of the status of fringe and retirement benefits after dismissal.
  - (d) Statement as to the content of the officer's employment record related to the dismissal.
- (2) The officer may elect to appeal the decision of the formal charges proceeding pursuant to New York State Civil Service Law and § 5711-q of the Unconsolidated Laws of New York State and § 78 of the Civil Practice Law.

**§ AD69-12. Command discipline.**

In those situations where the member and the Chief of Police agree, command discipline may be accepted in lieu of formal charges under the New York State Civil Service Law and § 5711-q. Command discipline shall be commenced no more than 90 days after the discovery of the occurrence of the alleged misconduct.

A. Administration of command discipline. Upon discovering a violation, the reporting supervisor shall:

- (1) Prepare all reports pursuant to Chapter OP265, Preliminary Investigations, Article VI, Public and Internal Complaint Process, for each officer involved.
- (2) Submit the original report with any documentation through the supervisor's chain of command to the Chief of Police. **[Revised 4-8-2009]**

B. The Detective Lieutenant shall: **[Revised 4-8-2009]**

- (1) Investigate or cause to be investigated the circumstances of the reported violation seeking any additional information as may be required or available.
- (2) Interview the member informing him of the nature of the reported violation, giving the member an opportunity to make a statement or to request the reporting supervisor to seek additional information. Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.
- (3) Conduct any further investigation as necessary and inform the member of the progress of the investigation, and the findings.
- (4) Forward all reports to the Chief of Police.

C. The member shall advise the Chief of Police of his decision to:

- (1) Accept both the finding and the proposed penalty; or
- (2) Accept the finding but appeal the proposed penalty to the Chief of Police; or
- (3) Decline to accept either the finding or the proposed penalty and instead elect disciplinary proceedings pursuant to the New York State Civil Service Law and § 5711-q of the Unconsolidated Laws of New York State.

**§ AD69-13. Nonacceptance of option.**

A. If the member declines to accept the findings and proposed penalty, the Chief of Police shall enter the member's decision on the command discipline report.

B. The member shall verify this choice by cosigning the report.

- C. The Chief of Police shall then determine whether to proceed with charges under the New York State Civil Service Law and § 5711-q of the Unconsolidated Laws of New York State. The Chief of Police shall maintain a copy of the case in the Internal Affairs file.

### ARTICLE III Grievance Procedure

#### § AD69-14. Purpose.

The purpose of this article is to establish grievance procedures within the Village of Mamaroneck Police Department to promote a cooperative employer-employee relationship between the Department and its members.

#### § AD69-15. Policy.

Members of the Village of Mamaroneck Police Department shall have the right to present grievances in accordance with the procedures prescribed in the collective bargaining agreement free from interferences, coercion, restraint, discrimination or reprisal.

#### § AD69-16. Procedure.

- A. For members, sworn and unsworn, who are represented by the PBA or CSEA, such procedure shall be prescribed by the terms of the collective agreement covering the negotiating unit of such member.
- B. Other unsworn members of the Department excluded from any negotiating unit may address their grievances in writing to the Chief of Police.
- C. This procedure shall apply to disputes regarding both contract and noncontract items.

### ARTICLE IV Performance Evaluation [Revised 11-9-2007]

#### § AD69-17. Purpose.

A performance evaluation system has been developed and will be used to assist in the growth and career development of each employee. The annual assessment is designed to give members feedback concerning their job performance and will enable the Department to adjust its training programs according to needs.

#### § AD69-18. Higher education.

The Village of Mamaroneck Police Department shall make every effort to encourage an employee to pursue an associate degree from an accredited college or university. The Department shall also assist by offering some limited work options to employees. These options may include, but are not limited to, the following:

- A. Officers of equal rank shall be permitted to exchange scheduled tours of duty pursuant to § AD31-63, Mutual switches.
- B. An employee in need of time off from his duties for a set period of time to attend an accredited course may apply for an unpaid leave of absence. The application must be filed according to the General Municipal Law. Approval may be granted based on current Department manpower levels, needs, and obligations.
- C. Employees may take vacation time according to Department procedures.

#### **§ AD69-19. Objectives.**

The Village of Mamaroneck Police Department employee performance assessment and career development system is designed to:

- A. Clarify performance expectations and provide guidance concerning duties and responsibilities.
- B. Recognition and positive feedback of the efforts of an employee are to be duly noted.
- C. To ensure objectivity in the evaluating process, superior officers are required to utilize the rating guide of the evaluation booklet.
- D. Establish a means of measuring the extent to which these standards have been attained.
- E. Identify individual employee career development needs and assist in the formulation and achievement of career goals and objectives.
- F. Identify training needs.
- G. Maintain fair and effective management. Regular monitoring of employee performance is also a tool to aid supervisors to complete annual performance evaluations more accurately and efficiently.

#### **§ AD69-20. Procedure.**

- A. All police officers below the rank of Chief of Police shall be evaluated by their immediate supervisor on an annual basis. This evaluation shall be based on the positions and assignments of the employee for the one-year period prior to the evaluation. Probationary employees shall be evaluated by their immediate supervisors on a monthly basis. All performance evaluations are to be completed and submitted to the Chief of Police no later than January 30 for review.
- B. For any evaluation to function effectively, first line supervisors must maintain regular contact with their subordinates to ensure a continuous and orderly process. A first line supervisor is to monitor the performance of his subordinates on a daily basis. This will increase the likelihood that the employees will succeed and produce productively, while also protecting the first line supervisor and this Department from legal liability. All divisions of this Department are to interact together or as one in a consistent, professional and legal manner.

EMPLOYMENT STANDARDS, PRACTICES AND  
PROCEDURES

§ AD69-20

§ AD69-21

- C. Officers will be evaluated by the appropriate superior officer as designated by the Chief of Police.
- D. To ensure objectivity in the evaluating process, superior officers are required to become familiar with the rating guide utilized in the evaluation process. [Revised 4-8-2009]
- E. The first line supervisor will review his/her findings with the employee being reviewed to complete the evaluation process.
- F. The officer being reviewed must sign the last page of the booklet as a receipt and may note comments.
- G. An officer's signature on the evaluation booklet does not indicate agreement with the contents, but indicates receipt of the review.
- H. The first line supervisor will submit all completed performance evaluations to the second line supervisor or his designee for review before being submitted for final review. All evaluations are subject to the final approval of the Chief of Police.
- I. All supervisors should keep in mind that the evaluation is to be conducted from January 1 through December 31, of each year. Supervisors are not to first consider performance evaluations at the end of the calendar year.
- J. Superior officers are to maintain monthly evaluations of all officers. These evaluations are subject to the review of the Chief of Police.

**§ AD69-21. Documentation.**

- A. Documenting job-related behavior is required of all supervisors. This Department's Evaluation Booklet consists of a series of job tasks. Each task has a standard of behavior that indicates what is expected of an officer. The standards are based on the Rules and Regulations of the Village of Mamaroneck Police Department, the Manual of Procedure, the recommendations of the Evaluation Committee, and the final approval by the Chief of Police.
- B. Documentation is required for behavior that either exceeds or falls below what is expected in a specific job task. Documentation should note behavior that is either well above or well below expectations. It is not necessary to document behavior that meets the standard. For example, minor mistakes on reports or an occasional failure to report for duty in a timely manner is to be addressed. Although, these items are to be noted in a corrective interview, they would not normally be included as documentation unless there is a persistent or serious problem.
- C. Any corrective interview conducted between a supervisor and an officer is to be made part of documentation should the officer fail to positively respond to the corrective interview. This information is to be forwarded to the Lieutenant ahead of the Division or, in his absence, the Chief of Police for review.
- D. First line supervisors (uniformed Sergeants) are given discretion regarding documentation of behavior that is marginally above or below the standard. The second line supervisor

(Patrol Lieutenant) has the responsibility of ensuring that the first line supervisors are properly documenting the work of their subordinates.

- E. The Training Sergeant, Detective Lieutenant, Patrol Lieutenant and Support Services Division Lieutenant are subject to the review of the Chief of Police.
- F. Responsibility for documentation is not the lone responsibility of the immediate supervisor. All supervisors are responsible for documentation of observed behavior. Documentation completed by a supervisor other than an officer's immediate supervisor will be forwarded to the officer's immediate supervisor and be considered in the end-of-the-year performance evaluation.
- G. Any documentation must be brought to the attention of the officer and acknowledged by the officer prior to being included in a performance evaluation. An employee's acknowledgement does not indicate agreement with the contents; however, it does indicate the matter was brought to the attention of the officer. The first line supervisor will note the task documented. **Note:** Documentation is required for conduct which "Exceeds" or is "Below" the standard of the Village of Mamaroneck Police Department.
- H. All documentation will be maintained by the first line supervisor of his subordinates in a performance appraisal folder. This includes documentation received from a supervisor of another squad or special detail. Documentation will be accomplished with the implementation of the Performance Observation Form.<sup>2</sup> The Performance Observation Form is to be utilized as a means to provide first line supervisors with documenting work behavior throughout the year.
- I. All information on file with the first line supervisor is to be reviewed and included at the time of the performance evaluation.
- J. The yearly performance evaluations will be placed on file in the personnel file of each officer in the office of the Chief of Police.
- K. Completed annual employee performance evaluation booklets will be kept in a separate file maintained in the personnel file of each employee. **[Added 4-8-2009]**

#### § AD69-21.1. Definition of tasks.

Tasks shall be defined as follows:

- A. Primary task: first in rank, importance, or value in the lawful performance of one's duties.
- B. Mandatory task: Necessary or essential in the lawful performance of one's duties.
- C. General task: a duty one is bound to do in the lawful performance of one's duties.

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2. Editor's Note: See Form Guide.

**§ AD69-21.2. Rating categories.**

A. Rating categories for each job task are as follows:

EMPLOYMENT STANDARDS, PRACTICES AND PROCEDURES

*AD69 Attachment 1*

**Village of Mamaroneck Police Department  
Request for Commendation**

Last Name	First Name	Rank
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A request is hereby made that the Police Awards Committee consider issuing appropriate commendation to the above named officer(s) for outstanding action which occurred on:

The action consisted of: (Explain in detail and attach any supporting documents.)

\_\_\_\_\_  
Submitting Officer

\_\_\_\_\_  
Date submitted

The Awards Committee approved the "Request for Commendation" as follows:

☐ Medal of Honor ☐ Wounded In Service –medal ☐ Wounded In Service – bar

☐ Distinguished Service Award Class 1

☐ Exceptional Merit Award Class 2

☐ Excellent Police Duty Class 3

☐ Honorable Service Award Class 4

☐ Lifesaving Award Class 4

☐ First Aid Award Class 4

☐ Administrative recognition

☐ Command Recognition

☐ No Commendation Awarded

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

- (1) "B": below standard.
  - (2) "M": meets standard.
  - (3) "E": exceeds standard.
  - (4) "D": does not apply.
- B. **Note:** A repeated below-standard performance rating by a subordinate should be brought to the attention of the Chief of Police immediately. Superior officers are not to wait until the end of the year or the completion of the end-of-the-year performance evaluation to report continued substandard performance. To prevent this from occurring, supervisors are required to complete corrective interviews as noted in § AD69-21, of this article, entitled Documentation.
- C. **Tasks:** To complete the job task portion of the performance evaluation, carefully review the expected standard or behavior for each task. Based on the available documentation, indicate whether an officer's performance of that task is "Below," "Meets," or "Exceeds" the standard in place.
- (1) Absent any documentation, an officer must be rated as "Meets" the standard in the applicable task. Two forms of documentation, indicating behavior that is well above or well below expectations, are required within the rating period for an officer to be rated as either "Exceeds" or "Below" the standard.
  - (2) Contradictory documentation regarding one task within an evaluation period will normally result in an officer receiving a rating of "Meets" standard. For example: Officer Doe has two documentations indicating he or she "Exceeds" the standard for personal appearance and one documentation indicating he or she is "Below" the standard. This officer is to be rated as "Meets" the standard. In the case of contradictory documentation, if sufficient documentation exists, the first line supervisor may rate a member "Exceeds" the standard or "Below" the standard.
  - (3) If the task "Does Not Apply" to an officer's current assignment, check the box labeled "D." The first line supervisors will decide which tasks do not apply to an officer's assignment. All subordinates shall be updated by the first line supervisor prior to the start of the rating period as to what is expected of each officer.
  - (4) The second line supervisor will review all of the appraisals with the first line supervisor, paying particular attention to the documentation and corresponding ratings. If there is no documentation to support a "Below" or "Exceeds" in a particular task, the second line supervisor will ensure the officer is given a rating of "Meets Standard." Both supervisors will sign the appraisal in the space provided.

#### § AD69-21.3. Transfer ratings and special ratings.

- A. Transfer ratings will be conducted prior to the transfer or permanent reassignment of an officer. This rating is a summary of the performance of the officer up to the time of the transfer and will be conducted in the same manner as the annual evaluation.

B. Special ratings will be conducted in the following circumstances:

- (1) If a member is on probation, a special rating will be completed 30 days prior to the end of probation.
- (2) If an officer receives an "Unsatisfactory" performance evaluation, a special rating will be conducted for a sixty-day period.
- (3) A special rating may be conducted as part of the administrative action taken for substandard performance.

**§ AD69-21.4. Disputed reviews.**

- A. If a member disagrees with his/her performance evaluation, a written memo should be submitted to the Chief of Police within one week of the completed performance evaluation. The written memo is to specify the reason for disagreement.
- B. Following a review with the Chief of Police, reviewing Lieutenant, first line supervisor and officer involved, the Chief shall render a decision and notify the officer of his findings within 30 days.

**ARTICLE V  
Promotions**

**§ AD69-22. Purpose.**

The purpose of this article is to establish procedures for promotion within the Police Department.

**§ AD69-23. Policy.**

- A. It is the policy of the Village of Mamaroneck Police Department that promotions within the Department must comply with Civil Service Law.
- B. The Civil Service Commission shall make appropriate announcements when promotional examinations are scheduled.
- C. Promotion to the civil service rank of Sergeant and above shall be job related and nondiscriminatory as outlined in Civil Service Law.
- D. The Civil Service Commission shall establish an eligibility list for promotion based on civil service examinations. These lists shall be maintained by the Civil Service Commission and are subject to requirements of the New York State Civil Service Law.
- E. The Chief of Police is responsible for the administration of the promotion selection process.

**§ AD69-24. Procedure.**

- A. Civil service promotions.
  - (1) When a vacancy exists within the Department which requires the promotion of a member, the Civil Service Commission shall provide the Chief of Police with a certified eligibility list of candidates.
  - (2) The Chief of Police may request recommendations for promotion from the candidate's supervisors for presentation to the Board of Police Commissioners. In addition, the Chief of Police and Board of Police Commissioners may review performance evaluations to assist him in his selection process.
- B. Promotion to Detective Division.
  - (1) No candidate shall contact the Chief of Police or any police Lieutenant to discuss or request consideration for the vacancy. Any officer so doing may be subject to disqualification. In addition, officers are reminded that 4-59 of the Rules and Regulations of the Village of Mamaroneck Police Department state, "No member shall contact the Board of Trustees on any matters affecting the Department or any employee thereof, except through regular channels or in those cases where routine business of the Department require." This shall include contact through third parties.
  - (2) The appointment to the position of Detective is at the sole discretion of the Chief of Police.

**ARTICLE VI**  
**Recruitment and Selection**

**§ AD69-25. Purpose.**

The purpose of this policy is to ensure that qualified candidates are selected for hiring as Village of Mamaroneck police officers and that the selection process is valid, job related, nondiscriminatory, and appropriately documented.

**§ AD69-26. Policy.**

It is the policy of the Village of Mamaroneck Police Department to recruit and select candidates for the position of police officer in accordance with the New York State Civil Service Law, as administered by the Westchester County Civil Service Commission, and to afford equal employment opportunity to all eligible candidates. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau for Municipal Police and the Westchester County Civil Service Commission. In cases of interagency transfer, only candidates from competitive civil service agencies shall be considered for appointment to the Police Department. It shall be the responsibility of the Chief to coordinate selection activities. The Village of Mamaroneck is an equal opportunity employer.

**§ AD69-27. Recruitment.**

- A. Recruitment is the first step in the hiring process. The primary method of recruitment for the position of police officer within the Village of Mamaroneck Police Department is through the Westchester County Civil Service Commission's continuous recruitment and testing program. Appointments resulting from sources other than a civil service list, such as interagency transfers, will first be advertised. Such notice or advertisement will include the following components:
- (1) Description of the duties associated with the position to be filled.
  - (2) Requirements that must be met in order to qualify for the position.
  - (3) Information that prospective candidates need to know about the selection process.
  - (4) Notice that the agency is an equal opportunity employer.
- B. Candidates considered for appointment to the Village of Mamaroneck Police Department must successfully complete a competitive written examination, 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 § 840 of the New York State Executive Law.

**§ AD69-28. Selection.**

Candidates meeting all of the requirements specified in § AD145-3B will be "canvassed" with a set return date. Candidates will be scheduled for an oral interview by the Chief of Police and the Board of Police Commissioners.

**§ AD69-29. Background investigation.**

All candidates must complete the background investigation questionnaire. Upon submission of the completed questionnaire to the office of the Chief of Police, a thorough background investigation will be conducted which will include but not be limited to investigation of the candidate's family, education, residences, work record, physical and emotional health, organizations and affiliations, references, social contacts, credit record, DMV record, military history, county records such as liens and judgements, and criminal history record.

**§ AD69-30. Psychological screening.**

All candidates will be evaluated by a qualified psychologist to establish a level of emotional stability and psychological fitness compatible with the position of police officer. When such psychological screening has not been conducted in the course of civil service testing, as in the case of some transfer candidates, the same standards and procedures will be applied.

**§ AD69-31. Physical examination.**

All candidates will be given a physical examination, at their own expense, by a licensed physician in accordance with the standards prescribed by BMP. When such physical examination has not been conducted in the course of civil service testing, as in the case of some transfer candidates, the same standards and procedures will be applied.

**§ AD69-32. Probationary appointment.**

At the conclusion of the selection process, the Chief of Police, or his designee, will make recommendations to the Village Board for appointments to the position of police officer. All appointments from the civil service list or of transfers will be probationary for a period of 78 weeks.

**§ AD69-33. Oath of office.**

Subsequent to the effective date of appointment and prior to commencement of official duties, the appointee will be administered the standard oath of office for police officers by the Chief of Police or his designee.

"I, (state your name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York.

"I will faithfully discharge the duties of the office of police officer for the Village of Mamaroneck according to the best of my abilities."

**§ AD69-34. Maintenance of records.**

All records of appointed candidates which are not maintained by the Westchester County Civil Service Commission shall be maintained by the Village of Mamaroneck for a period of six years beyond the duration of employment.

## **Chapter AD75**

### **FISCAL MANAGEMENT**

#### **ARTICLE I** **Firearms Management**

- § AD75-1. Policy.**
- § AD75-2. Definitions.**
- § AD75-3. Firearm central database.**
- § AD75-4. Firearms acquisition.**
- § AD75-5. Firearms inspection.**
- § AD75-6. Purchase by retiring/separating employees.**

#### **ARTICLE II** **Fiscal Management**

- § AD75-7. Purpose.**
- § AD75-8. Background.**
- § AD75-9. Policy.**

- § AD75-10. Authority and responsibility for fiscal management.**
- § AD75-11. Departmental accounting records.**
- § AD75-12. Collection, safeguarding, and disbursing of cash.**
- § AD75-13. Monitoring of noncash fiscal activities.**
- § AD75-14. Authorization to purchase required.**
- § AD75-15. Independent audit of agency's fiscal activities.**
- § AD75-16. Emergency purchasing or leasing.**
- § AD75-17. Annual review of property, equipment, and other assets.**
- § AD75-18. Emergency appropriations and fund transfers.**

#### **ARTICLE I** **Firearms Management**

##### **§ AD75-1. Policy.**

The Village of Mamaroneck Police Department will maintain a current and accurate inventory of all Department-owned firearms and will take reasonable steps to ensure the security of these firearms. Department-owned firearms will be tracked from the time they are purchased or converted until they are sold or destroyed. Any Department-owned firearm that cannot be accounted for shall be reported immediately to the Chief of Police.

##### **§ AD75-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CONVERTED FIREARMS** — Unclaimed or seized firearms that are converted to Department use.

**FIREARMS** — Live-fire firearms, Simunition® firearms, inoperable firearms and any other firearm that is either currently or has been previously under Federal Alcohol, Tobacco and Firearms regulations and laws.

**TRADED FIREARMS** — Firearms that are received or offered in trade.

**§ AD75-3. Firearm central database.**

- A. All firearms owned by the Department, whether purchased from a vendor or acquired through conversion or trade, will be listed in a central database. The Training Sergeant will maintain the central database. The central database will be updated immediately upon receipt of purchase invoice or conversion paperwork. The firearm will not be issued until it is entered into the central database.
- B. The central database will list the following information:
  - (1) Whether the firearm is purchased, received in trade, or converted evidence.
  - (2) The case number if the firearm is converted.
  - (3) The date the firearm was purchased, received in trade, or converted.
  - (4) The make, model, caliber and serial number of the firearm.
  - (5) The unit or individual the firearm is assigned to.
  - (6) The date the firearm was assigned and returned.
  - (7) The final disposition of the firearm (i.e., sold, lost, stolen, destroyed).
  - (8) Name of the person or business in which a firearm was either traded to or received in trade.

**§ AD75-4. Firearms acquisition. [Revised 4-8-2009]**

All firearms that are purchased, converted, or received in trade will be shipped or delivered to the Support Services Lieutenant or his designee before the firearm may be issued or maintained in inventory.

- A. The Support Services Lieutenant or his designee will physically inspect each firearm to verify make, model and serial number.
- B. The Support Services Lieutenant or his designee will enter the make, model and serial number of the firearm into the Department's firearm inventory database prior to issuing the firearm.

**§ AD75-5. Firearms inspection. [Revised 4-8-2009]**

The Support Services Lieutenant will conduct a yearly audit of Department firearms.

**§ AD75-6. Purchase by retiring/separating employees.**

- A. Upon retirement, employees may purchase their Department-issued handgun.

- B. Department-issued handguns that have been in service for more than 10 years may be purchased from the Department by an employee retiring from service, or by an employee retiring for disability, so long as that employee has at least 20 years of service.

## ARTICLE II Fiscal Management

### § AD75-7. Purpose.

The purpose of this article is to set forth guidelines related to budgeting, accounting, and fiscal control procedures that:

- A. Ensure compatibility between the Department's accounting procedures and those of the Village government.
- B. Prevent budget discrepancies.
- C. Control the purchasing process.
- D. Control Department property, equipment, and other assets.

### § AD75-8. Background.

The fiscal management function of the Village of Mamaroneck Police Department includes, at a minimum, annual budget development, supervision of internal expenditures and related controls, and maintenance of liaison with the Village's Fiscal Officer.

### § AD75-9. Policy.

It is the policy of the Village of Mamaroneck Police Department to establish, in writing, authority and responsibility for the proper fiscal management of the Police Department, as well as obtain input from the Department's section heads and other levels of the organization regarding the budgetary process and priorities.

### § AD75-10. Authority and responsibility for fiscal management.

The authority and responsibility for the fiscal management of the Village of Mamaroneck Police Department is vested in the office of the Chief of Police. Although the Chief of Police is ultimately responsible for all fiscal matters of the Department, responsibility to review and monitor accounts and internal expenditures may be delegated to designated members of the Department. The departmental budget shall be developed by the Chief of Police in cooperation with selected Department members who will assist in the preparation of the budget request documents and who will provide adequate justification for major continuing expenditures of budgeted items. Maintenance of liaison with the Village's Fiscal Officer shall be the responsibility of the Chief of Police.

**§ AD75-11. Departmental accounting records.**

The departmental accounting records, which document the flow of expenditures and all fiscal activities which affect the departmental budget, are part of the Village's computerized accounting system. The departmental accounting records shall include monthly status reports. These reports are prepared by the Village's Fiscal Officer for the distribution to the Chief of Police. The monthly status report shall state at a minimum:

- A. Initial appropriation for each account.
- B. Balances at the commencement of the monthly period.
- C. Expenditures and encumbrances made during the period.
- D. Unencumbered balance.

**§ AD75-12. Collection, safeguarding, and disbursing of cash.**

- A. The Chief of Police shall be responsible for the overall collection, safeguarding, and disbursing of cash which directly affects the Department or an organizational component thereof.
- B. The Chief of Police may order internal audits of cash funds to be conducted as needed and may designate authority for the conduct of such audits.
- C. It shall be the policy of the Department to limit direct cash transactions whenever possible. Cash receipts will be transmitted to the Village's finance office as required, at least once per week. Requests for copies of Department-authorized reports will be forwarded upon receipt of checks/money orders which will be made out in the name of the Village of Mamaroneck Police Department. Checks and/or money orders will then be forwarded to the Village finance office for deposit and updating of the Department's accounting records.
- D. Cash receipts or disbursements relating to any organizational component of the Department will be authorized only by the Chief of Police.
- E. Administration of the petty cash funds will be the responsibility of the Chief of Police. In addition to the Chief, the Detective Lieutenant shall have available a petty cash fund. Such fund shall be utilized for needs directly related to police investigations. Disbursements and reports pertaining to such fund will be the responsibility of the Officer in Charge of the Detective Bureau. Reimbursement for approved departmental-incurred expenses by members of the Department will be made through the issuance of a voucher processed through the Chief's Office. The individual petitioner will then receive a check from the Village finance office for reimbursement of the incurred expenses. **[Revised 4-8-2009]**
- F. Before a voucher will be processed, receipts or other supporting documentation explaining the expenses incurred will be forwarded to the Chief of Police for subsequent action and approval. **[Revised 4-8-2009]**

- G. The Chief of Police may appoint or designate who will have the authority to approve vouchers in his absence.

**§ AD75-13. Monitoring of noncash fiscal activities.**

The Chief of Police may place the responsibility for the internal monitoring of the Department's noncash fiscal activities with a person of his own choosing.

**§ AD75-14. Authorization to purchase required.**

- A. Prior to any purchase, designated Department members must receive authorization from the Chief of Police for the purchase.
- B. Expenditure and encumbrances are monitored monthly through the subsidiary status reports provided by the Village Treasurer's office.

**§ AD75-15. Independent audit of agency's fiscal activities.**

As a basis for determining the financial integrity of the Department's fiscal control procedures, an independent audit is conducted on an annual basis by an independent accounting firm so designated by the Village Board of Trustees.

**§ AD75-16. Emergency purchasing or leasing. [Revised 4-8-2009]**

Emergency purchasing or leasing for departmental equipment/supplies or rental agreements for specialized equipment may be recommended by the Chief of Police or in his absence by the Support Services Lieutenant. Approval of any emergency purchase in excess of the statutory limits requiring competitive bidding rests with the Village Board of Trustees pursuant to General Municipal Law § 103.

**§ AD75-17. Annual review of property, equipment, and other assets.**

The Chief of Police shall be responsible for the administration of the annual review of Department property, equipment, and other assets.

**§ AD75-18. Emergency appropriations and fund transfers.**

The Chief of Police, or in his absence a designated member, shall have the authority to request emergency/supplemental appropriations and fund transfers through the Village Manager for approval by the Village Board of Trustees.

## **Chapter AD83**

### **GENERAL TOPICS**

#### **ARTICLE I** **Abandoned Infant Protection Act**

- § AD83-1. Purpose.**
- § AD83-2. Background.**
- § AD83-3. Policy.**
- § AD83-4. Procedure.**

#### **ARTICLE II** **Americans with Disabilities Act**

- § AD83-5. Policy.**
- § AD83-6. Deafness and visual impairments.**
- § AD83-7. Special community needs.**
- § AD83-8. Accommodations.**

#### **ARTICLE III** **Bias Crimes**

- § AD83-9. Purpose.**
- § AD83-10. Policy.**
- § AD83-11. Definitions.**
- § AD83-12. Procedure.**
- § AD83-13. Supervisor's responsibilities.**
- § AD83-14. Responsibilities of Investigations Division.**

#### **ARTICLE IV** **Cellblock Management and Suicide Screening**

- § AD83-15. Purpose.**
- § AD83-16. Background.**
- § AD83-17. Policy.**
- § AD83-18. Definitions.**

- § AD83-19. Responsibility to be familiar with procedure.**
- § AD83-20. Search of prisoner before incarceration.**
- § AD83-21. Physical/mental condition of prisoner.**
- § AD83-22. Suicide prevention.**
- § AD83-23. Suicide risk procedures.**
- § AD83-24. Supervision of detainees.**
- § AD83-25. Facility safety and sanitation.**
- § AD83-26. Security and control of detention areas.**
- § AD83-27. Prisoner escape.**
- § AD83-28. Unusual occurrences.**
- § AD83-29. Detention of juveniles.**
- § AD83-30. Detention of females.**
- § AD83-31. Prisoners presented for detention by other authorities.**
- § AD83-32. Mass arrests.**
- § AD83-33. Rights of detainees.**
- § AD83-34. Visitation rights.**
- § AD83-35. Positive identification required prior to a prisoner's release.**

#### **ARTICLE V** **Credit Card Bail Procedure**

- § AD83-36. Policy.**
- § AD83-37. Purpose.**
- § AD83-38. Definitions.**
- § AD83-39. Requirements for posting a credit card bail.**

## MAMARONECK CODE

§ AD83-40. Initiating credit card bail process.

§ AD83-41. Completing the transaction.

§ AD83-42. Reconciliation process.

### ARTICLE VI

#### Department Inspections

§ AD83-43. Purpose.

§ AD83-44. Policy.

§ AD83-45. Definitions.

§ AD83-46. Line inspections.

§ AD83-47. Locker inspection.

§ AD83-48. Special inspections.

§ AD83-49. Facility and equipment.

§ AD83-50. Uniforms and equipment.

### ARTICLE VII

#### Diplomatic Immunity

§ AD83-51. Purpose.

§ AD83-52. Policy.

§ AD83-53. Mandates when dealing with diplomats or consular officials.

§ AD83-54. Incidents involving Consular Officers and their family members.

§ AD83-55. Identification.

§ AD83-56. Status inquiries and verification.

### ARTICLE VIII

#### Interpreters and Translators

§ AD83-57. Policy.

§ AD83-58. Definitions.

§ AD83-59. Contact with hearing-impaired persons.

§ AD83-60. 911 and emergency telephone access.

§ AD83-61. Resources.

§ AD83-62. Types of communications aids to be used by officers.

§ AD83-63. Examples of when an interpreter may not be required.

§ AD83-64. Examples of when an interpreter may be required.

§ AD83-65. Practical suggestions for communicating effectively.

§ AD83-66. Interview and interrogation of non-English speaking persons.

### ARTICLE IX

#### Legal Process

§ AD83-67. Purpose.

§ AD83-68. Policy.

§ AD83-69. Desk Officer.

§ AD83-70. Patrol Lieutenant - Court Liaison Officer.

§ AD83-71. Investigations Division - Records Unit.

§ AD83-72. Tour Supervisor.

§ AD83-73. Responding officers.

### ARTICLE X

#### Mediation

§ AD83-74. Purpose

§ AD83-75. Background.

§ AD83-76. Policy.

§ AD83-77. Procedure.

### ARTICLE XI

#### News Media

§ AD83-78. Purpose.

§ AD83-79. Background.

## GENERAL TOPICS

§ AD83-80. Policy.

**§ AD83-81. The Public Information Officer.**

**§ AD83-82. Acting Public Information Officer.**

**§ AD83-83. Release of information from police files.**

**§ AD83-84. Nonaccessible information from police files.**

**§ AD83-85. Routine press briefings.**

**§ AD83-86. Press conferences for major case investigations or emergencies.**

**§ AD83-87. Press releases.**

**§ AD83-88. Release of information for ongoing criminal investigations.**

**§ AD83-89. Photographs.**

**§ AD83-90. Interviews with victims.**

**§ AD83-91. Internal affairs investigations.**

**§ AD83-92. Media relations in field situations.**

**§ AD83-93. Other police agencies.**

**§ AD83-94. Exceptional incidents.**

**§ AD83-95. Policy development.**

**§ AD83-96. Crime victims.**

**ARTICLE XII  
Sex Crimes Victims Assistance**

**§ AD83-97. Purpose.**

**§ AD83-98. Policy.**

**§ AD83-99. Procedure.**

**ARTICLE XIII  
Sex Offender Registration**

**§ AD83-100. Purpose.**

**§ AD83-101. Background.**

**§ AD83-102. Policy.**

**§ AD83-103. Definitions.**

**§ AD83-104. Sex offender case procedures.**

**§ AD83-105. Community notification.**

**§ AD83-106. Dissemination of sex offender information.**

**ARTICLE XIV  
Unbiased Policing**

**§ AD83-107. Purpose.**

**§ AD83-108. Policy.**

**§ AD83-109. Responsibility of supervisors.**

**§ AD83-110. Administration.**

**ARTICLE I  
Abandoned Infant Protection Act**

**§ AD83-1. Purpose.**

The purpose of this article is to prevent infanticide and unsafe newborn abandonment through Safe Haven relinquishments.

**§ AD83-2. Background.**

- A. On July 18, 2000, Governor George Pataki signed into law the "Abandoned Infant Protection Act" to protect infants who are abandoned by despondent and desperate parents. Under this law, a mother or father of an infant could avoid criminal prosecution if they deliver the infant, not abused and not more than five days old, to a suitable

location, making the infant safe from physical injury and promptly notifying an appropriate person of the infant's location (Penal Law §§ 260.03 and 260.10).

- B. The intent of the law is to provide a parent, who has no other alternative, with a safe place to abandon his/her infant. This law will save the life of an infant who might otherwise be left in an unsafe and life threatening situation (i.e. a dumpster, trash can, empty lot, etc.).
- C. In the past six years, 46 states have passed legislation that designates safe places for desperate parents to relinquished their unharmed newborns safely, legally and anonymously.

#### **§ AD83-3. Policy.**

It shall be the policy of the Village of Mamaroneck Police Department to take temporary custody, without a court order, of a newborn baby who is, or who appears to be, not more than five days old, if the baby is voluntarily left by the child's parent, who expresses the intent to wholly abandon the newborn and the intent that the baby be safe from physical injury and cared for an appropriate manner. Any Department member who takes custody of a baby under this section shall perform any act necessary to protect the baby's physical health and safety.

#### **§ AD83-4. Procedure.**

Under Article 260 of the Penal Law, it is an affirmative defense to a charge of abandonment of a child that the parent/defendant left the child, under five days old and in a physically healthy condition, with an appropriate person or in a suitable location and promptly notified an appropriate person of the child's location. Therefore, if an individual approaches a Department member at any location or appears personally at the Department and informs a member that he/she wishes to relinquish a newborn in the Safe Haven for Newborns Program, a police officer or other member of the Department shall implement the following procedures:

- A. Ascertain the individual's intention to utilize the Safe Haven for Newborns Program and reassure the person that there are no legal repercussions of accessing the program, so long as the infant is unharmed.
- B. The member shall notify the Desk Officer and a supervisor that the member has taken custody of an abandoned infant and request that an ambulance respond.
- C. Ask the individual if he/she desires to voluntarily supply medical history and if the infant has any medical problems and/or has been seen by a physician.
  - (1) If the individual provides information, the Voluntary Medical History Form should be used, and all information shall be relayed to the ambulance crew, who will assume custody of the infant until the arrival of child protective services personnel.
  - (2) The member will also supply the individual with a Safe Haven packet that will include a full medical questionnaire, self-addressed stamped envelope and information about the program.

- (3) If the person abandoning the infant refuses to answer questions, no further interaction with the person is necessary.
  - (4) (**Note:** The law does not require that parents abandoning an infant provide any information to those accepting custody, nor does it require those accepting custody to elicit any information from anyone who is abandoning an infant in accordance with the Abandoned Infant Protection Act.)
- D. Immediately after taking custody, the member shall notify child protective services that the member has taken custody of the child, by calling the New York State Central Register.<sup>1</sup> The local child protective services agency shall assume the care, control and custody of the child immediately upon notice given as provided herein.
- E. When a member takes custody of an abandoned infant, a report of suspected child abuse or maltreatment shall be completed in accordance with procedures established by the New York State Office of Children and Family Services, in a format similar to that on the LDSS-2221 Form: Report of Suspected Child Abuse and Maltreatment.<sup>2</sup>
- F. Members are not expected or required to determine if the infant is less than five days old before assuming custody.

## ARTICLE II

### Americans with Disabilities Act

#### § AD83-5. Policy.

- A. The purpose of the Americans with Disabilities Act (ADA) is to eliminate discrimination against millions of Americans with disabilities. The ADA is civil rights legislation for people with disabilities. It affects all services provided to the public by the Village of Mamaroneck.
- B. To help the Department carry out the requirements of the ADA, we have a policy of reasonable accommodation for people with "disabilities" as this term is defined by law. People with disabilities cannot be excluded from participation in or be denied the benefits of services, programs, communications, or activities that we provide. This means that if an individual with a disability requests service, we may need to make special arrangements in order for them to participate in a program or receive the service in a way that is usable to them.
- C. Depending on the type of program or service offered and the nature of an individual's disability, a person with a disability may need special assistance. To ensure that we are operating in a nondiscriminatory manner, employees with public contact shall be sensitive to the special needs of people with disabilities. This may include noticing people who appear to need help, asking them if they need any special assistance, and trying to provide the assistance requested to ensure that the person with a disability receives service that is equivalent to that provided to others.

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1. See Contact Guide.

2. See Form Guide.

- D. Many employees have dealt with people with disabilities on a regular basis. However, there may be an increase in requests for services since the ADA has become effective and people with disabilities become more informed of their rights under the ADA.

**§ AD83-6. Deafness and visual impairments.**

- A. Deafness. If a person who is deaf needs a sign language interpreter, refer to Article VIII of this chapter. If you need to contact a deaf person by telephone and do not have access to a TDD, see the Contact Guide for phone numbers.
- B. Visual impairments.
- (1) People with visual impairments may request information in large print. This is easily done using a copier that can enlarge a document, or if the material is done using a personal computer, it can be printed with a larger font size.
  - (2) If information is requested in Braille, arrangements can be made. See the Contact Guide for phone number.
  - (3) Employees may also volunteer to read the information to the person with the visual impairment.

**§ AD83-7. Special community needs.**

- A. "Developmental disability" is a broad term that includes many different disabilities which occur at birth or before reaching adult age. Examples are cerebral palsy, mental retardation, spina bifida, autism, epilepsy, and other conditions.
- B. Some persons with developmental disabilities may have special communication needs, while others may not.
- (1) Some individuals have limited reading and comprehension skills and may not realize that they can ask for assistance.
  - (2) Some individuals have limited verbal skills and are difficult to understand or may sound as if they are intoxicated when they speak.
  - (3) Others may be nonverbal and use communication boards or electronic equipment to communicate.
- C. Employees may be able to offer assistance by assisting in the completion of forms, giving clear and concise instructions, and providing additional information in a step-by-step format.

**§ AD83-8. Accommodations.**

- A. The ADA's impact on public meetings and public information materials.
- (1) Employees who are responsible for scheduling public meetings must ensure that the meetings are held in accessible locations.

- (2) Public meeting notices must include statements that accommodations for persons with disabilities will be made upon request.

**B. Request information.**

- (1) The most critical aspect when interacting with persons with disabilities is to make no assumptions.
  - (a) Ask what the person with the disability needs.
  - (b) ADA specifically requires that assistance be offered on a case-by-case basis.
  - (c) Persons with disabilities are as diversified as any other group and different people experience their disabilities in different ways.
  - (d) A decision on how to assist a person with a disability must be based on the facts about that individual and not on generalizations about what a class of individuals with a disability can or cannot do.

- C.** If employees are unsure as to what type of accommodation to make or how to follow through with a request, they shall contact the Support Services Lieutenant. If employees require assistance during weekends or evenings they shall call the Support Services Lieutenant or his designee.

**ARTICLE III  
Bias Crimes**

**§ AD83-9. Purpose.**

The purpose of this article is to assist members in identifying and thereby investigating fully, those offenses/incidents that are bias-motivated so they may be brought to a prompt and positive conclusion.

**§ AD83-10. Policy.**

It is the policy of the Village of Mamaroneck Police Department to investigate fully and report bias-motivated offenses/incidents according to the guidelines of the Division of Criminal Justice Services.

**§ AD83-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BIAS INCIDENT** — An offense or unlawful act which, after investigation by law enforcement, is or appears to be motivated all or in part by race, ethnicity/national origin, religion, or sexual orientation of the victim or institutional target. Bias incidents can range from verbal intimidation and harassment, i.e., threatening telephone calls, hate mail, etc., to damage and destruction of property, to physical violence and murder.

**§ AD83-12. Procedure.**

A. Upon responding to an alleged bias incident, the first officer(s) on the scene shall:

- (1) Evaluate the circumstances and, if necessary, take appropriate steps to stabilize the situation.
- (2) Be sensitive to the needs of the victim. Be mindful that this sort of crime has a unique emotional and psychological effect on a victim.
- (3) Immediately conduct a preliminary investigation and take appropriate action.
- (4) Complete the Incident Report in SJS indicating the occurrence of a bias incident on the administrative screen. The narrative of the incident shall contain, in addition to all other essential investigative data:
  - (a) Type of bias.
    - [1] Anti-black.
    - [2] Anti-white.
    - [3] Anti-Hispanic.
    - [4] Anti-other-race.
    - [5] Anti-Semitic.
    - [6] Anti-other-religion.
    - [7] Ethnic/national origin (anti-Irish, Italian, Arab, German, etc.).
    - [8] Sexual orientation (anti-homosexual).
  - (b) Target property of bias.
    - [1] Place of worship.
    - [2] Other property owned by target group.
    - [3] Public property.
    - [4] Business.
    - [5] Residence.
    - [6] Other.
  - (c) Target person of bias.
    - [1] Clergy/religious persons.
    - [2] Other.
  - (d) Race of persons involved (perpetrator and victim).

- [1] White.
- [2] Black.
- [3] Asian.
- [4] Pacific Islander.
- [5] American Indian.
- [6] Other.
- [7] Unknown.

- (5) If necessary, preserve the crime scene.
- (6) If circumstances dictate, request a supervisor to respond to the scene.

B. Confirmation of hatred as motive.

- (1) To aid in the conclusion that an incident is bias motivated, the following questions may help to confirm a motive for hatred.
  - (a) Would the incident have taken place if the victim and offender were of the same race, religion, ethnic group or sexual orientation?
  - (b) Were any racial slurs or epithets voiced by the suspect? While the utterance of a racial slur by the suspect does not provide sufficient basis for a hate crime, it, combined with other facts indicating bias, could do so.
  - (c) Were any malicious and/or menacing statements made?
  - (d) Were any hostile images, symbols or graffiti displayed?
  - (e) Were there any indications that a hate group was involved?
  - (f) Was the victim a member of a group which is overwhelmingly outnumbered by members of another group where the victim lives and the incident took place?
  - (g) Was the victim engaged in activities promoting his/her racial, religious, ethnic/national origin or sexual orientation group?
  - (h) Was the crime similar to other known or documented cases of hate in the area?
  - (i) Was the victim or suspect previously involved in a similar situation?
  - (j) Did the incident occur on a holiday or other day of significance to the victim's or suspect's group, i.e., Hanukkah, Martin Luther King Day, etc.?
  - (k) Does an historically established animosity exist between the victim's group and the suspect's group?

- (2) Not all of the above factors need be present to make a determination, nor does the presence of any one factor mean the offense is necessarily a bias incident. The common-sense review of the totality of the circumstances surrounding the incident should be considered.
- C. It is important to note that the purpose of the bias crime reporting system is to assist in the identification of serious, continuing community friction and not to catalog every ethnic slur or to mechanically record every crime in which the victim and perpetrator come from different backgrounds.

### **§ AD83-13. Supervisor's responsibilities.**

The responsibilities of a supervisor shall be as follows:

- A. Review all facts and make a determination whether, in fact, a bias incident occurred.
- B. Make sure that proper procedures were followed by the first responding officers.
- C. If applicable, notify the Detective Division to respond and process the scene. If no Detective is on duty, determine according to severity whether an on-call Detective is needed. If an immediate Detective response is not necessary, ensure that the Incident Report clearly indicates a bias-related incident occurred.
- D. Meet with the victim as soon as possible to assure him/her the investigation is being actively pursued.

### **§ AD83-14. Responsibilities of Investigations Division.**

The responsibilities of the Detective Division shall be as follows:

- A. In addition to the normal investigating procedure, i.e., photographs and prints, Detectives should:
  - (1) Obtain samples of materials used.
  - (2) Ensure that all physical remnants of the incident are removed, if possible, after processing is complete.
  - (3) When conducting interviews, be mindful it is often the language used in verbal or physical assault that is the key to determining whether or not an incident constitutes a bias violation. It is critical that the exact language used by the offender be recorded as accurately as possible.
  - (4) Ensure the victim is made aware of crime victims assistance and is provided with claim forms.
  - (5) Maintain contact with victims and other concerned parties regarding the status of the case.
  - (6) Forward copies of all reports to the Detective Sergeant for reporting to DCJS. The Detective Sergeant or his designee will complete a DCJS 1852, Bias Crime

Incident Report, and will file same with a copy of the Incident Report with the Westchester County Department of Public Safety Crime Analysis Unit.

- B. Existing responsibilities and procedures regarding press releases will remain with the Support Services Lieutenant or his designee.

#### ARTICLE IV Cellblock Management and Suicide Screening

##### § AD83-15. Purpose.

The purpose of this article is to establish procedures to promote the safety and welfare of prisoners in detention cells, the safety of custodial officers, to eliminate the incidence of suicide among persons in police custody, to stabilize acutely mentally ill and/or suicidal prisoners and provide them with timely access to psychiatric inpatient care, to facilitate continuity of care for all mentally ill prisoners upon their release from custody, and to foster cooperative working relationships between the Police Department and local medical/mental health service providers.

##### § AD83-16. Background.

Apart from the humane considerations involved, persons in custody who must be detained in the lockup are guaranteed certain rights and protection under the law. The State Commission of Correction regulations clearly define standards for the care, custody, treatment, supervision and discipline of all persons confined in such lockup facilities (Parts 7500 through 7511).

##### § AD83-17. Policy.

It is the policy of the Village of Mamaroneck Police Department that all prisoners be humanely treated, closely monitored and not be detained for more than 72 hours, while in official custody, to protect their safety and welfare. The Department, in conjunction with the New York State Office of Mental Health, New York State Commission of Correction and County Medical Health Service staff, have developed the Local Forensic Suicide Prevention Program. Such program is in conformance with New York State Commission of Correction Minimum Standards and nationally accepted detention practices. This Department will implement the program as a supplement to other mandates, codes, rules and regulations governing the operation of the lockup facility.

##### § AD83-18. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**CELLBLOCK** — The secured detention area having four individual cells at the rear of the police desk area.

**DETENTION CELL** — The cell located adjacent to the Parking Enforcement Officer's room usually used for the temporary holding of female prisoners.

**§ AD83-19. Responsibility to be familiar with procedure. [Revised 4-8-2009]**

All appropriate personnel will be familiar with the guidelines set forth in this article, as it relates to their role. It is used as the basis for training in the proper handling of detainees and the use of detention cells. The Support Services Lieutenant is responsible for the overall operation and security of the detention areas. The direct supervision and control of the detention areas and its occupants is the responsibility of the superior officer.

**§ AD83-20. Search of prisoner before incarceration.**

- A. Arresting officers shall cause to be removed from a prisoner's possession all personal property, except essential clothing, paying particular attention to:
  - (1) Items of contraband;
  - (2) Evidentiary items;
  - (3) Items that could be life-threatening;
  - (4) Items which could facilitate an escape; and
  - (5) Items which could be used to damage or deface property.
- B. An infectious disease protection kit is available in the fingerprint cabinet for use by the searching officer.
- C. An itemized inventory of all property will be made, using a prisoner personal property envelope.
- D. Disposable jumpsuits are available at Headquarters in the event removal of a prisoner's clothes is necessary.
- E. All property and money will be inventoried in the prisoner's presence. The prisoner will sign at the bottom acknowledging the inventory.
- F. The property envelope will be sealed and stored behind the desk until release or transfer of the prisoner.
- G. Upon release, the prisoner's property will be returned to him, and he will acknowledge receipt of all property by again signing the envelope.
- H. If a prisoner refuses to sign the envelope, "Refused to Sign" shall be noted on it by the reporting officer and witnessed by another officer.

**§ AD83-21. Physical/mental condition of prisoner.**

- A. If a prisoner exhibits any signs of physical or mental illness, injury or loss of consciousness or complains of such, medical attention will be provided, prior to incarceration. If such signs develop while the subject is incarcerated, medical attention will be provided forthwith.

- B. Particular attention will be paid to individuals who are apparently acutely intoxicated. These will be subjects who display the symptoms of acute alcohol poisoning: confusion, stupor, coma, etc. However, prisoners who are intoxicated and may not require medical assistance shall still be considered a high risk inmate. Nearly all of the lockup prisoners who have committed suicide in New York State during recent years were intoxicated at the time of arrest, often at the 0.15 level or below. New York State Codes, Rules and Regulations § 7503.1(b) notes that an alcoholic odor can obscure a serious physical problem.
- C. Sick, intoxicated or injured prisoners that require medical attention can be transported to the hospital in a police vehicle or by EMS, depending on the medical needs of the prisoner. **[Revised 4-8-2009]**
- (1) Prisoners that require medical attention will be attended to as soon as possible. No medication shall be given to a prisoner unless authorized or prescribed by a physician. Confirmation of a detainee's need for medication shall be acknowledged by the issuing physician and documented on the detention record. If the authorized pharmaceutical is then dispensed by Department personnel, it shall also be noted on the record.
  - (2) If a prisoner requires admission into the hospital, arrangements will be made to provide ongoing security of the prisoner.
  - (3) If the prisoner is not admitted, normal arrest processing procedures will be resumed.
  - (4) A desk appearance ticket may be issued to the prisoner at the hospital for a Class E felony, a misdemeanor or a petty offense.
  - (5) Once a prisoner has been arraigned, if not released from custody, the Corrections Department assumes the responsibility for him. If hospitalization is required, the prisoner will be transported to the Emergency Room at Westchester County Medical Center. Prior to transporting him to the Westchester County Medical Center, the Corrections Department will be notified so that it can make arrangements to take custody of him.
- D. Upon placing a prisoner into a detention cell, a Record of Supervisory Visits to Prisoners will be completed. The medical screening section of the DF-4 questions the detainees medical history.
- E. Extremely violent or mentally disturbed prisoners that exhibit the potential for injury to themselves or others present special risks. Therefore, in all cases, violation, misdemeanor or felony, the defendant shall not be released prior to arraignment. The Judge shall be contacted as soon as possible and advised of the incident. The defendant should be promptly arraigned for the purposes of setting bail or obtaining the commitment order.
- F. In the case of a violent prisoner who risks harming himself or others, the long-term use of restraining devices is not approved. Necessity for use of such procedures indicates criteria for mental health evaluation and potential hospitalization.

**§ AD83-22. Suicide prevention.**

- A. Identification of suicide-prone prisoners begins at the intake and continues until a prisoner is released from the custody of this Department. All personnel assigned to intake/booking duties will successfully complete training in the Local Forensic Suicide Prevention Screening Guidelines Form #330ADM.<sup>3</sup> Only personnel trained by certified staff shall screen each prisoner prior to placing in the lockup to seek to identify suicidal prisoners and/or prisoners with serious mental health problems.
- B. The certified suicide screening officer shall be responsible for the following:
- (1) Inquiry to involved officers regarding their observations of the prisoner for bizarre or unusual behavior or statements indicating a suicide risk.
  - (2) Checking the prisoner's property for medication or any other indication that the subject is under the care of a physician or mental health professional.
  - (3) Completion of Suicide Prevention Screening Guidelines Form #330ADM, paying particular attention to responses to Questions 1, 8, 9, 11, and 16B.
  - (4) Ensuring that prisoners are screened in their own language. The language line may be used.
  - (5) Ensuring that continued observations of all prisoners in custody for verbal and behavioral signs of suicidal intent and/or serious mental problems are conducted by the Desk Officer and noted on the cellblock log. **Note:** Suicide screening shall not be necessary if the prisoner is kept under constant supervision and is released after booking and processing.
- C. Desk officers shall order constant or active supervision of all prisoners who give eight or more "A" responses on the screening form.
- (1) Supervision should also be increased for prisoners with lower scores if the screening officer believes for whatever reason that they are also at "risk." Thirty-minute physical checks supplemented by constant video surveillance is the minimum requirement.
  - (2) "Active supervision" means the immediate availability to prisoners of the facility staff members responsible for care and custody of such prisoners, including but not limited to, supervisory visits to be conducted shall entail physical cell checks at least every 15 minutes; and the uninterrupted ability of staff members to communicate orally with and respond to each prisoner unaided by any electronic or other artificial amplifying device.
  - (3) "Constant supervision" means uninterrupted direct personal visual observation of prisoners by facility staff members responsible for the care and custody of such prisoners until the prisoner has had an emergency arraignment and can be transferred to the Westchester County Correctional Facility.

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3. See Form Guide.

- D. Desk Officers ordering active or constant supervision shall so note:
- (1) On the DF-4, Record of Supervisory Visits to Prisoners (cellblock log), any conditions relating to the mental health of the prisoner or referral and treatment steps undertaken.
  - (2) By checking the appropriate section of Screening Form #330 ADM.
- E. Desk Officers shall inspect the DF-4 for any mental health entries concerning the prisoner. Upon being relieved, he shall advise his relief of any special status of prisoners being detained. The three copy screening forms shall be separated by the Desk Officer. The original white copy will be attached to the DF-4 and filed with the cellblock log. The yellow copy is to be given to medical or mental health personnel, if referred. This is to provide for continuity of mental health care and avoid duplication of tests and/or examinations. The pink copy shall accompany the prisoner to the receiving correctional facility.
- F. In the event that noncertified personnel are assigned to Desk Officer duties, the Patrol Supervisor shall be responsible for completing the Suicide Prevention Screening Form #330 ADM and related tasks.

**§ AD83-23. Suicide risk procedures.**

- A. If, on completion of the suicide screening procedure, it is determined that the prisoner has met one of the following criteria, the prisoner should be considered a potential suicide risk:
- (1) The prisoner scores in the high risk (eight or higher) or immediate referral categories on Form #330ADM; or
  - (2) The prisoner does not score high risk but does display verbal or behavioral indicators which lead the booking officer to believe that the prisoner may require medical or mental health attention.
- B. It is the responsibility of the arresting officer to advise a supervisor when a detainee meets the criteria for having medical or psychiatric examination and to place the detainee under constant supervision until he can be transported to the hospital.
- C. The detainee should be brought, with the #330ADM, to the nearest emergency room that has the capability of performing a psychiatric evaluation. The mobile crisis team at the Medical Center may also be called for assistance from 0900 to 2200. See Contact Guide for phone numbers.
- D. If the psychiatrist determines that the prisoner may be suicidal, then the transporting officers shall notify the Tour Supervisor immediately. The Judge on call will be notified of the circumstances, and an immediate arraignment will be requested. The Judge will be provided with a copy of the #330ADM and a copy of the psychiatrist's report.

- E. Once the securing order (commitment) is signed, the prisoner will be transported to the Westchester County Jail Forensic Unit with a copy of the order and the #330ADM. Transport may be by police vehicle or by ambulance as determined by the supervisor.
- F. This procedure will be followed in cases where the prisoner cannot be released either on bail or ROR. If the charge is minor and, in the opinion of the examining doctor, the prisoner's safety would not be endangered, the prisoner should be released.

**§ AD83-24. Supervision of detainees.**

- A. Twenty-four-hour supervision of all detainees will be maintained by the Desk Officer.
- B. At least once per shift, the Desk Officer will count prisoners to ensure all are accounted for.
- C. A physical check of each prisoner will be made at least every 30 minutes (unless closer supervision is necessary). The time, condition of prisoner(s), other relevant notations and the signature of the officer or matron conducting the check will be noted on the DF-4.
- D. When possible, regular physical checks on subjects being detained should be conducted by officers of the same sex. When this is not possible, it is recommended that officers conducting such checks call out to the prisoner to be checked, from the main door of the cell area, and advise them that they will be viewing them to be certain of their welfare.
- E. The cameras used to monitor the detention cell and cellblock shall not be used in lieu of actual physical checks. Any unusual behavior observed should be noted on the DF-4.
- F. The Desk Officer should assure that prisoners who appear to be sleeping are breathing and not in need of medical assistance.

**§ AD83-25. Facility safety and sanitation.**

- A. Prisoner evacuation.
  - (1) In the event of a fire or other disaster requiring the evacuation of prisoners from the detention areas, the Tour Supervisor will be immediately notified.
  - (2) Evacuation is via the front door of headquarters; if blocked, an alternate route is via the east side stairs to the garage.
  - (3) The Desk Officer shall detail two officers into headquarters to evacuate any prisoners.
  - (4) Evacuated prisoners will be handcuffed and placed in the rear seats of caged police vehicles. At least one officer shall be assigned to guard the prisoner(s).
- B. Fire prevention and control.
  - (1) A multipurpose dry-chemical fire extinguisher is located at the police desk.
  - (2) In the event of fire, the Desk Officer will immediately notify the Fire Department.

**C. Sanitary conditions.**

- (1) A supply of soap, paper towels, paper cups, and toilet paper is available for use by detainees.
- (2) Each cell is equipped with a wood-type bunk to be used as a bed, a commode, and a sink with running water.
- (3) A disposable blanket shall be provided for each detainee held in excess of four hours, unless circumstances such as mental or physical condition of the prisoner or the temperature in the detention area dictate otherwise.
- (4) The police desk is equipped with a first-aid kit. In addition, there is an emergency ventilation mask, inhalator and contagious disease kit located in the fingerprinting cabinet.

**§ AD83-26. Security and control of detention areas.**

- A. Before entering a prisoner-occupied booking area, detention cell or cellblock area, officers will remove all firearms and turn them over to the desk area to be secured.
- B. Officers will not enter an occupied cell alone except in an emergency or while they are being monitored on the closed-circuit television camera by the Desk Officer.
- C. Detention cell and cellblock keys are on a jailer's key ring located in the key cabinet at the police desk.
  - (1) Keys will only be removed to lock or unlock cell doors.
  - (2) Cell keys will not be removed from headquarters.
  - (3) Duplicate emergency keys are located in the Chief's Office.
- D. Security inspection. Prior to putting a detainee into a cell, the officer escorting the prisoner will make an inspection of the space to ensure that there is no contraband or weapons present in the space.
- E. Detention cell/cellblock security inspection procedure.
  - (1) The Desk Officer working the tour from 8:00 a.m. to 4:00 p.m. will conduct a detention cell/cellblock security inspection every Sunday.
  - (2) The inspection will be documented on an DF-110 Detention Cell/Cellblock Inspection Log.
  - (3) The following checks will be made:
    - (a) The operational condition, wear and security of:
      - [1] Cell bars, locks, walls, floors and benches.
      - [2] Windows (glass, bars and screens).

- [3] Doors.
- [4] Plumbing.
- (b) Fire extinguisher (behind desk) available and charged; note condition on DF-110.
- (c) Miscellaneous equipment and supplies:
  - [1] Soap, paper towels, paper cups and toilet paper available.
  - [2] Disposable blankets available.
  - [3] Inhalator charged and available.
  - [4] Evidence of vermin or pests present.
  - [5] First-aid kit available and stocked.
  - [6] Any contraband or weapons discovered.
- (4) The completed DF-110 Detention Cell/Cellblock Inspection Log will be turned over to the Support Services Lieutenant for any follow-up action necessary. If evidence of vermin or pests is detected, the Support Services Lieutenant will have a pest control expert treat the area.
- (5) Semiannual testing of the desk fire extinguisher will be conducted. The testing will be conducted and documented by the Fire Department or an authorized service agency.
- F. In order to prevent prisoners from gaining possession of any tools that may aid in an escape or be used as a weapon, maintenance personnel will not be permitted to enter a detention area while it is occupied by a prisoner.
- G. Unauthorized persons are prohibited from entering the cellblock and detention cell areas. Civilians may only enter detention areas if on official business and accompanied by a Department escort.
- H. A prisoner shall be searched any time he/she is transferred to the custody of another officer.

**§ AD83-27. Prisoner escape.**

- A. In the event of an escape by a prisoner held in the detention cell/cellblock area, immediate efforts shall be made for his/her apprehension.
- B. The Detective Bureau Supervisor shall be notified. The Chief of Police shall also be notified.
- C. Determination will be made of the number of escapees and if there is a risk of additional escapes.

- D. Descriptions, identities and offenses for which escapees were incarcerated shall be transmitted via the hotline.
- E. A File 5 Wanted/Escape message will be transmitted via the NYSPIN system.
- F. The Desk Officer will immediately notify the State Commission of Corrections in the event of an escape or attempted escape. See Contact Guide for phone numbers.
- G. An investigation shall be initiated into the circumstances surrounding the escape to determine the reason for the escape and any recommendations to prevent future escapes.

**§ AD83-28. Unusual occurrences.**

- A. Regulation 9 NYCRR Part 7508 (amended 11-10-1993) requires that all prisoner deaths reported to the State Commission of Correction within six hours of pronouncement of death. All reports require a completed Part I of the M-187 to be faxed to the Commission. The Commission receives faxed messages 24 hours a day, seven days a week. See Contact Guide for phone number.
- B. Any inmate injury or illness which requires hospitalization; civil or natural emergency; or disturbance must be reported to the Commission on Form SCOC-501. This form must be mailed to the Commission, at the above address, within 24 hours of the incident's occurrence. Additional copies of both the M-187 and SCOC-501 Forms can be made on a photocopy machine.<sup>4</sup>

**§ AD83-29. Detention of juveniles.**

Juveniles must never be placed in a holding cell or detention facility. Refer to Chapter OP225, Juvenile Operations, for the specific requirements.

**§ AD83-30. Detention of females.**

- A. When a female is arrested and requires incarceration, a matron or female police officer will respond to headquarters to conduct a thorough search of the prisoner and remain with her until release or transfer to a holding facility.
- B. A list of women available for matron duty is available at the desk, and it will be the responsibility of the Desk Officer to contact one of the matrons as soon as possible after a female is taken into custody.
- C. Prior to the arrival of a matron or female police officer, if deemed necessary, officers may search a female by using the guidelines provided in § OP250-98B.
- D. Female prisoners shall not be placed in or removed from a detention area unless a matron is present.

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4. See Form Guide.

- E. Pending arrival of a matron or female police officer, female detainees may be cuffed to the handcuff bar located near the cellblock area.
- F. Female detainees will be held in detention areas separate from male detainees.
- G. Except in the event of an emergency, no male person shall be permitted to enter an area where female prisoners are detained unless accompanied by a matron or female police officer.

**§ AD83-31. Prisoners presented for detention by other authorities.**

- A. In the event that the Mamaroneck Police booking and detention facilities are used by an outside authority, the Desk Officer will make a positive identification of the person presenting the detainee for detention.
- B. An Incident Report be completed for recordkeeping purposes.
- C. If a prisoner is detained for another authority, all procedures previously outlined will be followed.

**§ AD83-32. Mass arrests.**

- A. In the event of mass arrests, detainees may be temporarily lodged in the following manners:
  - (1) Three to four detainees may be confined to each cell.
  - (2) Three to four people can be detained in the detention cell.
- B. If the situation escalates beyond the capacity of our resources, the mass processing of detainees, transportation, and operation of temporary detention facilities shall be in accordance with the County Mutual Aid and Response Plan (Chapter AD1, Article II, of this Manual) and will be carried out jointly by the Village of Mamaroneck Police Department and Westchester County Department of Public Safety.
- C. In the event of multiple or mass arrests, it is essential that officers verify that the right persons are being released. This can be done by the use of mug shots, fingerprint comparisons or the verification of a detainee's identity by a responsible person.

**§ AD83-33. Rights of detainees.**

- A. Chapter OP250, Article IV, Arrest Processing Procedure, provides guidelines for the handling of prisoners to ensure prompt arraignment or release.
- B. Prearrestment bail may be fixed using the guidelines set forth in Criminal Procedure Law § 150.30, Subdivision 2.
- C. Detainees will be afforded the opportunity to make a phone call or calls within a reasonable time after incarceration.

- D. Phone use will be allowed at the convenience of the arresting officer or the Desk Officer.
- E. Telephone use will be documented on the DF-4, Record of Supervisory Visits to Prisoners.
- F. Calls will be made using the phone next to the desk.
- G. If a detainee phones his attorney and requests privacy in speaking to him, an effort should be made to allow him to have a confidential conversation.
- H. Detainees can be provided confidential access to their attorneys at time of arraignment as per Chapter OP250, Article XVIII, Prisoner Transport.
- I. In the event that a prompt arraignment is not possible, the Patrol Supervisor may permit a prisoner to have access to his attorney while incarcerated.
- J. At the discretion of the Patrol Supervisor, a brief prisoner/attorney visit may occur in the detention cell or cellblock area. For security reasons, close supervision of the visit should be made in person or via the video monitor at the desk.
- K. Prisoners who are detained during any of the usual three daily meal hours, i.e., morning, noon and evening, shall be provided with a hot or cold sandwich and a nonalcoholic beverage.
  - (1) Each prisoner in shall be served at least three meals in a twenty-four-hour period. Such meals shall be scheduled so that:
    - (a) The morning meal is served at a regularly scheduled time between the hours of 0500 hours and 0700 hours.
    - (b) The noon meal is served at a regularly scheduled time between the 1130 and 1300 hours.
    - (c) The evening meal is served at a regularly scheduled time between 1700 hours and 1900 hours.
  - (2) Meals will be obtained at a local food establishment and will be at the expense of the Village.
  - (3) Culinary tools are not necessary and will not be issued to detainees.
  - (4) A record of meals provided, including a notation of the prisoner's refusal thereof, will be indicated on the DF-4. See Form Guide.

**§ AD83-34. Visitation rights.**

- A. The Village of Mamaroneck Police Department does not have facilities available for prisoner visitation. Therefore, it is the policy of the Department not to allow visits to prisoners.

- B. Exceptions to this can be made by the Patrol Supervisor on duty. At the discretion of the supervisor on duty, one member of a prisoner's immediate family may make a brief supervised visit to a prisoner for humanitarian reasons.
- C. A visit to a prisoner will be logged on the Record of Supervisory Visits to Prisoner Log (DF-4). This entry will include the name of the visitor, relationship to the prisoner and time and duration of the visit.
- D. It will be at the discretion of the Patrol Supervisor whether or not a visitor is to be searched.
- E. The receiving of mail or packages by prisoners is not allowed.

**§ AD83-35. Positive identification required prior to a prisoner's release.**

It is essential that officers verify that the right persons are being released. This can be done by the use of mug shots, fingerprint comparisons or the verification of a detainee's identity by a responsible person.

**ARTICLE V  
Credit Card Bail Procedure**

**§ AD83-36. Policy.**

This article is meant to provide a means whereby the Village of Mamaroneck Police Department or the Corrections Department may permit an individual to utilize a credit card in order to post bail of up to \$10,000 at either of these locations.

**§ AD83-37. Purpose.**

The purpose of this article is to realize a savings in processing, transportation, manpower, and housing costs for the Police Department and to subsequently allow a more efficient use of corrections resources.

**§ AD83-38. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

GPS — Governmental Payment Service, Inc.

**§ AD83-39. Requirements for posting a credit card bail.**

- A. The arresting agency, court, or Corrections Department will have the form available entitled "Cash Bail Fact Sheet for Credit Card Payments."
- B. The credit card holder must:

- (1) Be present at the facility where the bail is posted.
- (2) Have a valid photo ID.
- (3) Have a valid MasterCard, VISA, Discover, or American Express credit card.

**§ AD83-40. Initiating credit card bail process.**

- A. The officer receiving the bail will utilize the Cash Bail Fact Sheet for Credit Card Payments<sup>5</sup> and fill in the top half of the form with the information as it appears on the remand order:
  - (1) Defendants name on remand.
  - (2) Court docket number.
  - (3) Charge(s) on remand.
  - (4) Court name for bail.
  - (5) Total bail amount.
- B. Once this information has been completed the form is given to the cardholder.
- C. The cardholder must read and sign the fact sheet indicating that all the information is understood.
- D. The cardholder should then be instructed to take the form to any telephone and call the toll-free number provided. See Contact Guide. **Note:** The cardholder will always place the call.
- E. Once the call is completed the releasing officer will take possession of the signed form.
- F. If the transaction is denied by GPS a telephone call will be place to the agency from which the transaction originated.

**§ AD83-41. Completing the transaction.**

- A. Once GPS receives an approval code for the transaction, a Transaction Document for Cash Bail <sup>6</sup> will be faxed to the facility where the bail was initiated.
- B. Upon receipt of this document the officer processing the bail will positively identify the cardholder by requiring a valid photo ID and the credit card used to post the bail.
- C. Once the identification has been confirmed and the name and credit card is matched to the information on the document, the cardholder fills in the information on the bottom of the form [card type (MasterCard, VISA, Discover, American Express); credit card

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5. See Form Guide.

6. See Form Guide.

number (as it appears on the card); expiration date]. The cardholder then signs and dates the form.

- D. Calling GPS.
- E. Once GPS has received the transaction document and has wire-transferred the bail amount to the county's account, a wire transfer advice will be faxed to the county jail booking office.
- F. For credit card bails made at the county jail the inmate may then be released following a supervisor's approval.
- G. For credit card bails at Police Headquarters/Mamaroneck Village Court:
  - (1) The county jail will send a message, via NYSPIN, to the agency confirming the county's receipt of the wire transfer advice. This will be followed up with a telephone call from the jail confirming all the information.
  - (2) Once the agency has received this NYSPIN message and telephone call, the releasing officer will then complete a receipt for cash bail (provided by the county). A copy of this receipt will be given to the cardholder, and a copy will be kept with all other paperwork.
  - (3) The arrestee may then be released from custody.
  - (4) The releasing agency will then cause copies of the following documents to be delivered to the county jail booking office:
    - (a) Commitment (remand).
    - (b) Cash Bail Fact Sheet signed by cardholder.
    - (c) Transaction Document for Cash Bail signed by cardholder.
    - (d) Cash bail receipt.
  - (5) All original documents will be retained and filed with the court. Copies will be forwarded to the Criminal Investigations Division.
- H. The jail booking office will maintain a file of these GPS transactions.
- I. A copy of all received documents will be forwarded to the jail cashier's office.

**§ AD83-42. Reconciliation process.**

- A. On the next business day after the transaction document is received by fax from GPS, the GPS Financial Department will fax a Reconciliation Report with a list of all the previous days transactions to the county jail cashier's office and the Westchester County Finance Department. See Contact Guide for phone numbers.

- B. The Corrections Department cashiers will compare the Reconciliation Report with all the transactions. The County Finance Department will reconcile the transactions to the bank statement.
- C. If a discrepancy exists on the Reconciliation Report the cashier will immediately call GPS Financial Department and the Westchester County Finance Department. See Contact Guide for phone numbers.

## ARTICLE VI Department Inspections

### § AD83-43. Purpose.

The purpose of this article is to establish a Department inspection program in order to promote standards of excellence throughout the Department, to foster the highest level of performance and to ensure compliance with Department requirements in such areas as personal appearance, use and maintenance of equipment, and adherence to rules and regulations, policies and procedures.

### § AD83-44. Policy.

The Chief of Police has a responsibility to ensure that the resources of the Department are being used effectively and that all personnel are following established rules and regulations. To meet this responsibility, the Department shall have a continual inspection program.

### § AD83-45. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**FOLLOW-UP INSPECTIONS** — The inspection of a previously inspected element, which required attention or corrective action, to ensure the matter has been resolved or corrected.

**INSPECTION** — A procedure that involves observing, inquiring, evaluating, and reporting on organizational matters.

**LINE INSPECTION** — The inspection of personnel, vehicles, equipment and facilities by a supervisor who would normally have control or responsibility over the element inspected. Line inspections can be both announced or unannounced.

**SPECIAL INSPECTIONS** — The inspection of any administrative or operational element of the Department specifically identified by the Chief of Police. Special inspections can be announced or unannounced.

### § AD83-46. Line inspections.

- A. It is the responsibility of every supervisor to conduct formal line inspections of the personnel and equipment under his control. Formal line inspections will be conducted

semiannually, normally during May and October in conjunction with the uniform changeover. Ten days' notice shall be given before announced line inspections.

- B. Formal line inspections will include:
  - (1) Personnel (uniforms, appearance, etc.);
  - (2) Equipment procedure manual;
  - (3) Department activities; and
  - (4) Lockers.
- C. The supervisor shall complete an inspection report on every line inspection conducted and ensure that all on-duty personnel under his command participate.
- D. Supervisors shall take immediate steps to correct problems or deficiencies discovered during the line inspection.
- E. When needed corrective action falls outside the inspecting supervisor's scope of authority, he will indicate this on his inspection report to the respective supervisor. That supervisor will order a follow-up inspection for deficiencies to be corrected.
- F. Supervisors are responsible for conducting informal line inspections of personnel to ensure proper appearance and that all equipment is serviceable and ready for duty. If substandard appearance is observed, the supervisor will take necessary corrective action.
- G. The supervisor's concern during an informal line inspection should include:
  - (1) Uniforms.
  - (2) Duty equipment.
  - (3) Personal appearance.
- H. Informal inspections conducted by supervisory personnel during routine operations are to ensure that Department policies and procedures are observed and that subordinates are performing their duties efficiently. These inspections are conducted in the following manner:
  - (1) Physical observations of personnel, equipment, facilities, etc.;
  - (2) Immediate examination of the handling of specific actions at the scene;
  - (3) Through subsequent review of specific actions, reports, etc.; and
  - (4) By regular review of overall results being achieved, such as performance levels.
- I. Unannounced line inspections will involve on-duty personnel, vehicles, equipment and facilities. Unannounced line inspections shall be conducted by the supervisor who would normally have control over the tour as directed by the Chief of Police.
- J. Vehicles.

- (1) Officers shall inspect their vehicle at the beginning and end of each shift. Each officer shall pay particular attention to the computer, video system, and all other gear as listed on the vehicle inspection sheet.
- (2) Each officer shall record any damage or operational defects to his/her supervisor, and complete any necessary reports. Failure to report damage or defect will create the assumption that no inspection was made.
- (3) Damage or defect discovered after the vehicle has been placed into service shall normally be construed to have occurred during the tour of duty of the officer.
- (4) Defects found by officers during daily inspections, or any time during their shift, will be reported to their supervisor.
- (5) It is the responsibility of each supervisor to see that a Vehicle Repair Form<sup>7</sup> is completed in order to service our fleet in a timely manner.
  - (a) If the vehicle to be repaired must be towed in for service, the officer initiating the maintenance request will have the vehicle towed and indicate on the Squad Maintenance Request that the vehicle was towed for service.
  - (b) If it is necessary to perform a minor repair to a vehicle, the officer may take the unit in for repair after notifying the Tour Supervisor.

**§ AD83-47. Locker inspection.**

- A. Periodic inspections of Department-provided employee lockers will be conducted to check for official reports, tickets, evidence, contraband or other property not intended for storage in an employee's locker.
- B. Formal inspections will be conducted during the May and October uniform inspections.
- C. Lockers are to be kept locked.

**§ AD83-48. Special inspections.**

The Chief of Police may, at any time, request a special inspection of any administrative or operational element of the Department. Personnel assigned to conduct a special inspection shall report directly to the Chief of Police with their findings.

**§ AD83-49. Facility and equipment.**

- A. Supervisors are responsible for the ongoing inspection of the general condition and cleanliness of the departmental facilities and equipment, and for reporting problems to the Support Services Lieutenant or the Patrol Lieutenant. [Revised 4-8-2009]

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7. See Form Guide.

- B. The Lieutenants shall, semiannually, conduct an inspection of that part of the facility, equipment and supplies under his or her control. A report on the inspection will be forwarded to the Chief of Police, normally during May and October. Hazardous conditions will be noted in the report.
- C. The Lieutenants will be responsible for a continuous inspection of the police facility for cleanliness, proper working condition of equipment and sufficient quantities of reports, forms and supplies. Deficiencies and hazardous conditions will be corrected.
- D. Supervisors are responsible for the ongoing inspection of the general conditions, sanitation, cleanliness and security of the lockup facility. Serious problems will be immediately documented and brought to the attention of a Lieutenant.
- E. Formal inspections of the lockup facility are covered under Article IV, Cellblock Management and Suicide Screening, of this chapter.

**§ AD83-50. Uniforms and equipment.**

- A. Uniforms and equipment will be inspected in May and October.
- B. All items to be inspected must be presented in a clean condition.
- C. Uniforms or equipment damaged in the line of duty will be brought to the attention of the employee's supervisor.
- D. Lost or stolen uniforms or equipment will be immediately reported, in writing, to the employee's supervisor.

**ARTICLE VII**  
**Diplomatic Immunity**

**§ AD83-51. Purpose.**

The purpose of this article is to establish procedures relating to the diplomatic and consular officials encountered by members of this Department when involved in an incident.

**§ AD83-52. Policy.**

Diplomatic and Consular Officers should be accorded their respective privileges, rights and immunities as directed by international law and federal statutes. These officials should be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well established principle of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

**§ AD83-53. Mandates when dealing with diplomats or consular officials.**

- A. Diplomatic immunity.

- (1) Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families and servants. Diplomatic officers should not be arrested or detained except for the commission of a grave crime. Family members of diplomatic officers, their servants and employees of a diplomatic mission are entitled to the same immunities under current United States law (22 U.S.C. § 252) if they are not nationals of or permanently reside in the receiving state.
  - (2) Associated with this personal immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers and correspondence.
- B. Diplomatic officers. Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary and Attache. These officials are located in either Washington, D.C., or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanent residents of the receiving state, are protected by unlimited immunity from arrest, detention or prosecution with respect to civil or criminal offenses.
- C. Consular officers. Consular Officers are Consuls-General, Deputy Consuls-General, Consuls and Vice Consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom or dignity. They are entitled to limited immunities as described below:
- (1) Immunities. Under prevailing international law and agreement, a foreign Career Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.
  - (2) Identification. Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credential bears its seal, the name of the officer, his title and the signature of State Department Officials.
- D. Honorary Consuls. Often nationals or permanent residents of the receiving state are appointed and received as Honorary Consular Officers to perform the functions generally performed by Career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to the Career Consular Officer, though they may exhibit reduced-size copies of the exequatur or diplomatic note evidencing recognition by the United States government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to afford to such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an Honorary

Consul are inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him.

- E. Families of Consular Officers. Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do Consular Officers. However, they should be accorded appropriate courtesy and respect.
- F. Consular premises. Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.
- G. Consular archives, documents, records and correspondence. The consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular posts, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

**§ AD83-54. Incidents involving Consular Officers and their family members.**

- A. Methods of handling selected incidents, violations or minor offenses by Consular Officers.
  - (1) Moving traffic violations. When a Consular Officer is stopped for a moving traffic violation, the officer on the scene, upon being advised by the driver that he is a Consular Officer and ascertaining that he possesses the proper credentials, should exercise discretion based on the nature of the violation and either issue a warning of the dangers of his actions or proceed with the issuance of the appropriate citation. Mere issuance of a traffic summons does not constitute arrest or detention in the sense referred to above.
- B. Driving while intoxicated.
  - (1) The primary consideration in this type of incident should be to see that the Consular Officer is not a danger to himself or the public. Based upon this determination, the following options are available:
    - (a) Take him to headquarters or a location where he can recover sufficiently to enable him to drive safely.
    - (b) Take him to a telephone so that he can call a relative or a friend to come for him.
    - (c) Call for a taxi.
    - (d) Take him home.
  - (2) The official should not be handcuffed, subjected to any sobriety test or mistreated in any way.

- (3) At best, this is a sensitive situation. The official should be treated with respect and courtesy. It should be impressed upon him that the officer's primary concern is for his safety and the safety of others.
- C. Offenses involving family members of a Consular Officer. Family members of a Consular Officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the Consular Official is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent Consular Officer.
- D. Criminal investigations.
- (1) If an officer responding to or investigating an apparent violation of criminal law is confronted by a person claiming immunity, that individual should be immediately requested to display his official United States Department of State ID card so that the person's status and immunity can be established. If proper identification is produced, whatever level of immunity applies to that person must be fully respected. A person may be reasonably detained until his status can be determined.
  - (2) If it is established that the individual is entitled to the full inviolability and immunity of a diplomatic agent as described above, he may not be arrested and should not, except in the most extraordinary of circumstances, be handcuffed or detained in any way. His vehicle may also not be searched, seized or impounded.
  - (3) If a diplomatic vehicle is discovered to have been stolen or used by unauthorized persons in the commission of a crime, the inviolability of the car is deemed temporarily suspended, and it may be searched and impounded if necessary.
- E. Reporting of incidents to Office of the Governor. In the event that a Consular Officer or member of his family or personal staff should become involved in any actions taken by members of this Department, the Office of the Governor shall be immediately furnished with all pertinent information through the Office of the Chief of Police.

**§ AD83-55. Identification.**

- A. United States Department of State, Office of Protocol, ID card.
- (1) The only authoritative identifying document which clearly indicates what level of privileges and immunity apply to an individual is the identity card issued by the United States Department of State, Protocol Office. These come in three varieties:
    - (a) Diplomatic (blue border).
    - (b) Official (green border).
    - (c) Consular (red border).
  - (2) The cards measure 3 3/4 inches by 2 1/2 inches and contain:

- (a) A photograph of the bearer.
  - (b) ID number.
  - (c) Expiration date.
  - (d) Statement of bearer's immunity.
  - (e) United States Department of State seal.
- (3) Officers should immediately seek verification of an individual's status whenever there is any reason to doubt the validity of the card, and whenever the incident involved is serious in nature. The ID card is the property of the United States government. Altered cards may be seized.
- B. Foreign diplomatic passports, United States diplomatic visas, tax exemption cards. These are issued to a broad range of persons which includes many who have no association whatsoever with the categories of diplomatic personnel entitled to special privileges and immunities. They should be viewed as inconclusive. The possession of these documents indicates that the bearer may be entitled to some special considerations in the United States. Persons who display these documents and claim special privileges or diplomatic immunity should be requested to produce their United States Department of State ID cards. The United States Department of State should always be contacted to resolve any questions.
- C. Diplomatic license plates.
- (1) Diplomatic license plates are issued in pairs and may be used as a preliminary indication that the person operating the vehicle probably enjoys the degree of immunity indicated of the license code, but are not conclusive. The personal identity of the operator controls the level of privilege which actually applies. The plate codes are as follows:
    - (a) D: Diplomatic Agent.
    - (b) S: Diplomatic Mission Administrative and Technical Staff.
    - (c) C: Consular Personnel.
    - (d) A: United Nations Personnel.
  - (2) Diplomats are required to furnish proof of minimum auto insurance before the plates are issued. Usage on any vehicle other than the one the plates were issued to is invalid. Registration cards are issued by the Department of State along with the plates. The cards provide the vehicle description, plate number, name and address of registered owner. Verification can be obtained through an "NLETS" inquiry. The plates and registration are the property of the United States government. Altered documents can be seized.
- D. Diplomatic driver's licenses. Diplomatic driver's licenses are not conclusive evidence of the privilege and immunity status of the bearer. They should be viewed as indications that the bearer may be entitled to some special privileges. Individuals displaying such

licenses should be requested to show their United States Department of State ID cards for clarification.

E. United Nations identification cards.

- (1) The United Nations issues only one type of identification card for all personnel.
- (2) Individuals claiming immunity on the basis of these cards should be asked to produced their United States Department of State ID cards for status clarification.

**§ AD83-56. Status inquiries and verification.**

The United States Department of State should be immediately contacted in any case where an individual claims immunity but cannot present satisfactory identification, or in any case where the officer has reason to believe that the documents presented may not be authentic. See Contact Guide for phone numbers applicable to the categories of personnel listed below.

A. Diplomatic and consular personnel and international organizations (except UN), during normal business hours:

- (1) Federal diplomatic plates or other motor vehicle information.
- (2) Federal driver's licenses general licensing information.
- (3) Reporting traffic incidents/accidents; issuance of citations to diplomats.

B. Others:

- (1) Inquiries on:
  - (a) Diplomatic agents and family members.
  - (b) Administrative, technical, service staff and family members.
  - (c) Consular personnel and families.
  - (d) International organizations.
- (2) After normal business hours: all inquiries (Command Center of United States Department of State Bureau of Diplomatic Security).

C. United Nations personnel:

- (1) During normal business hours:
  - (a) Diplomatic registrations, plates other motor vehicle information.
  - (b) Verification information Host Country United States Mission to UN.
- (2) After normal business hours: all inquiries (United States Mission to UN Communications Section).

ARTICLE VIII  
Interpreters and Translators

**§ AD83-57. Policy.**

Our Department values exceptional responsiveness to special community needs, and equal protection in its service to all citizens. Whenever possible, sign language interpreters and translators shall be utilized when dealing with hearing impaired persons and persons who are non-English speaking.

**§ AD83-58. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**HEARING IMPAIRED** — A person who is deaf, deaf-blind (both hearing and visually impaired), or hard of hearing.

**QUALIFIED INTERPRETER** — Where the hearing-impaired person uses American Sign Language for communication, the term "qualified interpreter" would mean an interpreter skilled in communicating in American Sign Language. It is the responsibility of the Department to determine whether the hearing-impaired person uses American Sign Language<sup>8</sup> or Signed English to communicate.

**§ AD83-59. Contact with hearing-impaired persons.****A. Interpreters will be needed:**

- (1) When interviewing a hearing-impaired person as a witness, victim, or suspect concerning a criminal investigation, or
- (2) When conducting a criminal investigation involving a minor child as a witness, victim, or suspect and the parent(s), guardian, or custodian is hearing impaired.

**B. If a hearing-impaired person is arrested, the arresting officer shall arrange at the earliest time for a qualified interpreter for notification of rights, warnings, interrogation, or the taking of a statement.****C. Although in some circumstances a notepad and written materials may be sufficient to permit effective communication, in other circumstances they may not be sufficient. For example, a qualified interpreter may be necessary when the information being communicated is complex or is exchanged for a lengthy period of time. Generally, factors to be considered in determining whether an interpreter is required include the context in which the communication is taking place, the number of people involved, and the importance of the communication.**

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8. Note: American Sign Language (ASL), as opposed to Signed English, is a language completely distinct from English, and is the native language of most deaf Americans. Signed English is a rendering of ASL signs into English word order or grammar. A deaf person who uses ASL will not always be able to communicate fully or successfully in written or Signed English. Many interpreters are competent only in Signed English.

- D. If a hearing-impaired person is arrested, the arresting officer's Miranda warning should be communicated to the arrestee on a printed form approved for such use by the law enforcement agency where there is no qualified interpreter immediately available and communication is otherwise inadequate. The form should also advise the arrestee that the law enforcement agency has an obligation under federal law to offer an interpreter to the arrestee without cost and that the agency will defer interrogation pending the appearance of an interpreter. [45 Fed. Reg. 37630 (June 3, 1980), Analysis of Department of Justice Regulations]
- E. All deaf persons must be informed of the law enforcement agency's obligation to have a free, qualified interpreter present during all communications. This can usually be achieved by use of a printed card before the arrival of the interpreter. However, the officer must be aware of the fact that some deaf persons have very limited English language skills and will require an interpreter to ensure comprehension of even this message.
- F. All communications with deaf defendants will be videotaped when possible.

**§ AD83-60. 911 and emergency telephone access.**

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TTYs and computer modems.

**§ AD83-61. Resources.**

- A. Under the ADA and its regulation, local and state law enforcement agencies are required to provide qualified sign language interpreters, and other auxiliary aids, to ensure effective communication with deaf and hard-of-hearing individuals (28 CFR 35.160). Deference must be given to the deaf or hard-of-hearing individual's choice of what aid he or she needs [(28 CFR 35.160(b)(2))].
- B. The contact number for local sign language interpreters is available in the Contact Guide. Interpreters are available any time, day or night, seven days a week and holidays.

**§ AD83-62. Types of communications aids to be used by officers.**

- A. Speech supplemented by gestures and visual aids can be used in some cases.
- B. A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
- C. A teletypewriter (TTY, also known as a TDD) can be used to exchange written messages over the telephone.
- D. An assistive listening device or system to amplify sound can be used when speaking with a person who is hard of hearing.
- E. A sign language interpreter can be used when speaking with a person who knows sign language.

- F. An oral interpreter can be used when speaking to someone who has been trained to speech read (read lips). **Note:** Do not assume that speech reading will be effective in most situations. On average, only about 1/3 of spoken words can be understood by speech reading.

**§ AD83-63. Examples of when an interpreter may not be required.**

The following are examples of when an interpreter may not be required:

- A. An officer clocks a car on the road going 15 miles per hour above the speed limit. The driver, who is deaf, is pulled over and is issued a noncriminal citation. The individual is able to understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.
- B. An officer responds to an aggravated assault call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf. Because the officer has probable cause to make a felony arrest without an interrogation, an interpreter is not necessary to carry out the arrest.

**§ AD83-64. Examples of when an interpreter may be required.**

The following are examples of when an interpreter may be required:

- A. An officer responds to the scene of a domestic dispute. The husband says the wife has been beating their children, and he has been trying to restrain her. The wife is deaf. The officer begins questioning her by writing notes, but her response indicates a lack of comprehension. She requests a sign language interpreter. In this situation an interpreter should be called. If the woman's behavior is threatening, the officer can make an arrest and call for an interpreter to be available later at Headquarters.
- B. An officer responds to the scene of a car accident where a man has been seriously injured. The man is conscious, but is unable to comprehend the officer's questions because he is deaf. A family member who is present begins interpreting what the officer is saying. Do not expect or demand that a deaf person provide his or her own interpreter. As a rule, when interpreter service is needed, it must be provided by the Department.

**§ AD83-65. Practical suggestions for communicating effectively.**

- A. Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
- B. Face the person and do not turn away while speaking.
- C. Try to converse in a well-lit area.
- D. Do not cover your mouth or chew gum.
- E. If a person is wearing a hearing aid, do not assume the individual can hear you.

- F. Minimize background noise and other distractions whenever possible.
- G. When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
- H. Use visual aids when possible, such as pointing to printed information on a citation or other document.
- I. Remember that only about 1/3 of spoken words can be understood by speech reading.
- J. When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.
- K. If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.
- L. If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common.
- M. When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
- N. When using an interpreter, look at and speak directly to the deaf person, not to the interpreter.
- O. Talk at your normal rate, or slightly slower if you normally speak very fast.
- P. Only one person should speak at time.
- Q. Use short sentences and simple words.
- R. Do not use family members or children as interpreters. They may lack the vocabulary or the impartiality needed to interpret effectively.

**§ AD83-66. Interview and interrogation of non-English speaking persons.**

- A. Ask the person if they understand, read or write English. Ask the person what their native language is and if they can speak, read or write in their native language. Document in the Incident Report that these questions were asked and the response the person gave.
- B. Request an employee who speaks the person's native language. Avoid casual use of persons at the scene to translate during interrogations. Current case law has disallowed admission of suspect's statements into court if the translation was done by a person at the scene.
- C. Use the communication and language line for interpreting if a Department employee or neighboring Department employee is not available.
- D. For Spanish-speaking persons, advise them of their Miranda rights (Spanish version). Have the person read the form/card out loud and sign the form/card to ensure they fully

understand the rights and warnings. Document this in the Incident Report. For DWI incidents, use the Spanish version of the Implied Consent Warning Form.<sup>9</sup> Have the subject read and sign the form to ensure they fully understand the warnings. Document this in the Incident Report.

- E. The communications and language line service is available for officers when interviewing non-English speaking citizens. The language line is a twenty-four-hour service and provides services in numerous languages. To use the language line, refer to the Desk Officer's Contact Guide.

## ARTICLE IX Legal Process

### § AD83-67. Purpose.

The purpose of this article is to specify procedures that are to be used in accepting for service, serving and maintaining orders of protections.

### § AD83-68. Policy.

- A. It is the policy of this Department to accept, record, serve, and enforce orders of protection, duly issued and properly served upon respondents. This Department, when requested, will make every reasonable effort to serve orders of protection on respondents when they either live or work in the Village of Mamaroneck. Also, the Police Department will maintain a file for all orders of protection received when either the petitioner or respondent lives, works or has other cause to be in the Village.
- B. Whenever there are additional documents to a Family Court order of protection (e.g., order to show cause, custody order, visitation order, petition, summons), the additional documents, such as the above, should be accepted and served together with the order of protection. However, documents such as the above, should not be accepted for service unless they are accompanied by an order of protection. Persons requesting this service should be advised that they may be served by any disinterested party over the age of 18 years of age and not by a member of this Department.

### § AD83-69. Desk Officer.

- A. Upon receipt of an order of protection, either by mail or in person, the Desk Officer shall make a photo copy of the order. The original order shall be placed into the order of protection file. The photo copy shall be forwarded to the Court Liaison Officer.
- B. The Desk Officer receiving an order in person, wherein the Department is required to serve the order, shall obtain the address of the respondent at the time of receipt and shall write it on the order next to the respondent's name.

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9. See Form Guide.

**§ AD83-70. Patrol Lieutenant - Court Liaison Officer.**

- A. It shall be the responsibility of the Court Liaison Officer to carefully scrutinize the order of protection to determine whether or not the respondent has been served with the order of protection. An order will frequently contain wording inserted by the court indicating the respondent was present in court, in which case, according to Family Court, the order of protection was served upon the respondent at that time. Also, the petitioner may have already had a disinterested person serve the order. In either case, no further service is required upon the respondent.
- B. The Court Liaison Officer shall have the responsibility of entering all orders of protection received by the Department into the Total Enforcement order of protection module. The entry shall contain the respondent and petitioner's name, address and phone number when available, the issuing court, signing Judge and expiration date. The Court Liaison Officer shall ensure that all information contained in the order of protection module is accurate and updated.
- C. The Court Liaison Officer shall maintain the file of orders of protection located at the desk. The Court Liaison Officer shall promptly remove any expired, superseded or recalled orders of protection and forward a copy to the Records Unit for filing. Upon receipt of a superseding order of protection the Court Liaison Officer shall write the docket number or file number, if provided, on the superseded order prior to forwarding said order to the Records Unit.
- D. The Court Liaison Officer shall run a computer check through eJusticeNY Portal on all Family Court orders of protection to verify the status of the order and attach a copy of the response to the order of protection.

**§ AD83-71. Investigations Division - Records Unit.**

- A. All Records Unit personnel shall share the responsibility for scrutinizing all orders of protection received for processing.
- B. In the event the Department is requested to serve the order, one copy of the order shall be prepared, along with one copy of additional documents that may be accompanying the order.
  - (1) An affidavit of service should be completed detailing all pertinent information available relating to the petitioner, the respondent, and the docket number and detailing what paperwork is being served (e.g., petition, summonses, temporary order of protection). One copy of the affidavit of service shall be made.
  - (2) The copy of the affidavit of service should be attached to the face of the original order and any accompanying documents received. This package should then be forwarded to the Desk Officer for service. Whenever an order is served, the Desk Officer should prepare two copies of the order, write across the face of the copies the date and time served, and forward one copy to the Court Liaison Officer for entry into Total Enforcement and place the other copy into the active order of protection file.

- (3) The original affidavit of service should be attached to the copy of the order and copy of any additional documents.
  - (4) If the respondent resides outside of the Village this package shall then be mailed, return receipt requested and restricted delivery. A copy of the completed certified mail receipt and completed domestic mail receipt should be attached to the rear of the original order which is in the pending file, noting on it when the package was mailed and by whom. If the respondent resides in the Village, this package should be forwarded to the Tour Supervisor who will assign the order and any additional accompanying documents, for service upon the respondent, as promptly as practical.
  - (5) Upon receipt of the completed certified mail stub and the domestic return receipt card from the United States Postal Service indicating that the respondent did not receive delivery of the order, the Records Unit should attach them to the order and forward the entire package to the Court Liaison Officer for filing.
- C. Upon receipt of the completed affidavit of service, it should be attached to the original order of protection, after first detaching the copy of the affidavit of service from the original order. This completed package (order and affidavit) should then be forwarded to the Court Liaison Officer for filing.
- D. The Records Unit shall maintain a closed file alphabetically by the respondent's last name, and it shall contain copies of all orders that have been recalled, expired or superseded by another.

**§ AD83-72. Tour Supervisor.**

- A. The Tour Supervisor shall assign the order of protection for service upon the respondent.
- B. Generally speaking, every effort should be made to process orders of protection during the tour on which they are received.
- C. The Tour Supervisor shall be responsible for ensuring that the affidavit of service is properly completed and forwarded to the Records Unit.

**§ AD83-73. Responding officers.**

- A. From time to time, officers are called to the scene of an incident by a petitioner asking this Department to enforce an order which has not yet been served on the respondent by this Department. **Note:** This should not be construed to mean that the respondent has not been served but rather that this Department has no record of service.
- B. The following options are available to the responding officer:
  - (1) Enforce the order of protection if the officer has reasonable cause to believe the respondent is aware of its provisions. In this instance, the petitioner should be required to give a written statement that he/she has personal knowledge that the respondent was served with the order.

- (2) Enforce the Penal Law in order to safeguard the rights of all parties.
  - (3) If respondent is still present, serve him/her with the order of protection to ensure its enforceability should this Department again be called to the scene.
- C. If an officer encounters problems not covered by this article and procedure, the officer should immediately consult a superior officer through the appropriate chain of command.

## ARTICLE X Mediation

### § AD83-74. Purpose

The purpose of this article is to provide members of this Department with guidelines to follow when they are called upon to assist individuals who seek an alternative to formal legal proceedings in resolving a civil or criminal dispute.

### § AD83-75. Background.

Police officers are routinely assigned to assist individuals who are engaged in disputes that may be either civil or criminal in nature. The Westchester Mediation Center will handle minor criminal matters arising out of situations in which people know one another and have an ongoing relationship. They also will handle small claims cases and other civil matters. These cases fall into the general categories of neighbor to neighbor, family, landlord/tenant, employer/employee and consumer/merchant. Mediation has proven to be an effective means for resolving these disputes.

### § AD83-76. Policy.

It is the policy of the Village of Mamaroneck Police Department to inform individuals involved in civil or criminal disputes of the services of the Westchester Mediation Center.

### § AD83-77. Procedure.

- A. Mediation referral notices will be provided, and officers shall carry a supply of these cards in patrol vehicles when assigned to patrol duties.
- B. When investigating minor civil and criminal disputes, the officer shall advise the complainant(s) of the existence of the Westchester Mediation Center. The only exception to this shall be in cases involving spousal abuse, child abuse or the commission of a felony offense.
- C. If the complainant is receptive to the mediation technique, the officer shall issue a mediation referral notice to the parties involved and instruct them to telephone the Center. The officer shall note said referral on the associated report.

## ARTICLE XI News Media

### § AD83-78. Purpose.

The purpose of this article is to establish policies and procedures for the release of public information to the community and news media.

### § AD83-79. Background.

The goal of the public information function is to develop and maintain a positive relationship of mutual trust, cooperation, and respect by providing the news media and the community with accurate and timely information on the Department's administration and operations. While maintaining the privacy rights of individuals and the integrity of criminal investigations, authorized personnel will be expected to release public information with openness and candor. The Department is committed to informing the community of events within the public domain that are handled by or involve the Department.

### § AD83-80. Policy.

It shall be the policy of the Mamaroneck Village Police Department to inform the public and news media of events that affect the lives of the citizens in the community. The Freedom of Information Law requires that an agency (Village of Mamaroneck Police Department) make available for public inspection and copying all records. Access to certain records or portions thereof may be denied (Article 6, § 87, Subdivision 2, of the Public Officers Law).

### § AD83-81. The Public Information Officer.

The Chief of Police shall designate a member to serve as the Public Information Officer. His or her overall responsibility shall include the controlled dissemination of information to the community and news media. Specific responsibilities of this function will include but not be limited to:

- A. Preparation and distribution of Department news releases.
- B. Coordination and the authorization of the release of information about victims, witnesses and suspects.
- C. Assistance with media personnel in conveying routine news stories and at the scene of major incidents.
- D. Availability for on-call responses to the news media.
- E. Assistance at crisis situations or emergencies.
- F. Arrangement and assistance with news conferences.

**§ AD83-82. Acting Public Information Officer.**

An Acting Public Information officer shall be designated to serve in the absence of the Public Information Officer.

**§ AD83-83. Release of information from police files.**

- A. Noncriminal records. The following information may be released to members of the news media or public, when available, by appearing in person during normal business hours or by special appointment with the Records Section personnel:
  - (1) Accident reports. All accident reports shall be open for inspection to any party having an interest therein, or such person's attorney or agent (Article 4, § 66-a, Public Officers Law). An accident report may be withheld from inspection where the disclosure of such would interfere with the investigation or prosecution by such authorities of a crime involved in or connected with the accident.
  - (2) Press synopsis of Incident Reports.
  - (3) Statistical information.
- B. Criminal information: local conviction records upon specific requests.
- C. Arrest information: mug shots when records reflect previous convictions or when the accused has been recently and formerly charged with a criminal offense.

**§ AD83-84. Nonaccessible information from police files.**

- A. The Chief of Police will be solely responsible for the coordination, authorization, and release of information concerning confidential agency investigations and operations.
  - (1) All incident complaint reports shall be open for public inspection except those, after a determination by the Public Information Officer in conjunction with the ADA which would, if released:
    - (a) Deprive a person of a right to a fair trial or impartial adjudication, identify a confidential source or disclose confidential information relating to a criminal investigation;
    - (b) Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
    - (c) Endanger the life or safety of any person (Article 6, § 87 e-1 through iv and f of the Public Officers Law);
    - (d) Interfere with law enforcement investigations or judicial proceedings; or
    - (e) Be contrary to any federal or state statute.
  - (2) Aided reports shall not be open to public inspection. They may be released to the victim of a crime.

- B. Any person denied access to a record may, within 30 days, appeal in writing such denial to the Clerk-Treasurer. The Clerk-Treasurer shall, within 10 business days of the receipt of such appeal, fully explain in writing the reason for further denial or provide access to the records requested.

**§ AD83-85. Routine press briefings.**

The Public Information Officer will be responsible for the routine daily and weekly briefings with representatives of the local media. These briefings may be used in lieu of press releases about routine police incidents.

**§ AD83-86. Press conferences for major case investigations or emergencies.**

- A. The Public Information Officer will be responsible for arranging and assisting with press conferences for major case investigations or emergencies.
- B. The press conference will be conducted to provide the media with timely and accurate information, while maintaining the integrity of the investigation or the response to the emergency.
- C. Depending upon the situation, the press conference may be conducted by the Chief of Police, designated officer in charge of the Department, and/or the Public Information Officer.
- D. All representatives of the news media will have equal access to the press conferences of the Department.

**§ AD83-87. Press releases.**

The Public Information Officer is primarily responsible for the preparation and distribution of press releases about significant or important events within the public domain that are handled by or involve the Department.

**§ AD83-88. Release of information for ongoing criminal investigations.**

- A. Guidelines. The Patrol Supervisor or his designee may release information about ongoing criminal investigations to the news media within the guidelines listed below:
  - (1) Media contacts about ongoing criminal investigations must be reported to the Public Information Officer and/or Chief of Police as soon as possible.
  - (2) Information which may be released after an arrest is made:
    - (a) The accused's name, age, residence, employment, marital status and similar background information.
    - (b) The substance or text of the charge, such as complaint and indictment information.

- (c) The identity of the investigating and arresting agency and length of the investigation so long as this does not compromise an undercover investigation.
- (d) The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at time of arrest.
- (e) The results of a Breathalyzer or intoxilyzer test or the refusal of the defendant to take a test.

B. The following information may not be released to members of the media:

- (1) Statement as to the character or reputation of an accused person or a prospective witness;
- (2) Admissions, confessions, or the content of a statement or alibi attributable to an accused person;
- (3) The performance or result of tests or the refusal of the accused to take a test other than Breathalyzer or intoxilyzer tests;
- (4) Statements concerning the credibility or anticipated testimony of perspective witnesses;
- (5) The possibility of a plea of guilty to the offense charged or to a lesser offense or other disposition;
- (6) 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;
- (7) The name of any juveniles taken into custody;
- (8) The identity of any victim of a sex offense as defined in Article 130 or § 255.25 of the Penal Law.

**§ AD83-89. Photographs.**

A. Members of the news media are allowed to take photographs of:

- (1) Prisoners in transit.
- (2) Activities inside Police Headquarters from hallways and other public areas.
- (3) On-scene investigations so long as this activity does not excessively interfere with the police operation or violate the right of denial of access onto private property by the property owner.

B. Officers may restrict the use of flashbulbs, strobe lights, etc., when their use interferes with the police investigation.

C. Officers do not pose or otherwise stage the photographing of any prisoner or victim.

**§ AD83-90. Interviews with victims.**

Members of the media have a right to interview victims of criminal offenses, accidents, etc., as long as the victim wishes to engage in such an interview.

**§ AD83-91. Internal affairs investigations.**

Media requests for information pertaining to Internal Affairs are directed to the Chief of Police. These news releases are made in the following manner:

- A. In matters still under investigation, statements may be released regarding the nature of the allegations and that the allegations are under investigation.
- B. In completing an investigation, information regarding the nature of the complaint, the officers involved, the name of the complainant, the established fact, and the final disposition may be released.
- C. Investigations which involve criminal activity are treated as other criminal cases, except information released to the press would be by the Chief of Police or the Public Information Officer.

**§ AD83-92. Media relations in field situations.**

- A. The Village of Mamaroneck Police Department does not issue or revoke news media credentials; therefore, media representatives who possess a current Westchester County Department of Public Safety press card, individual news media identification cards, or who otherwise are known to be legitimate media representatives shall be allowed immediate access to the scene of the police operation.
- B. The ranking officer on the scene determines further access at the scene of the incident based on the following considerations:
  - (1) Will the media representative's presence interfere with the police investigation, endanger physical evidence, or safety of the news media?
  - (2) If the ranking officer decides that the media should be kept from the immediate area of the incident, the media representative is so informed. The ranking officer or the Public Information Officer then provides situational briefings to the media as frequently as possible to assist the news media in meeting their deadlines.
  - (3) Once the scene is secure for media entry, the ranking officer or Public Information Officer, when possible, will conduct an on-scene tour with the media representatives.
  - (4) If the police incident takes place on private property, members of the media are not allowed access, except on approval of the owner.
  - (5) At the scene of an incident in which the Village of Mamaroneck Fire Department has primary responsibility, the ranking police officer will allow media access to the

Fire Department command post, unless otherwise notified by the ranking fire officer on the scene.

- (6) Should any officer encounter problems regarding a member of the news media's lack of cooperation, disregard for a legitimate police order, following police cars or fire trucks, running on emergency calls, or any other unusual incident, the officer shall immediately report the incident to the Chief of Police. The Chief of Police will cause a letter to be sent to the publisher or manager of the newspaper, if warranted, detailing the complaint.
- (7) Members of the media shall never be invited to accompany members of the Department during the execution of an arrest or search warrant unless authorized by a court.

**§ AD83-93. Other police agencies.**

- A. Any request for information or incidents involving activities initiated by another police agency, such as a pursuit, shall be referred to that agency.
- B. Incidents that are initiated by the Mamaroneck Village Police Department and assisted by other police agencies will be handled as described by this article.

**§ AD83-94. Exceptional incidents.**

- A. Suicide: The Department prefers not to release the name of the victim and the method used until after the notification of the next of kin.

**§ AD83-95. Policy development.**

- A. News media representatives may submit written requests for procedure or policy changes concerning contact with the news media.
- B. All such requests will be referred to the Chief of Police for review and to take the appropriate action.
- C. The goal is to maintain good rapport with the news media by the development of fair and viable working relationships.

**§ AD83-96. Crime victims.**

A victim of a crime shall be entitled to, regardless of physical injury, and without charge, a copy of a police report of the crime. (Article 23, § 646, of the Executive Law)

**ARTICLE XII**  
**Sex Crimes Victims Assistance**

**§ AD83-97. Purpose.**

- A. The State of New York has set forth in Subdivision 2-a of § 642 of the Executive Law, Article 23, three requirements that must be addressed whenever police personnel come in contact with the victim or alleged victim of a sex crime.
- B. Specifically, this Department must provide the following:
  - (1) A private setting for interviewing victims from which the occupants are not visible and their conversation cannot be heard.
  - (2) Allow only those persons necessary for the interviewing of the victim and only with the victim's expressed authorization.
  - (3) Provide the victim, in writing, with the name, address and telephone number of the nearest rape crisis center.

**§ AD83-98. Policy.**

It is the policy of the Village of Mamaroneck Police Department that victims of sex crimes will receive appropriate care and treatment to facilitate the reporting and recovery process and members will be especially sensitive to the needs of victims who have been subjected to a sexual offense or incest.

**§ AD83-99. Procedure.**

- A. Any member of the Village of Mamaroneck Police Department that suspects they have made contact with a victim of a sex crime will notify the Desk Officer of the nature of the call and request a supervisor be advised of the incident.
- B. The officer assigned the investigation will secure the crime scene for processing by a Detective and either transport or have medical personnel transport the victim to the hospital for treatment of any injuries and an examination to collect evidence. The evidence collection kits (rape kits) are available at the hospital emergency room. The completed kits, along with the victim's clothing, will be secured and labeled as evidence in accordance with existing procedures detailed in Chapter OP265, Article II, Collection, Preservation and Control of Evidence.
- C. The interviewing of the victim will be conducted in the report room or in the Detective Bureau at Police Headquarters or another private area where the victim will not come into contact with unauthorized personnel.
- D. The victim may request and have present any of the following:
  - (1) A social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim. Additionally, only those police personnel directly

involved in the case that would need to be present will be allowed in during the interview.

- (2) Where appropriate, the parent or parents of the victim, if requested by the victim, or in the case of a youth, shall be present during the interview.
- E. In every case, the victim or alleged victim of any sex crime, will be given a card with the name, address and telephone number of the nearest rape crisis center. These cards will be available at all times at Police Headquarters.
- F. The supervisor will ensure that these steps are taken for each sex crime complaint received.

### ARTICLE XIII Sex Offender Registration

#### § AD83-100. Purpose.

The purpose of this article is to establish procedures for the registration and monitoring of sex offenders residing, employed or enrolled in, attending, employed by or residing at an institution of higher education within the jurisdiction of the Village of Mamaroneck Police Department, as well as to disseminate information regarding such offenders to vulnerable, at-risk populations and members of the public seeking access to sex offender information.

#### § AD83-101. Background.

Article 6-C of the New York State Correction Law, § 168 et seq., the Sex Offender Registration Act (SORA), requires that all sex offenders register with the Department of Criminal Justice Services (DCJS) and verify their addresses annually for at least 20 years. This law additionally provides guidelines for law enforcement agencies to release information regarding sex offenders to any persons or groups deemed "vulnerable populations."

#### § AD83-102. Policy.

It will be the policy of the Village of Mamaroneck Police Department to comply with Article 6-C of the New York State Correction Law by monitoring registered sex offenders within its jurisdiction, maintain an up-to-date list of vulnerable, at-risk populations and facilities within this jurisdiction, and by disseminating appropriate information regarding such offenders in accordance with the guidelines established in this law. In the interest of public safety, this Department will actively participate in the sharing of such information with other law enforcement agencies. The Detective Bureau will be responsible for this function.

#### § AD83-103. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**DURATION OF REGISTRATION AND VERIFICATION —**

- A. Annually for 20 years for sex offenders not designated a sexual predator, sexually violent offender or predicate sex offender and for those designated Level I or II as of March 11, 2002.
- B. Annually for life for offenders designated, on or after March 11, 2002, as a sexual predator, sexually violent offender, predicate sex offender or a Level III offender. In addition, those classified as sexual predators and Level III offenders are also required to personally verify their address every 90 days with the Department.

**ENTITIES WITH VULNERABLE POPULATIONS —** Any group, organization or collection of persons whose overall makeup of members lends itself as a target of a sex offender. Some samples are schools, day-care centers, nursing homes, certain neighborhoods, etc.

**SEX OFFENDER —** Any person who is convicted of any of the sexual or sexually violent offenses, or an attempt to commit any of the offenses, set forth in § 168-a(2) or (3) of the Correction Law, the Sex Offender Registration Act. The offenses include, but may not be limited to, the following:

- A. Rape (any degree).
- B. Sodomy (any degree).
- C. Sexual abuse first, second or third degree (if victim is less than 18 years of age).
- D. Aggravated sexual abuse (any degree).
- E. Course of sexual conduct against a child, first or second degree.
- F. Incest.
- G. Any section of Article 263 of the NYS Penal Law pertaining to sexual performances by a child.
- H. Disseminating indecent materials to minors, first degree.
- I. Promoting prostitution, first degree.
- J. Patronizing a prostitute, first or second degree.
- K. Sexual misconduct.
- L. Forcible touching (if victim is less than 18 years of age).
- M. Persistent sexual abuse.
- N. Facilitating a sexual offense with a controlled substance.
- O. Any of the following, provided that the victim is less than 17 years of age:
  - (1) Kidnapping, first or second degree.
  - (2) Unlawful imprisonment, first or second degree.

- (3) Patronizing a prostitute, third degree.
- (4) Promoting prostitution, second degree (where the victim is less than 16 years of age).
- P. Commission or attempted commission of any of these offenses as a hate crime or a crime of terrorism.
- Q. Any offense of the law in any other jurisdiction, including federal, which includes all of the essential elements of any felony listed above, for which a sentence to a term of imprisonment in excess of one year or a sentence of death is authorized in this state irrespective of whether such sentence was imposed.

**STATUS RISK LEVEL —**

- A. The New York State Board of Examiners of Sex Offenders assesses the risk of repeat offenses by sex offenders and the threat posed to public safety. After reviewing certain criteria and risk factors, the Board of Examiners designates a status Risk Level I, II or III to the sex offender. Further administrative and judicial process may take place to determine the risk level assigned to an offender.
  - (1) Level I offender: The risk of recidivism is low.
  - (2) Level II offender: The risk of recidivism is moderate.
  - (3) Level III offender: The risk of recidivism is high.
- B. An offender may also be designated to be a sexual predator, a sexually violent offender or predicate sex offender, which terms are defined in the Correction Law, § 168-a(7).<sup>10</sup>

**§ AD83-104. Sex offender case procedures.**

- A. Upon receipt of written notification from the New York State DCJS Sex Offender Registry Unit that a classified (or to-be-classified) sex offender resides or is employed in a place for which the Department has primary jurisdiction, or is enrolled in, attending or employed by an institution of higher education in a place for which the Department has primary jurisdiction, the Investigator will log the same by completing a TOTAL event. The Investigator will open a TOTAL case and maintain a hard copy case file containing all documents obtained throughout the period in which the sex offender remains domiciled, employed or so enrolled, in a place in which the Department has primary jurisdiction.

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10. Note: Section 168-a(7)(a): "Sexual predator" means a sex offender who has been convicted of a sexually violent offense defined in subdivision three of this section and who suffers from a mental abnormality or personality disorder that makes him/her likely to engage in predatory sexually violent offenses.  
Section 168-a(7)(b): "Sexually violent offender" means a sex offender who has been convicted of a sexually violent offense defined in subdivision three of this section.  
Section 168-a(7)(c): "Predicate sex offender" means a sex offender who has been convicted of an offense set forth in subdivision two or three of this section when the offender has been previously convicted of an offense set forth in subdivision two or three of this section.

- B. The Investigator will conduct inquiries for information about the sex offender by accessing the records related to the sex offender from applicable sources such:
- (1) NYS DCJS (Criminal Record Report).
  - (2) NYS DCJS Sex Offender Registry (on-line registry).
  - (3) NYS DMV license and registration (available through NYSPIN).
  - (4) TOTAL Records (VMPD records).
  - (5) RIC1 (Westchester County Multi-Agency Booking System).
  - (6) Any and all other sources of relevant information related to the criminal history and personal activities of the sex offender.
- C. The Investigator will log the sex offender into the sex offender shared document spread sheet maintained by the Detective Bureau. This information will be updated by the Investigator throughout the course of the sex offender's case. In the event that the sex offender changes his/her address, employment, or institution of higher education to a place which is not the primary jurisdiction of this Department, the Investigator will move the sex offender from this Department's active case list to the inactive list found on the spread sheet. The Investigator will notify the New York State DCJS Sex Offender Registry Unit and the appropriate law enforcement agency to take over the verification process of the sex offender's change of address.
- D. The Investigator may contact the sex offender, in person, as soon as practical at the place in which the sex offender has identified as his/her place of residence. The Investigator may interview the sex offender to verify the sex offender's place of residence, and obtain information related to the sex offender's employment, relatives, associates and social activities. In the event that the Investigator does not personally contact the sex offender, the reason for same shall be documented in the TOTAL case. On the other hand, the details of the interview and information obtained will be documented in the TOTAL case. The Investigator may also detail to the sex offender the obligations of the sex offender with respect to necessary annual verifications to DCJS by the sex offender and, in the case of a sexual predator or a Level III offender, the required ninety-day in-person verification at the Police Department. Notwithstanding anything contained herein, the Investigator shall attempt to personally contact and interview any Level III sex offender monitored by this Department every 90 days or as close in time thereto as practicable.
- E. The Investigator may periodically verify the address of the sex offender and, where practicable, conduct an interview of the sex offender to update the information obtained on file.
- F. Upon notification by DCJS that a sex offender has failed to verify his/her address as prescribed by the New York State Correction Law (§ 168), the Investigator shall:
- (1) Request that the NYS DCJS Sex Offender Registry Unit deliver an affidavit stating the same to the Investigator so he/she can initiate the appropriate charge.

- (2) Contact the sex offender's probation or parole officer, when applicable, as to the offender's whereabouts or a possible reason for the failure to register.
  - (3) If the sex offender is in violation, make efforts to locate and summarily arrest the sex offender.
  - (4) If unsuccessful, prepare an accusatory instrument and a warrant application to be delivered to the local court for issuance of an arrest warrant.
  - (5) Upon issuance of the warrant, make all reasonable attempts to arrest the sex offender.
  - (6) In the event that the Investigator is unable to execute the warrant of arrest in accordance with Department policy and procedures, forward the case to the Warrant-Fugitive Unit.
- G. The same procedure shall be followed as set forth above in Subsection F when an offender designated as a sexual predator or a Level III offender has failed to verify in person every 90 days, except that, instead of requesting an affidavit for delinquency from DCJS as set forth in Subsection F(1), the Investigator shall contact DCJS to confirm the offender's continued status as a sex offender and request written confirmation of same.
- H. Upon receipt of mailed notices from DCJS regarding sex offender updated photograph requirements, in accordance with Correction Law §§ 168-b and 168-f (Level III once a year, Levels I and II once every three years), the Investigator will process and submit the offender's photographs and fingerprints using the sex offender booking entry of the LIVESCAN RIC System.
- I. Village of Mamaroneck Detective Bureau Investigators may assist other law enforcement agencies by sharing information about any sex offender in the form of any unsealed records, case file notes, or law enforcement data on file with this Department. Village of Mamaroneck Detective Bureau Investigators may also guide and assist other Police Departments in complying with the procedures necessary to charge and arrest a sex offender for violations of the Correction Law as well as to make community notifications as set forth below.

#### **§ AD83-105. Community notification.**

- A. Specific guidelines in the Sex Offender Registration Act govern the release of information to the public based on the assigned risk level of an offender.
- (1) Level I offender (community risk is low). The following information may be disseminated:
    - (a) Name and approximate address by zip code only.
    - (b) Photograph.
    - (c) Background information concerning the crime of conviction, modus operandi, and type of victim targeted.

- (d) Any special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by the offender.
  - (e) Name and address of any institution of higher education where the offender is enrolled or attends or is employed or resides.
- (2) Level II offender (community risk is moderate). The following information may be disseminated:
- (a) Name and approximate address by zip code only.
  - (b) Photograph.
  - (c) Background information concerning the crime of conviction, modus operandi and type of victim targeted.
  - (d) Any special conditions on offender to any entity with vulnerable populations related to the nature of the offense by the offender.
  - (e) The name and address of any institution of higher education where the offender is enrolled or attends or is employed or resides.
- (3) Level III offender (community risk is high). The following information may be disseminated and dissemination is required:
- (a) Name and exact address.
  - (b) Photograph.
  - (c) Background information concerning the crime of conviction, modus operandi and type of victim targeted.
  - (d) Any special conditions imposed on offender to any entity with vulnerable population related to the nature of the offense committed by the offender.
  - (e) The name and address of any institution of higher education where the offender is enrolled or attends or is employed or resides.
- B. **Note:** Any entity receiving information as noted above may disclose or further disseminate such information at its discretion.

**§ AD83-106. Dissemination of sex offender information.**

- A. This Department will participate in community notification for Level I, Level II, and Level III offenders, residing within this jurisdiction, who were convicted after January 21, 1996. After interviewing the offender and conducting a preliminary investigation, the Detective Bureau Investigator shall make a recommendation to the Chief of Police regarding community notification.
- B. If community notification is to be made, the following information will be released regarding the Level I and Level II offenders:

- (1) Information to the concerned party/vulnerable population that a registered sex offender is residing, working, enrolled in or attends or is employed or resides at an institution of higher education in his/her community;
  - (2) A photocopy of the DCJS sex offender information sheet or a conforming form will be prepared, with a clear photograph, and with the following information redacted:
    - (a) Social security number.
    - (b) NYSID number.
    - (c) FBI number.
    - (d) Offender's exact address, except for zip code.
- C. If community notification is to be made, the following information will be released regarding Level III offenders:
- (1) Information to the concerned party/vulnerable population that a registered sex offender is residing, working, enrolled in or attends or is employed or resides at an institute of higher education in his/her community.
  - (2) A photocopy of the DCJS sex offender information sheet will be prepared, with a clear photograph, and with the following information redacted:
    - (a) Social security number.
    - (b) NYSID number.
    - (c) FBI number.
- D. Copies of all notification material distributed will be retained in the appropriate Detective Bureau case files.
- E. Requests from the public for information will be handled by the Detective Bureau. Detective personnel will provide callers with the DCJS phone registry (per Contact Guide) and the DCJS Web site, ([www.criminaljustice.state.ny.us](http://www.criminaljustice.state.ny.us)). This information will also be posted at the desk to facilitate requests during nonoperational hours of the Detective Bureau. The Desk Officer will also provide the phone number and hours of operation of the Detective Bureau, if callers are requesting additional assistance.

#### ARTICLE XIV Unbiased Policing

##### § AD83-107. Purpose.

This article is intended to reaffirm the commitment of the Village of Mamaroneck Police Department to unbiased policing, to clarify the circumstances in which officers can consider race or ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable

way. In order to be effective we must be trusted and deal with both the reality of the difficult and complex job of policing and the perception of police work.

**§ AD83-108. Policy.**

- A. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Except as provided below, race or ethnicity shall not be motivating factors in making law enforcement decisions and officers shall not:
  - (1) Consider race or ethnicity in establishing reasonable suspicion or probable cause.
  - (2) Consider race or ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- C. Officers may take into account the reported race or ethnicity of a specific suspect based on trustworthy, locally relevant information that links a person or persons of a specific race or ethnicity to a particular unlawful incident. Race or ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

**§ AD83-109. Responsibility of supervisors.**

Supervisors shall ensure that all personnel in their command are familiar with the content of this article and are operating in compliance with it.

**§ AD83-110. Administration.**

- A. At least annually, the Lieutenant in charge of Patrol shall prepare a report for the Chief of Police describing and analyzing the status of the Department's effort to prevent biased policing.
- B. Sustained complaints of biased policing shall result in corrective actions.
- C. The Department's ongoing training curriculum shall include regular biased policing updates.

## **Chapter AD105**

### **LAW ENFORCEMENT ROLE AND AUTHORITY**

#### **ARTICLE I Constitutional Safeguards**

- § AD105-1. Policy.
- § AD105-2. Purpose.
- § AD105-3. General procedures.
- § AD105-4. Miranda rights.
- § AD105-5. Search and seizure.
- § AD105-6. Probable cause and reasonable suspicion.
- § AD105-7. Eyewitnesses.
- § AD105-8. Constitutional requirements.
- § AD105-9. Informants.

#### **ARTICLE II Deadly Force**

- § AD105-10. Purpose.
- § AD105-11. Definitions.
- § AD105-12. Background.
- § AD105-13. Policy.
- § AD105-14. Procedures and prohibitions.
- § AD105-15. Steps to take with involved officers.

#### **ARTICLE III Discharge of Firearms**

- § AD105-16. Purpose.
- § AD105-17. Background.
- § AD105-18. Policy.
- § AD105-19. Accidental or intentional firearms discharge.
- § AD105-20. Review of discharge of firearms incidents.

#### **ARTICLE IV Distraction Devices**

- § AD105-21. Purpose.
- § AD105-22. Policy.
- § AD105-23. Training and qualification.
- § AD105-24. Deployment of devices.
- § AD105-25. Reporting and recordkeeping.

#### **ARTICLE V Firearms Procedures**

- § AD105-26. Purpose.
- § AD105-27. Policy.
- § AD105-28. Department approved weapons and ammunition.
- § AD105-29. Training and qualifications.
- § AD105-30. Security of weapons.
- § AD105-31. Discharge of firearms.
- § AD105-32. Replacement weapon.
- § AD105-33. Requirements.
- § AD105-34. Prohibitions.

#### **ARTICLE VI Nondeadly Force**

- § AD105-35. Purpose.
- § AD105-36. Policy.
- § AD105-37. Definitions.
- § AD105-38. Procedure.

## MAMARONECK CODE

### ARTICLE VII OC Spray

- § AD105-39. Purpose.
- § AD105-40. Policy.
- § AD105-41. Authorization.
- § AD105-42. Usage criteria.
- § AD105-43. Usage procedures.
- § AD105-44. Effects of OC and officer response.
- § AD105-45. Reporting procedures.
- § AD105-46. Replacement.

### ARTICLE VIII Off-Duty Action and Firearms Policy

- § AD105-47. Purpose.
- § AD105-48. Policy.
- § AD105-49. Procedure.
- § AD105-50. Reporting of incident.

### ARTICLE IX Officer Discharge of a Firearm

- § AD105-51. Policy.
- § AD105-52. General responsibilities.
- § AD105-53. Death or injury involved.
- § AD105-54. No injury involved.
- § AD105-55. Reporting procedures.

### ARTICLE X Patrol Rifle

- § AD105-56. Purpose.
- § AD105-57. Policy.
- § AD105-58. Definitions.
- § AD105-59. Authorized rifles.
- § AD105-60. Authorized modifications.
- § AD105-61. Issuance and use; recordkeeping.

- § AD105-62. Authorized ammunition.
- § AD105-63. General rifle handling.
- § AD105-64. Rifle deployment.
- § AD105-65. Rifle use.
- § AD105-66. Post rifle use.
- § AD105-67. Rifle security.
- § AD105-68. Qualifications.
- § AD105-69. Responsibilities.

### ARTICLE XI Personnel Equipment

- § AD105-70. Purpose.
- § AD105-71. Background.
- § AD105-72. Policy.
- § AD105-73. Enforcement.
- § AD105-74. Equipment to be carried.
- § AD105-75. Uniforms and accessories.
- § AD105-76. Nonuniformed employees.
- § AD105-77. Special assignments.
- § AD105-78. Personal appearance.

### ARTICLE XII Police Baton

- § AD105-79. Purpose.
- § AD105-80. Policy.
- § AD105-81. Authorized use.
- § AD105-82. Unauthorized use.
- § AD105-83. Method of use.
- § AD105-84. Suspect care.
- § AD105-85. Training.
- § AD105-86. Reporting.

### ARTICLE XIII Shotgun Procedure

- § AD105-87. Purpose.

**§ AD105-88. Policy.****§ AD105-89. Authorized firearms and ammunition.****§ AD105-90. Training and qualification.****§ AD105-91. through § AD105-93.  
(Reserved)****ARTICLE XIV****Social Contacts, Terry Stops and Arrests****§ AD105-94. Philosophy.****§ AD105-95. Policy.****§ AD105-96. Contact protocol.****§ AD105-97. Four levels of contact.****§ AD105-98. Field interview reports.****ARTICLE XV****Electronic Control Devices****§ AD105-99. Purpose.****§ AD105-100. Policy.****§ AD105-101. Definitions.****§ AD105-102. Authorized users.****§ AD105-103. Storage.****§ AD105-104. Weapon readiness.****§ AD105-105. Deployment.****§ AD105-106. Training.****§ AD105-107. Specific operational considerations.****§ AD105-108. Probe removal and medical attention.****§ AD105-109. Reporting.****§ AD105-110. Maintenance.****ARTICLE I****Constitutional Safeguards****§ AD105-1. Policy.**

The United States Constitution guarantees every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of police to enforce the laws of the nation, state, and the Village of Mamaroneck. The Department expects its officers to act with due regard for citizens' civil liberties.

**§ AD105-2. Purpose.**

The purpose of this article is to define the legally mandated authority for the enforcement of laws, to establish procedures for assuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines and circumstances when officers should exercise alternatives to arrests and pretrial confinement.

**§ AD105-3. General procedures.****A. Law enforcement authority to enforce laws.**

- (1) Sections 20.40 and 20.50 of the New York State Criminal Procedure Law give police officers of villages the authority to enforce the criminal laws of the state and ordinances and regulations of the village in which they are appointed.

- (2) The Village of Mamaroneck, New York, requires that all officers, upon entering their office, take an oath whereby they swear to support the Constitution of the United States and the State of New York.
- B. Limitations on law enforcement authority. Limitations on law enforcement authority are derived from statutes, federal, state and local judicial interpretation of laws, opinions of the Attorney General and District Attorney, departmental policies/rules and regulations, and Village administrative decisions.
- (1) Statutory limitations: These limitations include but are not limited to enforcement of laws outside of the Village limits.
  - (2) Judicial limitations. Courts constantly interpret laws that place limitations on the authority of law enforcement officers. The more common include Miranda rights/warnings, rulings on search and seizure, eyewitness identification and lineups.

#### **§ AD105-4. Miranda rights.**

A. The Fifth Amendment right against self-incrimination.

- (1) The voluminous case law covering Miranda (Miranda v. Arizona, 1966) warnings has established several guidelines for officers to help decide when warnings must be administered. Miranda applies only to custodial interrogation. Interrogation is defined below. As to what constitutes custody, if a reasonable person in the suspect's position believes that he or she is not free to leave, then Miranda applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is what counts.
- (2) In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation: if police questioning is conducted in a police car or at headquarters, the environment may be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and Miranda warnings must be administered before the officer asks questions about the offense. In short, then, Miranda warnings must be given when:
  - (a) The suspect reasonably believes that he/she is in custody; and
  - (b) The suspect is interrogated.

B. Terms.

- (1) An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or other citizen.
- (2) An interrogation, according to the Supreme Court, includes the following, per Rhode Island v. Innis 1980, " . . . express questioning or its functional equivalent . . . any words or conduct on the part of police (other than those normally attendant

to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect."

- (3) Officers are reminded that an interrogation does not rely solely or exclusively on words; conduct can be the "functional equivalent" of asking questions.

C. Rights admonition.

- (1) In order to achieve uniformity in administering Miranda warnings, police officers will be issued cards with the Miranda warnings and waivers on them. Officers will advise suspects verbatim:

"You have the right to remain silent and refuse to answer any questions.

"Anything you do or say may be used against you in a court of law.

"As we discuss this matter you have a right to stop answering my questions at any time that you desire.

"You have a right to a lawyer before speaking to me, to remain silent until you can talk to him, and to have him present when you are being questioned.

"If you desire a lawyer but you cannot afford one, one will be provided to you without cost."

- (2) After the warning, in order to secure a waiver, the officer shall ask and receive affirmative replies to the following questions:

"Do you understand each of these rights I have explained to you?"

"Now that I have advised you of your rights are you willing to answer my questions without an attorney?"

- (3) After the rights have been read, understood, and the person wishes to waive them, the officer will have the suspect sign the waiver-of-rights form. Officers must cease questioning whenever the suspect invokes the right to silence.
  - (a) After the suspect has been charged, officers may not try to elicit incriminating evidence unless the suspect waives the right to counsel.
  - (b) If the suspect has been charged and has requested counsel, officers shall not try to obtain a waiver unless the suspect initiates conversation with the officers.

D. Exemptions/special cases. Miranda warnings do not apply to the following situations:

- (1) Brief on-scene questioning.
- (2) Identification procedures such as fingerprinting, conducting a lineup, or sobriety tests.

- (3) Volunteered spontaneous statements. Once the officer has heard the suspect express spontaneous incriminating statements, the officer shall then advise the suspect of Miranda rights and obtain a waiver before undertaking additional questions.
- (4) Brief investigative detention.
- (5) Roadside questioning during routine traffic stops.
- (6) Routine booking questions attendant to arrest.
- (7) Questioning by private persons.

E. Public safety exception.

- (1) When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving Miranda warnings until the officers have received information sufficient to dispel the emergency. In *New York v. Quarles* (1984), police frisked a felony suspect who was thought to be armed. Finding no weapon and worried about its location because of nearby children and without administering Miranda, the officers asked where the gun was and the suspect replied, giving the location. The presence of the gun constituted a public safety hazard, justifying the question in the absence of Miranda.
- (2) No firm guidelines exist governing when fresh warnings must be given. In considering whether previously administered Miranda rights have become legally stale, investigators must consider:
  - (a) The length of time between first warnings and later interrogation.
  - (b) Whether warnings and later interrogation were given in the same place.
  - (c) Whether warnings and later interrogation were by the same or different officers.
  - (d) The extent to which the later statement differed from a previous one.
  - (e) The apparent intellectual and emotional state of the suspect.

§ AD105-5. Search and seizure.

- A. Police action is termed a search where there is a "prying into hidden places by the police officer" in which the person whose premises or person is being searched has a reasonable expectation of privacy.
- B. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons, and things. The Supreme Court is constantly interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits under the Civil Rights Act. In order to ensure that Fourth Amendment rights are protected, officers

will obtain search warrants upon probable cause in all appropriate criminal cases except the following:

- (1) Consent searches.
- (2) Emergency searches.
- (3) Plain view.
- (4) Abandoned property.
- (5) Inventory searches of vehicles.
- (6) Incident to arrest.
- (7) Pat-downs of suspicious persons.

C. Consent.

- (1) A search warrant is not necessary where a person, who has authority or control over the thing or place searched, consents to the search.
  - (a) Generally, such authority extends to a person who shares use, access, or control of property.
  - (b) If two people have joint ownership of property, either may give consent.
  - (c) A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
  - (d) A husband or wife, or one member of a cohabitating unmarried couple, may consent to a search of areas of common ownership or use.
  - (e) A parent may consent to a search of premises occupied by a dependent child.
  - (f) An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
  - (g) An employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).

D. Emergency searches.

- (1) A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
- (2) The Virginia Supreme Court, in *Verez v. Commonwealth* (1985), gave 10 factors to be considered in evaluating whether an emergency exists.
  - (a) The degree of urgency involved and the time required to get a warrant.
  - (b) Officer's reasonable belief that contraband is about to be removed or destroyed.

- (c) The possibility of danger to others including officers left to guard the site.
- (d) Information that the possessors of contraband are aware that police are on their trail.
- (e) Whether the offense is serious or involves violence.
- (f) Whether officers reasonably believe the suspects are armed.
- (g) Whether the officers have probable cause.
- (h) Whether the officers have strong reason to believe the suspects are present on the premises.
- (i) The likelihood that the suspects will escape.
- (j) The suspects entry onto premises after hot pursuit.

**E. Plain view.**

- (1) A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits or instrumentalities of the crime), the officer must inadvertently observe the property in a place where he has a legal right to be.
- (2) It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.
- (3) The officer may not move items, look inside or underneath or beneath them for serial numbers or other identifying marks. If such movement is necessary, officers shall obtain a warrant.

**F. Abandoned property.**

- (1) A search warrant is not required for property that has been abandoned.
- (2) To constitute abandoned property, two conditions must apply:
  - (a) Property was voluntarily abandoned.
  - (b) Property was discarded outside the area in which someone has a reasonable expectation of privacy.

**G. Inventory searches of vehicles.** A lawfully impounded vehicle, or a vehicle removed from the street and placed in police custody may have its contents inventoried for purposes of police management. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. The inventory shall be conducted per Chapter OP265, Article V, Evidence and Property Management.

**§ AD105-6. Probable cause and reasonable suspicion.**

- A. Probable cause.** Most searches and all arrests are based on the police officer's perception of probable cause. According to the Supreme Court: "Probable cause exists where the

facts and circumstances within their (the arresting officer's) knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

- (1) An officer must have probable cause to undertake a search or make an arrest.
  - (2) When an officer has probable cause, he or she may undertake a complete body search, record the suspect's fingerprints, take the suspect's photograph, and jail him. The aim of probable cause is to make a formal charge.
- B. Reasonable suspicion. Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.
- (1) An officer must have reasonable suspicion to temporarily detain a citizen.
  - (2) When an officer has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of reasonable suspicion is to resolve an ambiguous situation.
- C. Elements.
- (1) Probable cause may be established through investigation and observation, witnesses, confidential informants, or through anonymous sources, provided that the information is backed by investigation.
  - (2) Unnamed informants may be used in an affidavit for a search warrant if information is included about why the informant is credible (reliability) and he has information of specific use in the investigation (knowledge). Article II, Informant Management, of Chapter PI310 will provide further information on informants.

#### § AD105-7. Eyewitnesses.

Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by officers. Eyewitness identifications may take the following form:

- A. On-scene investigation. One-on-one identifications have been held constitutional so long as the period of time between the offense and the identification is brief. One to three hours would be a reasonable amount of time.
- B. Lineups. Lineups should be conducted using a minimum of six persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the lineup, and the lineup may not take place until that attorney is present. The attorney may not offer any suggestions concerning the conduct of the lineup but may merely observe. All lineups must be documented by the police as to date, time, place, name of participants and witnesses and location of suspect/participants.
- C. Photo lineups. In conducting photo lineups, the photos must depict persons displaying similar physical characteristics as the suspect. Simply showing an eyewitness a single

photo of the suspect has been ruled unconstitutional. As a general rule, a photo lineup containing six to eight photos would be reasonable. Photographs shown to witnesses will not contain any identifying information. Photo lineups will be documented as under Subsection B above.

D. Hearsay.

- (1) Officers must understand the rules by which hearsay can be considered evidence and therefore of use in an investigation. According to the New York Supreme Court, hearsay is "evidence not proceeding from the personal knowledge of the witness, but from the mere repetition of what he has heard others say."
- (2) Hearsay is generally inadmissible in court.
- (3) Some hearsay is useful as evidence. Exceptions to the Hearsay Rule, and therefore admissible, include:
  - (a) A dying declaration or statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.
  - (b) Spontaneous declarations or exclamations of a participant or bystander concerning an incident, made without time for reflection.
  - (c) Public records or reports prepared by public officials under a duty imposed by law or regulation.
  - (d) Spontaneous admission or admission following admonition of Miranda warnings.

**§ AD105-8. Constitutional requirements.**

- A. Compliance with constitutional requirements during criminal investigations. All officers when conducting criminal investigations will take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:
- (1) All statements or confessions are voluntary and noncoercive.
  - (2) All persons are advised of their rights in accordance with this article.
  - (3) All arrested persons are taken promptly before a Magistrate for formal charges.
  - (4) All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
  - (5) Prejudicial pretrial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial. See Article XI, News Media, of Chapter AD83.
- B. The use of discretion by officers.

- (1) Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The Department provides officers with written policies and procedures, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.
- (2) With the exception of departmental rules and regulations, departmental policy generally gives officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgement, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

C. Alternatives to arrest/prearrest confinement.

- (1) Under certain circumstances, officers are faced with situations where an arrest and prearrest confinement will not be possible. In this case, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning. Examples may include:
  - (a) Mentally or emotionally disturbed persons.
  - (b) Juvenile offenders. See Chapter OP225, Juvenile Operations.
  - (c) Transient persons who need shelter and food.
  - (d) Certain misdemeanor cases.
- (2) Authority to issue appearance tickets in lieu of arrest/confinement.
  - (a) Section 150.20 of the New York State Criminal Procedure Law authorizes police officers to issue an appearance ticket in lieu of arrest for persons arrested without a warrant for an offense other than a Class A, B, C or D felony or a violation of § 130.25, 130.40, 205.10, 205.17, 205.19, or 215.56 of the Penal Law.
  - (b) The use of appearance tickets by officers. In determining whether an appearance ticket should be used, the officer should:
    - [1] Decide whether the offense committed is serious.
    - [2] Make a judgement as to whether the accused poses a danger to the public or himself.
    - [3] Decide, based on circumstances, whether the person may disregard a summons.
- (3) Informal handling of criminal matters. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When, in the judgement of the officer, a better solution to the problem will be achieved by use of alternatives to enforcement, he should refer the citizen to a social services agency.

- (4) Use of warnings as an alternative to arrest. The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the Department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:
  - (a) The seriousness of the offense.
  - (b) The likelihood that the violator will heed the warning.
  - (c) The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.
- (5) Limitations on intelligence activity.
  - (a) Departmental intelligence-gathering activities will be limited to that information concerning criminal conduct that presents a threat to the community.
  - (b) Departmental personnel and equipment will only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law and only with the advance approval of the Chief of Police.
  - (c) Intelligence information will be collected, used and processed in full compliance with all laws.

#### **§ AD105-9. Informants.**

See Article II, Informant Management, of Chapter PI310 of this Manual of Procedure.

### **ARTICLE II Deadly Force**

#### **§ AD105-10. Purpose.**

The purpose of this article is to establish clear guidelines for officers regarding the use of deadly physical force.

#### **§ AD105-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DEADLY PHYSICAL FORCE** — That force that is intended to cause death or serious physical injury or that creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

**REASONABLE CAUSE TO BELIEVE** — Reasonable cause to believe that a person has committed an offense exists when evidence or information that appears reliable, discloses facts or circumstances that are collectively of such weight and persuasiveness as to convince a

person of ordinary intelligence, judgment and experience that it is reasonably likely that such offense was committed and that such person committed it. Except as otherwise provided in the Criminal Procedure Law, such as apparently reliable evidence may include or consist of hearsay.

**SERIOUS PHYSICAL INJURY** — Physical injury that creates a substantial risk of death, or that causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**§ AD105-12. Background.**

- A. The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be subservient to the protection of life. The officer's responsibility for protecting life must include his own. Members of the Village of Mamaroneck Police Department shall use only the force necessary to effect lawful objectives. Members of the Village of Mamaroneck Police Department may use deadly physical 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 immediate danger of serious physical injury.
- B. The fact that a police officer is justified in using deadly physical force does not allow reckless conduct by the police officer if the use of deadly physical force may injure innocent persons whom he is not seeking to arrest or retain in custody.

**§ AD105-13. Policy.**

- A. An officer may employ deadly physical force by means of a firearm or any other means reasonably likely to cause death or serious physical injury only under the following situations:
  - (1) Confrontation situations: to defend the officer or another from what the officer reasonably perceives as an immediate threat of death or serious physical injury.
  - (2) Apprehension and pursuit situations.<sup>1</sup>
    - (a) When an officer acting on personally known information has reasonable cause to believe that an armed or dangerous subject has committed a felony that involved the use or attempted use or threatened immediate use of deadly physical force against a person; and
    - (b) There is substantial risk that the fleeing subject will cause death or serious physical injury if not immediately apprehended; and
    - (c) There is no other reasonable means to effect the arrest; and

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1. Note: The foundation of this policy is found in § 35.30 of the Penal Law as modified by the holding of the United States Supreme Court in *Tennessee v. Garner*. That court held that the firing at a fleeing felon is unconstitutional unless the discharging officer has probable cause to believe that the suspected person poses a significant threat of death or serious physical injury to the officer or others. Officers should be thoroughly familiar with the above section and the holding in *Tennessee v. Garner*.

- (d) The discharge does not appear likely to injure innocent bystanders; and
  - (e) If feasible, a verbal warning to stop was given.
  - (3) Injured animal: to kill a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. However, all other options shall be exhausted before shooting the animal. All other departmental procedures governing same must be adhered to.
  - (4) Firearms practice and testing. For target practice, hunting, other legitimate competition or purpose, or ballistic testing at approved sites.
- B. Headquarters shall be notified whenever possible before the discharge of a weapon. Headquarters shall notify the supervisor on duty of the situation.

**§ AD105-14. Procedures and prohibitions.**

- A. Juveniles. No distinction shall be made relative to the age of the intended target of deadly physical force. Self defense and imminent threat shall be the only procedural guidelines for employing deadly physical force.
- B. Moving vehicles.
- (1) Discharging a firearm from a moving vehicle is generally prohibited, except in certain extreme situations. Given that any officer's likelihood of successfully hitting a threatening subject is very low, an officer choosing to fire from a moving vehicle must be fully prepared to justify this action.
  - (2) Discharging a firearm into a moving vehicle is generally prohibited, except in certain extreme situations or in situations of defense of oneself or others. Given that any officer's likelihood of successfully preventing the escape of a subject in any moving motor vehicle is low, an officer choosing to fire at a fleeing vehicle must be fully prepared to justify this action.
- C. Warning shots. A police officer is not justified in using his firearm to fire a warning shot. The firing of a warning shot constitutes as a matter of law the use of deadly physical force.
- D. Firing shots for alarm. Firearms shall not be discharged to summon assistance except where the officer's safety or that of another is seriously endangered, and he believes there is no reasonable alternative. Extreme care must be exercised in such situations to prevent injury to the officer or other persons.
- E. Drawing or displaying. An officer shall draw or display a firearm only if there is reason to fear for the personal safety of the officer or others.

**§ AD105-15. Steps to take with involved officers.**

- A. In every instance in which an officer uses deadly physical force and where such use of force results in death or bodily injury to another person, the following steps shall be taken:
- (1) The officer's weapon will be replaced with another weapon, and the weapon used in the incident will be safeguarded and turned over to the investigating officer.
  - (2) The involved officer will be given the opportunity to call his family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g., press, radio, TV, etc.
  - (3) The officer shall not be allowed to talk to the press. All information regarding the incident will be given out through the office of the Chief of Police.
  - (4) Prior to the officer making a written statement, he shall be provided the opportunity to consult with an attorney.
  - (5) The officer will be relieved of regular duty and the procedure in Chapter 112, Occupational Safety, Article IV, Post Critical Incident Debriefing, shall be followed.
  - (6) Supervisors and other Department personnel must ensure that the officer is treated in a dignified manner. He should be accompanied by a fellow officer during the initial phases of the inquiry. All personnel should be sensitive to the psychological trauma that is associated with these types of incidents. Behavior such as blaming, ridiculing, teasing, and isolating the involved officer will only increase the potential trauma, and therefore shall not be tolerated.
- B. Assignment to a relieved-of-regular-duty status shall be nondisciplinary with no loss of pay or benefits.
- C. Relief from regular duty with full pay and benefits is intended to serve two purposes:
- (1) To address the personal and emotional needs of an officer involved in the use of deadly physical force that results in injury or death; and
  - (2) To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. Officers relieved from regular-duty status shall remain on a limited-duty status and shall assure their availability to the Police Department, county, state and federal authorities to assist, when necessary, in the investigation of the incident until it is concluded.

**ARTICLE III**  
**Discharge of Firearms**

**§ AD105-16. Purpose.**

The purpose of this article is to establish the framework for the proper investigation of firearm discharges by sworn members.

**§ AD105-17. Background.**

The discharging of a firearm by law enforcement personnel generates intense public scrutiny. When these incidents occur they demand a thorough and complete inquiry into all aspects of the incident. Only through an exhaustive inquiry can the facts of the incident evolve and public confidence be maintained.

**§ AD105-18. Policy.**

Whenever a firearm is discharged by a member, whether on or off duty, other than during legitimate competition, practice, hunting or ballistic testing at approved sites, the following procedures will be carried out immediately.

**§ AD105-19. Accidental or intentional firearms discharge.**

- A. In cases involving the intentional or accidental discharge of a firearm, whether on or off duty (other than the exceptions cited above under policy), it shall be reported immediately if on duty, setting forth all circumstances surrounding the incident, and as soon as possible if off duty in the following manner:
- (1) If the discharge is directed at an animal or is accidental and did not injure anyone, the member will submit a memo to the Chief of Police via the chain of command.
  - (2) If the discharge is directed at a person, whether or not the person is struck, or, if as the result of any discharge, a person is injured and the member is on duty (or off duty in the Village of Mamaroneck), he/she will submit a Discharge of Weapon Report (DF-100) and a Use of Deadly/Physical Force Report (DF-99).
  - (3) If the member is off duty and not in the Village of Mamaroneck at the time of discharge, he/she will submit a memo to the Chief of Police via the chain of command, and notify the proper authority in the jurisdiction of the discharge.
- B. In incidents involving the discharge at a person, but where no injury is sustained:
- (1) The Desk Officer will dispatch a Patrol Supervisor and notify the Detective Sergeant to conduct an investigation.
  - (2) The Patrol Supervisor shall:

- (a) Ensure that investigative personnel are dispatched.
    - [1] Note general conditions in the area, such as lighting, weather, pedestrian and vehicular traffic, etc.
    - [2] Note the points of discharge and impact for the round fired.
  - (b) Secure the names, addresses and preliminary statements of witnesses, if any.
  - (c) Direct the officer to complete and submit a detailed report of the incident.
- C. Cases involving shooting of a person.
- (1) In cases involving the shooting of a person, the Desk Officer will take the following action immediately:
    - (a) Dispatch Patrol Supervisor to the scene to take command, ensure medical treatment for all injured, protect evidence, and detain all witnesses, if any.
    - (b) Dispatch investigative personnel to the scene to take the investigative responsibility for the incident.
  - (2) The scene is to be treated as any crime scene. All unauthorized persons are to be removed and unneeded police personnel relieved to resume their duties.
  - (3) Follow established procedures in § AD175-9 of Chapter AD175, Training.
- D. In cases listed in Subsections A, B and C (except a discharge directed to destroy an animal), the Desk Officer will notify the Detective Sergeant forthwith, who will commence an investigation. Upon completion of the investigation, he will submit a written report of the relevant facts and circumstances surrounding the incident to the Chief of Police and a conclusion as to whether the discharge violated Department directive(s).

**§ AD105-20. Review of discharge of firearms incidents.**

- A. The Chief of Police shall designate a committee that shall be convened after an incident. The committee shall consist of the following:
- (1) One Lieutenant.
  - (2) One Sergeant.
  - (3) One Detective.
  - (4) One PBA representative.
- B. The objective of this committee will be to review the incident and submit a report in writing to the Chief of Police, citing recommendations for training, policy changes, changes in equipment, or other recommended action.

**ARTICLE V**  
**Firearms Procedures**

**§ AD105-26. Purpose.**

The purpose of this article is to establish guidelines for firearms and ammunition authorized for use by sworn full-time members.

**§ AD105-27. Policy.**

It is recognized that this Police Department is responsible to properly train our personnel in the use of all weapons we are authorized to carry and use. These weapons shall be inspected by the Department armorer to ensure their reliability and safety. Officers will be required to display their proficiency with these weapons and follow the guidelines in regard to their use as set forth in this Manual of Procedure.

**§ AD105-28. Department approved weapons and ammunition.**

- A. Ammunition. Only approved ammunition, specifically issued by the Department, shall be carried by a member and loaded in on-duty weapons.
- B. Firearms and handguns.
  - (1) On-duty Patrol Section. Only Department-issued or other approved firearm, holster, and gun belt shall be carried by members of patrol as a primary duty sidearm. Annually, members' firearms shall be inspected by the Department's Armorer to make sure they are in proper working order. All members shall perform routine cleaning and maintenance of their weapons to ensure that they are in proper working order.
  - (2) Detectives/staff and other plainclothes duty. Officers may carry Department-issued or -approved handguns. These weapons shall not have a barrel exceeding four inches in length. Member's firearms shall be subject to inspection by the Department's Armorer to ensure they are in proper working order. If an employee elects to use his own weapon, it must be approved by the Department Armorer, the officer must be qualified in its use, and it must be carried in a holster designed for that specific weapon. The employee shall perform routine cleaning and maintenance on their weapons to ensure that they are in proper working order.
- C. Backup weapons. A personally owned concealed weapon, in addition to the Department-issued weapon, may be carried while on duty, provided that the weapon has been registered with the Department, approved by the Department Armorer, and the officer is qualified in its use. This weapon must be loaded with Department-approved ammunition, shall be carried in a holster specifically designed for that model weapon, and have a barrel length not exceeding four inches. The purpose of this gun is as a last resort should the officer's primary duty weapon become disabled, malfunction, or no longer available to the officer. No backup weapon shall be less than .38 caliber. An annual qualification with any backup weapons carried is required.
- D. Off-duty handgun. Officers are encouraged, but not mandated, to carry a handgun when off duty in the Village of Mamaroneck. An officer who elects not to carry a handgun while off duty shall not be subjected to disciplinary action if an occasion should arise in which he could have taken police action if he were armed. A personally owned weapon used off duty for personal protection shall be carried concealed from public view. The weapon shall be registered with the Department, approved by the Department Armorer, and shall be carried and secured properly upon the person. An officer must be able to demonstrate proficiency to a firearms instructor with all personally owned handguns.
- E. Public safety is a primary concern. Therefore, all rules, regulations, and restrictions in regard to the use of firearms outlined in Article II, Deadly Force, of this Chapter AD105 shall apply to the use of backup and off-duty weapons in the same manner as it applies to Department-issued firearms.
- F. Personally owned handguns; transfer of ownership.

- (1) All personally owned handguns must be registered by the officer with the State of New York and this Department. Such personally owned weapons shall not be jointly owned; they shall be the exclusive property of the member.
- (2) Immediate notification of acquisitions and/or transfers of personally owned handguns will be made to the State of New York on the prescribed form. This form shall be submitted to the Support Services Lieutenant, and a copy is to be forwarded to the Training Sergeant. See Form Guide.
- (3) Upon the acquisition of a new handgun, the gun must be submitted to a Department Armorer for a weapons inspection, and a Department firearms instructor must assess the officer's proficiency with the handling of the weapon.

#### **§ AD105-29. Training and qualifications.**

##### **A. Handguns.**

- (1) Prior to qualification, the Department's Armorer shall determine if the weapon is in proper working order. Police officers on duty shall carry only those firearms (including backup weapons) with which they have demonstrated proficiency through an official firearms qualification course. Written records shall be maintained with the Training Unit.
- (2) Each officer must attain a minimum score of 80%. The firearms instructor(s) will review recognized safe-handling procedures for the use of member's weapon.

##### **B. Shotguns.** Only officers who have been qualified in the use of the shotgun shall handle these weapons. Prior to qualification, the Department Armorer shall determine if the weapon is in proper working order. Police officers on duty shall use only those shotguns which are issued by the Department and only after they have demonstrated proficiency through an official shotgun qualification course. The qualification course will include instruction in the safe handling of the shotgun and loading and unloading the weapon under combat situations. Each officer shall attain a minimum score of 80%.

##### **C. Modified firearms qualification.**

- (1) Prior to any armed assignment, an officer returning to work on a light-duty or restricted-duty status must be able to demonstrate to one of the firearms instructors that he or she is physically able to safely handle the assigned weapon. The injured officer may be required to display ability to safely draw and holster a weapon, using the Department-issued handgun and backup handguns carried by the officer, in a modified firearms qualification session. The Chief of Police or his designee will determine, on a case-by-case basis, the need for a modified qualification course of fire for a light-duty officer. Prior to any modified qualification course of fire, the officer in question must provide this Department with a signed medical waiver form. The waiver form will include a description of the modified training procedure and will affirm the officer's ability to safely complete the process.
- (2) The modified qualification course of fire requires that the officer can safely use his weapon, and defend himself in a close quarters, self defense situation. The officer

is still required to attend all lecture portions of firearms training which will include, but is not limited to, the topics of safe weapons handling, basic shooting principles, and the Department policy in regard to the use of force and the use of deadly physical force.

- (3) A written exam requiring a 100% score will be administered. The exam will cover the use of force, weapons nomenclature, safety and Department policy.

**§ AD105-30. Security of weapons.**

- A. Members of the Department are responsible for providing maximum security for all firearms in their possession and under their control. All Department-issued handguns have been supplied with a trigger lock. All new and used guns purchased from a retail business are sold with a child-safety locking device.

**General Business Law § 396-ee:**

"The use of a locking device or safety lock is only one aspect of responsible firearm storage. For increased safety firearms should be stored unloaded and locked in a location that is both separate from their ammunition and inaccessible to children and any other unauthorized person."

- B. The County of Westchester has enacted legislation called the Westchester Gun Safety Act (Chapter 527). All members of the Department are required to comply with all local laws and ordinances. Chapter 527-21 states "No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon."

**§ AD105-31. Discharge of firearms.**

Police Department personnel who discharge a firearm in the line of duty or while off duty (other than for training, qualification, practice, hunting or ballistic testing) shall follow Article II, Discharge of Firearms, of this Chapter AD188, with respect to completing the necessary reports surrounding circumstances of the discharge.

**§ AD105-32. Replacement weapon.**

A replacement weapon is provided in the event there is an officer involved in a shooting or an issued handgun is inoperative or damaged or it is necessary to replace a weapon when the Department Armorer is unavailable for this purpose.

- A. One spare firearm and three magazines of ammunition are located in the gun locker.  
[Revised 4-8-2009]

- B. The spare weapon is to be utilized if it is necessary to comply with § AD175-9 of Article II of Chapter AD175. It may also be utilized if an officer's weapon is damaged or malfunctioning, and the Department Armorer is unavailable to replace the weapon.
- C. Any time the spare weapon is removed from the gun locker, a memo to the Chief of Police shall be filled out, with a copy to the Department Armorer, stating the reason for issuing the weapon, who the weapon was issued to, and the name of the authorizing supervisor.

### **§ AD105-33. Requirements.**

Prior to being authorized to carry a firearm, sworn personnel shall be:

- A. Instructed in the authorized and proper use of deadly and nondeadly force.
- B. Instructed in the proper and authorized use of Department sanctioned deadly and nondeadly weapons.
- C. Issued all directives regarding the authorized use of firearms and deadly and nondeadly force.
  - (1) Only Department-issued or approved guns shall be used.
  - (2) Whenever a member finds it necessary to remove a long gun from a police vehicle and chamber a round or draw his weapon in the line of duty and display it to nonpolice individuals, he shall submit a memo to the Chief outlining the circumstances of the incident as soon as possible after the incident and no later than the end of the shift that the incident occurred. The Patrol Supervisor shall review the report and include any remarks or observations that he feels should be added to the report to clarify the circumstances. [Revised 4-8-2009]
  - (3) It is the responsibility of each employee to perform routine cleaning and maintenance on all weapons owned by him/her or issued by the Department as prescribed by the weapon's manufacturer to ensure that they are in proper working condition.
  - (4) All necessary repair of Department-issued weapons shall be made by the Department Armorer, when possible, or by factory service technicians. Personally owned weapons may be repaired by the Department Armorer, when possible, with the member responsible for providing all required parts. If the Department Armorer is unable to make said repairs, the weapon must be repaired by factory service technicians or factory-approved technicians.
  - (5) The Department Armorer will temporarily replace all Department-owned weapons that are reported as malfunctioning and make a record of this transaction.
  - (6) All members shall report weapon malfunctions and/or suspected defects in any weapon as soon as possible to a Department Armorer.
  - (7) Any member dropping a weapon shall report this event to the Department Armorer as soon as possible.

**§ AD105-34. Prohibitions.**

- A. Department-issued weapons shall not be altered in any manner whatsoever, except by a Department Armorer.
- B. Department-issued weapons shall not be taken to a gunsmith without prior approval of a Department Armorer.
- C. Only a Department Armorer shall remove the side plate for any internal inspection or alteration.
- D. "Dry firing" or snapping the action of a firearm is forbidden in or on any departmental premises, except the firing range or under proper supervision.
- E. The lubricant WD-40 shall not be used on weapons. (Cold weather causes it to gel and may result in a misfire.)
- F. Trigger shoes shall not be installed on any weapons carried by a member of the Department while on duty.

**ARTICLE VI**  
**Nondeadly Force**

**§ AD105-35. Purpose.**

The purpose of this article is to establish standard operating procedures and reporting requirements for use of nondeadly force by police officers. This procedure is intended to apply to the use of force for purposes of overcoming resistance to arrest or for defense against physical assault.

**§ AD105-36. Policy.**

It is the policy of this Department that officers shall use only that amount and duration of force which is reasonable and necessary given the facts and circumstances perceived by the officer at the time of the event to effectively bring an incident under control.

- A. Members of this Department may use reasonable and necessary force in the performance of their duties if they objectively and reasonably believe any of the following conditions are met:
  - (1) In self-defense or defense of another person.
  - (2) To prevent the commission of a public offense.
  - (3) To effect a lawful arrest, overcome resistance, and/or to prevent escape.
  - (4) To protect a person from injuring him/herself.
- B. Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident.

While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this article requires an officer to actually sustain physical injury before applying reasonable force.

- C. As noted, any application of force by a member of this Department must be judged by a standard of "objective reasonableness" at the moment force is used. When determining whether or not to apply any level of force and evaluating whether an officer has used objectively reasonable force, a number of factors should be taken into consideration. Those factors should include, but are not limited to:
- (1) The reasonable perception of the officer of the conduct of the individual being confronted.
  - (2) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects, etc.)
  - (3) Influence of drugs/alcohol (mental capacity and physical capabilities).
  - (4) Proximity of weapons to the subject.
  - (5) Availability of other options (what resources are reasonably available to the officer under the circumstances presented).
  - (6) Seriousness of the suspected offense(s) leading the officer to use force.
  - (7) Training and experience level of the officer.
  - (8) Potential for injury to citizens, officers, and the suspect(s).
  - (9) Risk of escape.
  - (10) Other exigent circumstances.
- D. Officers are expected to make split-second decisions in tense, uncertain, and rapidly evolving situations, and the amount of time to evaluate and respond to unexpected changes may impact an officer's decision in the application and duration of force.
- E. While various levels of force exist, each officer is expected to respond with that level and duration of force which reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this article.

#### § AD105-37. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**DEFENSIVE FORCE** — The necessary infliction of physical battery to overcome violent resistance or to protect self or others from assault or injury.

**NONDEADLY FORCE** — Necessary force that is not likely to cause death or great bodily harm.

**PHYSICAL FORCE** — The necessary application of submission holds to overcome resistance.

**RESTRAINING FORCE** — Use of force that is limited to holding and restraining a person.

**§ AD105-38. Procedure.**

- A. Any employee using physical force or defensive force pursuant to his duties as a police officer (whether on or off duty) shall report or cause to be reported all facts relative to the incident on a Use of Deadly/Physical Force Report Form (DF-99).<sup>2</sup> In addition to the DF-99 Form officers shall photograph the person who was the subject of either physical or defensive force by an employee. Reporting restraining force will be left to the discretion of the Tour Supervisor only.
- B. Only issued or approved equipment will be carried on duty and used when applying any level of nondeadly force, except in emergency situations when an employee must use any resources at his disposal. The use of the baton is considered a use of force, and, as such, necessary reports must be completed. The police baton, OC spray and TASER are the only approved less lethal weapons issued by the Department.
- C. Use of restraining devices is mandatory on all prisoners, unless in the employee's judgement unusual circumstances exist that make the use of restraining devices impossible or unnecessary (e.g.; prisoner is very elderly or handicapped, etc.). The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. However, when the handcuffs become an appliance to exert force necessary to further subdue a prisoner or where the suspect physically resists the application of handcuffs, use of physical force has occurred, and the necessary reports must be completed.
- D. Medical treatment.
  - (1) After any level of nondeadly force is used, an employee shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
    - (a) That person has a visible injury;
    - (b) The person complains of injury or discomfort or requests medical attention.
  - (2) Persons having "minor" visible injuries, complaining of injury or discomfort and refusing medical treatment must still be evaluated by EMS personnel at Police Headquarter, and EMS personnel shall be the witnessing party to the refusal on the DF-99. This discretion shall be given to the Tour Supervisor only.
- E. The employee shall immediately notify his immediate supervisor of the incident. In case of off-duty incidents, the employee shall notify (in person or via phone) the on-duty Tour Commander as soon as possible, and the local authority (if necessary) if the incident occurred in another jurisdiction.

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2. See Form Guide.

- F. The employee shall attempt to locate and identify any witnesses, documenting their statements.
- G. The employee shall prepare and submit the reports required by current directives. If more than one employee is involved in a use-of-force incident, each employee shall complete a DF-99 outlining their actions and observations in the incident. All copies of the report(s) will then be forwarded together, along with other applicable reports, to the Patrol Supervisor for approval.
- H. The supervisor shall respond to the scene of the incident immediately.
- I. The supervisor shall ensure that employees receive any necessary assistance, including medical treatment. He also shall ensure that any injuries to employees are properly documented.
- J. The supervisor shall ensure that medical treatment for the defendant is evaluated per Subsection D of this § AD105-38.
- K. The supervisor shall determine if a Detective should respond to the scene and the level of Detective's services to be utilized (including photos, measurements, and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs. A photograph showing no injury may be as important as one that shows injury.
- L. If determined that restraining force was used by subordinate personnel, the supervisor shall investigate the incident. When use of restraining force has been made necessary by resistance without violence, and when there are not significant injuries, reports of the use of restraining force shall not be mandatory.
- M. Upon notification of the use of physical or defensive force by subordinate personnel, the supervisor shall initiate an investigation into the incident.
  - (1) He shall review the report(s) describing the use of force, and all other relative reports.
  - (2) The supervisor shall address a memo to the Chief of Police, advising of any facts not covered in the official report(s).
  - (3) In the absence of discrepancies or additional facts, the supervisor's memo shall briefly advise that a supervisory investigation has been conducted and that facts are as reported in the official Incident Report and Use of Deadly/Physical Force Report.
  - (4) When the supervisory memo and pertinent reports cannot be routed through the chain of command immediately, the supervisory memo and pertinent reports will be routed directly to the Chief of Police, and the incident shall be verbally reported through the chain of command at first opportunity.
  - (5) The supervisory memo shall be captioned with the type of force used (restraining, physical or defensive), followed by the incident number.
- N. The Detective Lieutenant shall be responsible for the following:

- (1) He shall ensure that a thorough investigation was conducted and that all reports were prepared and submitted.
- (2) Prepare his own report, including any comments he might have regarding the incident and how it was handled.
- (3) The Detective Lieutenant's report, the supervisory memo, the Use of Deadly/Physical Force Report, and a copy of all reports on file related to the incident shall be forwarded to the Chief of Police through the chain of command without delay.

## ARTICLE VII OC Spray

### § AD105-39. Purpose.

The purpose of this article is to establish guidelines for the use by members of the Department of oleoresin capsicum aerosol restraint spray, hereafter referred to as "OC."

### § AD105-40. Policy.

The Village of Mamaroneck Police Department has issued OC aerosol restraint spray to provide officers with an additional use-of-force option. It shall be the policy of this Department that officers use OC only when warranted and in accordance with the guidelines and procedures set forth in this article and in Article VI, Nondeadly Force, of this Chapter AD105.

### § AD105-41. Authorization.

- A. All sworn members of the force shall complete the prescribed course of instruction on the use of OC.
- B. Uniformed officers shall carry issued OC canisters in the issued holster for the duty belt. Nonuniformed officers may carry an issued alternative OC device as authorized by the Chief of Police.

### § AD105-42. Usage criteria.

- A. OC spray is considered a use of force and shall be employed in a manner consistent with Article VI, Nondeadly Force, of this Chapter AD105.
- B. The method in which OC is applied will be within the procedures described in the training session.
- C. Once a suspect is incapacitated or restrained, the continued use of OC is no longer justified.

- D. Use of OC spray is authorized and may be effective when used against aggressive animals.

**§ AD105-43. Usage procedures.**

- A. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.
- B. An officer should maintain a safe distance from the suspect. It shall not be used in distances less than three feet for officer safety and to avoid the "hydraulic needle effect."
- C. A verbal warning shall be issued immediately prior to the use of OC spray.
- D. OC application should be in two one-half- to one-second bursts aimed at the subject's face. Additional bursts may be utilized, as necessary, adhering to training guidelines.
- E. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.

**§ AD105-44. Effects of OC and officer response.**

- A. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
- B. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect, to include, if necessary, other force options consistent with Department policy, if he does not respond sufficiently to the spray and cannot otherwise be subdued.
- C. Immediately after spraying a suspect, officers shall take control of the suspect and shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Consistent with Article XVIII, Prisoner Transport, of Chapter OP250 and § AD105-38D of this chapter upon observing these or other medical problems or if the suspect requests medical assistance, the officer shall immediately summon emergency medical treatment. The suspect should not be laid face down after being sprayed.
- D. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
- E. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him by rinsing and drying the exposed area. The first floor lavatory has been equipped with a face and eye wash station. All suspects who have been exposed to the OC spray shall be afforded the opportunity to decontaminate themselves.
- F. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone until the effects of the OC spray have diminished, usually within 45 minutes.
- G. If, after decontamination, a suspect is still exhibiting acute effects from the OC spray 45 minutes after exposure, he shall be transported to the hospital for evaluation.

**§ AD105-45. Reporting procedures.**

- A. Discharges, whether intentional or unintentional, of OC spray at an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
- B. A DF-99 Use of Force Report shall be completed following all discharges of OC spray at a person, except during testing and training. The report should detail the distance and amount of OC sprayed, the effect on the subject and duration of effects.
- C. Any unintentional discharge (other than those directed at a person), equipment damage or malfunctions shall be detailed in a memo directed to the Patrol Lieutenant. [Revised 4-8-2009]

**§ AD105-46. Replacement.**

- A. After a discharge of OC spray, a copy of the DF-99 Use of Force Report shall be given to the OC instructor. The report shall detail amount and duration of OC sprayed. The canister shall be turned into the Tour Supervisor and replaced with a replacement canister from the gun locker. The used canister shall be secured in the desk locker until examined by the OC instructor, at which time canister will be reissued or replaced.
- B. The canister shall be secured in the desk safe until examined and weighed by the Department Armorer.
- C. OC canisters shall be replaced at the discretion of the OC instructor.
- D. Unexplained depletion of OC canisters shall require an investigation and written report by the officer's supervisor to the Patrol Lieutenant. [Revised 4-8-2009]

**ARTICLE VIII  
Off-Duty Action and Firearms Policy**

**§ AD105-47. Purpose.**

The purpose of this article is to adopt safety directives and guidelines for dealing with the carrying of firearms while in an off-duty status and for dealing with an officer's duty and responsibility to take action in response to criminal activity while in an off-duty status.

**§ AD105-48. Policy.**

- A. A member may carry a firearm while off-duty in accordance with state and federal law. It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his service weapon; however, any weapon that an officer chooses to carry must be inspected, approved, test fired and registered with the Department Armorer. A shell casing and bullet from the weapon shall be maintained by the Department Armorer for identification purposes.

- B. Officers should refrain from carrying firearms when contemplating the consumption of alcoholic beverages or under other circumstances where the need to carry a firearm is

outweighed by safety issues associated with the circumstances that the officer will be undertaking.

- C. A member of the Department who becomes aware of an incident which poses a threat of serious bodily harm or death to some individual shall take action to minimize the risk of serious bodily harm or death. "Action" under this provision is fulfilled by reporting the incident and shall not require the officer to place him or herself in a position of peril. An officer who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this article.

**§ AD105-49. Procedure.**

- A. Go to a safe location and call 911.
- B. When you encounter a situation off duty that seems to require police action, you must consciously evaluate whether your involvement is necessary or desirable, given the circumstances. How important and urgent is the need for your intervention? A number of circumstances may impact your decision to get involved in any situation. First, you may be alone, with family members or other nonpolice personnel. Second, it is unlikely that you will have all of the necessary police equipment while off duty, for example; OC spray, baton, handcuffs or radio. You may be faced with multiple suspects or unaware of hidden suspects. There may also be environmental factors working against you, such as lack of cover, crowds of civilians, darkness, etc. Your intervention may actually spark an escalation of violence.
- C. Your best plan of action may be to gather accurate intelligence like a good witness until uniformed, on-duty officers arrive. Remember, you have no legal or departmental obligation to get involved, especially if such intervention places you in a position of peril or such intervention requires that you behave recklessly, carelessly or in a suicidal manner. While Department policy mandates that you take action when witnessing a serious crime, that obligation is fulfilled by calling the police and monitoring the situation from a safe vantage point. Most survival-conscious officers have trained themselves not to intervene off duty unless their life or the life of another innocent party is imminently in danger. In other words, you should consider intervention when deadly force would be justified. You should not intervene just to make an arrest while off duty. The decision to take action, beyond simply reporting, is a personal one and is not a requirement of this Department.
- D. If you decide you must get involved, attempt to have someone call 911 advising the operator that an off-duty officer is on the scene. Have the caller inform the operator if you are armed. If possible, have them describe you and your clothing. This will affect the mindset of the responding officers. When uniformed police officers arrive, have your badge out and visible. Do not rely on showing your identification as a means of providing any protection. At a distance, in dim light and under stress, your badge may not be seen or the identification may not be given credibility if the responding officers do not recognize you personally. Some trainers advise officers to hold their badge next to their gun for the best chance of being seen because the eyes of responding officers are most likely to go immediately to your drawn firearm. You're probably safer to reholster

your gun when other officers arrive, unless doing so would put you and the responding offices or innocent civilians in jeopardy. Until the responding officers sort out who is who, your gun is your greatest personal liability.

- E. If you have cover, maintain it. You can communicate verbally from there.
- F. Make your hands visible. Having responding officers see that you are unarmed and nonthreatening will work to calm them and protect you.
- G. Verbally identify yourself as a police officer, not once and not in a normal tone of voice, but repeatedly and very loud. Keep shouting out "POLICE! DON'T SHOOT! OFF-DUTY OFFICER!" until you get acknowledgment and directions as to what you should do. Remember, the noise and excitement of the scene, combined with stress-induced auditory blocking may prevent responding officers from hearing you initially.
- H. When commands are issued by the responding officer, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
- I. When carrying a firearm off duty (including finishing or beginning a tour of duty), it shall be concealed from public view by an outer jacket, shirt, sweater etc. If an off-duty officer's firearm is observed and prompts the response of police or security officials, the off-duty officer should respond in a manner consistent with this article.
- J. If you have a gun in your hand, never ever turn toward an on-duty officer.

#### **§ AD105-50. Reporting of incident.**

Whenever an officer becomes involved in an incident while in an off-duty capacity, he or she shall notify the on-duty superior officer of patrol as soon as possible. The on-duty superior officer shall communicate immediately with the Patrol Lieutenant and the Chief of Police. The on-duty superior officer shall also require a written report on the incident from the involved officer which shall upon completion be immediately forwarded to the Chief of Police.

### **ARTICLE IX Officer Discharge of a Firearm**

#### **§ AD105-51. Policy.**

Any officer discharge of a firearm will be treated as a serious incident. This article applies whenever an officer discharges a firearm, except at an approved range, legal hunting or target shooting area, or other authorized area. The following procedures apply regardless of whether the incident occurred while the officer was on duty or off duty, inside or outside the limits of the Village of Mamaroneck, or acting in a law enforcement capacity.

**§ AD105-52. General responsibilities.**

- A. Off duty. If you discharge a firearm, except as noted above, you shall:
  - (1) Notify an on-duty superior officer immediately.
  - (2) Submit a written report of the incident.
- B. On duty. If you discharge a firearm while on duty:
  - (1) Notify your supervisor immediately. The supervisor and Detective shall respond to the scene.
  - (2) Submit all required reports before going off duty.

**§ AD105-53. Death or injury involved.**

- A. Notify the desk, and request an ambulance.
- B. Involved officer(s).
  - (1) Under no circumstances shall the involved officer(s) be the primary unit.
  - (2) Do not make any statements to anyone outside of your chain of command.
  - (3) Relinquish custody of discharged weapon to the Detective Supervisor.
  - (4) Prepare and submit a written report of the circumstances of the incident.
- C. On-scene command officer. **[Revised 4-8-2009]**
  - (1) Duties and responsibilities.
    - (a) Obtain a brief summary of the incident from the involved officer(s).
    - (b) Do not allow the officer(s) to make any statements to anyone outside their chain of command.
    - (c) Request the response of the Detective Division.
    - (d) Notify the Chief of Police.
    - (e) Turn command over to the on-scene commanding officer (Patrol Lieutenant and above) upon their arrival.
    - (f) Ensure that the officer(s) are relieved from the scene and transported to the Detective Division as soon as possible.
    - (g) Remain at the scene to coordinate security for the scene.
    - (h) Ensure that the necessary reports and statements have been completed and properly distributed before involved personnel go off shift.
  - (2) Assisting the involved officer(s) at the scene.

- (a) Do not isolate the officer(s).
- (b) Do not allow the officer(s) to talk to other personnel about the incident.
- (c) Ensure that involved officer(s) have access to:
  - [1] Food and drink.
  - [2] Rest room facilities.
  - [3] Telephone or cellular phone.
  - [4] Representative from the collective bargaining unit.
- (d) If two or more officers are involved, do not separate them.
- (e) Do not put the officer(s) in the back seat of a police vehicle.
- (f) How an officer is treated during the time following the incident can have a psychological effect on him/her.
  - [1] Avoid making the officer feel like a suspect.
  - [2] Personnel are to be sensitive to individual officer needs. Physical contact with the officer must be evaluated on an individual basis.

D. On-scene command officer.

- (1) Duties and responsibilities.
  - (a) Immediately respond to the incident location.
  - (b) Summon the Patrol Lieutenant from off-duty status if necessary.
  - (c) If the discharge occurred in another jurisdiction:
    - [1] Respond to the location of the incident if it is within reasonable distance.
    - [2] Perform as a liaison between the Department and the other jurisdiction.
- (2) Assume command of the scene until the arrival of the Detective Division Supervisor. Relinquish the scene to the control of the Detective Division Supervisor upon his/her arrival.
- (3) The Detective Division Supervisor and the Commanding Officer will:
  - (a) Secure the discharged weapon in the exact condition it was fired and ensure that it is placed into evidence for processing.
  - (b) Provide the officer(s) with a replacement weapon. The officer(s) should not leave the scene with an empty holster.
  - (c) Relieve the officer(s) from duty immediately pending further investigation.

- (4) Unless otherwise indicated by the Detective Division Supervisor on the scene, ensure that all officers directly involved in the shooting respond, or are transported, to the Detective Bureau to complete statements. Assign another officer to accompany and transport the involved officer(s) to the Detective Bureau.
  - (5) Notify the Chief of Police.
  - (6) Ensure that the Department Chaplain, a peer counselor representative, and a representative of the collective bargaining unit are notified of the incident.
    - (a) Arrange debriefing for on-scene officers.
    - (b) Arrange counseling for the involved officer(s).
  - (7) Coordinate with the Detective Supervisor to ensure all existing reports, documents, and officer statements are forwarded immediately to the Chief of Police.
- E. Detective Division. Completion of the investigation is the responsibility of the Detective Division.

**§ AD105-54. No injury involved.**

**A. Involved officer(s).**

- (1) Do not make any statements to anyone outside of the chain of command.
- (2) Relinquish custody of discharged weapon as required. If weapon discharged was a duty weapon, a replacement weapon will be provided at the time the discharged weapon is relinquished.

**B. Primary unit. Under no circumstances shall the involved officer(s) be the primary unit.**

**C. Patrol Supervisor duties and responsibilities.**

- (1) Obtain a brief summary of the incident from the involved officer(s).
- (2) Do not allow the officer to make any statements to anyone outside his/her chain of command.
- (3) Notify the highest ranking officer on duty.
- (4) Turn command over to the on-duty Patrol Lieutenant upon arrival.
- (5) Ensure that the involved officer(s) are relieved from the scene and respond to Headquarters as soon as possible.
- (6) Ensure that a sketch is completed and photographs are taken of the scene.
- (7) Ensure that the necessary reports and statements have been completed and properly distributed before involved personnel go off shift.
- (8) Ensure that notification is made to the Chief of Police.

**D. On-scene command officer. [Revised 4-8-2009]****(1) Duties and responsibilities.**

(a) Personally investigate the firearms discharge and prepare a detailed written report of the incident. If the discharge occurred in another jurisdiction, perform as a liaison between the Department and the other jurisdiction.

(b) If the incident may have been the result of an accidental discharge, either human error or mechanical defect, place the weapon into evidence for examination; if the discharged firearm was the officer's duty weapon, immediately provide the officer with a replacement firearm.

[1] Firearms will be examined for proper functioning by a qualified gunsmith at the direction of the Training Section Sergeant.

[2] If it is determined that the officer's firearm malfunctioned, it must be repaired by qualified personnel before the officer may carry the firearm on or off duty.

(c) If the firearm discharge was intentional, the on-scene commanding officer shall:

[1] Inspect the firearm and record the:

[a] Make, model and caliber.

[b] Serial number.

[c] Brand, type and caliber of ammunition fired.

[d] Brand type and caliber of all unexpended ammunition carried in the firearm.

[2] Inspect all other ammunition carried by the officer and record the:

[a] Brand, type and caliber.

[b] Quantity.

[3] Report the results of the inspection in the detailed written report mentioned above.

(d) Ensure that the Chief of Police is notified.

(2) Ordinarily the commanding officer will relieve the officer from duty immediately pending further investigation. Exceptions may be made, such as the shooting of an animal or in minor incidents when staffing levels are critical.

**§ AD105-55. Reporting procedures.**

Ensure that a copy of all existing reports, documents and statements are forwarded immediately to the Chief of Police.

**ARTICLE X****Patrol Rifle****§ AD105-56. Purpose.**

Increasingly, police officers are encountering criminal suspects armed with high-capacity semiautomatic and full automatic rifles. Police officers carrying only sidearms (handguns) are severely outgunned when engaging an adversary with one of these weapons. The purpose of this article is to immediately provide access to a patrol rifle to counter the firepower of heavily armed suspects.

**§ AD105-57. Policy.**

Only officers who are trained and qualified in the use of the Mamaroneck Village's patrol rifle are authorized to deploy this weapon.

**§ AD105-58. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**EMPLOYEE** — Any Department employee authorized, trained, and currently qualified to deploy a rifle.

**PATROL-CAR READY** — The weapon's selector lever is on "safe," no live round is in the chamber, the bolt is closed, a fully loaded magazine is inserted in the magazine well, and the ejection port cover is closed.

**STORAGE CONDITION** — The weapon's selector lever is on "safe," no live round is in the chamber, the bolt is closed, no magazine in the magazine well, and the ejection port cover is closed.

**TACTICAL CONDITION** — When the weapon's selector lever is on "safe," a magazine is loaded in the weapon and a round is chambered, making the weapon ready for immediate use.

**§ AD105-59. Authorized rifles.**

The following are authorized rifles:

- A. Bushmaster .223 11" M4 Urban Assault Rifle, Holographic Sites and Lights.
- B. Bushmaster .223 14" M4 Urban Assault Rifle, Holographic Sites and Lights.

**§ AD105-60. Authorized modifications.**

- A. Only the Firearms Training Unit Armorer will perform or authorize modifications and repairs to the patrol rifles.
- B. The only authorized modifications are:
  - (1) Changes to the pistol grip.
  - (2) Use of a different sling system other than the issued tactical sling.
  - (3) Installation of approved ambidextrous accessories installed by the Range Armorer for left-handed shooters.
  - (4) Selection of either a fixed or an adjustable stock.
- C. Deviations from these weapon specifications must have prior approval of the Training Sergeant.
- D. Rifles will be inspected by the Firearms Training Unit at patrol rifle qualifications.

**§ AD105-61. Issuance and use; recordkeeping.**

All properly trained members of the Department are authorized to use Department issued rifles. The Training Unit maintains accurate and up-to-date records of officers who have qualified with the patrol rifle.

**§ AD105-62. Authorized ammunition.**

- A. All rifles used in patrol function will be issued T223E Tactical Ammo from Federal Ammunition Company.
- B. Other ammunitions may be issued by supervisor or SWAT team as situations arise.

**§ AD105-63. General rifle handling.**

- A. The rifle safety will be "on" at all times unless the operator is on target and has decided to shoot. See SWAT procedures (Chapter OP280, Article V, Sound Shore SWAT, of this Manual of Procedure) for exemptions.
- B. The rifle will not have a round loaded in the chamber when in a police vehicle and will be locked in its holder or stowed in a carrying case in the trunk when not in use.
- C. A round will only be loaded into the chamber of the weapon outside the police vehicle in anticipation of the weapon's imminent use ("tactical condition").
- D. Except when anticipating the imminent use of the rifle, employees will inspect the weapon to ensure that the safety is on and there is no round loaded in the chamber when:

- (1) Checking a rifle out from an authorized police weapons storage facility or locker.
  - (2) Taking the rifle out of its locked holder or Department-approved carrying case.
  - (3) Receiving a rifle from another person.
- E. If the rifle is found to have a round in the chamber, the employee will move to a safe location, point the muzzle in a safe direction and unload the weapon.
- F. At headquarters or at the firearms range or other facility where a firearm-unloading barrel is present, the rifle must be unloaded with the muzzle pointed into the barrel.
- G. The rifle will be placed in storage condition before it is turned in or stored.

**§ AD105-64. Rifle deployment.**

- A. Only officers certified in the use of the patrol rifle shall be authorized to handle, deploy, or discharge departmental patrol rifles.
- B. Discharge of the patrol rifle shall be in accordance with the provisions of Article II, Deadly Force, of this Chapter AD105 and shall only be effected in situations where a pistol or shotgun lacks the sufficient range, accuracy or penetration capability to defeat an armed or protected suspect.
- C. Recommended use. Below are guidelines for deploying with a rifle. The officer will be responsible for justifying his/her decision to deploy with a rifle in any given set of circumstances.
- (1) Where greater accuracy is desired which cannot be achieved with a handgun or shotgun.
  - (2) Incidents in which a suspect or suspects are heavily armed (i.e., rifle).
  - (3) Incidents in which a suspect or suspects are wearing body armor.
  - (4) Incidents where there is a lack of appropriate cover within acceptable ranges near the threat for the use of a handgun or shotgun, indicating the need for greater accuracy.
  - (5) To provide containment at a safer distance while awaiting arrival of the SWAT Team.
  - (6) The subject is beyond the effective range of departmental handguns or shotguns (18 yards or greater).
- D. When an employee deploys the patrol rifle, he/she shall, as soon as practical, advise a supervisor or command officer. Upon deployment, if applicable and practical, the employee shall advise the police desk of the following:
- (1) Safest route for responding officers to approach the scene.
  - (2) Location of the employee and the location of the suspect.

(3) Crossfire considerations.

E. Inappropriate deployment of the patrol rifle.

- (1) Patrol rifles shall not be used to dispatch a wounded or dangerous animal.
- (2) Except for actual deployment consistent with the provisions of this article, patrol rifles shall only be discharged at an authorized firearms range.

**§ AD105-65. Rifle use.**

- A. The patrol rifle should not be used as an entry weapon. Field supervisors shall not make up an "ad hoc entry team" of employees except when extreme conditions are present.
- B. It is the responsibility of the employee to advise any field supervisor or command officer contemplating inappropriate deployment of the patrol rifle.
- C. Patrol rifles shall not be used to dispatch a wounded or dangerous animal.
- D. Except for actual deployment consistent with the provisions of this article, patrol rifles shall only be discharged at an authorized firearms range.
- E. Whenever use of the rifle is anticipated, officers will ensure that they have a clear field of fire. As with any other firearm, officers must be especially mindful of the potential danger to innocent bystanders, occupants of buildings, and traffic if the weapon is used in congested areas.

**§ AD105-66. Post rifle use.**

- A. In the event the rifle is fired, the officer must maintain the condition of the rifle. After the incident has been stabilized, the safety shall be engaged. No other actions shall be taken to render the rifle "safe."
- B. The rifle shall be turned over to Detective Bureau personnel.

**§ AD105-67. Rifle security.**

- A. Rifles will be removed from any vehicle prior to being taken out of service or prior to being left unattended with any vendor for servicing unless an officer is available to standby with the vehicle until the maintenance is completed.
- B. Vehicles with electronic locks shall not be left unattended without first removing the ignition key.
- C. Vehicles with manual locks shall not be left unattended without first removing the rifle lock key.

**§ AD105-68. Qualifications.**

- A. The Training Sergeant shall establish the qualification standards and proficiency training curriculum.
- B. All Department sworn employees shall qualify with the patrol rifle.
- C. The Training Sergeant shall maintain accurate up-to-date training records of all employees.

**§ AD105-69. Responsibilities.**

- A. The Support Services Lieutenant shall assign specific patrol rifles to designated patrol vehicles.
- B. The Training Sergeant shall ensure all patrol rifles are regularly inspected and all documentation concerning the patrol rifle is properly recorded and stored.
- C. The Training Sergeant shall ensure that maintenance of the patrol rifle beyond operator level maintenance and cleaning shall be performed by a certified Department Armorer.
- D. The Department Armorer is responsible for maintaining replacement parts for the patrol rifle.

**ARTICLE XI**  
**Personnel Equipment**

**§ AD105-70. Purpose.**

The purpose of this article is to provide guidelines for the proper wearing of the uniform for all uniformed personnel. Additionally, this article shall establish guidelines in the area of personal hygiene and personal appearance for all members of the Police Department.

**§ AD105-71. Background.**

The proper wearing of the uniform, personal hygiene, and the overall general appearance of members of the Police Department is very important to the image and morale of the Police Department. Over the years the Department has tried to maintain the highest standards of appearance for all Police Department personnel. The Village of Mamaroneck has for a very long time now provided most uniform items to Department members and, additionally, provides a cleaning allowance for those items. It is recognized that, for the most part, personnel meet Department standards; however, there are several areas where Department standards have to be established and clearly defined. It is expected that with the establishment of these guidelines and the diligent enforcement of this article that overall appearance of personnel will improve and that all personnel will clearly know what is expected of them in the area of appearance.

**§ AD105-72. Policy.**

Every member of the Department is expected to present themselves to the public clean and neatly attired in the proper uniform of the day. At the start of his/her tour of duty, each member of the Department should take the time to make sure that his/her appearance is up to Department standards.

- A. Uniforms are provided by the Village of Mamaroneck Police Department annually, as needed.
- B. Employees are responsible for the proper maintenance, care, safekeeping, and authorized use of their uniforms and equipment.
- C. An employee shall not alter uniforms, weapons, or equipment in any way without permission of the Chief of Police. Any alterations to firearms or leather goods must be approved/performed by an approved Department Armorer or firearms instructor.
- D. Employees, while at court, shall wear the prescribed uniform, or appropriate business attire as detailed in Chapter AD40, Article I, Court Appearance, of this Manual of Procedure.
- E. Distinguishable police uniforms will not be worn in combination with any nonuniform clothing while on duty except as authorized by the Chief of Police. Off-duty uniformed employees may wear nonuniform clothing over their uniform as long as their uniform is not readily visible (to and from work).
- F. Wearing or using any uniform or issued equipment (including garments, handcuffs or weapons) for additional employment is not authorized.
- G. Nonsworn employees shall not carry any weapon while on duty.

**§ AD105-73. Enforcement.**

The enforcement of this article will be the responsibility of Patrol Supervisors. When more than one Patrol Supervisor is on duty, the responsibility rests with the Patrol Supervisor assigned as the Tour Supervisor. Any violations of this article shall be immediately corrected, if possible (if not, as soon as practical), and a notation should be made in the Tour Supervisor's notebook. The Patrol Supervisor's enforcement of this article will not include any responsibility or authority for members of their same rank or members of a higher rank. The enforcement of this article for those personnel will be that of the next highest rank. Additionally, the responsibility for the appearance and dress code for Detective Division personnel will be that of the Detective Division Commander.

**§ AD105-74. Equipment to be carried.**

Employees on duty and assigned to a uniform patrol function will carry or wear the following equipment unless specifically exempted by their commanding officer per current directive:

- A. Ballpoint pen with blue ink. **[Revised 4-8-2009]**
- B. Time piece in working order and adjusted to accurate time.
- C. A sufficient number of report forms and tickets (UTT, parking, Village Code summonses, appearance tickets) as usually required by assignment to complete a tour of duty.
- D. Portable radio, in issued case, secured to the belt.
- E. Issued collapsible baton.
- F. Approved black leather police gun belt (nylon for some special assignments).
- G. Issued holster.
- H. Issued handgun properly loaded with issued ammunition.
- I. A minimum of 30 extra issued cartridges carried in an issued belt magazine holder.
- J. Issued handcuffs and key.
- K. A flashlight, authorized for illumination and traffic control only.
- L. Issued body armor is to be considered a part of the police uniform and equipment and, as such, should be worn by uniform members as recommended in Article II, Body Armor, of Chapter AD31 of this Manual of Procedure.
- M. Issued OC spray in an issued holster.
- N. Badge.
- O. Name tags which will be worn on the outer most garment.
- P. A small utility knife which may be carried on the belt.
- Q. TASER in an issued holster.

**§ AD105-75. Uniforms and accessories.**

Uniformed employees, on duty, shall wear the following:

- A. Shirts.
  - (1) Shirts shall be dictated by the Tour Supervisor. This may vary by order of the Chief of Police or with approval of the Tour Supervisor based on weather conditions. **[Revised 4-8-2009]**
  - (2) When a long-sleeved shirt is worn, a tie is mandatory for Lieutenants, Desk and Court Officers. It is also mandatory for patrol officers and Sergeants unless the tour chooses the turtleneck as detailed in Subsection A(3) below.

- (3) A black turtleneck is issued to all patrol officers and Patrol Sergeants and may be worn in lieu of the tie with the long-sleeved shirt. The entire tour on patrol must agree to all wear the tie or the turtleneck to maintain uniformity.
  - (4) Short-sleeved shirts, which are worn without a tie, shall be buttoned except for the upper most (collar) button which will be left unbuttoned; sleeves will not be rolled.
  - (5) Issued collar brass (gold or silver color depending on rank) and issued metal buttons (gold or silver color depending on rank) will be worn on all uniform shirts. The collar brass is to be affixed parallel to the neckline of the collar, 3/4 of an inch in from the outer end of the collar and 3/4 of an inch down from the neckline of the collar. The metal buttons are to be affixed to the epaulets and the front pockets of the uniform shirts.
  - (6) Gold-color bars are to be worn by uniformed Lieutenants on the epaulets of all shirts and outer garments. They should be placed approximately one inch from the shoulder.
  - (7) Sergeants will be issued uniform shirts and outer garments affixed with blue chevrons.
  - (8) A T-shirt may be worn under the uniform shirt. The T-shirt must be white or dark blue if it is visible at the collar.
- B. Badges. Issued breast badge will be worn on outermost uniform garment except rain gear.
- C. Uniform hats.
- (1) An eight-pointed watch cap and hat badge and a baseball style cap is issued to all uniformed members. With the exception of school and church traffic and special events as ordered by the Chief, uniform hats are optional and will no longer be required to be worn.
  - (2) The optional trooper-style hat is authorized for use in inclement weather.
  - (3) Sergeants and Lieutenants will affix their issued gold-colored hat bands on the eight-pointed watch cap.
- D. Outer garments.
- (1) A blouse is issued to all members and shall be worn as part of the Class A uniform for formal occasions and may also be worn in cool weather.
  - (2) Outer garments shall be secured (buttoned or zipped) when out of the patrol vehicle in public.
  - (3) Black wool military-style sweaters are not issued by the Department, but may be worn as an outer garment by members if Village of Mamaroneck police patches have been affixed to both sleeves.

- (4) Outer garments are to be worn with long-sleeved shirts and either a tie or turtleneck along with appropriate brass.
- E. High-visibility clothing: The issued rain coat worn on the bright orange/yellow side or a reflective vest (mandatory equipment in all patrol vehicles) shall be worn when assigned to a traffic post or prolonged traffic details.
- F. Name tags. All uniformed members are issued a silver- or gold-color name tag. The name tag shall be worn over the right shirt or outer garment pocket or on an awards carrier, mounted below the badge on the left side.
- G. Other clothing and accessories when worn with the official prescribed uniform will conform to the following unless otherwise issued:
  - (1) Socks: black or dark blue (if visible).
  - (2) Gloves: black (except white is used for Class A uniform).
  - (3) Scarves: black.
  - (4) Earmuffs: black.
  - (5) Shoes/boots: shined black leather.
  - (6) Tie clasp: gold or silver color, conservative type.
  - (7) Glasses/sunglasses: conservative, nonreflecting type; may not be left hanging from epaulets, pockets, etc.
  - (8) Sweater: black wool military style.

**§ AD105-76. Nonuniformed employees.**

- A. Detectives and other nonuniformed personnel shall maintain a neat, professional appearance. All nonuniformed sworn members shall maintain at least one Class A dress uniform.
- B. **Note:** Nothing contained in this article shall apply to officers working undercover or on a special assignment. Unless that officer is required to work in uniform in which case that officer will comply with the requirements set forth in this article.

**§ AD105-77. Special assignments.**

- A. Bicycle Patrol.
  - (1) Due to the nature of the assignment, bicycle patrol officers are assigned uniforms that are rugged and adaptable to different weather conditions. There are several versions of the uniform available to them and it is the choice of the officers working as to what uniform is appropriate for the day. All bicycle officers working a tour must be dressed in the same uniform.

- (2) When reporting for a scheduled court appearance or when assigned as court officer, bicycle officers shall be dressed in the standard patrol uniform.
- B. Bay Constables. Bay Constables are assigned utility uniforms suitable for use on the water and adaptable to weather conditions. Members of the same rank working together shall be dressed in the same uniform.

**§ AD105-78. Personal appearance.**

- A. Employees shall appear in uniforms that are properly fitted, clean, well pressed and in good repair. All employees are expected to maintain good personal hygiene and present a professional image.
- B. Uniformed employees' hair shall be neat and trimmed, and present a groomed appearance regardless of the style personally selected by the employee. Hair style will not preclude the wearing of the uniform hat in such a manner as to reflect a well-groomed, professional image. Hair shall not be dyed or cut/worn so as to appear outstanding from the general population or to present a nonprofessional image.
- C. A neatly trimmed moustache may be worn, otherwise, employees are to be clean shaven.
- D. Unauthorized (nondepartmental) pagers shall not be visible on the outside of the uniform.
- E. In general, any item of jewelry worn will be of a conservative nature and not be an impediment to safety. Earrings are not permitted while on duty. No jewelry will be worn on the outside of the uniform shirt. **Note:** The Department will accept no liability for jewelry lost/damaged in the performance of duty.

**ARTICLE XII  
Police Baton**

**§ AD105-79. Purpose.**

The purpose of this article is to outline procedure for the proper use of the police baton.

**§ AD105-80. Policy.**

The use of the police baton is regarded as an escalation in the use of force to a level slightly less than deadly physical force but greater than the application of physical force. The improper or unreasonable use of the police baton may cause serious physical injury or even death. The police baton should only be utilized in those instances where lesser means of restraint or protection have failed or are clearly inappropriate.

**§ AD105-81. Authorized use.**

Employees of the Department have the option of being issued a collapsible police baton and may use it to subdue a violent resisting subject or in self defense of a third party, when lesser methods have failed or if circumstances warrant its immediate use.

**§ AD105-82. Unauthorized use.**

Employees are prohibited from using a police baton in the following circumstances:

- A. As a threat to make a person comply with an employee's verbal order, when no violence is imminent.
- B. In retaliation for physical or nonphysical abuse toward an employee.
- C. On persons secured and properly in custody.
- D. To "stop" a person for a field investigation.

**§ AD105-83. Method of use.**

When an employee uses his/her baton in any authorized situation, its use is subject to the following regulations:

- A. Blows should be short and snappy and should only be delivered to the vulnerable areas of the body that will render the suspect incapacitated but is not likely to cause serious permanent injury.
- B. The police baton should not be raised above the head to deliver a blow to any person.
- C. When the use of force is justified, blows should not be directed to the head, neck, spine, lower abdomen, groin or kidneys, unless faced with a deadly-force situation.

**§ AD105-84. Suspect care.**

- A. Employees who have used the baton on a suspect will not leave the suspect unattended and will provide care to the suspect until medical care is available.
- B. The following persons should be transported to an emergency medical facility for treatment after having been struck with a baton:
  - (1) Persons with visible injuries. All injuries shall be photographed.
  - (2) Subjects who are hit in sensitive areas (face, head, genitals).
  - (3) Subjects who do not appear to fully recover within a reasonable amount of time.
  - (4) Subjects who request medical attention. Officers should ask persons if they desire medical attention in all instances.

**§ AD105-85. Training.**

Officers electing to carry batons will successfully complete a recertification course as scheduled by the Department.

**§ AD105-86. Reporting. [Revised 4-8-2009]**

In all cases when the police baton is used against another person, employee(s) using it will report the occurrence as required with the application of nondeadly force, as per § AD105-38B. All involved employees shall always notify on-duty supervisors of the incident.

**ARTICLE XIV**  
**Social Contacts, Terry Stops and Arrests**

**§ AD105-94. Philosophy.**

- A. Department employees may make several citizen contacts everyday during the course of performing their duties. These contacts form the foundation for the relationship between the Department and the community as well as the foundation of quality policing. While these contacts vary in nature, and each situation must be treated individually, the goal of the Department is that each contact should be conducted in a courteous, professional and lawful manner.
- B. These contacts, and any police actions that may result from the contact, are often subject to great scrutiny. Landmark court cases establish the boundaries for proper police conduct in this arena, and these boundaries must be carefully observed. Employees should be cognizant of the requirements of these cases and address the issues set forth in these cases whenever they are engaging in contacts.
- C. Engaging in lawful contacts, traffic stops, Terry stops, and arrests generate useful, proactive tools that employees can use to combat criminal activity within their areas of responsibility.

**§ AD105-95. Policy.**

Employees will be objective and reasonable when making contact with any person regardless of the nature of the contact or enforcement action taken. Employees will apply the standards of the unbiased policing policy of Article XIV of Chapter AD83 of this Manual of Procedure when initiating contacts.

**§ AD105-96. Contact protocol.****A. Introduction.**

- (1) To the extent that safety considerations allow, employees will introduce themselves to all citizens that they contact. A proper introduction will establish the identity of the employee, the authority of the employee, and the context surrounding the initiation of the contact. This provides the platform for the lawful actions or requests made by the employee, the authority of the employee, and the context surrounding the initiation of the contact. This provides the platform for the lawful actions or requests made by the employee during the contact or investigation. Introductions should be formulated so that they provide:

- (a) The employee's name.
- (b) The employee's rank or title.
- (c) The fact that the employee is affiliated with the Mamaroneck Village Police Department.
- (d) The reason for the contact or stop.

- (2) The introduction shall occur as early in the contact as safety permits and will be given prior to the employee's request for identification or license and registration information from the citizen being contacted.

**B. Officers will ensure that persons are detained for only that period of time necessary to effect the purpose of the stop or contact and that any delays in completing the necessary actions are reasonable. Officers will explain the nature and purpose of any delay to the citizen.**

**C. To the extent that safety considerations and confidentiality requirements allow, employees will answer questions posed by the persons that they are contacting.**

**D. Closing contacts.**

- (1) Once the contact is completed, employees should make every attempt to provide a professional closing. This is an opportunity to ensure that the citizen leaves the contact with the best possible view of the employee, the Department and the profession. In closing a contact, employees will:
  - (a) Return any identification, paperwork and property obtained from the citizen.
  - (b) Ensure that the person understands when he/she is free to leave.

- (c) Thank the person for their cooperation and understanding, as appropriate.
- (d) Explain the results of the contact especially if the contact results in reasons for the stop being dispelled or the person being cleared of suspicion.
- (e) If the contact results in the issuance of a warning or a citation, the officer will explain the options available to the person for disposing of the case and should identify the phone number that persons may call to have any additional questions or concern addressed.
- (f) Express regret for any inconvenience that may have been caused to the person being contacted, if appropriate.

**§ AD105-97. Four levels of contact.**

- A. At the lowest level, police may approach citizens to request information "when there is some objective credible reason . . . not necessarily indicative of criminality." Examples include officers approaching citizens to locate the parents of a lost child or to aid those in distress. The "objective credible reason" standard allows police officers to perform their noncriminal law enforcement functions but ensures that even the least intrusive encounters will not be based upon mere whim.
  - (1) Reasonable suspicion and probable cause are not required at this level.
  - (2) The contact is voluntary or consensual. The citizen is under no obligation to answer any questions and is free to leave at any point.
  - (3) As in all encounters with the public, officers shall treat citizens in a professional, dignified and unbiased manner.
  - (4) Officers should safeguard their actions and requests so that a reasonable citizen does not perceive the contact as a restraint on his/her freedom. They should act respectfully, attempt to build rapport, and keep the contact as brief as possible.
- B. At the second level, police have a "common-law right to inquire," which is "activated by a founded suspicion that criminal activity is afoot." The police here approach citizens in their role as enforcers of the criminal law.
  - (1) Officers may "interfere" with a citizen to the extent necessary to gain explanatory information.
  - (2) This stop is "short of forcible seizure."
  - (3) The citizen has no obligation to respond to police questioning or to remain in the area.
  - (4) The police may not use force to hold him there, and they have no right to frisk the citizen for weapons.
- C. At the third level police may make a "forcible stop and detention" of a person when they possess "reasonable suspicion" that the particular person has committed, is committing or

is about to commit a felony or misdemeanor. This level parallels the forcible stop/reasonable suspicion federal standard recognized in Terry v. Ohio.

- (1) Officer has authority to detain a citizen against his will.
- (2) The officer has the additional right to frisk the citizen but only if the officer "reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed."
- (3) A frisk is a limited search during which an officer may look only for a weapon or deadly instrument.
- (4) Reasonable suspicion must be based on objective or specific facts known or observed by the officer prior to the contact and that the officer can later articulate in detail.
- (5) Factors considered in determining reasonable suspicion for a Terry stop:
  - (a) The officer's experience and specialized training.
  - (b) The individual is located in proximate time and place to an alleged crime.
  - (c) The individual is in a location at a time of day or night that appears unusual for the norm.
  - (d) The individual flees upon seeing an officer.
  - (e) The individual is carrying a suspicious object, etc.
- (6) The contact should be limited in duration, detaining the individual only long enough to confirm or dispel the officer's original suspicion.
  - (a) The detention and questioning shall be done in the general area of the contact.
  - (b) If the individual being questioned fails to accurately identify themselves or if information is gathered to further validate the officer's suspicion, the detention may be extended. Officers may frisk or pat-down the stopped individual for dangerous weapons if the officer reasonably believes the suspect may have a weapon.
  - (c) The officer must have a separate, reasonable basis for this suspicion. Some factors considered by officers may include:
    - [1] Crime involving a weapon.
    - [2] Time of day and location of the stop.
    - [3] Prior knowledge that the individual is known to carry weapons.
    - [4] Furtive movements.
    - [5] Suspicious bulges, consistent with carrying a concealed weapon.

- D. At the fourth level, an officer may arrest and take into custody a person when he has "probable cause to believe that person has committed a crime, or offense in his presence." This level represents the traditional probable cause standard.

**§ AD105-98. Field interview reports.**

- A. The field interview still remains an important point of contact for officers in preventing and investigating criminal activity. Field interview contacts should be documented to provide other officers, Detectives, and crime analysts with information concerning suspicious activity.
- (1) All field interviews will be entered in the field interview module in the Department's software program.
  - (2) A Field Interview Report can be completed even if contact was not initiated.
- B. Supervisors shall review completed Field Interview Reports and shall ensure Field Interview Reports are being properly completed.

**ARTICLE XV**  
**Electronic Control Devices**  
**[Revised 4-8-2009]**

**§ AD105-99. Purpose.**

The purpose of this article is to establish Department policy and procedures for the deployment and use of an electronic control device (ECD).

**§ AD105-100. Policy.**

- A. It is the policy of this agency to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. ECDs may be used by authorized and trained personnel in accordance with this Department's use-of-force policy and additional guidelines established herein.
- B. An ECD is a conducted energy weapon deployed as an additional less lethal police tool and is not intended to replace firearms or self-defense techniques. An ECD may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation.
- C. An ECD may also be used in situations where there is a reasonable expectation that it will be unsafe for officers to approach a person and take him or her into custody without the probability of injury to the officers or suspect.

**§ AD105-101. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

AFIDs — Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID contains an alphanumeric identifier unique to the specific cartridge used.

ELECTRIC CONTROL DEVICE (ECD) — A device designed to disrupt a subject's central nervous system by means of deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

**§ AD105-102. Authorized users.**

Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry an ECD.

**§ AD105-103. Storage.**

All uniformed officers shall be issued a TASER by the Support Services Lieutenant. Officers should take the TASER with them during their assigned field duties. The TASER should be transported either in a protective carrying case or in a Department-approved TASER holster. A TASER should not be carried or stored in any other manner to prevent unnecessary damage or an accidental discharge. Any unassigned TASERs will be stored with the Support Services Division.

**§ AD105-104. Weapon readiness.**

- A. Officers should take the ECD with them during their assigned field duties. The device will be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other Department-approved holsters and carry the weapon consistent with Department training.
- B. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- C. Only properly functioning and charged ECDs shall be deployed. Before each deployment, the ECD should be inspected for damage and tested for a proper pulse rate (half-second to one-second blast). Any damage or improper functioning must immediately be reported to the Chief of Police or his designee via intradepartmental memorandum. The memorandum must include the ECD's serial number, the damage or malfunction and the circumstances under which the damage or malfunction occurred. It is the Tour Supervisor's responsibility to ensure the ECD and the cartridges are in proper working order and accounted for during each shift.
- D. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training, and the cartridges shall be replaced consistent with the manufacturer's expiration requirements.
- E. Only manufacturer-approved battery-powered sources shall be used in an ECD.

**§ AD105-105. Deployment.**

- A. An ECD is generally analogous to oleoresin capicum (OC) spray on the use-of-force continuum, and decisions to use the ECD involve the same basic justification. As such, the device is prohibited from being used:
- (1) In a punitive or coercive manner.
  - (2) On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - (3) On any suspect who does not demonstrate overt intention:
    - (a) To use violence or force against the officer or another person; or
    - (b) To flee in order to resist or avoid detention or arrest (in cases where officers would pursue on foot).
  - (4) In any environment where an officer knows that a potentially flammable, volatile or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
  - (5) In any environment where the subject's fall could reasonably result in serious physical injury or death (such as an elevated structure).
- B. As in all uses of force, certain individuals maybe more susceptible to injury. Officers should be aware of the greater potential for injury when using an ECD against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, or in obvious ill health.
- C. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
- D. The subject should be secured as soon as practical while disabled by an ECD's power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- E. In preparation for firing, the ECD shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; center mass of the chest or the legs is the secondary target.
- F. Fixed sights should be used as the primary aiming device, and the laser dot as the secondary aiming device.
- G. The device may also be used in certain circumstances in a "drive stun" mode. This can be achieved with or without removing the cartridge by pressing the unit against an appropriate area of the body and depressing the trigger in accordance with Departmental training. It is important to note that when the device is used in this manner it is:
- (1) Primarily a pain compliance tool due to a lack of probe spread.
  - (2) Minimally effective when compared to conventional cartridge-type deployments.

- (3) More likely to leave marks on the subject's skin.
  - (4) Subject to the same deployment (use) guidelines and restrictions as that of the ECD cartridge deployments.
- H. The ECD shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
- I. No policy or guideline can anticipate every situation that officers might face, but in general terms officers may consider using the device when they can reasonably articulate grounds to arrest or detain a subject and the subject has demonstrated that he or she will likely use physical force to resist the arrest or detention or may otherwise assault or attempt to assault the officer, another person, or himself or herself.
- J. Officers must consider the totality of the circumstances in every use of force situation to ensure that the best overall decision is made. Recognizing that time is generally not available to weigh all the circumstances surrounding a potential deployment, officers should, where possible, be aware of the following types of concerns that may affect deployment decisions:
  - (1) Is there a need to immediately incapacitate the subject?
  - (2) Is the subject wearing heavy clothing that may impede the effectiveness of the device?
  - (3) What is the physical environment of the subject?
  - (4) Is he or she in a position that increases the risk of injury due to a fall, such as on a stairwell, next to a fire, near a busy roadway, standing in water, etc.?
  - (5) Has the suspect been exposed to flammables such as gasoline, gunpowder, explosives, or alcohol-based pepper spray that may be ignited by a spark from the device?
  - (6) How far away is the suspect?
  - (7) Can an officer safely move close enough to use either the short- or long-range cartridge?
  - (8) Do officers have a pepper spray system that can reach the same distance or even further?
  - (9) Can the officer make the shot, whether with OC spray or with an ECD?
- K. When the device has been used operationally, the officer shall collect the cartridge, wire leads, darts, and AFIDs and secure them as evidence in accordance with Departmental training.

**§ AD105-106. Training.**

- A. Officers must be properly trained before being issued and using an ECD. The training provided should, at a minimum, address the following topics:

- (1) Design and functioning of each device.
- (2) Proper method of carry, use and activation of the device.
- (3) Proper method of storage and maintenance of the device.
- (4) Departmental policy concerning rules of use and engagement and the manner in which the device is carried and accessed.

B. Officers shall be recertified on an annual basis.

**§ AD105-107. Specific operational considerations.**

An ECD should only be pointed at a person when:

- A. The officer reasonably believes that discharge, if it proves necessary, will be justified under the circumstances; and
- B. The officer reasonably believes that the existing circumstances will require discharge of the device unless those circumstances change prior to actual discharge (such as by voluntary compliance of the subject or by the intervention of another means of restraint).

**§ AD105-108. Probe removal and medical attention.**

- A. The ECD darts may be removed from the subject after the subject is restrained following procedures outlined in training.
- B. Officers will need not rely on the assistance of medical personnel and will remove probes in accordance with departmental training in most situations. The following persons should be transported to an emergency medical facility for treatment after exposure to an ECD:
  - (1) Any subject who requests medical attention; officers shall ask persons if they desire medical attention in all instances;
  - (2) Subjects who are hit in a sensitive area (face, neck, throat, female breasts, male groin);
  - (3) Subjects from whom officers have difficulty in removing the probes (i.e., probe/barb separation);
  - (4) Subjects who do not appear to be fully recovered within 10 minutes after being hit;
  - (5) Subjects who are in the potential susceptible population category as previously noted (§ AD105-105B);
  - (6) Subjects who have been energized more than three times;
  - (7) A subject who has had more than one ECD effectively used against him or her in any given incident;

- (8) A subject who has been subjected to a continuous energy cycle of 15 seconds or more; or
  - (9) A subject who has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to ECD exposure.
- C. Probes or darts, once removed, should be placed in containers suitable for the safe storage of sharp objects, and in accordance with the Departmental biohazard material policy.
- D. Photographs of the affected area should be taken after the darts are removed.

**§ AD105-109. Reporting.**

- A. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and complete the appropriate use-of-force report.
- B. Officers shall specifically articulate the rationale in their use-of-force report for any instance in which:
- (1) An ECD is energized more than three times;
  - (2) An energy cycle longer than 15 seconds in duration is used;
  - (3) More than one ECD is used against a subject in any given incident; or
  - (4) An ECD is used against an individual designated to be in a "susceptible population" per § AD105-105B of this policy.

**§ AD105-110. Maintenance.**

Testing and maintenance of these devices must be performed in accordance with the manufacturer's specifications and recommendations. Every effort should be made to avoid dropping the devices due to the potential risk of internal damage. The devices should be kept dry as they are water-resistant and not waterproof.

## **Chapter AD112**

### **OCCUPATIONAL SAFETY**

#### **ARTICLE I** **Bodily Fluids**

- § AD112-1. Definitions.
- § AD112-2. Immunization and history.
- § AD112-3. Work practice controls.
- § AD112-4. Personal protective equipment.
- § AD112-5. Precautions dictated by risk level.
- § AD112-6. Communication of hazard.
- § AD112-7. Handling of evidence.
- § AD112-8. Cleaning of contaminated areas.
- § AD112-9. Regulated waste.
- § AD112-10. Information and training.
- § AD112-11. Recordkeeping.

#### **ARTICLE II** **Exposure Control**

- § AD112-12. Policy.
- § AD112-13. General.
- § AD112-14. Employees at risk.
- § AD112-15. Employee responsibilities.

#### **ARTICLE III** **Infectious Disease Control**

- § AD112-16. Policy.
- § AD112-17. Purpose.
- § AD112-18. General prevention.
- § AD112-19. First aid and cardiopulmonary resuscitation (CPR).
- § AD112-20. Searching suspects.
- § AD112-21. Post-incident precautions.

§ AD112-22. Holding potentially contaminated persons.

§ AD112-23. Fingerprinting potentially contaminated persons.

§ AD112-24. Decontamination of vehicles and equipment.

§ AD112-25. Disclosure following exposure.

#### **ARTICLE IV** **Post Critical Incident Debriefing**

§ AD112-26. Purpose.

§ AD112-27. Policy.

§ AD112-28. Procedure.

#### **ARTICLE V** **Respirator Policy**

§ AD112-29. Policy.

§ AD112-30. Definitions.

§ AD112-31. Physician or licensed health care professional.

§ AD112-32. Respiratory Protection Program Administrator.

§ AD112-33. Respiratory protection program.

§ AD112-34. Medical evaluation.

§ AD112-35. Fit testing.

§ AD112-36. Respirator use.

§ AD112-37. Training and information.

§ AD112-38. Recordkeeping.

**ARTICLE VI  
TB/Airborne Pathogens**

**§ AD112-39. Purpose.**

**§ AD112-40. Risk assessment.**

**§ AD112-41. Guidelines for prevention of transmission of tuberculosis.**

**§ AD112-42. Employee screening and surveillance.**

**§ AD112-43. Post exposure/contact management.**

**§ AD112-44. Recordkeeping.**

**§ AD112-45. Employee training and education.**

**§ AD112-46. Engineering controls.**

**§ AD112-47. Evaluation.**

**ARTICLE I  
Bodily Fluids**

**§ AD112-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ASSISTANT SECRETARY** — The United States Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.

**BLOOD** — Human blood, human blood components, and products made from human blood.

**BLOODBORNE PATHOGENS** — Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B (HBV) and human immunodeficiency virus (HIV).

**BODY FLUIDS** — Fluids that have been recognized by the Centers for Disease Control (CDC) as directly linked to the transmission of HIV or HBV to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

**CONTAMINATED** — The presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

**CONTAMINATED SHARPS** — Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, and broken glass.

**DECONTAMINATION** — The use of physical or chemical means to remove, inactivate, or destroy bodily fluid and bloodborne pathogens on a surface or item to the point where the item is no longer capable of transmitting infectious particles and it is rendered safe for handling, use or disposal.

**DIRECTOR** — The Director of the National Institute for Occupational Safety and Health, United States Department of Health and Human Resources, or designated representative.

**ENGINEERING CONTROLS** — Controls (e.g., sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogen hazard from the workplace.

**EXPOSURE INCIDENT** — Reasonably anticipated skin, eye mucous membrane, or parenteral contact with blood or other potentially infectious bodily fluids and materials that may result from performance of an employee's duties.

A. Reportable exposure incident: A Department reportable exposure is the direct exchange of a potentially infectious agent from a carrier to a Department employee in the course of employment. The following are definitions and examples of reportable exposure incidents.

- (1) Percutaneous: When blood or other bodily fluids are introduced through the skin; examples: needle stick with a bloody needle; sustaining a cut by a sharp object contaminated with blood; entrance of blood or body fluids through an open wound, abrasion, broken cuticle, or chapped skin.
- (2) Mucocutaneous: (eye, mouth, or nose): A mucocutaneous event occurs when blood or body fluids come in contact with a mucous membrane; example: blood or body fluid is splashed or sprayed into the eyes, nose or mouth.
- (3) Respiratory transmission: An unexpected respiratory exposure occurs when a Department employee comes in direct contact with an infected person who is later diagnosed as having a serious communicable disease, such as tuberculosis and meningococcal meningitis.

B. Nonreportable exposures: The following examples are exposures which do not require formal reporting procedures.

- (1) Exposure to blood on intact skin; however, washing the exposed area as soon as possible is recommended.
- (2) Blood on clothing or equipment. It is recommended to change clothing and wash down equipment as soon as possible.
- (3) Being present in the same room as the infected person.
- (4) Touching the infected person.
- (5) Talking to an infected person.

HBV — Hepatitis B virus.

HIV — Human immunodeficiency virus.

**LICENSED HEALTH CARE PROFESSIONAL** — A person whose legally permitted scope of practice allows him/her to independently perform the activities required in Hepatitis B vaccination and post-exposure follow-up.

**OTHER POTENTIALLY INFECTIOUS MATERIALS (OPIM)** —

- A. Semen, vaginal secretion, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva and body fluid that is contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

- B. Any unfixed tissue or organ (other than intact skin) from a human (living or dead).
- C. HIV-containing cell or tissue culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

**PARENTERAL** — Piercing mucous membranes or skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

**PERSONAL PROTECTIVE EQUIPMENT** — Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) are not intended to function as protective equipment.

**REGULATED WASTE** — Liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

**SOURCE INDIVIDUAL** — Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

**STERILIZE** — The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**UNIVERSAL PRECAUTIONS** — An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bodily fluid and blood pathogens.

**WORK PRACTICE CONTROLS** — Controls that reduce the likelihood of exposure by altering the manner in which a task is performed.

**§ AD112-2. Immunization and history.**

- A. All Department personnel shall record any immunization they receive on the Health History/Immunization Report, which shall be maintained in a confidential folder in the employee's personnel file.
- B. The Department shall make available, at no cost, the Hepatitis B vaccine series to all employees who may be at risk for occupational exposure. Requests for immunization shall be handled by the Support Services Lieutenant. Post-exposure evaluations and follow-up will be provided to all employees who have had an occupational exposure incident. Exposures occurring in the line of duty shall be considered on-duty injuries and processed according to current Department regulations.
- C. Hepatitis B vaccinations shall be made available within 10 working days of initial assignment and to all employees who have occupational exposure unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is inadvisable for medical reasons.

- D. The Department shall not make participation in a prescreening program a prerequisite for receiving Hepatitis B vaccination.
- E. If the employee initially declines Hepatitis B vaccination but at a later date, while still covered under the OSHA standard, decides to accept the vaccination, the Department shall make available Hepatitis B vaccination at that time.
- F. If routine booster doses of Hepatitis B vaccine are recommended by the United States Public Health Service at a future date, such booster doses shall be made available under the same provisions as described in this section for initial vaccination.
- G. HBV/surface antibody test.
  - (1) Employees who have completed the three-part Hepatitis B vaccination series can, at their option, request and receive a surface antibody test to determine if necessary HBV antibodies have developed.
  - (2) If employees are found to be deficient, the Department shall then continue to provide additional HBV booster vaccinations until such time that sufficient antibodies are developed.

**§ AD112-3. Work practice controls.**

To prevent and minimize the risk of exposure, all employees shall adhere to the following work practice controls:

- A. No eating, drinking, smoking, application of cosmetics or lip balm or handling of contact lenses shall be allowed in areas where there is a risk of occupational exposure.
- B. No food/beverages shall be kept in refrigerators or other locations where blood or other potentially infectious materials (OPIM) are present.
- C. If contact with blood or OPIM is expected, employees are to examine themselves for cuts, sores, hangnails, or abrasions, and cover them with a sterile bandage.
- D. After the removal of gloves or other personal protective equipment, employees shall wash their hands immediately, or as soon as possible.
- E. Employees shall wash exposed skin with soap and hot water immediately after any contact with blood or OPIM. If water is not readily available, use a germicidal hand cleaner and paper towel, then soap and hot water as soon as possible. Should any blood or OPIM enter the eyes, nose or mouth, these areas should be flushed with water immediately.
- F. Contaminated needles and other sharps shall not be bent, recapped, or removed. Shearing or breaking of sharps is prohibited.
- G. Sharps containers or sharps/needle keeps shall be located at headquarters, in patrol vehicles 314, 315 and 317. These are puncture-resistant, labeled and color-coded as "biohazard" and leakproof.

- H. Evidence or impounded items which are contaminated with blood or OPIM shall be packaged in appropriate leakproof containers and labeled "Biohazard." Any item collected which may puncture the first bag shall be double-bagged so as to prevent puncturing/leaking.
- I. Biohazard waste (gloves, masks, boxes, etc.) that is contaminated with blood or OPIM shall be appropriately packaged and disposed of in the red and white boxes containing red plastic biohazard bags.
- J. Reusable items/equipment (handcuffs, pens, etc.) which are contaminated with blood or OPIM shall be decontaminated as soon as possible.

**§ AD112-4. Personal protective equipment.**

- A. The Department shall make available appropriate personal protective equipment, such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other emergency resuscitation devices. Personal protective equipment will be considered appropriate when it is designed to deter blood or other potentially infectious materials from passing through or reaching the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
- B. Supervisors are responsible for the employee's use of appropriate personal protective equipment unless the supervisor is aware that the employee temporarily and briefly declined to use personal protective equipment due to emergency or exigent circumstances, or it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of essential service or would have posed an increased hazard to the safety of the worker or coworker. An example of such an instance would be officers' response to a reported shooting in progress. While time would not permit putting on most personal protective equipment, such equipment shall be utilized as needed as soon as the situation stabilized.
- C. When an employee decides not to use protective equipment, the circumstances should be investigated and documented by a supervisor in order to determine whether changes can be instituted to prevent such occurrences in the future. The information shall be forwarded through the chain of command to the Support Services Lieutenant.
- D. Equipment and Facilities Coordinators or supervisors are responsible for the appropriate personal protective equipment in varying sizes being readily accessible at the worksite or being issued to all employees.
- E. All personal protective equipment shall be removed prior to leaving the work area. Equipment shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

**§ AD112-5. Precautions dictated by risk level.**

- A. Incident scenes shall be categorized according to the level of risk, with Level I being the lowest risk, and Level IV being the highest risk. As the level of risk increases, additional safety precautions are required.
- (1) Level I. An incident scene where individual pieces of evidence or property suspected of being contaminated must be collected:
    - (a) The 10 work practice controls shall be followed. (Refer to § AD112-3, Work practice controls, of this article); and
    - (b) Latex gloves should be worn.
  - (2) Level II. Interior or exterior scene, with little or no blood or other body fluids.
    - (a) The 10 work practice controls shall be followed; and
    - (b) Latex gloves should be worn.
  - (3) Level III. An incident scene where small amounts of suspected blood or other body fluids are collected, using swabs or scalpel for scrapings, or anytime aerosolization or splashing of blood or body fluids is likely to occur.
  - (4) Level IV. Interior or exterior incident scenes with a considerable amount of blood or other body fluids or any scene containing decomposing bodies or anytime aerosolization or splashing of blood or body fluids is likely to occur plus incidents where fluids may be stepped upon:
    - (a) The 10 work practice controls shall be followed;
    - (b) Latex gloves shall be worn;
    - (c) Disposable surgical face masks shall be worn;
    - (d) Protective disposable clothing shall be worn;
    - (e) Eye protection shall be worn. Nondisposable eye protection devices shall be sanitized following scene processing; and
    - (f) Disposable foot coverings or rubber boots, along with disposable body covering, shall be worn. Rubber boots, if worn, shall be disinfected following scene processing.
- B. In the event of an emergency or exigent circumstances, the prevention measures outlined above shall be adhered to as soon as possible after the situation has settled. In similar fashion, supervisors or commanders who make brief appearance on a scene (but do not actually take part in evidence gathering, etc.) shall take those precautionary measures appropriate to their degree of involvement.

**§ AD112-6. Communication of hazard.**

Red bags or labels meeting OSHA standards for biohazard material notification shall be used to indicate the presence of blood or other potentially infectious materials. The biohazard labels are fluorescent orange/red in color with the universal "Biohazard" symbol in black. Also located at headquarters is the red and white "Biohazard" box with red plastic bag liner for regulated waste.

**§ AD112-7. Handling of evidence.**

- A. No item of evidence suspected of being contaminated, no matter how large or small, is to be handled without latex gloves. Certain items or situations may require additional protections, such as Tyvek suits, shoe covers, masks, or eye protection. Evidentiary items which require laboratory processing shall be handled in accordance with standard operating procedures of the Detective Bureau. Bags and containers with such materials should be marked with tags or otherwise identified as containing infectious waste in accordance with Article II, Exposure Control, of this chapter.
- B. No contaminated evidence, regardless of size, should be placed in direct contact with tabletops or other noncontaminated surfaces. Wrapping paper, paper bags, drop cloths, or other coverings shall be used as surface coverings. When air-drying, wrapping paper should be draped around the item and then marked with biohazard stickers/labels. Gloves, eye protection, and masks should be worn when air-drying and packaging the evidence.
- C. Evidence contaminated with blood or other potentially infectious materials shall be placed in paper bags (double-bagged if necessary to prevent leakage or further contamination) or specialized evidence bags designed for this purpose during collection, handling, processing, storage, transport, or shipping.
- D. Containers for storage or shipping shall be labeled or color coded with the universally recognized biohazard label provided by the Department.
- E. Syringes.
  - (1) Arrest. If a suspect is in custody, recovered syringes shall be placed in plastic evidence tubes (sharps containers). The arrest shall be screened by a supervisor to ensure probable cause for arrest and sufficient liquid in the syringe for transfer to an evidence vial. If both conditions are met, the officer(s) shall transport the syringe in the plastic evidence tube (sharps container) to the Detective Bureau. The officer placing the liquid in evidence shall obtain a glass evidence vial with a flat bottom. The fluid in the syringe shall be placed in the container using a one-hand procedure, one hand holding the plunger end of the syringe, without holding the vial. The syringe shall then be placed back into the plastic tube (sharps container) with the needle attached. An evidence tag/form shall then be completed for the evidence vial. The tube and vial shall be packaged separately. **Note:** At no time will needles be clipped, cut off, bent, or removed from a syringe. Needles shall not be disposed of in the regular waste or "red bag" controlled waste.

- (2) Nonarrest. If an officer or a supervisor feels a syringe is required for evidentiary purposes, the officer shall transport the syringe to the Detective Bureau in a plastic evidence tube (sharps container). Proper evidence forms/tags shall be filled out.

F. Test tubes. (**Note:** Test tubes can explode.)

- (1) Blood contained in test tubes, such as in DWI/blood cases or "blood runs," shall be handled only by employees wearing gloves.
- (2) Test tubes may be placed into the fingers of an empty latex glove for safety in transport/handling.
- (3) Whenever possible, employees shall transport test tubes containing blood in the trunk of their car.

**§ AD112-8. Cleaning of contaminated areas.**

- A. Community items, such as vehicle steering wheels, radios, mobile data terminals, pens, typewriters, telephones, portable radios, etc., shall not be touched with contaminated gloves. Gloves should be changed each time before one of these items is used unless extreme care is taken to decontaminate the community items when the processing/packaging is completed.
- B. Once evidence is removed from the preparation area, the work area and holding cell is to be promptly and properly cleaned and disinfected according to the procedures outlined in this plan.
- C. Disposal of contaminated cleaning materials (i.e. bloody towels, cloths, dressings, wrapping paper, wound wipes, etc.) or other waste material not for evidence must be disposed of in the red and white medical waste boxes. **Note:** Regular plastic or paper garbage bags shall not be used for this purpose.
- D. All areas of police vehicles contaminated with biological hazards shall be thoroughly cleaned as soon as possible with an EPA-approved decontaminate (e.g., bleach/water solution, disinfectant, virucide) before continuation of or return to service. Each operational unit shall make the appropriate arrangements for thorough cleaning. Police vehicles so contaminated should be considered out of service until this cleaning is accomplished.

**§ AD112-9. Regulated waste.**

- A. Disposable sharps containers shall be easily accessible to personnel and located as close as feasible to the immediate area where sharps are collected or can be reasonably anticipated to be found. Disposable sharps containers shall be placed nearby the prisoner holding cell area. In addition, Patrol Sergeants shall carry a sharps container in the trunk of their patrol vehicle.
- B. Supervisors shall ensure that the containers do not overfill and are routinely replaced. Containers of contaminated sharps shall be closed immediately prior to removal or

replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. If leakage is possible, containers shall be placed in a secondary container which is closeable and constructed to contain all contents of the primary container during storage, transport or shipping. Containers shall be color-coded and labeled in accordance with OSHA standards. Containers shall be disposed of in the red and white regulated waste boxes located nearby the holding cell area of the Department. A private disposal company will collect the boxes for disposal.

- C. Contaminated clothing shall be labeled with a biohazard label to alert cleaning agencies of the potential contamination. Contaminated clothing must not be cleaned at home. Contaminated laundry shall be handled as little as possible with a minimum of agitation. Contaminated laundry that is wet or presents a likelihood of soak-through shall be bagged and labeled at the location where it was used and shall not be sorted or rinsed in the location of use.
- D. Regulated waste shall be placed in containers provided by the Department and meet OSHA standards. Containers shall be labeled or color-coded in accordance with these standards. Containers of regulated waste shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport or shipping. If leakage is possible, containers shall be placed in a secondary container which is closeable and constructed to contain all contents of the primary container.

**§ AD112-10. Information and training.**

- A. The Training Officer shall ensure that all employees with occupational exposure participate in a training program. Training shall be provided annually.
- B. The Training Unit shall provide additional training when changes such as modification of tasks and procedures affect the employee's occupational exposure. This training must be scheduled no later than 30 days from the effective date of the change. The new training may be limited to addressing the new exposure risk.
- C. The training program content and conduct shall be consistent with the requirements of the OSHA standards.
- D. Each employee's training record shall include:
  - (1) Dates of training sessions;
  - (2) Contents or summary of the training session;
  - (3) Names and qualifications of persons conducting the training; and
  - (4) Names and job qualifications of all persons attending training sessions.
- E. Training records shall be maintained for three years from the date on which the training occurred.
- F. The Training Unit shall provide, upon request, employee training records to employees, to employee representatives, to the Director of the National Institute for Occupational

Safety and Health, and to the Assistant Secretary of Labor for Occupational Safety and Health for examination and copying.

- G. A review of these policies and procedures shall be conducted annually by the Training Officer. This review shall be completed no later than June 1 of each year.

**§ AD112-11. Recordkeeping.**

- A. An accurate record shall be maintained for each employee with potential for occupational exposure. Medical records are kept confidential and are not disclosed or reported without the employee's expressed written consent to any person within or outside the workplace, except as required by law.
- B. The medical record of each employee identified in Article II, Exposure Control, of this Chapter 112. General information shall include:
- (1) The name and social security number;
  - (2) A completed health history/immunization record;
  - (3) A copy of the HBV Vaccine Acceptance/Declination Form and vaccination status including dates of vaccination(s) and any medical records relative to the employee's ability to receive the vaccination;
  - (4) A copy of all results of examinations, medical testing, and follow-up procedures as provided by the employee; and
  - (5) The Department's copy of the Health Care Professional Opinion Form for post-exposure evaluation and follow-up. See Form Guide.
- C. The Support Services Lieutenant shall provide, upon request, employee medical records to the subject employee, to anyone having written consent of the subject employee, and upon appropriate request to the Director of the National Institute for Occupational Safety and Health and to the Assistant Secretary of Labor for Occupational Safety and Health for examination and copying.
- D. The Department shall maintain the records for at least the duration of employment plus 30 years, in accordance with OSHA 29 CFR 1910.20. No part of this file may be transferred to any other agency or Department without the employee's expressed written consent.

**ARTICLE II  
Exposure Control**

**§ AD112-12. Policy.**

- A. The Department will promote safe work practices against communicable diseases for all employees. These policies and procedures conform to the requirements of OSHA 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens: Final Rule, published December 6, 1991, OSHA Directive CPL 2.2.44D (November 1999).

- B. The Department will promote compliance with these policies and procedures with emphasis on the training of employees in the reasonable and practical application of exposure and control practices. Preventive and protective measures required by these policies and procedures will be made available to all employees in order to minimize the risk of occupational exposure. The Mamaroneck Village Police Department has adopted universal precautions as a method of minimizing contact with blood or other potentially infectious materials. Training of employees shall include the application of universal precautions in the workplace. Supervisory staff shall work with employees to reinforce the importance of universal precautions and ensure compliance. In the event of an exposure incident, a supervisor is responsible for responding to the hospital and assisting the employee with completing the required paperwork.
- C. The Department shall also review these policies and procedures annually and update, whenever necessary, to assure applicability and timeliness of information.

#### **§ AD112-13. General.**

Law enforcement personnel, in the normal course of their duties, may come into contact with blood or other potentially infectious materials raising their chances of contracting potentially harmful or fatal diseases. In accordance with the Occupational Exposure to Blood Borne Pathogens Standard (WAC 296-800), employees shall observe universal precautions against exposure to HIV (AIDS), HBV (Hepatitis B), and other communicable diseases. The Department shall also provide appropriate information and follow-up care if exposure should occur, educate employees on the modes of transmission and causes of diseases, and provide, at no cost to identified employees, the Hepatitis B vaccination series. The surface antibody test (SAB), which determines whether HBV immunized individuals have developed the necessary antibodies, is optional for employees, at Department expense.

#### **§ AD112-14. Employees at risk.**

- A. The following job classifications can reasonably anticipate that an exposure to blood or other potentially infectious materials may occur. These listings are not intended to exclude personnel who, due to unexpected circumstances on duty, come into contact with blood or other potentially infectious materials.
- (1) Police officers.
  - (2) Detectives.
  - (3) Sergeants.
  - (4) Lieutenants.
  - (5) Chief of Police.
- B. Employees not listed above, who would like to be considered for the Hepatitis B vaccination series, should submit a memorandum through their chain of command explaining the circumstances by which they may have potential for occupational

exposure. If approved by the Chief of Police, the Hepatitis B vaccination series and/or surface antibody test (SAB) shall be provided at no cost to the identified employee.

**§ AD112-15. Employee responsibilities.**

- A. Employees must recognize that they have responsibility for their own health and safety and encourage other employees to work in a safe manner. Consistent with the circumstances presenting themselves, employees shall use appropriate protective equipment.
- B. All Department personnel shall be responsible for completing the Mamaroneck Village Police Department Health History/Immunization Record, which shall be maintained in a confidential section of the employee's personnel file.
- C. Employees in at-risk job classifications must complete an HBV Vaccine Acceptance/Declination Form and forward it to the Support Services Lieutenant. See Form Guide.
- D. Employees declining to receive the Hepatitis B vaccination initially may choose to have the vaccination at a later date. A new HBV Vaccine Acceptance/Declination Form must be completed at the time the vaccinations are received.

**ARTICLE III  
Infectious Disease Control**

**§ AD112-16. Policy.**

It is the policy of the Village of Mamaroneck Police Department to establish procedures that will protect personnel from infection and contamination by persons or items they may come in contact with while executing their sworn duties. All officers will follow these procedures when practicable.

**§ AD112-17. Purpose.**

- A. With the multitude of diseases and infections known in today's society, officers must take steps to protect themselves and, in turn, their families. Further, the popularity of narcotics and drugs being used illegally for recreation is increasing dramatically. Contact with some of these substances can be deadly because they can be readily absorbed through the skin.
- B. Contact with an infected needle or other object breaking the skin may transfer the infection to the officer. Extreme care must be taken when searching prisoners, suspects, houses or other areas.

**§ AD112-18. General prevention.**

- A. The Village of Mamaroneck has made available to all members that have a risk of being exposed to blood or other potentially infectious materials the Hepatitis B vaccine series, at no cost to the employee, in an attempt to prevent the spread of the disease.
- B. Patrol vehicles are equipped with an infectious disease kit containing latex gloves, surgical procedure masks and a disposable coverall suit. These supplies are also available at headquarters.

**§ AD112-19. First aid and cardiopulmonary resuscitation (CPR).**

- A. When rendering first aid or when doing CPR, it is recommended that limited physical contact occur between victims and officers. Latex gloves and disposable ambu bags or pocket masks should be used when doing CPR. Blood, saliva, mucus, urine and fecal matter should not be touched or handled if at all possible.
- B. Each time nondisposable first aid equipment is used, it must be cleaned and disinfected. Bleach is available at headquarters for this purpose.
- C. At the scene of an aided case, care should be taken around all equipment. The responding officers will ensure that all EMS equipment, syringes and medical waste is removed by EMS personnel.

**§ AD112-20. Searching suspects.**

- A. The Department will provide, and officers will wear, latex gloves when searching suspects whenever practical.
- B. Search procedures will proceed as outlined in Chapter OP250, Article XVIII (Prisoner Transport) and Chapter AD83, Article IV (Cellblock Management and Suicide Screening).
- C. Extreme care must be taken when reaching into pockets, purses, bags, headgear, shoes, or other places that might contain needles, drugs, or contaminated items.
- D. If potentially contaminated items are located, they will not be handled unless the officer is protected. Further these items will be secured in containers that will inhibit any further spread of diseases or contamination. The evidence tag of any seized items will be appropriately marked "Do Not Handle; Hazardous Substance."
- E. A hooked search tool is available in line patrol cars to protect officers from the dangers of diseases, infection and puncture wounds during vehicle searches. The tool should be used for any high-risk search of hard-to-see search areas, i.e., furniture, boats.

**§ AD112-21. Post-incident precautions.**

- A. Following an incident where the officer was in contact with a potential hazard, the officer will wash with water and a disinfectant. Bleach is available at headquarters.

- B. Contaminated clothing will be removed.
- C. Care should be taken not to touch any other person or other parts of the officer's body with contaminated items.

- D. If an officer is scratched with a needle, contaminated object, human fingernails, human bite, or any other potential contamination, he will immediately wash the entire area with soap and water. The officer will then proceed to the emergency room for treatment. Hospital staff should be told the source of the injury so appropriate treatment can be rendered.
- E. Normal reporting procedures for on-duty injuries applies (Chapter AD31, Article XII, § AD31-56, On-duty injuries or injuries reported in person).

**§ AD112-22. Holding potentially contaminated persons.**

- A. All procedures concerning the holding and security of prisoners will be followed (Chapter AD83, Article IV, Cellblock Management and Suicide Screening).
- B. Persons that are diseased or potentially contaminated will not be held at the booking area and should be placed in a cell as soon as practical.
- C. Separate toilet facilities are provided for prisoners.
- D. All persons that may have to come in contact with these persons will be notified of the potential for exposure.
- E. Maintenance personnel should be notified to disinfect the area that was occupied by the contaminated person.

**§ AD112-23. Fingerprinting potentially contaminated persons.**

Latex gloves will be provided and will be worn to fingerprint all potentially infectious suspects. It is recommended that these gloves be worn during all fingerprinting.

**§ AD112-24. Decontamination of vehicles and equipment.**

Materials and supplies used to decontaminate police vehicles and equipment are kept in the men's rest room at Headquarters. It is the responsibility of the arresting officer to arrange for the decontamination of areas possibly infected to protect other officers from contamination.

**§ AD112-25. Disclosure following exposure.**

- A. The Ryan White Comprehensive AIDS Resources Emergency Act regulations became effective in 1994. Medical facilities are required to evaluate and disclose relevant information concerning emergency response employee (ERE) exposure to specified airborne and bloodborne infectious diseases, including HIV.
- B. Disclosure may be made only to an officer assigned as an agency's "designated officer." The officer who shall receive notifications for this Department is designated from time to time by the Chief of Police.

- C. With respect to HIV, the federal law and regulations require medical facilities to respond for requests and to determine if an ERE is at significant risk of becoming infected with HIV. If such a risk exists, the facility shall review the medical record of the patient for indications of the disease. Disclosure to the designated officer is required even without the patient's consent. New York State Public Health Law requires that a statement prohibiting further redisclosure of confidential HIV information must accompany these disclosures to EREs. Unauthorized redisclosures, not in conformance with federal law, violate Public Health Law.
- D. Federal regulations also require that, in the event the medical facility later determines that the patient has an infectious disease, it must inform the designated officer. This requirement applies until discharge or for 60 days post admission, whichever comes first.

#### ARTICLE IV Post Critical Incident Debriefing

##### § AD112-26. Purpose.

The purpose of this article is to provide for psychological debriefing of all members who are involved in a traumatic incident ("critical incident") to ensure the well being of the officer(s).

##### § AD112-27. Policy.

It is the policy of the Department that in all cases where any member of this Department has been involved in a critical incident, the involved members shall be required to undergo a debriefing with the Department psychologist as soon as possible after the incident. The following are examples of what the Department considers to be critical incidents:

- A. Shooting incidents.
- B. Violent confrontations involving an officer in the line of duty.
- C. High speed pursuits where complicating factor may be present (complicating factors include accidents or injuries).
- D. Loss of officer's weapon in the line of duty.
- E. Any other incidents that in the reasonable judgment of a supervisor may affect the officer's well-being. [Revised 4-8-2009]

##### § AD112-28. Procedure.

- A. Whenever a member is involved in a line-of-duty critical incident, the following action will be taken for provision of psychological debriefing:
  - (1) The Department's psychologist will be notified as soon as possible by the Patrol Supervisor. See Contact Guide for name and phone number.

- (2) The psychologist will schedule a debriefing of the involved officer(s) as soon as possible.

- (3) The debriefing shall be independent of and not related to any departmental investigation of the incident, and its contents will be shielded by the privileged doctor/patient relationship.
  - (4) The debriefing professional will be expected to make a determination as to the fitness for duty of the individual officer.
  - (5) A volunteer County Critical Incident Team comprised of professional personnel from the Mental Health Department and police, fire and EMS personnel from various agencies is also available to conduct post critical incident stress debriefing. Contact can be made between 9:00 a.m. and 5:00 p.m. through the Westchester County EMS office by telephone and voice mail after hours. See Contact Guide.
- B. This procedure is not a substitute for existing departmental procedures where some question as to the appropriateness of the officer's behavior may exist.

#### ARTICLE V Respirator Policy

##### § AD112-29. Policy.

- A. In accordance with the requirements of the New York State Department of Health, Westchester County and OSHA the following guidelines have been established to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, and vapors. In order to mitigate the above-referenced hazards, NIOSH-approved respirators, under the supervision of the Respiratory Program Administrator, can be used.
- B. Mamaroneck Village shall provide approved respiratory protection as part of this written respiratory protection program to any employee who, because of his/her occupation, has been assigned or required to wear this type of personal protective equipment. Respiratory protection, according to OSHA, includes but is not limited to:
- (1) Air-purifying respirators.
  - (2) Demand respirators.
  - (3) Dust masks (filtering facepiece).
  - (4) Escape-only respirators.
  - (5) Negative pressure respirators (1/2 and full face).
  - (6) Powered air-purifying respirators (PAPR).
  - (7) Pressure demand respirators.
  - (8) Self-contained breathing apparatus (SCBA).
  - (9) Supplied air respirators (SAR).

**§ AD112-30. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AIR-PURIFYING RESPIRATOR** — A respirator with an air-purifying canister, cartridge or filter that is designed to remove specific contaminants from the air through the air-purifying element.

**CANISTER or CARTRIDGE** — A filter, sorbent or catalyst, or combination thereof which is designed to remove specific contaminants from the air.

**DEMAND RESPIRATOR** — An atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure within the mask is created by inhalation.

**DUST MASK (FILTERING FACEPIECE)** — A negative pressure particulate respirator with a filter that is actually part of the facepiece or with the entire facepiece composed of the filtering medium.

**EMPLOYEE EXPOSURE** — Exposure to a concentration of an airborne contaminant that would occur if the employee were not wearing respiratory protection.

**END-OF-SERVICE-LIFE INDICATOR (ESLI)** — A system that warns the respirator user about the end of the life for the canister, cartridge or filter attached to the respirator or those in stock. The ESLI could be an expiration date, saturation level, change-of-color indicator or as deemed necessary by the Respiratory Program Administrator.

**ESCAPE-ONLY RESPIRATOR** — A respirator designed to be used only for emergency exit.

**FILTER** — Part of the respirator that is designed to remove contaminants from the air.

**FIT FACTOR** — A quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in the ambient air to its concentration inside the respirator when worn.

**FIT TEST** — A protocol used to evaluate the fit of a respirator on an individual.

**HIGH EFFICIENCY PARTICULATE AIR (HEPA) FILTER** — A filter that is at least 99.97% efficient to remove particles from the air of 0.3 micrometers in diameter or larger. HEPA filters are classified as N100 (non-oil-resistant), R100 (oil-resistant) or P100 (oilproof).

**IMMEDIATELY DANGEROUS TO LIFE AND HEALTH (IDLH)** — An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

**NEGATIVE PRESSURE RESPIRATOR** — A respirator in which air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

**OXYGEN-DEFICIENT ATMOSPHERE** — Oxygen level in the atmosphere is below 19.5%.

**PHYSICIAN or LICENSED HEALTH CARE PROFESSIONAL (PLHCP)** — An individual who is legally permitted to provide some or all of the health care services.

**POSITIVE PRESSURE RESPIRATOR** — A respirator in which the pressure inside the facepiece exceeds the ambient air pressure outside the respirator.

**POWER AIR-PURIFYING RESPIRATOR** — A positive-pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

**QUALITATIVE FIT TEST (QLFT)** — A pass/fail test to assess the adequacy of that respirator fit the relies on the individual's response to the test agent (i.e. irritant smoke).

**QUANTITATIVE FIT TEST (QNFT)** — Assessment of the adequacy of the respirator fit by numerically measuring the amount of leakage into the respirator.

**SELF-CONTAINED BREATHING APPARATUS (SCBA)** — An atmosphere-supplying respirator for which the breathing source is designed to be carried by the user.

**SUPPLIED AIR RESPIRATOR (SAR)** — Also known as an "air line respirator," is an atmosphere-supplying respirator for which the source of air is not carried by the user.

**TIGHT-FITTING FACEPIECE** — A respirator that forms a complete seal with the face.

**USER SEAL CHECK** — An action used by the respirator user to determine if the respirator is properly seated to the face.

**§ AD112-31. Physician or licensed health care professional.**

In accordance with the regulatory requirements, the Mamaroneck Village Police Department must identify a physician or other licensed health care professional to perform medical evaluations using a medical questionnaire or an initial medical examination to obtain the necessary medical information about the potential respirator user. The PLHCP is Westchester Medical Group.

**§ AD112-32. Respiratory Protection Program Administrator.**

As is required by OSHA, the Mamaroneck Village Police Department Protection Policy Administrator must be specifically identified by name and not title. The individual must be qualified by appropriate experience or training to oversee the respiratory protection program and conduct the required evaluations of program effectiveness. The Program Administrator need not be a physician or licensed health care professional (hereafter referred to as the "PLHCP").

**§ AD112-33. Respiratory protection program.**

- A. The Mamaroneck Village Police Department has developed and implemented this written respirator program with required worksite-specific procedures and elements to better protect our employees from occupational diseases caused by the lack of air or the breathing of contaminated air. The respirator program shall be updated annually or as necessary to reflect any changes in the workplace conditions that affect respirator use.

The Mamaroneck Village Police Department shall include the following as part of its respiratory protection policy:

- (1) Procedures for selecting respirators.
  - (2) Medical evaluations of those employees required to wear respirators.
  - (3) Fit-testing procedures.
  - (4) Proper use under emergency conditions.
  - (5) Cleaning, disinfecting, inspecting, maintenance and storage procedures.
  - (6) Procedures to ensure adequate flow, quality and quantity of breathing air.
  - (7) Training for employees specific to their line of work and potential hazards.
  - (8) Training for employees in the proper use of respirators.
  - (9) Procedures to effectively measure program effectiveness.
- B. The Mamaroneck Village Police Department is not obligated to include those employees that are not required to wear a respirator in the written respiratory protection program. However, if the employee chooses to request a nonmandated respirator, including a dust mask from the Department, or he/she opts to bring in his/her own respirator, the Police Department must ensure that the respirator will:
- (1) Not create a hazard for the user.
  - (2) Be cleaned, maintained and stored properly.
  - (3) Be worn by an employee who is medically able to use it.
- C. The Mamaroneck Village Police Department Respiratory Policy Administrator has identified the following occupations for respirator use: police officer(s).
- D. Respirators, canisters, cartridges and filters, if not equipped with an end-of-service-life indicator or ESLI, must have a change schedule implemented by the Program Administrator. The change schedule should correspond to the following guidelines. The canisters, cartridges and filters should be changed:
- (1) If they become plugged and breathing is made more difficult;
  - (2) If they become wet;
  - (3) If the expiration date has passed or the color indicator identifies saturation levels;  
or
  - (4) Every six months; unless protected and infrequent used, yearly.

**§ AD112-34. Medical evaluation.**

- A. The Mamaroneck Village Police Department must provide the employee with a medical evaluation to determine if they are physically able to use a respirator, dust or TB mask. The employee must complete the medical evaluation before he/she can be fit-tested for any type of respirator. The medical evaluation can be performed in one of two ways:
  - (1) A medical questionnaire given to the employee by the Program Administrator, which is then turned over to the PLHCP for review; or
  - (2) A full medical examination performed by the PLHCP or designee.
- B. Follow-up medical examinations are provided to any employee that the PLHCP deems necessary. The follow-up should include consultations, diagnostic procedures and medical tests that the PLHCP has determined are necessary in order for them to make the necessary final decision on whether or not a potential user can make use of a respirator.
- C. The medical questionnaire and/or examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The questionnaire must be easy to understand. The Mamaroneck Village Police Department must provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.
- D. The Mamaroneck Village Police Department shall, before any fit test or work is started obtain a written recommendation from the PLHCP about the employee's ability to utilize a respirator. The following information is required to be part of the PLHCP's medical determination:
  - (1) Whether or not there are limitations on respirator use by the employee for medical reasons.
  - (2) The need if any for a follow-up medical evaluation(s).
  - (3) A statement that the PLHCP has provided the employee with a copy of the medical assessment and recommendations.

**§ AD112-35. Fit testing.**

Before an employee can don or work with a respirator, OSHA requires that he/she be medically evaluated by the PLHCP. If approved by the PLHCP to wear a respirator, the Program Administrator cannot fit test the employee with a negative or positive, tight-fitting facepiece.

- A. The fit test must be performed by the Program Administrator using the same make, model, style and size of respirator that will be utilized by the employee.
- B. The fit test must pass either a qualitative or quantitative test method as stipulated by the Program Administrator.

**§ AD112-36. Respirator use.**

If an employee of the Mamaroneck Village Police Department is required to wear a respirator, the Policy Administrator will provide the wearer with the most comfortable approved respirator for that particular employee. However, it will be the responsibility of the employee and his/her supervisor to make sure that the respirator is being utilized for the assigned type of work and corresponding hazards. The employee shall not remove the facepiece in a hazardous atmosphere. They shall take all necessary steps to ensure that they maintain a healthy and safe working environment for themselves as well as their coworkers.

- A. The Mamaroneck Village Police Department, through the Program Administrator shall not permit respirators with tight-fitting facepieces to be worn by employees who have:
  - (1) Facial hair that comes between the sealing surface of the respirator and the face of the user.
  - (2) Any condition that adversely affects the proper face-to-facepiece seal of the respirator.
- B. Corrective lenses, such as prescription glasses can be attached to the facepiece of a full-face negative pressure respirator or worn under the protective goggles.
- C. Contact lenses, unless used with either a PAPR or full-face respirator, must not be utilized.
- D. Whenever the employee dons a respirator, he/she shall perform a positive and negative test of the mask, referred to as a "user seal check." The user seal check is done to verify that the respirator is able to provide a proper seal around the user's face so that air contaminants cannot pass through. Although not a foolproof system, the user seal check will identify any leaks or potential deficiencies in the facepiece.
- E. If the user encounters any deficiencies, leaks or missing parts, he/she should take the respirator out of service and notify the Program Administrator. The Administrator shall replace any missing or damaged parts, or replace the respirator in its entirety.
- F. The respirator user shall clean and disinfect the respirator after each use to remove moisture and any potential contamination.
- G. The Program Administrator as necessary will provide cleaning supplies and training.
- H. After cleaning and disinfecting has been completed, the user shall properly store the respirator to protect it from contamination, damage, dust, extreme heat, excessive moisture, chemicals and cold. Follow manufacturer's specifications for storage instructions.
- I. Canister, cartridge and filter replacement shall be the responsibility of the Program Administrator.

**§ AD112-37. Training and information.**

The Mamaroneck Village Police Department will provide all of the necessary and required training to employees that are required to wear any and all types of respirators, including dust and TB masks. The training will be comprehensive, understandable and will reoccur annually, as required. The instruction will include:

- A. How the respirator is to be used.
- B. Proper fit, usage and maintenance.
- C. Respirator limitations.
- D. How to inspect, don, remove and use the respirator.
- E. How to identify the signs and symptoms of personnel in distress.

**§ AD112-38. Recordkeeping.**

All records of the Mamaroneck Village Police Department Respiratory Protection Guidelines will be kept by the Training Sergeant. Medical determinations by the PLHCP, fit tests, respirator types and filters and a copy of the program will be kept by the Training Sergeant. All medical questionnaires and examination results will be kept by the PLHCP as required by local, state and federal regulations.

**ARTICLE VI  
TB/Airborne Pathogens**

**§ AD112-39. Purpose.**

- A. Tuberculosis (TB) continues to be a public health problem in the United States. Tuberculosis is transmitted by airborne aerosolized droplets, one to five microns in size, produced by persons with active, infectious pulmonary or laryngeal disease. Transmission usually requires prolonged or repeated exposure. Persons with impaired immune systems, however, are more susceptible to infection if exposure occurs.
- B. The purpose of this written control plan is to provide employees of the Mamaroneck Village Police Department with standard guidelines to reduce or prevent the occupational transmission of tuberculosis. These guidelines are based on the current Centers for Disease Control recommendations that use a hierarchy of interventions as the strategy for control of tuberculosis in occupational settings. This hierarchy encompasses administrative controls as the primary foundation, supplemented with risk-appropriate engineering controls, and lastly, the use of personal respiratory protection in extremely high-risk settings.

**§ AD112-40. Risk assessment.**

- A. Due to incidence of tuberculosis in the New York Metropolitan area, emergency first responders may be at increased risk for occupational exposure, albeit a low risk.

However since even a very low risk is greater than the risk of the general population, these guidelines reflect the essential elements of an airborne infection control plan to ensure continued protection from occupational transmission of tuberculosis. The risk status of the Mamaroneck Village Police Department will be reviewed annually by the Mamaroneck Village Police Department and the County Department of Public Health.

- B. Administrative controls have been established to reduce the risk for exposure of uninfected persons to persons with infectious tuberculosis. The components of administrative controls are effective protocols to ensure prompt identification, isolation, evaluation, and treatment of persons suspect of having TB, risk-appropriate employee surveillance and screening programs, and TB education and training of personnel.

**§ AD112-41. Guidelines for prevention of transmission of tuberculosis.**

- A. Employees will be alert to persons with a noticeable cough and will instruct them to cover their mouth with hand or tissue during all encounters.
  - (1) If the person is under arrest and handcuffed, officers should place a disposable surgical facemask on the suspect to limit exposure.
  - (2) Exception: persons experiencing respiratory difficulty, which are at risk for vomiting, or who are intoxicated and may vomit should not be fitted with a surgical mask.
- B. The "Protocol for Management of Persons Suspect for Tuberculosis" shall be adhered to when encountering:
  - (1) A person with a persistent, unrelenting cough who will be evaluated by the Village of Mamaroneck Police Department personnel for other signs/symptoms consistent with tuberculosis.
  - (2) A person who states that he/she is currently under treatment for TB. This person will be evaluated by VOMPD personnel for presence of a persistent cough and disposed as designated by the VOMPD Protocol for Management of Persons Suspect for Tuberculosis.
  - (3) A who person states that he/she "has TB" but denies current treatment or is uncooperative in stating current medical treatment status. This person will be evaluated by the Village of Mamaroneck Village Police Department personnel for presence of a persistent cough and disposed as designated by the VOMPD Protocol for Management of Persons Suspect for Tuberculosis.
- C. Treatment for tuberculosis, although lengthy in duration, usually renders the person noninfectious soon after treatment has started. If however, the person has been lost to follow-up for tuberculosis treatment, the VOMPD encounter is valuable information for the County Health Department to locate the person and resume treatment.

**§ AD112-42. Employee screening and surveillance.****A. PPD skin testing.**

- (1) VOMPD personnel will not be offered baseline or routine periodic PPD skin testing.
- (2) If, as a result of an on-duty TB exposure, a positive PPD skin test reading is seen by the Department's medical consultant, MVPD personnel will be referred to their private medical provider for a chest radiograph and evaluation for isoniazid (INH) preventive therapy.

**B. Chest x-ray.**

- (1) A chest x-ray is required within 10 days for asymptomatic VOMPD personnel with a positive PPD skin test.
- (2) Asymptomatic persons with documentation of a prior positive PPD skin test but no documentation of a previous normal chest x-ray related to that skin test are required to have a chest x-ray within 10 days of assignment to a position with the VOMPD.
- (3) Routine annual or periodic screening chest x-rays for persons with documentation of prior TB infection is not recommended or required.

**C. TB infection.**

- (1) Employees with TB infection only should be evaluated for isoniazid preventive therapy according to standard medical practice.
- (2) Employees with a positive PPD skin test and a normal chest x-ray, classified as TB infection only, should not be excluded from work.

**D. Evaluation and management of employees with symptoms suggestive of tuberculosis.**

- (1) Employees with symptoms suggestive of tuberculosis must be referred for x-ray and medical evaluation regardless of PPD skin test results.
- (2) If an employee is diagnosed as highly suspect for tuberculosis, with or without culture confirmation of the disease, the employee shall be excluded from work until after appropriate therapy is instituted and the employee is determined to no longer be infectious by his or her own physician.

**§ AD112-43. Post exposure/contact management.**

- A. All suspected exposures to an infectious case of tuberculosis would be immediately reported to the employee's supervisor and the Support Services Lieutenant in writing (memo form).
- B. All post-exposure incidents with VOMPD settings will be evaluated by the Department's medical consultant and the County Department of Public Health for recommendations to reduce future exposure risk if indicated.

**§ AD112-44. Recordkeeping.**

- A. All PPD skin tests results and chest x-ray results will be maintained in a confidential section of the employee's personnel file.
- B. All positive skin tests shall be recorded on the Department's OSHA 300 log. Maintenance of the OSHA 300 log is the responsibility of the Training Sergeant.

**§ AD112-45. Employee training and education.**

- A. All employees will be provided with basic written information about tuberculosis and exposure control guidelines upon employment.
- B. Biannual interactive TB training updates for staff by designated VOMPD trainers will include the following TB education: epidemiology, transmission, pathogenesis, diagnostic standards, treatment regimens, general infection control guidelines, VOMPD risk-specific protocols and guidelines for management of tuberculosis, and a review of this plan.

**§ AD112-46. Engineering controls.**

- A. The purpose of these engineering controls is to decrease the concentration of infectious particles in surrounding air and prevent the spread of contaminated air to uncontaminated areas.
- B. Ventilation/UV lighting.
  - (1) Staff will limit the time spent with persons suspect for TB in enclosed, confined spaces.
    - (a) Open-air encounters are no-risk situations related to the rapid dispersion of bacteria into large volumes of air and the lethal effect of UV rays on the TB bacillus.
  - (2) If safe and reasonable, VOMPD personnel will roll down windows of vehicles and turn the ventilation system on high to circulate fresh air in the vehicle during transport of persons suspect for tuberculosis or other potentially airborne infectious disease.
- C. Duration of time.
  - (1) VOMPD personnel will limit overall time spent with the person suspect for TB. Transmission requires repeated, continual contact with persons infectious TB.
  - (2) Encounters of less than one hour, in enclosed spaces, rarely result in transmission. For greatest occupational protection, VOMPD will consider encounters with persons who exhibit significant symptoms of greater than 20 minutes to be reported as a potential exposure.
- D. Respiratory isolation of suspect persons.

- (1) VOMPD personnel will fit persons with a persistent, unrelenting cough with a surgical mask to cover nose and mouth when transporting, interviewing, or holding (in a single cell) for 20 minutes or more.
  - (2) Exception. Persons experiencing respiratory difficulty who are at risk for vomiting or who are intoxicated and may vomit should not be fitted with a surgical mask.
- E. Personal respiratory protection. The use of personal respiratory protection is the final safeguard for employees in the few areas where exposure to TB may still occur even after the appropriate implementation of administrative and engineering controls in the occupational setting. Current standards require use of a high-efficiency particulate air (HEPA) filtration mask when risk warrants the third level of protection. This circumstance would exist in settings where administrative and engineering controls are not likely to protect persons from inhaling infectious airborne droplet nuclei such as when performing/assisting with cough-inducing procedures on a suspect/confirmed TB patient and in the clinical management of persons isolated for suspect/confirmed infectious tuberculosis. **[Revised 4-8-2009]**
- (1) All members of this Department shall be fit-tested and trained in the proper utilization of HEPA filtration masks. The results of the fit testing shall be kept on file with the medical officer of this Department. The purpose of this procedure is to protect members of this Department who may be placed at risk as a result of contact with an individual(s) suspected of having infectious tuberculosis.
  - (2) A HEPA mask specifically fit-tested for each uniformed officer is to be a part of the equipment immediately available to each uniformed officer as a first responder. Plain-clothes personnel shall have their masks readily available for utilization as secondary responders.

**§ AD112-47. Evaluation.**

- A. Evaluation of the VOMPD policies and protocols for the prevention of transmission of tuberculosis in the occupational setting will occur in June of each year.
- B. Evaluation will include updated risk assessment, evaluation of exposure incidents, and evaluation of the overall effectiveness of the current plan.
- C. Annual evaluation is the responsibility of the Training Sergeant or his designee.

## **Chapter AD164**

### **TECHNOLOGY**

#### **ARTICLE I Call Recorder**

- § AD164-1. Purpose.**
- § AD164-2. Background.**
- § AD164-3. Policy.**
- § AD164-4. Procedure.**

#### **ARTICLE II Cell Phone Use**

- § AD164-5. Purpose.**
- § AD164-6. Background.**
- § AD164-7. Policy.**
- § AD164-8. Procedure.**

#### **ARTICLE III Communications**

- § AD164-9. Purpose.**
- § AD164-10. Background.**
- § AD164-11. Policy.**
- § AD164-12. Responsibility.**
- § AD164-13. Facilities and equipment.**
- § AD164-14. Telephone communications.**
- § AD164-15. Teletype communications.**
- § AD164-16. General radio communications information.**
- § AD164-17. Dispatching assignments/broadcasts.**
- § AD164-18. Westchester County Police Hotline System.**
- § AD164-19. Fire alarm procedures.**
- § AD164-20. Ambulance calls.**
- § AD164-21. Mutual aid.**

#### **ARTICLE IV Computer Software**

- § AD164-22. Policy.**
- § AD164-23. Information Technology/Support Services Division responsibilities.**
- § AD164-24. Prohibited activities.**
- § AD164-25. Personal software.**
- § AD164-26. Entertainment software.**
- § AD164-27. Encryption and password protection of Police Department records.**

#### **ARTICLE V Department E-Mail**

- § AD164-28. Policy.**
- § AD164-29. Purpose.**
- § AD164-30. Guidelines.**
- § AD164-31. E-mail.**

#### **ARTICLE VI NYSPIN and eJusticeNY**

- § AD164-32. Policy.**
- § AD164-33. Criminal history record information (CHRI).**
- § AD164-34. Other NYSPIN functions.**
- § AD164-35. Use and dissemination agreement.**

#### **ARTICLE VII Video Car Recorders**

- § AD164-36. Purpose.**

§ AD164-37. Policy.

§ AD164-40. Procedure.

§ AD164-38. Policy objectives.

§ AD164-41. Technical requirements.

§ AD164-42. Maintenance and service.

## ARTICLE VIII

## Mutual Assistance Radio System

§ AD164-39. Purpose.

## ARTICLE IX

## Global Positioning Satellite ("GPS") Policy for Police Vehicles

I. Mission.

III. Policy.

II. Purpose.

ARTICLE I  
Call Recorder

§ AD164-1. Purpose.

The purpose of this article is to establish guidelines for the operation and maintenance of the departmental voice processor system.

§ AD164-2. Background.

The departmental voice processor system is a twenty-four-channel voice communication recording system. This system monitors and records voice communications on police, fire and ambulance radio frequencies and telephone calls made to and from the police desk on all phone lines. The system recorder is voice activated, and information is stored on data tape cartridges.

§ AD164-3. Policy.

It is the policy of the Department to record certain types of incoming and outgoing communications to provide for the safety of the public and members of the Department and to verify that proper police action has been taken when questions are raised regarding our actions in response to requests for service.

§ AD164-4. Procedure.

- A. The Desk Officer is responsible to do a visual check of the departmental voice processor to be sure that the system appears to be recording and that there are no audible or visual alarms.
- B. The voice processor and the data tapes are stored in locked cabinets. Access to the departmental voice processor is restricted to the Chief of Police, the Acting Chief of Police, any person they may designate, the Communications Officer or the Patrol Lieutenant.
- C. The Communications Officer and the Patrol Lieutenant shall be responsible for the maintenance, recording, storing, archiving and retrieval of taped messages.
- D. The Chief of Police or his designee shall have the exclusive right to do a general review of taped telephone conversations. He may do so at any time and at his discretion, but he

must have a general law enforcement, organizational, managerial or administrative purpose for so doing.

- E. The Support Services Lieutenant and the Patrol Lieutenant may listen to specific recorded conversations when conducting an investigation under the authority of the Chief of Police for this agency or any other agency and for general operational reasons such as maintenance or repair. This listening must be limited in scope.

- F. The review of any recorded material from the departmental voice processor shall be recorded in the designated departmental activity log. The log shall include, at a minimum, the date and time of the intrusion, the name of the officer and the identity of the tape.
- G. A departmental maintenance log will be used to indicate the date and time a data cartridge is changed. The tape heads will be cleaned before insertion of a new tape. Data tapes will be stored for a minimum of 90 days.

## ARTICLE II Cell Phone Use

### § AD164-5. Purpose.

The purpose of this article is to establish guidelines for the use of wireless telephone devices by on-duty members of the Village of Mamaroneck Police Department.

### § AD164-6. Background.

New York State Vehicle and Traffic Law § 1225-c states that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion. There are exemptions provided for the use of a hands-free mobile telephone or telephone device, contacting emergency services regarding an emergency situation and operators of authorized emergency vehicles while in the performance of their official duties.

### § AD164-7. Policy.

It shall be the policy of the Village of Mamaroneck Police Department to allow members of the Department to possess wireless telephone devices while on duty. In the interest of officer and public safety, the use of mobile phones by members will be regulated by current laws and restricted by Department procedures. These procedures apply to members using personally owned wireless telephones and Department-issued wireless devices.

### § AD164-8. Procedure.

- A. While on-duty and operating a vehicle owned by the Village of Mamaroneck Police Department, members are required to abide by the regulations and restrictions of New York State Vehicle and Traffic Law § 1225-c.
- B. Any member of the Department that carries a wireless telephone device in a Department vehicle will be required to use a hands-free device to accept any incoming wireless telephone calls while operating the vehicle on a public highway.
- C. Barring exigent circumstances, any calls made to or from the police desk regarding official business should be made to or from a recorded line.

- D. During inclement weather or when operating a vehicle in heavy traffic situations, the use of wireless telephone devices should be restricted to emergency use only.

### ARTICLE III Communications

#### § AD164-9. Purpose.

The purpose of this article is to establish an efficient and uniform manner of transmitting information through communications personnel to the officer who responds to calls for service, other law enforcement/public service agencies and the general public.

#### § AD164-10. Background.

Whereas the Patrol Section is the backbone of the Department, the communications component is a vital component of the Patrol Section. Law enforcement communication systems must be flexible in design to fulfill the needs of the individual Department. The communications component of the Village of Mamaroneck Police Department is designed to address the needs of the community.

#### § AD164-11. Policy.

It is the policy of the Mamaroneck Village Police Department to promptly acknowledge, route, refer, prioritize and respond to all messages conveyed to Headquarters, whether they are received by telephone, radio, teletype, mail or in person.

#### § AD164-12. Responsibility.

- A. Overall administration and responsibility of the communications component is vested in the Patrol Supervisor. However, the Communications/Desk Officer, hereafter referred to as the "Desk Officer," is responsible for the communications function on his assigned shift. He shall interpret, dispatch and document all calls for service and shall contact the Patrol Supervisor for assistance, if needed.
- B. Desk Officers are delegated the authority to make decisions relative to their position.
- C. The Department's radio operations shall be conducted in accordance with the Federal Communications Commission procedures and requirements. A copy of the federal license is affixed to the wall at the police desk.

#### § AD164-13. Facilities and equipment.

- A. The Department's communication center consists of the police desk area. The desk area is separated from public access by a locked door.

- B. Communication operations, which are performed by uniformed members of the patrol, include radio, telephone, CCTV monitoring, teletype and automated data communications.
- C. The communications center is restricted from public access. Access is controlled by a door which is posted with a sign limiting entry to "Authorized Personnel Only."

Authorized personnel includes supervisory, administrative, investigative personnel, and any other persons approved by the Communications Officer, who serve a legitimate Department purpose.

- D. Police Headquarters is equipped with an emergency generator. This alternate source of power is sufficient to ensure continued operation of communication equipment in the event of failure of the primary power. The generator is located in the parking lot of Police Headquarters and is tested on a weekly basis.

**§ AD164-14. Telephone communications.**

- A. Articulation and courtesy are essential to effective and efficient telephone communications. Therefore, when answering the telephone, members shall respond "Mamaroneck Village Police, Officer Jones speaking."
- B. If a telephone call is received on the emergency 911 line, the caller should be asked if it is an emergency, and if not, should be requested to call back on the nonemergency number.
- C. In an attempt to enhance the safety of responding personnel and assist in anticipating conditions to be encountered at the scene, employees are encouraged to elicit as much information as possible from persons reporting an incident or requesting a service. Basic information (such as Who? What? Where? Why? When? and How?) should be asked. Information shall be documented and include at a minimum:
- (1) Date and time of the request;
  - (2) Time of dispatch, officer arrival and completion;
  - (3) Location and type of incident reported;
  - (4) Name, address and phone number of reporting person;
  - (5) Complainant or victim (if possible);
  - (6) Disposition or status of the incident; and
  - (7) Names of officers assigned (primary officer listed first, backup officer second).
- D. Personnel who receive a misdirected emergency call shall accept the call, obtaining the pertinent information, i.e., name, address, phone number, nature of call etc., and forward it to the appropriate Department. The incident shall be documented on the Desk Officer's log.
- E. Certain situations require outside resources where the Department does not have in-house capabilities. To meet these needs, the Desk Officer's book contains pertinent information (phone numbers, hours of operation, etc.) to assist communications personnel. These situations may include, but are not limited to:
- (1) Animal control services;
  - (2) Hazardous material accidents;

- (3) Helicopter transport (emergency medical service);
- (4) Human services (crisis intervention);
- (5) Taxi service;
- (6) Towing services;
- (7) Victim/witness referral services.

F. Cars 315, 316 and 324 are equipped with mobile phones. The phone numbers are available at the desk.

**§ AD164-15. Teletype communications.**

- A. Teletype communication duties performed by Department personnel shall be in accordance with procedures outlined in the New York Statewide Police Information Network (NYSPIN) Operating Manuals.
- B. Inquiries and file entries to NYSPIN, DCJS, NCIC, or any interfaced system may only be performed for the administration of criminal justice as defined in the NYSPIN Manual Chapter 1.
- C. All users of the ENFORCER-2000 shall become certified basic operators after completing the basic operator's course and passing a written exam. Other members will become certified for data entry and criminal history checks, as necessary.
- D. The Terminal Agency Coordinator will instruct operators, ensure security safeguards are functioning, maintain certification records and perform NYSPIN validations as required.
- E. Messages will be entered into NYSPIN as mandated.
  - (1) Section 221 of the Executive Law requires that when any police officer or agency receives a complaint that a felony involving the use of deadly physical force or a deadly weapon has been committed and the perpetrator has not been apprehended within 30 minutes after such complaint has been received, such agency shall cause information of such felony to be immediately dispatched over the NYSPIN system.
  - (2) Section 221 also stipulates that any other felony, for which the perpetrator has not been apprehended within five hours after such complaint has been received, must also be transmitted over the NYSPIN system.

**§ AD164-16. General radio communications information.**

Police operations are more efficient and officer safety is enhanced when communications personnel, supervisors, and fellow officers know the status of officers, their locations, the nature of cases, and developments in their investigation. Department members are required to communicate with the Desk Officer upon arrival at the scene of an incident, before they leave their patrol vehicles, when they make vehicle or pedestrian stops (giving license plate number, location description, etc.) and when returning to service.

- A. Interagency transmissions. Personnel engaged in radio communications with interacting agencies shall not use the Department 10 codes. However, when this is done, the officer must identify himself, i.e., "Mamaroneck Village Police calling City of Rye Police." Officers shall articulate their messages in a clear, concise, and courteous manner.
- B. The phonetic alphabet. The phonetic alphabet should be used for spelling out unusual names or difficult to understand letters. The names used after each letter have been found to be most understandable over the air. They should always be given as "A Adam," "B Boy," never "A as in Adam" or "B as in boy."
  - (1) When requesting that a plate check be run, try to give the information in the same sequence each time. This will help you remember what information is necessary and at the same time will help the Communications Officer to anticipate what you will say next. This will speed up responses and save air time by avoiding repeats.
    - (a) A driver's license check should be requested when given the go ahead by Headquarters, as follows: name; (last, first, middle initial) date of birth; (month/day/year) sex; and race.
    - (b) A vehicle registration check should be requested, when given the go ahead by Headquarters, as follows: state of registration; followed by the license plate number. If there is a special type of registration (i.e., vanity, sports team, official), give that information to the Desk Officer.
    - (c) When requesting DMV information using the VIN number, split the numbers into groups, pausing between each group.
  - (2) When requesting a wanted inquiry (WINQ) specify in your request that it is other than a license or registration request [i.e., "Car 312 to Headquarters. 'Wanted inquiry' on the following individual: (last name, first name, middle initial)," etc.].
  - (3) When spelling names, use the phonetic alphabet when giving the last name and middle initial. If the first name might be interpreted wrong, spell it phonetically also.
  - (4) When reading numbers, where practical, break into groups of three digits. When reading a number separated by hyphens, break where the hyphens appear. Pause slightly between each group.
- C. Portable radios.
  - (1) Each officer shall be assigned a portable radio. All patrol officers shall carry a portable radio when on duty to ensure constant radio communication with Headquarters is maintained while they are away from their patrol vehicle.
  - (2) Portable radios shall be carried on the gun belt in the leather carriers provided by the Department.
- D. Radio repair.

- (1) When the primary base station radio at Police Headquarters has become inoperative, the Desk Officer shall be responsible for notifying radio repair and documenting the events on the Desk Officer's log sheet.
- (2) If a mobile or portable radio is in need of repair, it is the responsibility of the officer detecting the problem to complete a repair order and notify the Desk Officer.
- (3) When a Department radio is brought to radio repair for service, the Desk Officer shall record the removal of the equipment by its designated number in the radio repair book, located at the police desk.
- (4) Upon arrival at radio repair, a receipt shall be requested for any equipment left at the repair facility.
- (5) When radio equipment is returned to the Department, the Desk Officer shall note the return by its designated number in the radio repair book.

E. Public address/outside speaker system.

- (1) Members using the public address/outside speaker system equipped in patrol vehicles shall do so using discretion. Volume shall not be such as to disturb or offend the public, especially during hours of darkness.
- (2) The primary use of these systems should be when the officer is on an assignment in the immediate area of his vehicle, i.e., traffic accident investigation or felony car stop.
- (3) To prevent an individual from hearing a reply (in the event he is wanted), the officer should ensure that the speaker is off while checking an individual via the exterior radio system.
- (4) When not in operation, the officer should ensure that the speaker system is turned to the "off" position.

**§ AD164-17. Dispatching assignments/broadcasts.**

- A. The Federal Communications Commission has designated the call sign WNDX 582 to the Mamaroneck Village Police Department. When broadcasting an assignment or message from Headquarters, the transmission should begin with "WNDX 582, Mamaroneck Police to Car 311."
- B. Radio transmissions shall be broadcast slowly enough to allow copying, but not so prolonged as to occupy the air unnecessarily.
  - (1) Radio transmissions shall be answered promptly. When Headquarters or the mobile unit is not prepared to accept traffic, the calling unit shall be requested to stand by.
  - (2) Expressions such as "roger," "kay," "over and out," etc., shall not be used.
  - (3) Desk officers and mobile unit operators alike, when not acknowledged on the first call, shall place their calls for that unit at intervals, not continuously.
- C. When assigning incidents to mobile units, ample time must be allotted for patrol officers to record all the necessary information and to eliminate the time-consuming process of repeating the incident.
  - (1) After calling the unit, wait for a response. This will alert the patrol officer to prepare to copy.
  - (2) It is the patrol officer's responsibility to record all information to carry out his assignment.
  - (3) In situations where the patrol officer is not fully clear on all or any part of the transmission, he shall request clarification at the time the incident is given out and not wait until he has arrived at the scene of the incident.
- D. To further ensure the patrol officer the opportunity to record all pertinent information, the Communications Officer shall always first give qualifying information and, second, the location, repeating the address and then any particulars that are related to the assignment.
- E. In an effort to evaluate nonpatrol time for planning purposes, maintain a level of security for patrol officers, and retain records of vehicles and persons stopped by officers, the Desk Officer shall be responsible for recording the status of officers when out of service (including meal breaks). The Desk Officer's log can be used to retain these records.
- F. Superior officers shall ensure that patrol officers are made aware of stolen vehicles from this jurisdiction at daily roll call; however, they shall also be informed, as soon as practical, of vehicles reported stolen during their shift. Notification can be made via radio, telephone, or in person, as appropriate.
  - (1) The Desk Officer shall review incoming teletype information periodically throughout the shift and broadcast area stolen car information to field personnel, as appropriate.

- (2) Vehicles reported stolen to this Department shall be entered into the NYSPIN/NCIC teletype files, only after the appropriate depositions have been completed and signed by the complainant.
- (3) If appropriate, and after receiving permission from a supervisor, a broadcast may be made to surrounding police agencies via the police hotline phone.

**§ AD164-18. Westchester County Police Hotline System.**

- A. The Village of Mamaroneck Police Department is a member of the Westchester County Police Hotline System, and as such has the capability to communicate with every police agency in the county simultaneously. The hotline shall be used for emergencies, serious incidents, disasters and civil disturbances only.
- B. The Westchester County Department of Public Safety is responsible for the coordination and maintenance of the hotline system. Problems arising with the system should be reported to the Westchester County Department of Public Safety and documented on the Desk Officer's log.
- C. The hotline phone is a speaker phone located at the police desk. The system shall be left on at all times.
  - (1) Upon notification that a hotline message is about to be transmitted, the Communications Officer shall cease all nonessential duties and prepare to copy the broadcast.
  - (2) Upon receipt of a hotline transmission, the Desk Officer shall make a broadcast to all officers informing them of any relevant hotline messages. Example "All Mamaroneck Village units, hotline message, City of White Plains," followed by the broadcast information.
  - (3) After broadcasting the message, all units shall be requested to acknowledge its receipt.
  - (4) The Communications Officer shall document the receipt and broadcast of all hotline messages in the Desk Officer's log. Documentation shall include the originating agency, date and time of the broadcast, pertinent information regarding the incident, and Department units that were notified.
- D. To transmit a hotline message, the Communications Officer must remove the telephone handset from the cradle and, while depressing the button in the handset, speak normally into the phone.
  - (1) The Communications Officer shall broadcast "Station 42, Mamaroneck Village, to all stations on the hotline, prepare to copy a hotline message."
  - (2) After a thirty-second pause, he shall repeat the introductory message, "Station 42, Mamaroneck Village, to all units on the hotline," followed by the message and followed by his name and rank.

- (3) He shall document the broadcast on the Desk Officer's log. Documentation shall include date and time of the broadcast and nature and facts of the incident.

E. Weekly tests are conducted every Sunday by the Westchester County Department of Public Safety. Desk Officers, when receiving a test, shall answer "Station 42 Mamaroneck Village," and how the test was received (loud and clear, low and garbled, etc.).

**§ AD164-19. Fire alarm procedures.**

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

**60-CONTROL** — Formerly known as "County Fire Control." This is a Westchester County fire and EMS dispatch center located in Valhalla, NY. The primary purpose of 60-Control is to coordinate mutual aid. They also serve as the primary fire and EMS dispatch for numerous fire and EMS departments.

**ALARM OF FIRE** — A report of a fire.

**AUTOMATIC ALARM** — An electronic means of transmitting a fire signal to an alarm panel. The signal is then transmitted to a central alarm monitoring station.

**FIREBOAT TWO** — A boat stationed at the Harbor Master Float capable of operating independently or in conjunction with land-based units which is always available for mutual aid.

**GENERAL ALARM** — A full assignment that includes four engines, one ladder.

**HURST TOOL** — Hydraulic rescue tool used primarily for vehicle extrication.

**I-95** — Call may be received by any source 60-Control toll barrier, private citizen, etc. A request does not have to be approved by NYS police. Mile markers are key words that assist emergency personnel in locating incidents.

**MM 10.4** = West Street Bridge

**Eastbound** = Connecticut Bound = Northbound

**Westbound** = NYC = Southbound.

**MINOR ALARM (COMPANY CALL)** — An assignment that includes two engines.

**MUTUAL AID** — A situation that exists when one Fire Department has an incident that requires additional equipment or personnel from Fire Departments in other jurisdictions. When mutual aid is requested by any agency, apparatus is to be dispatched immediately.

**OUTSIDE BOX** — Red alarm boxes mounted on telephone poles. Boxes are manually activated and begin instantly to "tap" out a location. After the box has been manually activated, it must be reset by a Fire Chief.

## B. Fire alarm procedures to be used when 60 Control is not dispatching Fire Department.

- (1) General alarm. A general alarm of fire should be sounded for the following: smoke in a building, gas in a building, fire near any structure, smoke alarm, gas alarm, electrical problem in a structure, automatic alarm and sprinkler-activated alarm.
- (2) Minor alarm (company call). A minor alarm should be sounded for the following: vehicle fires, fuel spills, brush, rubbish or trash fires away from a structure, Hurst tool extrication calls, carbon monoxide detector activations.
- (3) Thruway calls. Vehicle accidents, fires, fuel spills and extrication calls.
- (4) All fire alarm calls. For all fire calls, first dispatch the Police Department, then activate the Fire Department pagers first with a voice transmission and then set up and sound the fire horns and sirens.
- (5) Paging out a general alarm:

"KEF 940 on the air with a full assignment, subject:

\_\_\_\_\_ ; address: \_\_\_\_\_  
(nearest cross street, nearest hydrant, if known, and any additional information available)."

- (6) Paging out a minor alarm:

"KEF 940 on the air with a minor alarm of fire for Engines 40 and 42 (for Mamaroneck and Volunteers) or Engines 38 and 41 (for Columbia and Halstead Manor), subject \_\_\_\_\_ ; address \_\_\_\_\_ ; (nearest cross street and nearest hydrant, if known)."

- (7) Paging out Thruway calls:

"KEF 940 on the air with a minor alarm for Engines 41 and 42 for I-95, mile marker \_\_\_\_\_ ; direction \_\_\_\_\_ ; and type of call \_\_\_\_\_ (auto accident, Hurst tool call, vehicle fire, rubbish fire)."

- (8) Mutual aid:

"KEF 940 on the air with a mutual aid call \_\_\_\_\_  
(give instructions per the Fire Chief's orders or request from County Fire Control)."

**§ AD164-20. Ambulance calls.**

- A. Paging EMS. When a request for medical aid is received by a citizen or from County Fire Control, an ambulance shall be dispatched by the Desk Officer. The tone signal shall be activated and on the Ambulance Channel, and the request shall be transmitted. Request shall be rebroadcast at two-minute intervals until an acknowledgment from EMS personnel has been received.

"KNCF 755, Mamaroneck Village Police to EMS: aided case (10-42) at location \_\_\_\_\_; nature of illness or injury: \_\_\_\_\_; nearest cross street \_\_\_\_\_."

- B. Paging VAC. In the event Mamaroneck EMS does not have an ambulance available, Larchmont-Mamaroneck VAC can be paged from the desk. Activate either the daytime or nighttime tones and transmit request. The Desk Officer should be prepared to give specific directions to the scene of the incident when VAC is used.

**§ AD164-21. Mutual aid.**

Requests for mutual aid, when needed in the Village of Mamaroneck, shall be made through County Fire Control. This applies to Fire Department requests from a Fire Chief, ambulance or stat-flight helicopter.

**ARTICLE IV  
Computer Software**

**§ AD164-22. Policy.**

- A. Only legally owned Department-authorized software shall be loaded and run on Department-owned computers.
- B. The security of police records and documents is a priority to all Department members. The use of computers and other electronic technology makes security easier to implement through the use of encryption and passwords to protect entire systems or individual files. However, the ongoing business needs of the Department, including the access to all work product created by Department employees, must be weighed against the available security options.

**§ AD164-23. Information Technology/Support Services Division responsibilities.  
[Revised 4-8-2009]**

The responsibilities of the Information Technology/Support Services Division shall be as follows:

- A. Select and seek approval for the purchase of all Department-owned microcomputer software.

- B. Collect and maintain on file software licenses for all Department-owned software products.
- C. Audit the software used on Department computers and remove unauthorized software.

**§ AD164-24. Prohibited activities.**

The following activities are prohibited:

- A. Violating the license agreement for any software.
- B. Copying Department-owned software to any other computer, including other Department-owned or home computers.
- C. Loading or installing "shareware," "freeware" or demo software without express authorization as outlined below.

**§ AD164-25. Personal software. [Revised 4-8-2009]**

- A. Personally owned software may be placed on Department computers only with the expressed permission of the Support Services Lieutenant.
- B. Installation of personal software shall be made in concert with the Support Services Lieutenant and must not interfere with the operation of any Department-owned software or hardware. If problems arise, personal software shall be removed.
- C. License agreements for authorized personal software shall be maintained in the office where it is installed and a copy provided to the Support Services Lieutenant for his/her files.

**§ AD164-26. Entertainment software.**

Entertainment software is not authorized on Department computers.

**§ AD164-27. Encryption and password protection of Police Department records.**

- A. Employees are prohibited from using any third-party encryption tool on a Department computer or on any Department-related work file. The Information/Training Sergeant shall determine which employee work will be maintained on a Department share drive.
- B. Employees may not password protect any file or hard drive without written permission from their supervisor. The minimum permanent rank of any supervisor who approves the use of a password to protect a document must be a Lieutenant or above.
- C. Only those investigations or other electronic documents that are extremely sensitive may be password protected. Requests to password protect a file must be made in writing to the Support Services Lieutenant and must include the file name and password. This will allow the Department to access the document(s) in case of an emergency, an extended absence on the part of the employee, or any other Department business need.

**ARTICLE V**  
**Department E-Mail**

**§ AD164-28. Policy.**

The Mamaroneck Village Police Department provides e-mail service and Internet access for the purpose of conducting Department business. Occasional personal use is permissible if it is consistent with the Mamaroneck Village Police Department's policies and procedures and the usage standards set by the Village of Mamaroneck.

**§ AD164-29. Purpose.**

It is the purpose of this article to provide employees with guidance on the proper use of Department-owned personal computers for the purposes of disseminating electronic mail and utilizing services on the Internet.

**§ AD164-30. Guidelines.**

- A. There is no expectation of privacy in the use of Department e-mail or Internet services on Department-owned computers. All use of Department computers, whether official or personal, is subject to public disclosure laws and can be discoverable in a lawsuit.
- B. The Mamaroneck Village Police Department owns the computers, e-mail, and Internet access systems. As such, the Department may monitor and review e-mail/Internet use for compliance with this article. The employer retains the right to determine what is and is not appropriate for the workplace.
- C. All communications written via the Internet shall be professional, appropriate, and lawful. Personal opinions or preliminary observations should be clearly identified as such.
- D. All e-mail communications and Internet use must comply with DP&P.

**§ AD164-31. E-mail.**

- A. All general distribution messages shall be approved by a Lieutenant or above. The general distribution message shall also include the name of the approving member and date of approval.
- B. E-mail is a primary source for computer virus attacks. Employees should not open e-mail attachments from an unknown source. Employees should contact an IT officer if they have questions about an attachment.
- C. E-mail is not a secure system and should not be utilized for communicating sensitive information.
- D. Department supervisors and managers are responsible for ensuring that their staff is familiar with and adhere to the Department's e-mail policy.

- E. Department e-mail shall not be used to announce union membership meetings or be used for other union business.
- F. Employees shall not use their city e-mail address to subscribe.

**ARTICLE VI**  
**NYSPIN and eJusticeNY**

**§ AD164-32. Policy.**

The New York Statewide Police Information Network (NYSPIN) and eJusticeNY will be used only for official law enforcement purposes. It will not be used for any private purposes. Employees will not disclose any confidential information acquired in the use of the system to any person not authorized to receive it or use the information in the system to further personal interests of any other nonauthorized purpose. Misuse of this system may result in disciplinary charges as well as criminal prosecution.

**§ AD164-33. Criminal history record information (CHRI).**

**A. Access.**

- (1) CHRI may only be accessed for members of criminal justice agencies and used for the purpose indicated in the inquiry. Members must have an active case or written personal notes or other records to support the inquiry. The purpose of the inquiry must comply with NYSPIN, DCJS, NCIC and NYLETS rules and policies.
- (2) All Village of Mamaroneck Police Department members shall maintain a minimum of basic level access to NYSPIN. Supervisors, Detectives and Desk Officers shall maintain data and CCH level access.

**B. Secondary dissemination.**

- (1) Secondary dissemination is prohibited. Releasing CHRI, or confirming the absence of CHRI, is strictly prohibited, subject to the following exceptions:
  - (a) With another agency actively participating in a joint investigation. A notice must be placed in the case folder indicating the information was shared.
  - (b) With a member of the District Attorney's Office prosecuting the case.
  - (c) The Village of Mamaroneck Police Department may access CHRI for authorized agencies that do not have a terminal. Always complete the ORI, reason, case number and all other identifying fields with valid information associated with the requesting agency.
  - (d) Facsimile transmission is allowed between authorized agencies.

**C. False entries. Making false entries in the screen formats to force a CHRI response or the use of another's ID and password to access CHRI may be a crime and is strictly prohibited.**

**§ AD164-34. Other NYSPIN functions.****A. Secondary dissemination.**

- (1) It is recognized that in the normal course of official duty it may be necessary to lawfully disseminate information (other than CHRI) received from NYSPIN to persons or other agencies not associated with the administration of criminal justice, including private citizens. In all instances, such dissemination must be secondary dissemination from an official Department report or record, including event entries but not from printed materials, or copies thereof, obtained from NYSPIN. The following are some examples of authorized secondary dissemination, including but not limited to:
  - (a) Release of registrant information to any towing company when a vehicle was towed at police request.
  - (b) Release of operator information or registrant information from a MV-104 police accident report.
  - (c) The release to hospital officials information relating to insurance company information obtained via NYSPIN.
- (2) Sale of information or receiving a benefit for information received via NYSPIN is prohibited and may constitute official misconduct or other crimes. Dissemination of information obtained via NYSPIN to unauthorized persons or agencies that may use such information commercially, such as private investigators, process servers, bail bondsmen or their agents and private security agencies, is strictly prohibited.

**B. NYSPIN required transmissions.**

- (1) Deadly physical force or deadly weapon. Section 221 of the Executive Law requires that when any police officer or agency receives a compliant that involving the use of deadly physical force or a deadly weapon has been committed and the perpetrator has not been apprehended within 30 minutes after such compliant has been received, such police agency shall cause information of such felony to be immediately dispatched over the NYSPIN system. Any other felony, for which the perpetrator has not been apprehended within five hours after such compliant has been received, must also be transmitted over the NYSPIN system.
- (2) Missing persons or children. All reports of missing persons or children shall be entered into NYSPIN without delay as outlined in Chapter OP250, Patrol Activities, Article XIV, Missing Persons or Children, of this Manual of Procedure.
- (3) Stolen, recovered or impounded vehicle.

**Vehicle and Traffic Law § 424, Subdivision 1(a):**

Agencies which are members of NYSPIN shall report any theft, recovery or impounding of a motor vehicle, trailer or part or parts thereof to such network. Agencies which are not members of NYSPIN shall make such reports through a member agency. Such reports shall if possible contain at least the vehicle identification number, the date of theft, recovery or impounding of the vehicle, the license plate number and where the vehicle was stolen, recovered or impounded and the name, address and telephone number of the facility where such vehicle has been stored. Such information shall be made available to the commissioner of motor vehicles. The commissioner may assist in providing information with respect to stolen or recovered motor vehicles, trailers and parts as he may deem advisable.

- (4) Aggravated unlicensed operation.

**Vehicle and Traffic Law § 511-b, Subdivision 1:**

Upon making an arrest or upon issuing a summons or an appearance ticket for the crime of aggravated unlicensed operation of a motor vehicle in the first or second degree committed in his presence, an officer shall remove or arrange for the removal of the vehicle to a garage, automobile pound, or other place of safety where it shall remain impounded, subject to the provisions of this section if: (a) the operator is the registered owner of the vehicle or the vehicle is not properly registered; or (b) proof of financial security is not produced; or (c) where a person other than the operator is the registered owner and, such person or another properly licensed and authorized to possess and operate the vehicle is not present. The vehicle shall be entered into NYSPIN as an impounded vehicle and the impounding Police Department shall promptly notify the owner and the local authority that the vehicle has been impounded.

- (5) Loss or theft of a firearm.

**Penal law § 400.10, Subdivision 1(b)**

Whenever a person reports the theft or loss of a firearm, rifle or shotgun to any Police Department or sheriff's office, the officer or Department receiving such report shall forward notice of such theft or loss to the division of state police via NYSPIN. The notice shall contain information in compliance with the NYSPIN Operating Manual, including the caliber, make, model, manufacturer's name and serial number, if any, and any other distinguishing number or identification mark on the weapon.

**§ AD164-35. Use and dissemination agreement.**

The Village of Mamaroneck Police Department and the New York State Police have a written agreement certifying that all members authorized to access information available from

NYSPIN will comply with NYSPIN rules and operating instructions governing the use and dissemination of information obtained from NYSPIN.

**ARTICLE VII**  
**Video Car Recorders**

**§ AD164-36. Purpose.**

The purpose of this article is to provide officers with guidelines for the use of mobile digital and audio recording (MVR) equipment installed in Department patrol vehicles.

**§ AD164-37. Policy.**

Mobile video/audio recording equipment has proven to be a valuable asset in gathering recorded evidence for the prosecution of traffic violations and related offenses. The video equipment shall also be used for furthering officer safety, quality assessment of officer performance, training, and defense of complaints against personnel. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for MVR equipment use as set forth in this article. The digital recorders identified in this article are the exclusive property of the Village of Mamaroneck Police Department. Any release, dissemination or copying of any portion, both audio and digital, is strictly prohibited without the express written consent of the Chief of Police or his designee.

**§ AD164-38. Policy objectives.**

The objectives of this article are to record:

**A. All motor vehicle stops.**

- (1) Normal traffic violations: recording commencing from the point of activating overhead rotating lights and/or sirens and continuing during the entire stop, concluding as the violator drives away.
- (2) Suspected DWI: beginning at the point when the officer first suspects erratic driving and concluding when the subject is removed from the patrol vehicle at Headquarters. When field sobriety tests are administered, where safety permits, the performance of the tests shall be included on the recording.
- (3) Accident scene: at the direction of a supervisor, where the recording of the scene will assist in the investigation and or adjudication of the case.

**B. Nontraffic situations: where the use of the camera and/or audio portion will aid in the documentation of the actions of involved parties.**

ARTICLE VIII  
**Mutual Assistance Radio System**  
**[Added 2009]**

**§ AD164-39. Purpose.**

The Westchester County Department of Public Safety (hereinafter "WCDPS") will assume responsibility for the installation and maintenance of the Westchester County Police Mutual Assistance Radio System (hereinafter "WCPMARS") within the County of Westchester to serve as a backup to the land-line-based "hot line" as well as an interoperability channel to facilitate communication among law enforcement agencies during critical incidents.

**§ AD164-40. Procedure.**

- A. The WCPMARS frequency is licensed by the FCC to WCDPS and is the primary back-up channel to the WCDPS main frequency (F-1). During an emergency situation, WCPMARS will be activated and will be used in accordance with WCPMARS procedures. At times when WCPMARS is not activated and no emergency exists, the WCPMARS frequency may be utilized for WCDPS official use as necessary.
- B. The WCPMARS frequency will be used only for emergency communication between authorized user agencies when activated. WCPMARS may be activated by any authorized user agency during an emergency or incident which meets the following criteria:
  - (1) Under circumstances in which interagency communication is essential to the protection of life and property and normally utilized radio frequencies are either unavailable or ineffective; or
  - (2) Radio communication among authorized agencies is necessary to establish command and control capability to address an incident; or
  - (3) To facilitate a coordinated interagency operation.
- C. To activate WCPMARS, an authorized user will transmit over the WCPMARS frequency his/her agency name/unit identifier, a message to activate WCPMARS, and a brief reason for activation. For example: "Village of Mamaroneck Police Department HQ to Westchester County Police, activate WCPMARS due to aircraft accident within this jurisdiction."
- D. The WCDPS dispatcher will acknowledge and repeat the transmission and in addition will transmit a NYSPIN File 25 indicating the activation to all authorized agencies.
- E. WCDPS will be responsible for monitoring the frequency and communicating with authorized users of the channel. These duties will normally be assumed by the Westchester County Police Dispatcher. WCDPS, as the licensee of the frequency, will assume responsibility for compliance with Federal Communications Commission licensing requirements. WCDPS will issue user designations to identify authorized users of the frequency.

- F. Use of the WCPMARS frequency, 155.550 Mhz (Rx) PL 192.8 and 159.030 Mhz (Tx) PL 103.5, shall be limited to official use only.
- G. Users of the frequency shall identify themselves by agency name and unit designation (i.e., Village of Mamaroneck 311).
- H. The WCPMARS frequency will normally be operated with "repeater function on" as a default mode. The WCDPS dispatcher will be capable of disabling the repeater if necessary.

**§ AD164-41. Technical requirements.**

- A. The WCPMARS frequency shall be installed/programmed into transceivers owned by individual agencies only by qualified radio technicians in accordance with Federal Communications Commission rules and regulations and manufacturer's directions, and operated in compliance with the provisions of the terms of the license for the frequency held by WCDPS.
- B. Agencies authorized to utilize the frequency on agency-owned equipment will be responsible for ensuring that appropriate action is taken to prevent unauthorized use. Installation of the frequency on base station radios, other than those specifically authorized by WCDPS, is prohibited. Authorization to utilize the frequency applies only to specific agencies, and shall not be extended to third parties without the express permission of WCDPS.
- C. The loss or theft of radio equipment capable of receiving or transmitting on the WCPMARS frequency shall be reported to WCDPS without delay.
- D. Agency radios capable of transmitting unit identifiers shall activate the feature on equipment transmitting on the WCPMARS frequency.
- E. Voice scrambling devices shall not be utilized on the WCPMARS frequency without specific authorization from WCDPS for each period of use.

**§ AD164-42. Maintenance and service.**

- A. Radio equipment in which the WCPMARS frequency is installed shall be serviced and maintained by qualified radio service technicians pursuant to FCC § 90.433. Equipment must be "type accepted" pursuant to FCC § 90.203, and maintained in accordance with manufacturer specifications. The Westchester County Department of Information Technology (WCDoIT) will maintain records required by the FCC for WCDPS. However, authorized users shall maintain service and repair records as needed and make them available for inspection upon request by WCDPS.
- B. Equipment will be maintained in a serviceable condition so as to avoid interference with the WCPMARS frequency or any other radio frequency.
- C. Radio units issued to individual agencies will become the property of the agency concerned. These units will be warranted for one year, after which repair of the units

becomes the agency's responsibility. Technical issues will be reported to the WCDPS by telephone number (914) 864-7600. The WCDPS dispatcher will log a "Trouble Report" and notify the Motorola Support Center, which will dispatch a service technician.

- D. Issued equipment will not be replaced, modified, or altered unless such modification or alteration is approved by the WCDPS. Signaling devices (other than panic signals), such as tone-coded squelch, will not be utilized on WCPMARS transmitters.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

**POLICY NAME: Global Positioning Satellite ("GPS")**

**DATE ISSUED:** December 31, 2016

**REVIEWED:** Annually

**AD 164 Article IX**

## ARTICLE IX

### Global Positioning Satellite ("GPS") Policy for Police Department Vehicles

- I. **Mission:** The Village's mission is to ensure the public safety and to make operations as efficient and safe as possible. To further this mission, all Police Department vehicles have been equipped with Global Positioning Satellite ("GPS") devices. GPS is technology that allows the Village to locate its vehicles. This technology is extremely important in providing employees a safe work environment and Village residents with the best possible service.
- II. **Purpose:** The Village's GPS Monitoring Policy serves several essential purposes, including but not limited to the following:
  - a. Assisting employees in emergency situations or when vehicles have been stolen. For example, the Village may use tracking information to locate a vehicle if the vehicle and employee are missing, or where an employee is sick or injured and unable to call for help or respond to calls.
  - b. Determining the availability and location of personnel to redirect resources where needed.
  - c. Evaluating routes used, miles traveled, speed, and fuel efficiency. Improper use of Police Department vehicles results in increased costs, including wear and tear on vehicles, and increased fuel consumption.
  - d. Enabling the Village to defend itself if a motor vehicle accident occurs by establishing the vehicle speed and movement.

<b>POLICY NAME: Global Positioning Satellite ("GPS")</b>		
DATE ISSUED: December 31, 2016	REVIEWED: Annually	AD 164 Article IX

### **III. Policy:**

- a. How it works: GPS tracking devices are capable of transmitting, by satellite, real-time information about the vehicle's location and movements throughout the day, including the speed at which the vehicle travels and the amount of time spent at locations.
- b. What information is tracked: The Village will be able to determine by address or intersection where the vehicle is located at any time. In addition, the Village will be able to determine how long a vehicle remains at a particular location, the speed of the vehicle and the length of time taken to travel between locations. Employees should have no expectation of privacy in the information captured by the GPS devices.
- c. Investigation Process: If any Police Department vehicle is determined to be in an inappropriate or otherwise unusual location, operated in a manner that is illegal or that violates established policy, the Chief of Police or his/her designee will investigate the matter. The employee assigned to the vehicle at issue may be questioned by the Chief of Police and/or his or her designee(s) for the stated purposes herein. Based upon the Department's investigation, including but not limited to interview(s) of the employee(s) in question, a review of the information captured by the GPS device, and any additional interviews of individuals who may possess pertinent information, as determined by the Chief of Police or his/her designee(s), the employee may be subject to discipline, up to and including termination in accordance with applicable law, rules and regulations of the department.
- d. If there is any reason to believe a GPS device has been tampered with, interfered with, or disabled, the Chief of Police and/or his or her designee(s) will investigate the matter. The Village Manager or his/her designee's participation in this policy shall be solely for administrative purposes (e.g., addressing software problems, device malfunctions, data issues) and, as such, they cannot initiate or participate in the investigation or presentation of discipline related to GPS information. The Village Manager and/or his/her

<b>POLICY NAME: Global Positioning Satellite ("GPS")</b>		
DATE ISSUED: December 31, 2016	REVIEWED: Annually	AD 164 Article IX

designee shall also maintain all information received through the GPS system in the strictest of confidence consistent with their Oaths of Office as public officials.

- e. It is not the intention of the Department to review GPS data for the purpose of general performance review, for routine preparation of performance reports or evaluation. Nothing in this policy will prohibit supervisors from accessing GPS data for administrative purposes and in furtherance of administrative investigations, but it is not the intent of the department to routinely monitor GPS data to develop evidence of administrative violations. This shall not preclude periodic supervisory inspections to ensure that GPS equipment is functioning properly. Inadvertent discovery of other departmental violations during such review shall require the supervisor to articulate the purpose of expanding the scope of the review.
- f. Officers will be permitted to review GPS data related to an incident in which they were involved for the purposes of (1) conducting a criminal investigation; (2) preparing reports; (3) preparing for courtroom testimony or courtroom presentations; (4) providing testimony pursuant to an administrative or disciplinary hearing; and (5) assisting the officer in professional development/training. Officers will be permitted to review GPS data prior to any administrative or disciplinary questioning by the Department.

## **Chapter AD175**

### **TRAINING**

#### **ARTICLE I Field Training**

- § AD175-1. Purpose.**
- § AD175-2. Policy.**
- § AD175-3. Procedure.**

#### **ARTICLE II Training**

- § AD175-4. Purpose.**
- § AD175-5. Policy.**
- § AD175-6. Basic training.**
- § AD175-7. Supervisory training.**
- § AD175-8. In-service training.**
- § AD175-9. Specialized training.**
- § AD175-10. Training records.**

#### **ARTICLE I Field Training**

##### **§ AD175-1. Purpose.**

- A. It is the Department's intent to provide probationary police officers with adequate post-academy training to successfully perform their jobs and to provide for an evaluation system that accurately measures their strengths and weaknesses and provides the necessary training to reinforce strengths and identifies remedial steps to be taken to correct weaknesses.
- B. Training has often been cited as one of the most important responsibilities in any law enforcement agency. Through a formalized Field Training and Evaluation Program, new personnel will be better prepared to act decisively and correctly in a broad spectrum of situations. This training program builds upon the basic academy training, and provides for the opportunity to apply theory to practical field situations under the guidance and observations of a qualified field training officer.

##### **§ AD175-2. Policy.**

It is the policy of the Village of Mamaroneck Police Department to consistently endeavor to maintain the highest levels of expertise in carrying out our law enforcement responsibilities. We are committed to providing our personnel with the necessary training to achieve this goal. To meet this end, the Field Training and Evaluation Program as been developed and implemented. The administration of the Mamaroneck Police Department fully supports the Field Training and Evaluation Program concept that is imperative for the successful attainment of the Department's stated goals.

**§ AD175-3. Procedure.****A. Administration.**

- (1) The Patrol Division Commander shall be responsible for the implementation and administration of the Field Training and Evaluation Program, and to see that each new member completes the Field Training Program by the earliest possible date.
- (2) The Field Training Officer shall answer directly to his/her immediate supervisor, regarding their duties and responsibilities pursuant to this article.
- (3) Field Training Officers shall be assigned to train, supervise, and evaluate recruit and probationary officers.

**B. Field Training Officer qualifications.**

- (1) Candidates applying for this position must:
  - (a) Be a police officer with two years of continuous service;
  - (b) Possess strong oral and written communication skills;
  - (c) Be mature, patient, fair, and dependable;
  - (d) Be able to observe and rate performance objectively; and
  - (e) Receive a written recommendation for the position from his/her supervisor.

**C. Field Training Officer selection.**

- (1) Officers who have met the above qualifications shall be considered for the assignment by the Chief of Police.
- (2) Field Training Officers serve at the discretion of the Chief of Police and will be assigned or relieved of assignment by the Chief of Police.

**D. Length and scope of Field Training Program.**

- (1) The Field Training Program shall run a minimum of four weeks for all new members of the Mamaroneck Police Department.
- (2) During the first two weeks of the program, 1/2 of each day will consist of instruction on the Mamaroneck Police Department Manual of Procedure, conducted by the accreditation manager or, in his/her absence, a Department-certified instructor in Police Headquarters.
- (3) The Field Training Program shall include, but not be limited to:
  - (a) Specific performance criteria.
  - (b) Observed interaction with the public.
  - (c) Daily written evaluation of trainee performance.
  - (d) Written documentation of performance deficiencies and remedial efforts.

- (4) Trainees shall be assigned to a primary FTO. If practical, trainees should be trained and evaluated by a second FTO for a segment of the training period; this period shall not be the initial or final segment of training.
- (5) Training shall be conducted on all posts on all shifts.
- (6) Field Training Officers shall file with their Patrol Supervisor, who will file with the Patrol Division Commander, a daily observation report evaluating the trainee's performance using the Field Training and Evaluation Program's Standard Evaluation Guidelines. This report will be signed by the FTO, supervisor, and the trainee. A daily observation report must be submitted for each day of field training.
- (7) Performance deficiencies shall be documented by the FTO on a remedial training worksheet and filed with the Patrol Supervisor, who will forward it to the Patrol Division Commander. A training plan to correct the deficiencies and the results of same must be documented on the worksheet.
- (8) Each trainee will be issued a trainee task list outlining topics to be covered during training. The task list must be completed in its entirety by the trainee and the Field Training Officer prior to completing the Field Training and Evaluation Program. The trainee task list will remain in the possession of the trainee during training and shall be presented to the FTO on each workday.
- (9) The primary Field Training Officer shall file with his/her Patrol Supervisor, who will file with the Patrol Division Commander, a final evaluation summary of the trainee's performance upon completion of the training program. The trainee must receive a rating of "4" or better in all categories prior to being approved for solo patrol.

## ARTICLE II Training

### § AD175-4. Purpose.

The Village of Mamaroneck Police Department believes that training is one of the most important facets of the Department objective. It is fully committed to the complete satisfaction of all DCJS and DHS mandates for training, as well as the development of Department-sponsored programs that supplement this training.

### § AD175-5. Policy.

It is the policy of the Village of Mamaroneck Police Department to offer, provide and, where necessary, mandate, training in areas of policing that benefit the community and the members of the Department. All training programs shall contain a performance objective. These objectives shall focus on the elements drawn from job task analysis, provide clear statements of what is to be learned and provide the basis for evaluating the participants and the effectiveness of the training program.

**§ AD175-6. Basic training.**

- A. No member shall perform regular law enforcement duties without attending and successfully completing a certified basic school as required by the Executive Law and certified by the Bureau of Municipal Police. New members who have not attended such training may not perform regular police duties unless accompanied and under the direct supervision of a law enforcement officer who has successfully completed such training, or in accordance with existing laws.
- B. No officer shall be permitted to use or carry any firearm in connection with his/her duties without first having received training that meets the requirements of the Municipal Police Training Council in the use of deadly physical force and in the use of firearms. No probationary police officer shall be authorized to carry an off-duty firearm unless authorized by the Chief of Police.
- C. Each newly appointed police officer, including transfer employees, will successfully complete a field training program as set forth in the Field Training and Evaluation Program.

**§ AD175-7. Supervisory training.**

- A. Within one year of appointment, each newly appointed supervisor must successfully complete a course in police supervision as prescribed by the Municipal Police Training Council and certified by the Bureau for Municipal Police.
- B. Supervisors within the Department will receive annual training in managerial skills, the purpose of which is to update and develop their managerial abilities.

**§ AD175-8. In-service training.**

- A. Each sworn officer will attend a minimum of 40 hours of in-service training annually. This training will include, but is not limited to, the following topics:
  - (1) Firearms training.
  - (2) Use of physical force.
  - (3) Use of deadly physical force.
  - (4) Use of OC spray.
  - (5) Use of TASER.
  - (6) Defensive tactics.
  - (7) CPR, AED and first aid (biannually).
  - (8) Legal updates.
  - (9) NIMS and ICS training.

- B. In-service training will be presented by New York State Certified Police Instructors or by qualified experts in a specific field.

**§ AD175-9. Specialized training.**

- A. The following areas are considered specialized functions and require specialized training:

- (1) Bicycle officer.
- (2) Crime Scene Investigator.
- (3) Crisis negotiators.
- (4) D.A.R.E. instructor.
- (5) EVOC instructor.
- (6) Field Training Officer.
- (7) Firearms instructor.
- (8) Data Master operator. [Revised 4-8-2009]
- (9) K-9 officer.
- (10) Motorcycle officer.
- (11) Police general topics instructor.
- (12) Simunition® instructor.
- (13) Special Weapons and Tactics Team members.
- (14) TASER instructor.

- B. All officers assigned to these positions, either as their main duties or as added duties, shall successfully complete training in their area of specialization and attend periodic in-service training courses to update their skills and maintain current certification.

**§ AD175-10. Training records.**

- A. The Training Officers of the Village of Mamaroneck Police Department will maintain a continuous record of all training completed by Department members and all training opportunities provided by the Department.
- B. Whenever a member of the Department attends any school, training, or seminar, it is the responsibility of that member to notify the Training Officer of such attendance and furnish him a copy of any certificates received and a course outline or curriculum.
- C. Whenever the Department sponsors a training course, it will be the responsibility of the Training Officer to ensure lesson plans and a copy of the course curriculum are maintained indefinitely with the training records.

## **PART II OPERATIONS**

## **Chapter OP225**

### **JUVENILE OPERATIONS**

#### **ARTICLE I**

##### **Youth Bureau Operational Guidelines**

- |   |   |
|---|---|
| § OP225-1. Purpose.                         | § OP225-9. Family Court appearance ticket.                |
| § OP225-2. Background.                      | § OP225-10. Taking of a youth into custody.               |
| § OP225-3. Policy.                          | § OP225-11. Processing juvenile delinquents.              |
| § OP225-4. Objective of Youth Bureau.       | § OP225-12. Fingerprints of certain juvenile delinquents. |
| § OP225-5. Definitions.                     | § OP225-13. Wanted-juvenile computer entries.             |
| § OP225-6. Administration and organization. | § OP225-14. School liaison program.                       |
| § OP225-7. Operations and procedures.       | § OP225-15. Recreational youth programs.                  |
| § OP225-8. Referrals for intake.            |   |

#### **ARTICLE I**

##### **Youth Bureau Operational Guidelines**

##### **§ OP225-1. Purpose.**

The purpose of this article is to establish operational guidelines for the Youth Bureau, to outline the organization and role of the unit and to establish procedures for the handling of juveniles by all members of the Department.

##### **§ OP225-2. Background.**

New York State law directs that juveniles be dealt with differently than adult offenders but in a manner that is consistent with guidelines in the Family Court Act of the State of New York.

##### **§ OP225-3. Policy.**

It is the policy of the Department to conduct all investigations involving juveniles in a manner that is consistent with applicable laws, other general orders of the Department and taking into consideration the mental capacity and emotional state of the juvenile.

##### **§ OP225-4. Objective of Youth Bureau.**

- A. The objective of the Youth Bureau shall be to provide remedial resolution for incidents involving juvenile violators of law before invoking the power of arrest. This will best serve the interests of the youth and the community. The Department is firmly committed

to this objective and to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

- B. Supervisory personnel and youth officers shall be expected to have a working knowledge of the diverse social service resources available to the Department for assistance and referrals.
- C. Personnel assigned to the Youth Bureau are expected to actively develop, implement and present programs designed to prevent juvenile delinquency or that offer juveniles an acceptable alternative diversion away from the criminal justice system.

#### **§ OP225-5. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DESIGNATED FELONY** — An act which, if done by an adult, would be a crime as defined in the Family Court Act, Section 301.2(8) and variously affecting persons 13, 14 or 15 years of age. Since these persons are also juvenile delinquents, actions involving a designated felony are handled by the County Attorney.

**INFANCY** — A defense described in the Penal Law that states that a person less than 16 years of age is not criminally responsible for his conduct.

**INTAKE** — The process comparable to the commencement of a criminal action as described in the CPL, but applicable to juvenile delinquents. In Westchester County, this function is performed by the Probation Department, acting on the issuance of a juvenile appearance ticket or a petition (accusatory instrument) prepared by the County Attorney's office at the request of a Police Department investigator or, in some cases, at the request of a parent or guardian as the complainant.

**JUVENILE DELINQUENT** — A person over seven and less than 16 years of age, and who having committed an act that would constitute a crime if committed by an adult, is not criminally responsible for such conduct by reason of infancy; or is the defendant in an action ordered removed from a criminal court to the Family Court pursuant to Article 725 of the Criminal Procedure Law. Actions against juvenile delinquents are handled by the County Attorney.

**JUVENILE OFFENDER** — A person who is 13, 14 or 15 years of age and who is criminally responsible for his conduct as it applies to certain serious felonies as enumerated under Subdivision 18 of § 10.00 of the New York State Penal Law. Juvenile offenders are prosecuted by the District Attorney.

**PINS (PERSON IN NEED OF SUPERVISION)** — A person less than 16 years of age who is truant or incorrigible, or who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other authority, or who is in unlawful possession of more than 25 grams of marijuana (§ 221.10 New York State Penal Law) and is deemed to be in need of supervision or treatment as prescribed by the Family Court.

**§ OP225-6. Administration and organization.**

- A. The Youth Bureau is directed by the Youth Detective who is directly responsible to the Detective Sergeant. On occasion uniformed personnel may be assigned to the unit to assist staff in fulfilling the function and objectives of the unit.
- B. Personnel assigned to the Youth Bureau shall have duties and responsibilities that shall include but not be limited to the following:
- (1) Designing, implementing and presenting programs intended to prevent and control delinquent, criminal or antisocial behavior of youths;
  - (2) Conducting follow-up investigations of all juvenile arrests and incidents involving offenses or violations of law by juveniles;
  - (3) Coordinating, preparing and referring court cases to the Department of Probation, County Attorney's office and/or the Family Court, in which juvenile is involved;
  - (4) Diverting juveniles away from the criminal justice or Family Court system, making referrals to other social service agencies, when necessary, and adjusting cases;
  - (5) Providing in-service training in juvenile procedures to members of the Department as needed; and
  - (6) Maintaining and securing juvenile records and files in the youth office and the timely entry of data into the juvenile records system.
    - (a) Juvenile records are kept separate from adult records and shall not be disposed of when a juvenile reaches adult age. Records shall only be expunged or sealed upon court order. It shall be the responsibility of the Youth Detective to oversee the orderly collection, dissemination and retention of these records. Access to these records shall be governed by Article 381 of the New York State Family Court Act.
    - (b) The handling of juveniles and the promotion of delinquency prevention efforts by the Department shall not be limited solely to the Youth Services Unit. Members of the Department, in particular patrol officers who may come in contact with juveniles more frequently, are to be familiar with procedures for handling juvenile incidents in the criminal and noncriminal arenas.
    - (c) The annual evaluation of all enforcement efforts and prevention programs related to the Youth Bureau shall be evaluated by the Youth Detective in a written report submitted to the Chief of Police in June of each year.
  - (7) Periodically, the Department's policies, procedures and programs related to juveniles shall be reviewed by members of other agencies that have a wealth of knowledge in this field (example: Department of Social Services, Department of Probation, and New York State Division for Youth). These valuable resources shall be tapped and their recommendations used to help formulate changes, where needed, in Department policy, procedures and programs related to juveniles.

**§ OP225-7. Operations and procedures.**

- A. In keeping with the doctrine of "parens patriae," i.e., that the state plays the role of the parent to the child rather than the adversary, the Youth Bureau and all members of the Department shall seek the least forceful and use the least coercive alternatives that are within reason and that are consistent with preserving public safety, order and individual liberty, when dealing with juveniles. Juveniles may be dealt with by members of the Department in one of four ways:
- (1) Outright release of the juvenile, after speaking with him and obtaining information for a memo;
  - (2) Simple treatment by the Department youth officer(s) in cooperation with the juvenile's parents;
  - (3) Referral to another social service agency or agencies which may result in a relatively prolonged program of treatment on a voluntary basis; or
  - (4) Referral to the Department of Probation which may result in a review of the case by the County Attorney's office which may result in a further referral of the case to Family Court.
- B. "Diversion," as it applies to handling a juvenile, means any lesser alternative which is substituted for one which might be imposed within the juvenile justice system. The rationale for its use is to impose a more moderate punishment or treatment in an effort to encourage the juvenile to accept rehabilitation and to alter his behavior to that which is acceptable to the community. The decision to divert a juvenile from the system shall be taken only after consideration of the following factors:
- (1) The nature and circumstances of the alleged offense;
  - (2) The age and family circumstances of the accused;
  - (3) Prior record of the accused;
  - (4) The availability for referral to another social service agency within the community;
  - (5) Attitude of the accused as well as his/her parent and the likelihood of his acceptance of rehabilitation efforts;
  - (6) Input from the appropriate social agency, if necessary; and
  - (7) Any recommendations made by the complainant or victim. If a recommendation for diversion is received from a victim or complainant, such recommendation shall be documented in the disposition of the case.
- C. Apart from diverting a juvenile to a social service agency or petitioning him into Family Court, law enforcement agencies have a wide range of alternative remedies that they, themselves, may employ. "Station house" warnings, informal referrals, consulting with and arranging for appropriate corrective action by parents through "in-house diversion," and dropping the charges altogether are examples of such alternative actions. The

following procedures shall be considered as possible courses of action when a juvenile is to be released, but some adjustment is indicated:

- (1) When a juvenile is deemed not to be a continual threat to himself or others, he may be released to a parent, legal custodian, or a responsible adult relative, provided that the person receiving the juvenile has indicated a willingness and capacity to exercise reasonable care and control over the juvenile to prevent his immediate resumption of the conduct which brought him to the attention of the Department.
  - (2) A warning letter calling the attention of the juvenile and his parent or guardian to the consequences of the juvenile's continued misconduct may be prepared by the investigator.
  - (3) The investigator may make an informal referral to the probation Department, or other youth service agency, suggesting some follow-up corrective action.
  - (4) The investigator may refer the juvenile and his parent to the Westchester Mediation Center in an effort to resolve a behavior problem voluntarily as a condition for adjustment. (Refer to Article X, Mediation, of Chapter AD83 of this Manual of Procedure.)
  - (5) If, in the opinion of the investigator, there is little assurance that the juvenile will receive the necessary care and control or that there appears to be a substantial risk that he will continue in a criminal activity or that he may become a runaway, the investigator should consider placement in a youth care facility or detention center.
  - (6) Under no circumstances will a juvenile be released if there is probable cause to believe that he has committed those crimes specified in Article 30 of the New York State Penal Law (Defense of Infancy). This situation requires that the juvenile be detained in the appropriate facility.
- D. In every case where a member of the Department comes in contact with a juvenile delinquent under the age of 16, a memo shall be completed and forwarded to the Youth Bureau detailing the circumstances of the incident and personal information of the youth.

**§ OP225-8. Referrals for intake.**

The Youth Bureau shall refer to the Westchester County Department of Probation, for formal legal proceedings, any juvenile accused of a serious criminal act or repeated criminal violations. In general, referrals to the Family Court system shall be made for, but not limited to:

- A. All delinquent acts which if committed by an adult would constitute a felony;
- B. All delinquent acts involving gang activity;
- C. All delinquent acts involving weapons or where a weapon was used;
- D. All delinquent acts constituting assault in the second or first degree;

- E. All bias-related incidents, as defined in § 240.30, Subdivision 3, and § 240.31 of the New York State Penal Law;
- F. All delinquent acts committed by juveniles on probation, parole or with a case pending in Family Court;
- G. All repeated delinquent acts within the preceding 12 months;
- H. All delinquent acts committed by a PINS; and
- I. Cases where a juvenile has refused to participate in or cooperate with a diversion program.

**§ OP225-9. Family Court appearance ticket.**

- A. Consistent with the policy of using as little coercive action as possible, § 307.1 of the Family Court Act provides for the use of an appearance ticket as an alternative to a custody arrest to secure a juvenile's presence at probation intake.
- B. A Family Court appearance ticket is defined as a written notice issued and subscribed by a police officer directing a child and his parent or legal guardian to appear without security at a designated probation service on a specified return date in connection with the juvenile's alleged commission of the crime(s) specified on the appearance ticket.
  - (1) If the alleged crime is a designated felony, as described in § 301.2, Subdivision 8, of the Family Court Act, the return date on the appearance ticket shall not be later than 72 hours after issuance, excluding Saturdays, Sundays and legal holidays.
  - (2) If the alleged crime is not a designated felony, the return date shall be no later than 14 days after issuance. Appearances shall be scheduled for Tuesdays and Thursdays only, after 2:00 p.m.
  - (3) A copy of the appearance ticket shall be forwarded by the issuing officer or Youth Detective to the complainant or victim, the respondent or juvenile, the respondent's parent and the Westchester County Department of Probation within 24 hours after issuance. A copy shall also be kept on file in the Youth Bureau.

**§ OP225-10. Taking of a youth into custody.**

- A. Custody, as it applies to juvenile matters, is twofold. One is in the conventional sense of being an arrest which restricts the liberty of the arrestee; the other encompasses the concept of protective custody for juveniles who have been harmed or are in danger of harm. A police officer may take a youth under the age of 16 into custody if the youth commits an act which if committed by an adult would constitute a crime; if the youth is a runaway; if the youth has been abused or neglected; or if the youth has been taken into custody by a private citizen who delivers him to a police officer.
- B. A police officer, when dealing with a youth who has only committed a violation such as disorderly conduct, harassment or a traffic infraction, may detain the youth and shall not take him into custody.

- (1) The police officer, while detaining the youth, should obtain relevant pedigree information of those individuals involved in the incident. An Incident Report shall be completed and a memo directed to the youth officer.
  - (2) The youth officer shall have the responsibility of conducting a follow-up inquiry into the incident. During this inquiry, the youth's parent or other person legally responsible for his/her care shall be notified of their child's involvement in the violation.
- C. Section 305.2 of the Family Court Act sets out the authority for a police officer's arrest of a juvenile without a warrant, which authority is derived from Article 140 of the Criminal Procedure Law as it applies to the arrest of any person for a crime. The same rules affecting the seizing of evidence and the securing of admissions following the arrest of an adult are applicable to the arrest of a juvenile under this section, including the requirement that the juvenile be notified of his constitutional rights (Miranda).
- D. A police officer, after taking a youth under the age of 16 into custody for committing a crime or upon accepting delivery by a private citizen, shall:
- (1) Immediately notify the juvenile's parent or guardian or, if unavailable, the person with whom he resides, that the juvenile has been taken into custody. The youth shall be advised of his constitutional rights (Miranda) and shall not be questioned or allowed to make any statements, other than pedigree information, until he has been readvised of his constitutional rights in the presence of a parent. A written waiver of constitutional rights to remain silent must be signed by the child and the parent or guardian.
  - (2) After making every reasonable effort to give such notice to the juvenile's parents, the officer shall:
    - (a) If the child is accused of committing a crime that is not a designated felony, release the child to the custody of his parent or other person legally responsible for his care upon the issuance of a Family Court appearance ticket; or he may be taken forthwith to Family Court at 111 Grove Street, White Plains, if it is session. When the court is not in session, the child must be released and an appearance ticket issued barring special circumstances that would justify detention.
    - (b) Felonies.
      - [1] If the child has allegedly committed a designated felony as defined in the Family Court Act § 301.2(8), after consulting with the Youth Detective, the officer shall forthwith take the child directly to Family Court if it is in session, unless the officer takes the child to an approved location at Headquarters to question the child, or upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there conduct questioning for a reasonable period of time. If the Family Court is not in session and questioning is concluded or is not conducted, the officer must release the child upon issuance of an appearance ticket to the child and to the responsible

adult, or, if circumstances warrant, the officer may take a child to an approved juvenile detention facility.

- [2] Every effort should be made to contact a parent, adult sibling, neighbor or other responsible adult who will accept responsibility for the youth.
  - [3] It must be felt by the officer that the child, if released, would not appear for a court hearing or the child, if released would commit another crime.
  - [4] Having knowledge that the youth is on probation from the Family Court or that another petition has been filed against the youth can be considered justification for assuming that he will commit other crimes if released.
- (c) If the child is accused of committing a crime that is not a designated felony, and the Family Court is in session, the child must be released with an appearance ticket, after consulting with the Youth Detective, or taken forthwith to the court. Note that in these circumstances, detention is precluded. When the court is not in session, the child must be released and an appearance ticket issued unless special circumstances exist that would justify detention. Temporary detention is allowable only when there is substantial risk that the juvenile will not appear in court or that he will commit another crime.
- (d) If after applying the criteria listed above, it is felt that the juvenile should be placed in a nonsecure detention facility, then St. Christopher's - Jennie Clarkson Child Care Services, Inc., located on Route 22 in Valhalla should be contacted to arrange for intake of the juvenile. (See Contact Guide.) Call ahead to the Nonsecure Detention Coordinator for telephone intake approval for nonviolent crimes or Family Court warrant arrests. After obtaining approval, the child is to be taken to the campus infirmary in the Administration Building.
- (e) In the event a child is taken into custody for a violent felony, Woodfield Cottage at the Grassland's Reservation should be contacted at their twenty-four-hour number for intake approval. (See Contact Guide.) If intake is refused, the on-duty supervisor at Woodfield Cottage will determine which facility will accept the child.
- (f) When no bed is available in a secure juvenile detention facility, including a forty-eight-hour holdover facility, the Division for Youth shall be contacted for approval for a jail placement at their twenty-four-hour phone line. (See Contact Guide.)
- [1] A bed may be deemed unavailable in the following emergency situations:
- [a] When road conditions have been defined as hazardous by the National Weather Service;

- [b] When the time in transport to and from the facility (considering the health and welfare of the youth) would make it impractical to assure a timely court appearance; or
  - [c] When a child needs secure care in a hospital and no children's ward is available.
- [2] Jail placement never takes place with a juvenile under the age of 14 years, with the exception of a thirteen-year-old alleged or convicted juvenile offender.
- (g) Conditions of jail placement:
- [1] Authorization shall be for a twelve-hour period and may be renewed for additional twelve-hour periods as long as the emergency conditions as defined above continue to exist.
  - [2] Youth shall be housed in quarters separate from incarcerated adults.
  - [3] There shall be complete audio and visual separation of youth from incarcerated adults.
  - [4] There shall be continuous direct staff supervision of youth in jail placement. Audio and visual monitoring devices may not be substituted for direct staff supervision.
  - [5] Each youth shall be provided with a bed, blanket and pillow.
  - [6] Meals must be provided at established meal times. A meal must be provided to any youth detained more than five hours.
  - [7] Youth may be visited by parents, legal guardian or attorney at any time during the incarceration.
  - [8] Person's requesting jail placement of a youth shall be obligated to notify the youth's parent or guardian of the youth's location.
  - [9] Youths shall be held only in jails or lockups that are monitored by the New York State Commission of Correction.
- (h) A juvenile may also be taken into custody upon the authority of a Family Court warrant signed by a Family Court Judge commanding his appearance in court. The juvenile arrested on such a warrant may not be released on an appearance ticket.
- (i) A cellblock log should be completed to document juvenile custody. Be sure to note meals received, visitors, phone calls made, special circumstances surrounding the juvenile's situation, name of person to whom the child is released and time of release.

- (3) New York State Commission of Correction requires the New York State Record of Juvenile Detention Form be filled out and returned to the Commission of Corrections if a juvenile is held in jail detention for any reason.
- (4) A police officer may return to a parent or other person legally responsible for a child's care any child under the age of 16 who has run away or who appears to have run away from home without just cause. A police officer may reasonably conclude that a child has run away from home when a child refuses to give his name or the name and address of his parent(s) or other person legally responsible for his care, or when the officer has reason to doubt that the name or address given are the actual name and address of the parent or guardian.
  - (a) A police officer is authorized to take a runaway child to a facility approved by the New York State Department of Social Services, the Runaway Shelter at the Grasslands Reservation. The facility receiving the child shall inform the parent(s) or other person responsible for such child's care and the Family Court of its action. The Runaway Shelter also has a twenty-four-hour hotline phone. (See Contact Guide.)
  - (b) A police officer, when certain conditions are present, may take a child into protective custody without a court order and without the consent of the parent or guardian regardless of whether the parent is absent when:
    - [1] He has reasonable cause to believe that the circumstances or condition of the child are such that continuing in the home or in the care of the parent, guardian, custodian or other person responsible for the child's care presents an eminent danger to the child's life or health.
      - [a] Child Protective Services should be immediately contacted by the Youth Officer, or in his absence the Desk Officer. (See Contact Guide.) CPS will immediately commence an investigation and take custody of the child.
      - [b] The CPS hotline shall be notified. (See Contact Guide.) A DSS Form 2221-A, Report of Suspected Child Abuse or Maltreatment, shall be completed.<sup>1</sup>
      - [c] Every reasonable effort must be made to inform the parent(s), or other person legally responsible for the child's care, to which facility the child has been taken.
    - [2] There exists an active warrant of arrest for the child.
- (5) If a juvenile is taken into custody for having committed a crime during a civil disturbance, the juvenile should be detained separately from any adult defendants. Processing and release shall be in accordance with § OP225-11C of this article. Under no circumstances shall a youth who has been taken into custody be released without following one of the above procedures.

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1. See Form Guide.

**§ OP225-11. Processing juvenile delinquents.**

A. Every effort shall be made to process juvenile delinquents in an unlocked area of the police station such as:

- (1) The Youth Bureau office;
- (2) The report room;
- (3) The holding area, provided that there will be no physical or audible contact with any adult offenders;
- (4) The Police Department lobby area; and
- (5) The courtroom when court is not in session.

**Note:** If the above areas in the Police Department are used to process juveniles, at all times there shall be sight and sound separation. In addition, constant visual supervision will be provided by staff.

B. Handcuffing. Only in extraordinary situations when juvenile delinquents are assaultive, disruptive, unmanageable or charged with a serious violent crime shall they be handcuffed. Handcuffing to a stationary object will constitute secure detention, i.e., cuffing rail. Handcuffing will be used in the following situations with appropriate approval:

- (1) Where the officer determines that a juvenile taken into custody as an accused criminal-type offender (JD or JO) must be handcuffed to a cuffing rail or other stationary object, or placed in a locked room, this is permissible for up to six hours.
  - (a) Once a juvenile is placed in secure detention, the six-hour time limit begins and continues until the juvenile leaves the facility, regardless of whether the juvenile was in secure detention for 20 minutes or the entire six hours.
  - (b) This six-hour "grace period" begins to run when the juvenile enters a secure detention status and ends six hours later.
  - (c) In all situations, the juvenile must be under constant visual supervision and not in contact with adult prisoners.
- (2) Under normal conditions a juvenile may be handcuffed without attachment to a stationary object, when the process of questioning or interrogation is taking place in an approved questioning room.
- (3) If a juvenile is in custody during a regular meal period he shall be provided with a meal.
- (4) A juvenile may be held in the police station only for a brief period if such holding is necessary to allow release to his parent, guardian or other suitable person or approved facility.

- C. Secure detention defined by federal guidelines. Pursuant to federal guidelines, "a secure detention or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object."
- D. Nonsecure custody federal guidelines.
- (1) A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not be in secure detention or confinement status. The following criteria, if satisfied, will constitute nonsecure custody of a juvenile at Police Headquarters:
    - (a) The area(s) where the juvenile is held is an unlocked multipurpose area, such as the lobby, an office or interrogation room not designed for secure detention;
    - (b) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody;
    - (c) The use of the area(s) is/are limited to providing nonsecure custody only long enough and for the purposes of identification, investigation, processing, release to parents or arranging transfer to an appropriate juvenile facility or to court;
    - (d) In no event can the area be designated or intended to be used for residential purposes; and
    - (e) The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in nonsecure custody.
  - (2) If a juvenile is to remain in custody long enough to require residential services, the juvenile should be moved to an appropriate juvenile residential facility as soon as this need is identified. Once an area of headquarters begins to be used for residential purposes, the juvenile will be considered to be in secure detention status. Beyond this nonresidential requirement and the other limiting criteria stated above, there is no limit on the length of nonsecure custody.

**§ OP225-12. Fingerprints of certain juvenile delinquents.**

Following the arrest of a child alleged to be a juvenile delinquent, the arresting officer shall be guided by § 306.1, Subdivisions 1 to 4, of the New York State Family Court Act for the taking of fingerprints, palm prints and photographs of said juveniles.

- A. Fingerprints shall be taken on Fingerprint Card DCJS-2JD and forwarded without unnecessary delay to the Division of Criminal Justice Services;

- B. Copies of all photographs and palm prints of the juvenile shall be kept confidential and in the incident case jacket stored in the secure files within the Youth Bureau;
- C. A juvenile may also be fingerprinted and photographed if the officer is unable to ascertain the juvenile's identity; or
- D. The officer reasonably suspects that the identification given by the juvenile is not accurate.

**§ OP225-13. Wanted-juvenile computer entries.**

A juvenile-wanted entry can be made with NYSPIN/DCJS under the following conditions:

- A. The subject must be between the ages of 11 and 15, inclusive;
- B. The full date of birth must be available;
- C. The subject has been adjudged delinquent; and:
  - (1) Is subject to the jurisdiction of the court making such adjudication; or
  - (2) Is subject to the jurisdiction or supervision of an agency or institution pursuant to a court order.
- D. The subject has either escaped from an institution or an agency vested with the legal custody or supervision of such juvenile or absconded while on parole or probation.
  - (1) Entry of a record in this category must be supported by a copy of the judgement, formal adjudication, or order of commitment which subjects such delinquent to probation or parole, or to the legal custody of the institution or agency concerned. Specifically excluded from this category are "status offenders," i.e., children who commit noncriminal but legally proscribed acts such as truancy, disobedience to parents, running away, and violating curfew.
  - (2) A juvenile may also be entered without a warrant if such juvenile has been charged with the commission of a delinquent act that would be a crime if committed by an adult, and may have fled the state in which the act was committed. Entry of a person in this category is permitted only when a petition has been filed in a court of competent jurisdiction where the violation of criminal law is alleged to have been committed. Juvenile entries without warrants should be made using Warrant Type 3 (WTP/3).

**§ OP225-14. School liaison program.**

- A. The Department is committed to and has a genuine interest in the community's youth at large. All personnel assigned to the Youth Bureau shall maintain a close working relationship with all schools and school authorities within the Village. A liaison program with these schools provides a forum for students, parents, faculty and police officers to become acquainted and earn mutual respect.

B. The duties of personnel assigned to this program shall include but not be limited to:

- (1) Acting as resources with respect to the prevention of juvenile delinquency;
- (2) Providing guidance on ethical issues in the classroom setting;
- (3) Providing individual counseling to students when necessary;
- (4) Explaining the role of law enforcement in society and the community.

C. The Youth Officer shall be notified immediately of any incident requiring a police response to any of the schools within Mamaroneck Village other than fire alarms or aided cases of an accidental nature. If the youth officer is not on duty and the incident is not of an emergency nature then a memo to the Youth Bureau along with a copy of all reports related to the incident shall be forwarded to his office.

**§ OP225-15. Recreational youth programs.**

The Department takes an active role in helping to develop community recreational programs for juveniles. The Youth Bureau shall assist, when necessary, the Recreation Department, the Board of Education and community neighborhood associations with the development of recreational programs for juveniles.

## **Chapter OP250**

### **PATROL ACTIVITIES**

#### **ARTICLE I** **Active Shooter Response**

- § OP250-1. Policy.**
- § OP250-2. Background.**
- § OP250-3. Objective.**
- § OP250-4. Definitions.**
- § OP250-5. Procedure.**

#### **ARTICLE II** **Alarm Response**

- § OP250-6. Purpose.**
- § OP250-7. Policy.**
- § OP250-8. Burglar alarms.**
- § OP250-9. Holdup alarms at financial institutions.**
- § OP250-10. Holdup alarms at nonfinancial institutions.**
- § OP250-11. Panic alarms.**
- § OP250-12. Medical alert/lifeline alarms.**
- § OP250-13. Alarm records.**

#### **ARTICLE III** **AMBER Alert**

- § OP250-14. Purpose.**
- § OP250-15. Background.**
- § OP250-16. Policy.**
- § OP250-17. Procedure.**
- § OP250-18. Review Committee.**

#### **ARTICLE IV** **Arrest Processing Procedure**

- § OP250-19. Purpose.**

- § OP250-20. Background.**
- § OP250-21. Policy.**
- § OP250-22. Arrest without a warrant for a petty offense.**
- § OP250-23. Arrest without a warrant for a misdemeanor.**
- § OP250-24. Arrest without a warrant for a felony.**
- § OP250-25. Arrest with a warrant for a petty offense.**
- § OP250-26. Arrest with a warrant for a misdemeanor.**
- § OP250-27. Arrest with a warrant for a felony.**
- § OP250-28. Arrest for other authority (FOA).**
- § OP250-29. Fingerprints.**
- § OP250-30. Appearance tickets; arraignments.**
- § OP250-31. Mug shots.**

#### **ARTICLE V** **Automatic External Defibrillator (AED)**

- § OP250-32. Purpose.**
- § OP250-33. Background.**
- § OP250-34. Policy.**
- § OP250-35. Procedure.**
- § OP250-36. Report to health care provider.**

#### **ARTICLE VI** **Bomb Threat Response**

- § OP250-37. Policy.**
- § OP250-38. Notification of explosions.**

## VOMPD MANUAL OF PROCEDURE

- § OP250-39. Bomb threats.
- § OP250-40. Responsibilities.
- § OP250-41. If a bomb or suspected bomb is found.
- § OP250-42. Human bombs; suicide bombers.
- § OP250-43. Suspicious packages (possible chemical/biological weapon).
- § OP250-44. Explosive materials.

### ARTICLE VII Child Abuse Referrals

- § OP250-45. Procedure.

### ARTICLE VIII DOA Procedure

- § OP250-46. Purpose.
- § OP250-47. Policy.
- § OP250-48. Procedure.

### ARTICLE IX Domestic Violence

- § OP250-49. Purpose.
- § OP250-50. Background.
- § OP250-51. Policy.
- § OP250-52. Mandates of law.
- § OP250-53. Procedure in response to domestic violence calls for service.
- § OP250-54. Arrest procedure for family offenses.

### ARTICLE X Emergency Services for Persons Intoxicated, Impaired or Incapacitated by Alcohol and/or Substances.

- § OP250-55. Policy.

- § OP250-56. Definitions.
- § OP250-57. Authority.
- § OP250-58. Procedure.

### ARTICLE XI Foreign Nationals Seeking Asylum

- § OP250-59. Policy.
- § OP250-60. Definitions.
- § OP250-61. Procedure.

### ARTICLE XII Guarding Hospitalized Prisoners

- § OP250-62. Misdemeanor cases (except domestic violence).
- § OP250-63. Domestic violence cases.
- § OP250-64. Felony cases.
- § OP250-65. Hospital arraignment.

### ARTICLE XIII Mentally Ill or Disturbed Persons

- § OP250-66. Purpose.
- § OP250-67. Policy.
- § OP250-68. Meaning of terms used.
- § OP250-69. Procedure.

### ARTICLE XIV Missing Persons or Children

- § OP250-70. Purpose.
- § OP250-71. Background.
- § OP250-72. Policy.
- § OP250-73. Procedure for missing persons or children.
- § OP250-74. Procedure for custodial interference or parental abduction.
- § OP250-75. Abandoned or lost children.

## PATROL ACTIVITIES

### ARTICLE XV Notifying Next of Kin

- § OP250-76. Purpose.
- § OP250-77. Policy.
- § OP250-78. Procedure.

### ARTICLE XVI Patrol Lieutenant

- § OP250-79. Supervisory responsibilities.
- § OP250-80. Specific duties and responsibilities.

### ARTICLE XVII Patrol Section Operations

- § OP250-81. Purpose.
- § OP250-82. Background.
- § OP250-83. Policy.
- § OP250-84. Function.
- § OP250-85. Post assignments.
- § OP250-86. Patrol sector duties and responsibilities.
- § OP250-87. Communication, coordination and cooperation.
- § OP250-88. Police hazards.
- § OP250-89. Roll call.
- § OP250-90. Responding to calls for service.
- § OP250-91. Police identification.
- § OP250-92. Criteria for number of officers assigned to calls.
- § OP250-93. Incidents requiring a supervisor's presence.
- § OP250-94. Preliminary investigations.

### ARTICLE XVIII Prisoner Transport

- § OP250-95. Purpose.
- § OP250-96. Background.
- § OP250-97. Policy.
- § OP250-98. Prisoner searches.
- § OP250-99. Restraining devices.
- § OP250-100. Transport vehicles.
- § OP250-101. Extended prisoner transport.
- § OP250-102. Escape of prisoners.
- § OP250-103. Responding to police services during transport.
- § OP250-104. Special transport situations.
- § OP250-105. Procedure for transporting and escorting to and from court or other locations.

### ARTICLE XIX Strip Searches and Body Cavity Searches

- § OP250-106. Purpose.
- § OP250-107. Policy.
- § OP250-108. Definitions.
- § OP250-109. Authorization.
- § OP250-110. Considerations.
- § OP250-111. Strip searches.
- § OP250-112. Body cavity searches.

### ARTICLE XX Abandoned Vehicles

- § OP250-113. Purpose.
- § OP250-114. Policy.
- § OP250-115. Procedure.

§ OP250-1

MAMARONECK CODE

§ OP250-2

ARTICLE XXI  
Animal Control

§ OP250-116. Policy.

§ OP250-117. Investigation of animal  
complaints.

§ OP250-118. Routing of paperwork.

§ OP250-119. Resources.

Initial Response  
Investigative Checklist  
(missing child cases)

ARTICLE XXII  
Immigration Status Concerns

**ARTICLE III  
AMBER Alert**

**§ OP250-14. Purpose.**

- A. The Village of Mamaroneck Police Department participates in the New York State AMBER Alert System, which is a voluntary partnership between law enforcement, broadcasters and others to immediately involve the public, especially motorists, in the search for an abducted child.
- B. The program is a cooperative effort between the:
  - (1) New York State Police.
  - (2) NYS Division of criminal Justice services.
  - (3) NYS Broadcasters Association and local broadcasters statewide.
  - (4) NYS Emergency Management Office.

- (5) National Center for Missing and Exploited Children.
- (6) NYS Department of Transportation.
- (7) NYS Association of Chiefs of Police.
- (8) NYS Sheriffs' Association.
- (9) NYS Thruway Authority.
- (10) NYS Department of Motor Vehicles.
- (11) NYS Lottery.

**§ OP250-15. Background.**

- A. The AMBER Alert System began in 1996 when Dallas/Fort Worth broadcasters teamed up with local police to develop an early warning system to help find abducted children. AMBER stands for America's Missing: Broadcast Emergency Response and was created as a legacy to nine-year-old Amber Hagerman, who was kidnapped while riding her bicycle in Arlington, Texas, and then brutally murdered. Other states, New York being one of them, soon instituted similar plans as the idea was adopted across the nation.
- B. The National Center for Missing and Exploited Children (NCMEC) and the United States Department of Justice initially assumed and presently maintains responsibility for coordination of the AMBER Alert System at the national level.

**§ OP250-16. Policy.**

- A. It is the policy of the Village of Mamaroneck Police Department to respond to reports of missing/abducted children without delay. A preliminary investigation must be conducted to determine whether or not the circumstances as reported meet the required criteria to initiate the AMBER Alert System.
- B. It is important the AMBER Alert System is activated only for very serious cases of missing/abducted children. If the system becomes over used or used for minor cases, the listening public will become desensitized to the broadcasts. This will result in the system losing effectiveness. To safeguard against this some procedures have been set, and they must be followed to activate the AMBER system.
- C. The New York State AMBER Alert System can be activated when an investigating law enforcement agency confirms that:
  - (1) An abduction of a child (under the age of 18) has occurred; and
  - (2) The child is believed to be in danger of serious bodily harm or death, either due to the actions of another or due to a proven mental or physical condition.
- D. In "stranger" abduction cases the victim is killed:

- (1) Forty-four percent within the first hour.
  - (2) Seventy-four percent within first three hours.
  - (3) One percent survive more than a day.
  - (4) Forty percent were killed before they were reported missing.
- E. Based on the statistics outlined above, in any case where there is a witness or evidence suggesting that a stranger has abducted a child it is reasonable to believe that the child is in imminent danger.
- F. In cases of parental/familial abductions or custodial interference cases, police need to establish some other factors that would indicate "imminent danger" to the child. While most runaway cases and noncustodial parent cases do not qualify, consideration may be given depending on case circumstances.
- G. Do not initiate the system based solely on a complainant's phone call. Although as is the case with all missing children cases, a File 6 Missing Person NCIC entry should be made.
- H. Notes:
- (1) Even if formal activation criteria have been met, activation may be impracticable if available information is not specific enough and/or an extended period of time passed since the disappearance. For example, an AMBER Alert specifying involvement of a white van (without a license plate number) could actually hinder an investigation by causing the public to inundate police agencies with possible sightings.
  - (2) "Confirms" is defined as having reasonable cause to believe that a child has been abducted. While confirmation is usually established through eyewitness accounts, eliminating other possibilities through investigation can also be used to reasonably conclude that a child has been abducted.
  - (3) Familial abductions qualify only if a child is endangered by the actions of the abducting family member.
  - (4) Whenever the NYSP COMSEC declines to issue an AMBER Alert, requesting agencies are referred to the NYS DCJS Missing and Exploited Children Clearinghouse (MECC) for possible issuance of a Missing Child/College Student Alert and to other NYSP investigative resources.

#### **§ OP250-17. Procedure.**

- A. The AMBER Alert System is to be activated based on a confirmation a child has been abducted. This will be the result of an investigation first initiated as Article XIV, Missing Persons or Children, of this Chapter OP250.

- B. The Patrol Supervisor on duty is to respond to the scene if initial reports of a missing person indicate abduction has occurred. The supervisor is to determine if the criteria required to broadcast an AMBER Alert are present.
- C. If the criteria are present the supervisor on the scene shall initiate a crime scene and have the required paperwork completed. A "missing person" entry in NCIC (File 6) as well as a NYSPIN File 11 (Abduction) entry is required prior to activating the AMBER Alert. The File 6 entry should indicate the child was taken from the scene in an "involuntary" manner or is "endangered" or at risk due to a "disability."
- D. A Detective on duty or on call is to be notified to respond to the scene to follow up the investigation initiated by patrol. The Public Information Officer and Chief of Police are to be updated.
- E. An AMBER Alert Submission Form is to be completed. It is to be faxed immediately to the NYS Police Communication Section at the fax number on top of the form. The form is to be filled out completely. It is to include a phone number for incoming calls of information and tips. Also to be faxed is a completed Authorization to Publicize Form to allow the broadcast of the missing child by name. If this form is not completed, all descriptions may be broadcast.<sup>1</sup>
- F. The on-duty Patrol Supervisor will maintain responsibility to address the expected heavy phone call response by assigning personnel to answer and log these calls. Officers are to record the name of the caller and obtain a phone number and/or address where he or she can be reached should follow-up be required by the Detective Division.
- G. The hotline system is to be utilized as directed by the Patrol Supervisor to announce an AMBER Alert is being activated. Information is then to be provided via the hotline to aid these law enforcement agencies to assist this Department in locating the abducted child.
- H. A File 11 NCIC entry "Abduction" is to provide all information to ensure the surrounding agencies are aware of the situation. A File 11 NLETS is to be sent to Connecticut and New Jersey. This is due to our location within the tristate area (New York, New Jersey and Connecticut). Others states are to be alerted, if appropriate.
- I. A member of the NYS Police Communications Section will contact the person listed on the AMBER request form in order to verify the authenticity of the request. Once verified the national broadcasters in our region will be notified of the alert. The AMBER Alert will be broadcast over radio and television via the Emergency Broadcast System.
- J. Updates to the original AMBER request may be faxed using additional forms. If this is done indicate that the fax is an update to the original request.
- K. Broadcasts will take place periodically for an eight-hour period following the original broadcast. If a child is recovered or the complaint is confirmed false, immediately notify the NYS Police Communications Section via fax to have the AMBER Alert cancelled.

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1. See Form Guide.

- L. Updates are then to be made in NCIC as required. If the child is located all NCIC entries are to be cancelled. All agencies originally notified via the hotline are to be notified if the AMBER Alert is cancelled or should the child be recovered.

**§ OP250-18. Review Committee.**

- A. A committee to be chaired by the Public Information Officer consisting of the Patrol Supervisor and Detective on scene will meet at the conclusion of the case as well as any additional officers designated by the Chief of Police due to the role undertaken by the Department during the AMBER Alert.
- B. The purpose of this committee is to review the steps taken by this Department from the initiation of the AMBER Alert until its conclusion. Our departmental policy is to be evaluated as to its effectiveness, and any recommendations for change are to be noted and forwarded to the Chief of Police for review.

**ARTICLE IV**  
**Arrest Processing Procedure**

**§ OP250-19. Purpose.**

The purpose of this article is to establish guidelines to assist personnel in processing arrestees. Occasionally cases may develop that are complex and are not specifically addressed by these guidelines. When this occurs, personnel shall confer with the officer in charge of the Detective Bureau or, in his absence, the District Attorney.

**§ OP250-20. Background.**

The arrest and detention of individuals is one of the most important and complex responsibilities a police officer performs. However, this responsibility does not end with the taking into custody of the individual. The subsequent procedures and filing of paperwork all serve as a formalization process with respect to the arrest and generate other components of the criminal justice system into action. Some of these functions are constitutionally mandated and others are administrative in nature. These combined functions have as their goal the successful prosecution and conviction of the individual. If some of these functions are not performed accurately and incidental to the arrest, this could provide the basis for rejection at the District Attorney's Office or dismissal at the court.

**§ OP250-21. Policy.**

It shall be the policy of this Department that all necessary paperwork and procedures incidental to an arrest be prepared or performed in a proper and timely manner.

**§ OP250-22. Arrest without a warrant for a petty offense.**

The procedure for arrest without a warrant for a petty offense shall be as follows:

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblocks, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured pursuant to Article XVIII, Prisoner Transport, of this Chapter OP250.
- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as it is received.
  - (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or Detective Bureau.
  - (2) At no time will a defendant be left unattended.
- C. The arresting officer then causes the following forms and procedures to be completed:
  - (1) Incident and Arrest Reports.
  - (2) Information/complaint accusatory instrument or simplified traffic information.
  - (3) Supporting deposition (if applicable).
  - (4) Owner's deposition (if applicable).
  - (5) File 13 which may be sent via NYSPIN terminal for a petty offense (violation), but it is not mandated.
  - (6) "Want inquiry" sent via NYSPIN terminal to determine if defendant is wanted by other agency.
  - (7) Voluntary statement by defendant (if applicable). Warning as to Rights Form<sup>2</sup> shall be read and signed by the defendant prior to completing the voluntary statement.
- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all recording and other preliminary police duties required in the particular case, the defendant must be brought before the local Criminal Court for arraignment in conformance with Criminal Procedure Law § 140.20. To request an arraignment, the local Criminal Court Judge shall be contacted and arrangements made to escort the defendant to court as directed by the Judge in conformance with Article XVIII, Prisoner Transport, of this Chapter OP250.
- F. In lieu of an arraignment, the defendant may be served an appearance ticket and released from custody in conformance with Criminal Procedure Law § 150.20.
  - (1) The issuance and service of an appearance ticket may be made conditional upon the posting of prearraignment bail. This shall be done in conformance with Criminal Procedure Law § 150.30.

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2. See Form Guide.

- (2) Bail shall be received in cash only.

**§ OP250-23. Arrest without a warrant for a misdemeanor.**

The procedure for arrest without a warrant for a misdemeanor shall be as follows:

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblock, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured pursuant to Article XVIII, Prisoner Transport, of this Chapter OP250.
- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as it is received.
- (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or the Detective Bureau.
- (2) At no time will a defendant be left unattended.
- C. The arresting officer then causes the following forms and procedures to be completed:
- (1) Incident and Arrest Reports.
- (2) Information/complaint accusatory instrument or simplified traffic information.
- (3) DCJS-2, FBI FD 249 and VMPD fingerprint cards in conformance with Criminal Procedure Law § 160.10.
- (4) District Attorney's crime report.
- (5) Frontal and profile picture of defendant to include "B" number and arrest date in conformance with Criminal Procedure Law § 160.10.
- (6) File 13 to be sent via NYSPIN terminal.
- (7) File 15 criminal history check to be sent via NYSPIN terminal; original to Detective Bureau with a copy sent to the court.
- (8) "Want inquiry" sent via NYSPIN terminal to determine if defendant is wanted by other agencies.
- (9) Supporting deposition (if applicable).
- (10) Owner's deposition (if applicable).
- (11) Voluntary statement by defendant (if applicable). Warning as to Rights Form<sup>3</sup> should be read and signed by the defendant prior to completing the voluntary statement.

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3. See Form Guide.

- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all recording and other preliminary police duties required in the particular case, the defendant must be brought before the local Criminal Court for arraignment in conformance with Criminal Procedure Law § 140.20. To request an arraignment, the local Criminal Court Judge shall be contacted and arrangements made to escort the defendant to court as directed by the Judge in conformance with Article XVIII, Prisoner Transport, of this Chapter OP250.
- F. In lieu of an arraignment, the defendant may be served an appearance ticket and released from custody in conformance with Criminal Procedure Law § 150.20. The issuance and service of an appearance ticket may be made conditional upon the posting of prearraignment bail. This shall be done in conformance with Criminal Procedure Law § 150.30.

**§ OP250-24. Arrest without a warrant for a felony.**

The procedure for arrest without a warrant for a felony shall be as follows:

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblock, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured pursuant to Article XVIII, Prisoner Transport, of this Chapter OP250.
- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as possible.
  - (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or the Detective Bureau.
  - (2) At no time will a defendant be left unattended.
- C. The arresting officer then causes the following forms and procedures to be completed:
  - (1) Incident and Arrest Reports.
  - (2) Felony complaint accusatory instrument.
  - (3) DCJS-2, FBI FD-249 and VMPD fingerprint cards in conformance with Criminal Procedure Law § 160.10.
  - (4) District Attorney's crime report.
  - (5) Frontal and profile picture of defendant to include "B" number and arrest date in conformance with Criminal Procedure Law § 160.10.
  - (6) File 13 to be sent via NYSPIN; violent felony to be sent within five hours.

- (7) "Want inquiry" sent via NYSPIN terminal to determine if defendant is wanted by other agencies.
  - (8) File 15 criminal history shall be sent via NYSPIN terminal with the original sent to the Detective Bureau and a copy made for the court.
  - (9) Supporting deposition (if applicable).
  - (10) Owner's deposition (if applicable).
  - (11) Voluntary statement by defendant (if applicable). Warning as to Rights Form<sup>4</sup> should be read and signed by the defendant prior to completing the voluntary statement.
- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all the recording and other preliminary police duties required in the particular case, the defendant must be brought before the local Criminal Court for arraignment in conformance with Criminal Procedure Law § 140.20.
- (1) To request an arraignment, the local Criminal Court Judge shall be contacted and arrangements made to escort the defendant to court as directed by the Judge in conformance with Article XVIII, Prisoner Transport, of this Chapter OP250.
  - (2) Prior to the above, the District Attorney's Office or, in his absence, the on-call Assistant District Attorney shall be contacted to discuss the particulars of the case and obtain a bail recommendation.
- F. After the arraignment, the Judge may set bail and/or remand the defendant to the county jail. If the defendant is remanded to the county jail, this shall be performed in conformance with Article XVIII, Prisoner Transport, of this Chapter OP250, or if the offense is a Class E felony, except for a violation of Penal Law §§ 130.25, 130.40, 205.10, 205.17, 205.19, 215.56 or a felony DWI, where the defendant resides outside of New York State, in lieu of arraignment, the defendant may be served an appearance ticket and released from custody in conformance with Criminal Procedure Law § 150.20.

**§ OP250-25. Arrest with a warrant for a petty offense.**

The procedure for arrest with a warrant for a petty offense shall be as follows:

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblock, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured pursuant to Article XVIII, Prisoner Transport, of this Chapter OP250.

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4. See Form Guide.

- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as it is received.
- (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or the Detective Bureau.
  - (2) At no time will a defendant be left unattended.
- C. The arresting officer then causes the following forms and procedures to be completed:
- (1) An Incident Report for blotter activity and an Arrest Report linked to the original incident for which the warrant was issued.
  - (2) File 13 may be sent via NYSPIN terminal. It is not mandated for petty offenses such as violations and Village Code arrests.
  - (3) "Want inquiry" sent via NYSPIN terminal to determine if defendant is wanted by other agencies.
  - (4) Warrant to be "canceled" via NYSPIN terminal and attached to the Arrest Report.
  - (5) Copy of warrant removed from warrant files and attached to Arrest Report; original to be signed by arresting officer and returned to the court.
- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all recording and other preliminary police duties required in the particular case, the defendant must be brought before the local Criminal Court for arraignment in conformance with Criminal Procedure Law § 140.20. To request an arraignment, the local Criminal Court Judge shall be contacted and arrangements made to escort the defendant to court as directed by the Judge.

**§ OP250-26. Arrest with a warrant for a misdemeanor.**

The procedure for arrest with a warrant for a misdemeanor shall be as follows:

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblock, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured.
- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as possible.
- (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or the Detective Bureau.
  - (2) At no time will a defendant be left unattended.

- C. The arresting officer then causes the following forms and procedures to be completed:
- (1) Incident Report to document blotter activity and an Arrest Report linked to the original incident for which the warrant was issued.
  - (2) District Attorney crime report.
  - (3) DCJS-2, FBI FD-249 and VMPD fingerprint cards in conformance with Criminal Procedure Law § 160.10. If warrant is a bench warrant, no fingerprint cards are required.
  - (4) Frontal and profile picture of the defendant to include a "B" number and arrest date in conformance with Criminal Procedure Law § 160.10. If warrant is a bench warrant, no pictures are required.
  - (5) File 13 to be sent via NYSPIN terminal.
  - (6) File 15 criminal history check shall be sent via NYSPIN for arrest warrant arrests. It is not required for a bench warrant arrest.
  - (7) "Want inquiry" sent via NYSPIN terminal to determine if defendant is wanted by other agencies.
  - (8) Warrant to be "canceled" via NYSPIN terminal and attached to Arrest Report.
  - (9) Copy of warrant to be removed from warrant file and attached to Arrest Report; original warrant to be signed by arresting officer and returned to court.
- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all recording and other preliminary police duties required in the particular case, the defendant must be brought before the local Criminal Court for arraignment in conformance with Criminal Procedure Law § 140.20. To request an arraignment, the local Criminal Court Judge shall be contacted and arrangements made to escort the defendant to court as directed by the Judge.

**§ OP250-27. Arrest with a warrant for a felony.**

The procedure for arrest with a warrant for a felony shall be as follows:

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblock, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured pursuant to Article XVIII, Prisoner Transport, of this Chapter OP250.
- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as it is received.

- (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or the Detective Bureau.
  - (2) At no time will a defendant be left unattended.
- C. The arresting officer then causes the following forms and procedures to be completed:
- (1) Incident Report for blotter activity and an Arrest Report linked to the original incident for which the warrant was issued.
  - (2) District Attorney's crime report.
  - (3) DCJS-2, FBI FD-249 and VMPD fingerprint cards in conformance with Criminal Procedure Law § 160.10. If warrant is a bench warrant, no fingerprint cards are required.
  - (4) Frontal and profile picture of defendant to include "B" number and arrest date in conformance with Criminal Procedure Law § 160.10. If warrant is a bench warrant, no pictures are required.
  - (5) File 13 to be sent via NYSPIN terminal; violent felony to be sent within five hours.
  - (6) "Want inquiry" sent via NYSPIN terminal to determine if defendant is wanted by other agencies.
  - (7) Warrant to be "canceled" via NYSPIN terminal and attached to Arrest Report.
  - (8) Copy of warrant to be removed from warrant files and sent to Detective Bureau. The original is to be signed by the arresting officer and returned to the court.
- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all recording and other preliminary police duties required in the particular case, the defendant must be brought before the local Criminal Court for arraignment in conformance with Criminal Procedure Law § 140.20.
- (1) To request an arraignment, the local Criminal Court Judge shall be contacted and arrangements made to escort the defendant to court as directed by the Judge in conformance with Article XVIII, Prisoner Transport, of this Chapter OP250.
  - (2) Prior to the above, the District Attorney's Office or, in his absence, the Assistant District Attorney shall be contacted to discuss the particular case and obtain a bail recommendation.
- F. After the arraignment, the Judge may set bail and/or remand the defendant to the county jail. If the defendant is remanded to the county jail, this shall be performed in conformance with Article XVIII, Prisoner Transport, of this Chapter OP250.

**§ OP250-28. Arrest for other authority (FOA).**

The procedure for arrest for other authority (FOA) shall be as follows

- A. Upon arrival at Headquarters, the defendant shall be immediately taken to the cellblock, where he is to be searched. Any contraband or personal property that is taken from the defendant shall be inventoried and secured pursuant to Article XVIII, Prisoner Transport, of this Chapter OP250.
- B. After the defendant has been searched, the arresting officer shall record the defendant's name, address, date of birth, offense committed, and any other pedigree or pertinent information. This information shall be given to the Desk Officer as soon as it is received.
  - (1) If the defendant is to be interviewed further, the defendant shall be escorted to the report room or the Detective Bureau.
  - (2) At no time will a defendant be left unattended.
- C. The arresting officer then causes the following forms and procedures to be completed:
  - (1) Notify wanting agency that defendant is detained by this agency. Verify warrant by telephone and confirm by teletype sending a WLOC File 5 via NYSPIN terminal. Confirm that agency will extradite.
  - (2) Incident and Arrest Reports. Do not include charges on the Incident Report unless there are new charges being lodged against the defendant.
  - (3) If arrest is made on an FOA warrant, obtain a copy of such warrant from wanting agency officers and attach to Arrest Report.
  - (4) Obtain receipt for defendant from wanting agency officers before release of defendant and attach to Arrest Report.
- D. If it is determined that the defendant requires custodial detention, the defendant will be placed in the detention cell in conformance with Article IV, Cellblock Management and Suicide Screening, of Chapter AD83.
- E. After performing all recording and other preliminary police duties required in the particular case, the defendant shall be released to the custody of the wanting agency.
- F. If the arrest is on an FOA warrant issued by a court located in a county outside of this county or adjoining this county, release and/or arraignment of the defendant shall be in conformance with Criminal Procedure Law § 120.90.

**§ OP250-29. Fingerprints.**

- A. Every effort shall be made to fingerprint a defendant in conformance with Criminal Procedure Law § 160.10 at the time of arrest. If the defendant is unable to be fingerprinted at the time of arrest, a notation to the court to direct the defendant to the Detective Bureau for fingerprinting shall be completed and attached to the Arrest

Reports. If the defendant is fingerprinted, the officer taking the prints and the defendant shall sign the fingerprint cards in the appropriate locations.

- B. The Detective Bureau will be responsible for transporting completed fingerprint cards to a facsimile transmitting site. This section will also be responsible for maintaining a recording and storage system for Department defendant fingerprint cards.
- C. Criminal history responses ("rap sheets") shall be forwarded to the Detective Bureau for distribution to other components of the court system
- D. A police officer who makes an arrest for any offense may take the fingerprints and photograph if he (Criminal Procedure Law § 160.10):
  - (1) Is unable to ascertain the defendant's identity; or
  - (2) Reasonably suspects that the identification of the defendant is not accurate; or
  - (3) Reasonably suspects that the defendant is being sought by law enforcement officials for the commission of some other offense. Fingerprint impressions for the above shall be taken on a DCJS-6 card

#### **§ OP250-30. Appearance tickets; arraignments.**

Misdemeanor cases, where applicable, can be released on appearance tickets (prearrestment bail or ROR, as decided by the Patrol Supervisor). Appearance tickets should be made returnable for the next available Thursday court date.

#### **§ OP250-31. Mug shots.**

Any time a Detective is not available to do processing, then it shall be the responsibility of the arresting officer to do the processing. It shall be the responsibility of the superior officer in charge to ensure that no arrestee is released unless processed. A frontal mug shot will suffice when a Detective is not available.

### ARTICLE V Automatic External Defibrillator (AED) Revised 10/31/2019

#### **§ OP250-32. Purpose.**

The purpose of this article is to establish policies and procedures for the use of the automated external defibrillator (AED) provided by the Village of Mamaroneck Police Department.

#### **§ OP250-33. Background.**

- A. Each year, approximately 250,000 Americans die of coronary disease, with many of these deaths occurring suddenly from cardiac arrest. The prompt administering of CPR increases a victim's chance of surviving such an attack by keeping oxygen flowing to the brain; however, in many cases, CPR by itself is insufficient and an electrical shock to the heart is needed to correct the heart's rhythm. Automated External Defibrillators allow first responders to provide that initial shock at times when seconds count.
- B. As first responders, police officers from the Village of Mamaroneck Police Department are essential in being the first level of medical response rendering care to a victim suffering from anything from traumatic injuries to medical illnesses.

**§ OP250 -34. Policy.**

- A. The AED shall be applied to all adults, children, and infants who are determined by responding officers to have stopped breathing and appear to show no obvious signs of life.
- B. Upon application, the AED will be utilized in accordance with best practice recommendations as set forth by the manufacturer of the device and current departmental training guidelines in CardioPulmonary Resuscitation (CPR).

**§ OP250-35. Procedure.**

- A. All members of the department shall be properly trained and certified in CPR and the use of an AED, as recommended under current national health and safety guidelines provided by but not limited to the ( American Heart Association ( AHA), American Safety & Health Institute ( ASHI), or any other nationally recognized organization approved in the instruction of CPR and AED utilization.
- B. The department shall have an AED in each primary line vehicle. Officers shall be trained in the location of each unit to ensure rapid access to the device whenever it is needed. The Marine Unit shall have one AED assigned to it. All members of the Marine unit shall be required to maintain the same CPR and AED certification as members of patrol. During the months where the Marine Unit is not in service, the AED assigned to that unit, will be placed at VMPD HQ's and placed into service at the discretion of the Chief of Police.
- C. At the beginning of each tour, the AED will be checked along with other vehicle equipment. The unit will be checked to confirm its location and presence within the vehicle. Officers will inspect the device to ensure it presents in a operable condition as specified by the manufacturer of the device, and will verify that there are at minimum one set of adult pads and one set of pediatric pads, both of which must be within their posted expiration date, and will ensure that the unit be kept in a climate controlled part of the vehicle when extreme weather ( heat/cold) present.
- D. Should a condition present where the AED was utilized (attaching to the victim and powering the unit "on" shall constitute use), the unit shall immediately be taken out of service until such time that the information contained within the unit can be downloaded by an official department designee as deemed appropriate by the Chief of Police.
- E. The officer of record shall document the incident as necessary in the departments record management system ensuring that the following information is contained within the report.
  - 1. The patients name, address, and date of birth
  - 2. The condition that the patient was found to be in.
  - 3. The name of the ambulance that responded and the hospital (if any) where the patient was transported.
  - 4. If appropriate, the date and time of death, and the name of the medical provider who made the pronouncement.

- (7) The estimated time from arrest until the beginning of CPR.
  - (8) Name(s) of the person or officer who initiated CPR.
  - (9) The number of shocks administered to the patient.
  - (10) The patient outcome at the incident site (example: remained unresponsive, became responsive, etc.).
- F. Each time the AED is applied, an internal process of evaluation shall commence. This evaluation shall examine whether or not the AED was used in accordance to protocols and that the officers acted within the scope of their training. All calls where the AED was used shall be reviewed with the officer by the Department's AED Administrator. The computer software and training equipment will be used as part of the review process.
- G. The AED Administrator will review all medical aided cases reported to the Police Department to make sure that the AED is being applied whenever its use is indicated.

**§ OP250-36. Report to health care provider.**

Every six months the Department's AED Administrator will provide the Department's designated emergency health care provider with a report on the use of the AED. At that time, the designated emergency health care provider shall be invited to meet with members of the Department in order to conduct audits of cases that have been submitted to him/her. All unusual occurrences shall be immediately reported to the designated emergency health care provider for review.

**ARTICLE VII**  
**Child Abuse Referrals**

**§ OP250-45. Procedure.**

When a report of suspected child abuse is made to the New York State Child Abuse Registry and it does not appear to involve a subject in a custodial role with the allegedly abused or maltreated child, a law enforcement referral (LER) is sent to the police jurisdiction in which the child resides or where the incident occurred. In order to assure that these referrals are properly handled the following procedure is to be followed:

- A. Upon receiving the LER, send a teletype to the New York State Police by NYSPIN (File 25) documenting receipt of the LER.
- B. Notify the Tour Commander that the LER has been received.
- C. Complete a UF6 Serial 1033, documenting that the LER was received and replied to. Include the name, address, and date of birth (DOB) of the subject of the report. (If it involves a sex offense, follow Department procedure by placing the name on a Detective supplementary report). If the place of occurrence is known, include that information as well.
- D. The Tour Commander will forward the LER to the on-duty Criminal Investigations Division (CID) Supervisor for investigation.

- E. If CID members are not working, the Tour Commander will assign the LER to patrol for preliminary investigation to determine the need for immediate follow-up. Based upon this preliminary investigation, the Tour Commander will determine if CID needs to be immediately notified or if notification can be delayed until CID is working.
- F. Child Protective Services (CPS) should be contacted if they are involved in any aspect of the case.
- G. If CPS is not involved, the investigator should reevaluate the case to determine if CPS involvement is appropriate. If so, the investigator should contact CPS. If at any point, it is determined that the alleged incident occurred in another jurisdiction, the report should be forwarded to the appropriate agency, and the NYSP should be notified of such transfer. This notification is to be included in the UF6, if known at the time the report is written.

### ARTICLE VIII DOA Procedure

#### § OP250-46. Purpose.

The purpose of this article is to provide personnel with guidelines to follow when responding to a reported dead on arrival (DOA) incident.

#### § OP250-47. Policy.

It is the policy of the Village of Mamaroneck Police Department to investigate thoroughly and report all unattended deaths to the Westchester County Medical Examiner's office.

#### § OP250-48. Procedure.

- A. When a DOA is reported to the police, the police officer at the scene shall investigate and confirm such death or determine whether an ambulance is needed for maintaining life-sustaining measures. The Tour Supervisor will respond on all confirmed DOAs.
- B. Department personnel shall make every effort to have the death pronounced at the scene. The death can be pronounced by any physician. If there is no family doctor available to make a timely pronouncement, the Police Surgeon, a hospital-based physician or any passing physician can make the pronouncement.
- C. If the death is hospice-attended, the hospice nurse is permitted to pronounce the death and will make the notification to the Medical Examiner. If the death occurred under normal circumstances, it shall not be necessary for an officer to remain at the scene until removal of the deceased. If there are suspicious circumstances involved in the hospice death, investigation procedures will be followed.
- D. The officer at the scene will notify the Medical Examiner's office. The reporting officer should be prepared to give the following information:

- (1) Decedent's name, address, date of birth, sex, race, and any recent medical history.
  - (2) The name of the pronouncing physician and time of pronouncement.
  - (3) When the decedent was last seen alive and by whom.
  - (4) When and where the decedent was found, under what circumstances and by whom.
- E. If the Medical Examiner has opened a case on the death, he or she will make arrangements for the removal of the body.
- F. If case has been declined by the Medical Examiner, the decedent's family shall make arrangements for removal of the remains by a local funeral director.
- G. All police personnel who are present at the scene of a DOA shall conduct themselves in a way as to assist and comfort bereaved family members.
- H. If the decedent's next of kin are not known, the reporting officer shall advise the Medical Examiner of such facts, and the Medical Examiner's office will provide further direction for removal and custody of the body.
- I. In the cases where there is no next of kin, all property, including vehicles, is to be inventoried and secured following procedures outlined in Article III, Evidence and Property Management, of Chapter OP265. The Public Administrator for the County of Westchester is to be notified as soon as possible during business hours. (See Contact Guide.)
- J. If the death occurred under normal circumstances, it shall be at the discretion of the Tour Supervisor whether to leave an officer at the residence until the deceased is removed.

ARTICLE IX  
**Domestic Violence**  
[Revised 4-8-2009]

**§ OP250-49. Purpose.**

The purpose of this article is to provide the members of this Department with clear guidelines in handling incidents of domestic violence in a safe, efficient and expedient manner.

**§ OP250-50. Background.**

Domestic violence, which ranges from harassment to homicide, has reached epidemic proportions. According to the FBI statistics, an incident of domestic violence is reported every 15 seconds. Historically, domestic violence calls have been responsible for numerous incidents of injury and death to police officers as well.

**§ OP250-51. Policy.**

It is the policy of the Village of Mamaroneck Police Department to respond to every call involving a domestic dispute, and to consider domestic violence as criminal conduct that

should be investigated as would any other crime. In cases of domestic violence, arrests shall be made in appropriate circumstances. Experience and research have demonstrated that, in many cases, failure to make an arrest leaves one party in the altercation at the mercy of the other, and leaves the offender with the impression that he/she can continue to violate the law. Accordingly, it is the policy of this Department to prevent future abuse.

**§ OP250-52. Mandates of law.**

**A. Family offenses consist of the following:**

- (1) Harassment, first and second degree.
- (2) Aggravated harassment, second degree.
- (3) Assault, second degree.
- (4) Assault, third degree.
- (5) Attempted assault (all degrees).
- (6) Disorderly conduct (including disorderly conduct in a nonpublic place).
- (7) Reckless endangerment, first and second degree.
- (8) Menacing, second and third degree.
- (9) Stalking, first, second, third and fourth degree.
- (10) Criminal mischief, first, second, third, and fourth degree.

**B. Family offenses.**

- (1) To be considered family offenses, the victim and offender must be:
  - (a) Related by blood or marriage (including in-laws).
  - (b) Persons legally married to one another.
  - (c) Persons formerly married to one another.
  - (d) Persons who have a child in common, regardless of whether they have been married or have lived together at any time.
  - (e) Persons who are not related by blood or marriage and are or have been in an intimate relationship, regardless of whether such persons have lived together at any time.
- (2) Victims of these family offenses must be advised that they can file a petition in Family Court or a complaint in Criminal Court or they may file in both courts. A Family Court proceeding is a civil proceeding and is for the purpose of attempting to stop the violence, end the family disruption and obtain protection. A proceeding in the Criminal Court is for the purpose of prosecuting the offender. Additionally, the legislation requires the victim be provided with a list of shelters and agencies

to turn to for assistance as a victim of a family offense (victim's right notification). The failure to give victims these rights can and has resulted in civil lawsuits [Bruno v. Codd 47 N.Y. 2d 582 (1979)].

- (3) For the purposes of identifying and appropriately responding to the dynamics of domestic violence, officers are instructed to expand the definition of "family members" for the purposes of law enforcement to include:
  - (a) Persons not married, but living together in an intimate relationship;
  - (b) Persons not married, but who formerly lived together;
  - (c) Same-sex couples;
  - (d) Intimate dating partners.
- C. Discouragement from filing complaints is prohibited. Police Officers are reminded that they have an official responsibility under § 812, Subdivision 3, of the Family Court Act, which states: "No official or other person designated pursuant to subdivision two of this section shall discourage or prevent any person who wishes to file a petition or sign a complaint from having access to any court for that purpose."
- D. Serious assaults. Family Court has no jurisdiction over the crimes of murder, attempted murder, and assault in the first degree. The Criminal Courts have exclusive jurisdiction over these serious crimes. These do not fall within the category of "family offenses," and no choice of forum need be given to the victim of these crimes.
- E. Orders of protection.
  - (1) Members should be aware that orders of protection and temporary orders of protection may be issued by a village, town, county, or Supreme or Family Court.
  - (2) The Department maintains a record for all active orders of protection at the police desk. A Family Court order of protection, presented to the Department, must be accompanied by an affidavit of service certifying that the respondent received notice of the order or the NYSPIN Registry can be checked using function code "OINQ" to see if the order has been served by another agency. A Criminal Court order of protection need not be accompanied by an affidavit of service.
  - (3) If a copy of a completed affidavit of service does not accompany a Family Court order of protection, the petitioner will be given a blank affidavit, to be completed by the server, notarized, and returned to the Department with a copy of the order of protection.
  - (4) Members of the Department should be guided by the following distinctions when advising the public which court may properly be of assistance in granting protective orders.
    - (a) Criminal Court. A local or county Criminal Court is authorized by § 530.13 of the Criminal Procedure Law to issue a temporary order of protection that provides protection for victims of family offenses when a criminal action is pending. Section 530.13 extends this protection to victims of crimes other

than family offenses when a criminal action is pending. These two subdivisions require the commencement of a criminal action. Therefore, a local Criminal Court cannot issue a temporary protective order unless an accusatory instrument has already been filed. Upon conviction of the accused, the court may enter a permanent order of protection. The duration of such an order shall be determined by the court.

- (b) Supreme Court. Section 252 of the Domestic Relations Law permits 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. This section requires the commencement of such an action before a protective order may properly be issued by the Supreme Court.
- (c) Family Court. Various provisions of the Family Court Act authorize the issuance of protective orders. A noteworthy distinction is that Family Court, unlike the Supreme or Criminal Courts, may issue a protective order simply upon application of either party. There is no requirement that an action has previously been commenced (FCA § 430). There is, however, a requirement that the parties be subject to the jurisdiction of the Family Court. They must be related by marriage, consanguinity or affinity, or be former spouses, or they must have a child in common or are or have been in an intimate relationship. As per § 821.4 of the Family Court Act, when Family Court is not in session, an arrest and initial appearance by the defendant or respondent may be in a Criminal Court for the purpose of issuing a temporary order of protection.

**§ OP250-53. Procedure in response to domestic violence calls for service.**

**A. Duties of the responding officers.**

- (1) Respond promptly.
- (2) Upon arrival and before entering the premises, observations should be made to determine what may be transpiring at the scene.
- (3) Separate the parties and interview each individually. Do not allow either involved party to stray from your sight.
- (4) Make a cursory search for weapons, paying attention to household items that could be used as weapons.
- (5) Render first aid and/or assist the victim in obtaining medical treatment, if necessary.
- (6) Explain the choice of courts to all parties involved and provide victim's resource information sheet (victim's rights notification).
- (7) Complete the Standardized Domestic Incident Report and request victim's signature. (Signature is not mandatory.) Give completed pink copy to victim. A supply of these forms should be available in the vehicle clipboard.

- (8) Remain on the scene until the situation is sufficiently calmed or an arrest is made.
- (9) If the offender has left the scene before police arrival, an attempt shall be made to locate him/her and arrest the individual, if appropriate. Standard investigation and follow-up procedures shall be employed.
- (10) In all cases of domestic violence, a Standardized Domestic Incident Report shall be completed.
- (11) If an arrest is not made, the Domestic Incident Report shall indicate why there was no arrest made (for example, "no probable cause").

B. Arrests for family offenses.

- (1) An arrest for a crime, whether it be a misdemeanor or felony, can only be made where the officer has reasonable cause to believe that a crime has been committed. Both parties cannot be arrested.
- (2) Subsection 4 of § 140.10 of the Criminal Procedure Law (effective 10/1/95) mandates that police make an arrest when a person:
  - (a) Commits a felony other than those enumerated in Subdivision 3, 4, 9 or 10 of § 155.30 of the Penal Law.
  - (b) Commits a misdemeanor that constitutes a family offense, namely harassment in the first degree, aggravated harassment in the second degree, menacing in the second or third degree, reckless endangerment in the second degree, criminal mischief in the fourth degree, stalking in the third or fourth degree, assault in the third degree or attempted assault. A police officer may not ask the victim if he/she seeks to have the defendant arrested.
  - (c) Violates a mandate of a valid order of protection.
- (3) An arrest for a violation can be made where the officer has reasonable cause to believe that the violation occurred and it occurred in his presence (Criminal Procedure Law § 140.10). Conversely, an officer can make an arrest for a violation if it did not occur in his presence, provided that the victim alleges the offense on direct knowledge and signs the accusatory instrument.
- (4) An arrest for a violation of an order of protection shall be made where the offender has violated a specific mandate of the order, and the order is still valid and in effect. The officer can only refuse to take the accused into custody where there is a valid order of protection if he has reasonable cause to believe that the accused did not commit the alleged violation. In cases where both parties possess valid orders of protection, cross complaints stemming from the same offense should not be filed.
- (5) In all family offense cases, the victim shall elect to pursue his/her case in Family or Criminal Court or both. In addition to those offenses in which the police are mandated by law to make an arrest, it is the policy of the Westchester County

District Attorney's Office that charges automatically be filed in Criminal Court in the following instances:

- (a) Wherever a gun, a deadly weapon, or a dangerous instrument has been used.
  - (b) Wherever there has been a maiming or other serious physical injury.
  - (c) Wherever there is a history of prior criminal activity between the parties and where the defendant's record indicates that he/she has a violent criminal history.
  - (d) Where, in the judgment of the police officer, the sanction of an arrest appears necessary for the future protection of the victim.
- (6) The following will not preclude a lawful arrest from occurring, provided that probable cause exists:
- (a) The lack of formal marital status of the persons involved.
  - (b) Whether or not both of the persons involved live on the premises.
  - (c) The absence of a temporary restraining order or an order of protection.
  - (d) The potential financial consequences of arrests.
  - (e) The complainant's history of prior complaints.
  - (f) Verbal assurances that violence will cease.
  - (g) The complainant's emotional state.
  - (h) The location of the incident (i.e., public or private). It may, however, change the charges available to the police officer since a public incident comes under the jurisdiction of the Penal Law.
  - (i) Speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction.

**§ OP250-54. Arrest procedure for family offenses.**

A. When the victim has elected to proceed in Family Court:

- (1) If Family Court is in session:
  - (a) The respondent (defendant) will be taken into custody and transported to Police Headquarters for processing. Since Family Court is a civil proceeding, fingerprints and photographs are not taken.
  - (b) A Case Report, Arrest Report and Standardized Domestic Incident Report shall be completed.
  - (c) The victim (petitioner) shall be directed to report immediately to Family Court to file a family offense petition. This can be done as early as 8:15 a.m.

- (d) The respondent (defendant) shall then be transported to Family Court with copies of all reports.
  - (e) Respondents (defendants) brought to Family Court in police custody are generally given priority to expedite processing.
- (2) If Family Court is not in session:
- (a) The respondent (defendant) shall be taken into custody and transported to Police Headquarters for processing (no fingerprints or photographs).
  - (b) A Case Report, an Arrest Report and Standardized Domestic Incident Report will be completed.
  - (c) The Mamaroneck Village Justice shall be notified for immediate arraignment.
  - (d) The on-duty District Attorney will be notified of the arrest for bail recommendations, and for discussion of the merits of the case.
  - (e) The victim (petitioner) will fill out and sign the family offense petition that will be presented to the Judge at the time of arraignment.
  - (f) For purposes of arraignment, the Village Justice sits as a Judge of the Family Court and, as per § 821.4 of the Family Court Act, he/she may issue a temporary order of protection when Family Court is not in session. Therefore, it is advisable that the victim (petitioner) be present at the arraignment.
  - (g) The Judge shall either release the defendant with or without bail or remand him/her to the county jail for later appearance in Family Court.
  - (h) If remanded to the county jail, it becomes the responsibility of the Corrections Department to transport the respondent to the Family Court on the next day the court is in session.
  - (i) The Judge may request that police deliver in person or by fax copies of all petitions, TOPs, bail receipts and/or commitment papers to Family Court by the start of the next scheduled court day.
- B. When the victim has elected to proceed in Criminal Court, arrests in these cases are handled by following Department guidelines for prisoner transportation and arrest processing:
- (1) The victim (petitioner) should sign the accusatory instrument. Pursuant to Part 134 of the Rules of the Chief Administrator of the Courts, with relationship to family offenses, the following became effective January 1, 1988:
    - (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. Such designation and description shall be

stamped on the upper right-hand corner of the accusatory instrument in the following form:

Defendant: \_\_\_\_\_

(relationship to alleged victim)

Alleged victim: \_\_\_\_\_

(relationship to defendant)

- (b) The designation shall be placed on the accusatory instrument by the Criminal Justice agency that prepares that instrument, provided that, where an accusatory instrument charging a family offense has not been prepared by a Criminal Justice agency, the court shall place such designation on the accusatory instrument.
- (2) At the arraignment or at a later date, the victim may ask the Judge for a temporary order of protection.
- (3) Any time an arrest has been made as a result of a domestic problem, and the victim has elected to proceed in Criminal Court, the Mamaroneck Village Justice shall be notified even if the defendant is eligible for release on an appearance ticket. The Village Justice will make a determination as to whether there will be an immediate arraignment.
- C. Violation of a Family Court order of protection.
- (1) If Family Court is in session:
- (a) The defendant will be taken into custody and transported to Police Headquarters for processing.
  - (b) Since Family Court is a civil proceeding, fingerprints and photographs are not taken.
  - (c) A Case Report, Arrest Report and a Standardized Domestic Incident Report will be completed.
  - (d) The victim (petitioner) will be directed to report immediately to Family Court to file an appropriate petition.
  - (e) The Mamaroneck Village Justice will be notified for immediate arraignment. The Judge shall either release the respondent or remand him/her to the county jail.
- (2) If Family Court is not in session:
- (a) The defendant will be taken into custody and transported to Police Headquarters for processing (no fingerprints or photos).
  - (b) An Incident Report, Arrest Report and a Standardized Domestic Incident Report will be completed.

- (c) A petition for violation of order of protection shall be completed by the victim (petitioner). It must state facts to support violations of the terms of the order of protection and a description of the defendant's behavior.
- (d) A copy of the order of protection shall accompany the petition for violation of order of protection.
- (e) The Mamaroneck Village Justice will be notified for immediate arraignment. The Judge shall either release the respondent or remand him/her to the county jail.
- (f) Whenever possible, the victim (petitioner) shall be present at the arraignment.

D. Violations of Criminal Court and Supreme Court orders of protection:

- (1) An order of protection from Criminal or Supreme Court can only be issued after an action has been commenced in either court. As stated earlier, this does not preclude the officers from advising both parties of their rights of elections to choose the court in which they wish to pursue the present violation. The avenue chosen by the victim will dictate the arrest procedure.
- (2) The victim will sign the Violation of Order of Protection Form.<sup>5</sup>
- (3) A copy of the order of protection shall be attached to the Violation of Order of Protection Form.
- (4) Additional offenses not specified in the order of protection can be charged in a separate accusatory instrument.
- (5) In all cases where an order of protection exists, whether it be a Family, Criminal, or Supreme Court order of protection, the parties involved must be advised of their rights of election. At that time they may elect to pursue their case in a different court from which the order was issued. These cases shall be dealt with according to the procedures previously outlined.

E. Service of Family Court summons or order of protection.

- (1) Section 153-b of the Family Court Act, provides that police "shall serve or provide for the service of the temporary order of protection and any associated papers that may be served simultaneously." The law also provides that such service should be accomplished as promptly as possible. An affidavit of service must then be completed and filed with the Family Court. **Note:** Orders of protection may be forwarded to the Police Department by the court or by the petitioner. Regardless of the method of delivery, these orders of protection must be accepted for service to respondents who live or work in the Village of Mamaroneck.
- (2) An event entry will be completed for service of all orders of protection.

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5. See Form Guide.

## ARTICLE X

**Emergency Services for Persons Intoxicated, Impaired or Incapacitated by Alcohol and/or Substances.****[Revised 12-1-2007]****§ OP250-55. Policy.**

It is the policy of the Mamaroneck Village Police Department to conform with state law and attempt to humanely assist those who, due to their condition, cannot assist themselves.

**§ OP250-56. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**HOSPITAL** — A general hospital as defined in Article 28 of the Public Health Law.

**INCAPACITATED** — A person, as a result of the use of alcohol and/or substances, is unconscious or has his or her judgment otherwise so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment.

**INTOXICATED OR IMPAIRED PERSON** — A person whose mental or physical functioning is substantially impaired as a result of the presence of alcohol and/or substances in his or her body.

**LIKELIHOOD TO RESULT IN HARM** —

- A. A substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself; or
- B. A substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

**§ OP250-57. Authority.**

The authority for this article is as follows:

- A. New York State Mental Hygiene Law, Title D, "Alcohol and Substance Abuse Act," § 22.09 is the governing law.
- B. New York Penal Law § 240.40: Appearance in public intoxicated by a substance other than alcohol is a violation.

**§ OP250-58. Procedure.**

- A. An intoxicated or impaired person may be taken home or to a hospital if he voluntarily requests emergency treatment. An intoxicated or impaired person may only be taken home if there is a family member, relative or person of responsibility willing to accept

said person. An officer encountering an intoxicated or impaired person shall take every reasonable effort to protect the health and safety of said person. All actions are to be fully documented and reported.

- B. An officer encountering a person who appears 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 shall be taken to the hospital. Transportation shall be by ambulance. All actions are to be fully documented and reported.

## ARTICLE XI Foreign Nationals Seeking Asylum

### § OP250-59. Policy.

- A. The United States offers asylum and refugee protection based on an inherent belief in human rights and in ending or preventing the persecution of individuals. Asylum is a precious and important protection granted by federal law to qualified applicants who are unable or unwilling to return to their country of nationality because of persecution or a well-founded fear of persecution.
- B. These matters must be handled with speed, tact, and resolution as they are highly sensitive and may have long-term international ramifications. Failure to do so will prove embarrassing to the United States and all concerned.
- C. Officers must be prepared to render immediate assistance to individuals seeking asylum and ensure that they are turned over to the proper authorities.

### § OP250-60. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**ASYLUM** — An alien or foreign national in the United States who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion.

**DIPLOMATIC IMMUNITY** — A principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

### § OP250-61. Procedure.

- A. Immediately take the foreign national into protective custody.
  - (1) Do not handcuff the foreign national, as he/she is not under arrest. However, a search for weapons shall be conducted prior to transport.
  - (2) Do not allow anyone to interfere with the individual or attempt to intervene in the situation.

- (3) Under no circumstances shall the foreign national be turned over to any foreign governmental official.
- B. Officers shall not:
- (1) Question the individual's motives for requesting asylum.
  - (2) Direct the individual to someone else.
  - (3) Discuss the relative merits of the United States or the person's homeland and his/her decision to seek asylum.
  - (4) Arbitrarily or summarily return the individual seeking asylum to a foreign government's control prior to the proper authority determining the individual's status.
- C. Notify your immediate supervisor. Under no circumstances shall the reason for the contact be voiced over a radio.
- D. The individual may only be released to a supervisor, a member of the Federal Bureau of Investigation, or Immigration and Naturalization Service.
- E. Supervisors shall contact Immigration and Naturalization Service (INS) District or Asylum Office and arrange secure transportation to another location through proper authorities.
- F. The primary officer shall document the incident in an Incident Report, and involved officers shall complete statements. Document who took custody of the foreign national in the report.
- G. The foreign national shall remain in protective custody until he/she is delivered to the FBI or INS.

## ARTICLE XII

### Guarding Hospitalized Prisoners

#### § OP250-62. Misdemeanor cases (except domestic violence).

- A. Reasonable efforts will be made to allow any injured person who is under arrest for a misdemeanor to go to the hospital. The injured prisoner may be taken to Sound Shore, Westchester Medical Center or White Plains Hospital. Efforts should be made to utilize Westchester Medical Center.
- B. If no preference is stated, the prisoner shall be taken to Westchester Medical Center.
- C. When an appearance ticket is not an option and booking is necessary, use the following procedure:
  - (1) If treatment at the hospital can be completed within a reasonably short period of time, the officer will remain at the hospital with the prisoner until treatment is

completed. The officer will then transport the prisoner to Headquarters for booking.

- (2) If the prisoner is to be hospitalized for a length of time, the arresting officer shall:

- (a) Obtain permission from a police supervisor to leave the prisoner at the hospital without a guard, on a "police hold."
- (b) Place a "police hold" on the suspect and request the hospital staff notify the police desk when the suspect's treatment is complete.
- (c) Advise suspects of the following:
  - [1] They are still under arrest and will remain so while in the hospital;
  - [2] While in the hospital the suspect's access to the telephone should be restricted;
  - [3] They are not to leave the hospital without the authority of the Mamaroneck Village Police Department;
  - [4] Officers will return to take them to Headquarters when their treatment is complete;
  - [5] If they leave the hospital without authorization, they will be charged with escape; and
  - [6] Verify that the suspect(s) understood the information conveyed.
- D. When notified that the suspect's treatment is complete, the police desk will arrange for transportation of the prisoner to Headquarters for booking.
- E. If the suspect's treatment is completed at the hospital and the suspect leaves without the authorization of Police Department personnel, follow-up investigation will be conducted by the Detective Division.

**§ OP250-63. Domestic violence cases.**

- A. An injured person who is under arrest for any domestic violence case, whose injuries require immediate hospitalization, shall be taken to the Westchester County Medical Center.
- B. When a suspect is accused of a domestic violence crime or a family offense where an arrest is mandated or has violated a valid order of protection, a police officer shall be assigned to guard the subject. When the prisoner's treatment is complete, the officer will then transport the prisoner to Headquarters for appropriate processing.

**§ OP250-64. Felony cases.**

- A. Any injured person who is under arrest for a felony, whose injuries require immediate hospitalization, shall be taken to Westchester Medical Center, and a patrol officer shall be assigned to the hospital to guard that person. Exception: EMS personnel may take an injured party to the nearest hospital depending upon the seriousness of the injury.
- B. The arresting officer's supervisor will evaluate the need for continuing the hospital guard. In making this decision, the supervisor will take into account:

- (1) The nature of the alleged offense;
  - (2) The condition of the suspect;
  - (3) Whether the identity of the individual is in question;
  - (4) Whether the suspect, if released, would present a threat to the community; and
  - (5) If the suspect has current fingerprints and photographs on file.
- C. The arresting officer(s) shall complete all necessary reports as soon as possible.
- D. When the suspect's treatment is complete, the suspect shall be transported to Headquarters for appropriate processing.

#### **§ OP250-65. Hospital arraignment.**

Where release of the suspect is not imminent, and a patrol officer must guard the suspect, the arresting officer's supervisor shall consider the alternative of having the suspect arraigned at the hospital. The supervisor must determine:

- A. If a Judge is available to arraign the suspect and (**Note:** The arraigning Judge must be from the same locale as the hospital and is contacted through the local Police Department); and
- B. If the county jail will accept the injured party after he has been arraigned.
- (1) If Judge is available and county jail will take him, arraign the suspect and transport him/her to the county jail.
  - (2) If Judge is available and county jail will not take him, the supervisor then should determine if:
    - (a) The District Attorney is willing to waive criminal history reports; and
    - (b) Whether the suspect will be able to make bail. (Credit card bail should be considered.)

### **ARTICLE XIII Mentally Ill or Disturbed Persons**

#### **§ OP250-66. Purpose.**

The purpose of this article is to safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

#### **§ OP250-67. Policy.**

The safety of all persons is paramount in a situation involving an emotionally disturbed person. If such a person is dangerous to himself or others, necessary force may be used to

prevent serious physical injury or death. Physical force will be used only to the extent necessary to restrain the subject until delivered to a hospital or detention facility.

**§ OP250-68. Meaning of terms used.**

- A. **Mental illness:** an affliction with a mental disease or mental condition which is manifested by a disorder or disturbance in behavior, feeling, thinking or judgment to such an extent that the person afflicted requires care, treatment and rehabilitation. (Article 1, § 1.03, Subdivision 20, of the Mental Hygiene Law)
- B. **Voluntary admissions:** The director of any hospital may receive as a voluntary patient any suitable person in need of care and treatment who voluntarily makes written application. If the person is under 16 years of age, the person may be received as a voluntary patient only on the application of the parent, legal guardian, or next of kin of such person. If the person is over 16 and under 18 years of age, the Director may in his discretion admit such person either as a voluntary patient on his own application or on the application of the person's parent, legal guardian or next of kin. (Article 9, § 9.13, Subdivision 1, of the Mental Hygiene Law)
- C. **Emergency admissions; power of police officers** (Article 9, § 9.41, of the Mental Hygiene Law)
  - (1) Any police officer, when acting pursuant to his special duties . . . may take into custody any person who appears to be mentally ill and is conducting himself in a manner which is likely to result in serious harm to himself or others. "Likely to result in serious harm," shall mean:
    - (a) Substantial risk of physical harm to himself as manifested by threats or attempts at suicide or serious bodily harm or other conduct demonstrating that he is dangerous to himself; or
    - (b) A substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.
  - (2) Such officer may direct the removal of such person or remove him to any such hospital specified in Subdivision (a) of § 9.39 of the Mental Hygiene Law or, pending his examination or admission to any such hospital, temporarily detain any such person in another safe and comfortable place, in which event such officer shall immediately notify the Director of Community Services, or his designee, of such action.
- D. Section 9.45 of the Mental Hygiene Law, Emergency admissions for immediate observation, care, and treatment; powers of directors of community services (Effective July 1, 2008): The Director of Community Services or his designee shall have the power to direct the removal of any person, within his jurisdiction, to a hospital approved by the Commissioner pursuant to Subdivision (a) of § 9.39 of the Mental Hygiene Law if the parent, spouse, or child of the person, a licensed physician, health officer, peace officer or police officer reports to him that such person has a mental illness for which immediate

care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or others, as defined in § 9.39 of the Mental Hygiene Law. It shall be the duty of peace officers, when acting pursuant to their special duties; or police officers, who are members of an authorized Police Department or force or of a Sheriff's Department to assist representatives of such Director to take into custody and transport any such person. Upon the request of a Director of Community Services or his designee an ambulance service, as defined in Subdivision 2 of § 3001 of the Public Health Law, is authorized to transport any such person. Such person may then be retained pursuant to the provisions of § 9.39 of the Mental Hygiene Law.

#### **§ OP250-69. Procedure.**

The guidelines outlined below to contain a mentally ill or emotionally disturbed person, and to organize the Department's response, should be followed unless specified conditions dictate otherwise.

**A. First officer at the scene will:**

- (1) Evaluate the situation, including:
  - (a) Mental or emotional condition of person.
  - (b) Whether or not the mentally ill or emotionally disturbed person has used, threatened the use of or is conducting himself in a manner which is likely to result in serious harm to himself or others.
  - (c) Determine whether or not an ambulance or other medical assistance is needed.
- (2) Inform the Tour Supervisor of the situation as soon as practical.
- (3) Ensure the safety of others in the area.
- (4) Attempt to isolate and contain the mentally ill or emotionally disturbed person until the arrival of the Tour Supervisor.
- (5) Ensure the security of any firearms or other dangerous instruments at the scene.

**B. The Tour Supervisor will:**

- (1) Evaluate the situation assuring that Steps (1) through (5) above have been followed.
- (2) Arrange for the assistance of any individuals, e.g., family or specialized services, as needed.
- (3) Arrange for a Department hostage negotiator to respond if the circumstances require it.
- (4) If it is determined that there is a suspicion of mental illness and a suspicion that danger may exist without treatment, St. Vincent's Hospital at 275 North Street, Harrison, is an approved facility for providing emergency psychiatric services, and

should be contacted using the following procedure. This procedure can also be followed if a mental health professional has received a direct request for an evaluation of a citizen.

- (a) The psychiatrist will notify the police desk of the request and fax a copy of the 9.45 Transportation Form;
- (b) The police will be sent to ensure safety;
- (c) An ambulance will be paged.

#### ARTICLE XIV Missing Persons or Children <sup>6</sup>

##### **§ OP250-70. Purpose.**

The purpose of this article is to establish operational guidelines for handling incidents of reported missing persons, including abducted or missing children, and incidents of custodial interference.

##### **§ OP250-71. Background.**

A missing person is one who is absent under circumstances with no apparent reason or circumstances which may indicate involuntary disappearance. The NYS Executive Law (§ 837-e) defines a missing child as "any person who is under the age of 18 missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so."

##### **§ OP250-72. Policy.**

It is the policy of the Village of Mamaroneck Police Department to immediately accept and investigate any report of a missing person, including abducted or missing children, without delay and to immediately report all pertinent information to the NYS Police and DCJS through NYSPIN.

##### **§ OP250-73. Procedure for missing persons or children.**

- A. Upon receiving a complaint of a missing person or a child who is lost, runaway or abducted by a nonrelative, the Desk Officer shall immediately dispatch a patrol officer to the scene, and the officer shall complete an Incident Report entitled "Missing Person."
  - (1) The responding patrol officer shall speak directly with the complainant or, if a child, with the person responsible for the care of the missing child at the time of

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6. Editor's Note: The Initial Response Investigative Checklist to be used as a guide for the investigation of missing child cases is included at the end of this chapter.

the occurrence in order to obtain a description of the child and the circumstances of the disappearance.

- (2) The patrol officer shall, as soon as possible, advise the Desk Officer of the person's or child's name, description, and any other pertinent information so that this information can be broadcast to other patrol units. If possible, a picture of the missing person should be obtained for attachment to the original report.
  - (3) The Desk Officer shall advise the Tour Supervisor of the incident, and if warranted, advise the Detective Bureau Supervisor.
  - (4) If suspicious circumstances or age of the victim requires it, patrol shall conduct a search of the immediate surrounding area, documenting the names and addresses of those interviewed. The residents of neighboring homes shall be interviewed in a door-to-door canvas for potential witnesses and leads.
- B. While at the scene, the patrol officer shall complete a DF-28 Missing Person Report, with descriptive information on the missing person or child.
- (1) The Desk Officer, upon receipt of this completed form, shall immediately file a report by teletype to DCJS and NCIC via NYSPIN, using the information from the DF28.
  - (2) The completed DF-28 shall be forwarded to the Detective Bureau with a copy left on the day sheet.
- C. Detectives assigned to the follow-up investigation of a missing person or child shall:
- (1) Obtain from the family the missing person's or child's records, (i.e., birth certificate and medical, dental and school records) should they be needed during the investigation.
  - (2) Request the family to provide the Police Department with a photograph and a copy of the missing person's fingerprints. Parents may already have copies of their child's fingerprints from Operation Safe Smiles and fingerprints of adults may be obtained from the missing person's place of employment.
  - (3) Instruct the family to notify all relatives, particularly those who live out of state of the person's disappearance, providing them with the name of the Detective assigned to the investigation and the phone number of the Village of Mamaroneck Police Department.
  - (4) Interview both parents, spouse, and other family members, checking for unusual circumstances regarding the missing person or child, such as:
    - (a) Recent deviation from normal behavior;
    - (b) Recent difficulty at work, in school or with friends;
    - (c) Recent friendships with new people; and
    - (d) Recent involvement or prolonged use of alcohol and drugs.

- (5) Search the missing person's or child's room for leads, and the names and addresses of acquaintances with the permission of the spouse or the parents.

- (6) Interview the missing person's friends, neighbors, school teachers, fellow employees and witnesses for leads and, if a child, check the child's school locker for leads.
  - (7) Disseminate appropriate information to patrol, using informational flyers.
  - (8) Advise adjoining Departments and the Westchester County Crime Analysis Unit, who will assist in the distribution of information to other departments.
  - (9) Check Department records for prior contact between the missing person or child and the police.
  - (10) Develop and maintain a case jacket which will contain all data, material, and records relative to the investigation.
- D. Detectives assigned to a prolonged investigation of a missing person or child who has not been found after 30 days shall:
- (1) Forward the person's dental records and fingerprints to DCJS (NYS Executive Law § 838, Subdivision 5(a).
  - (2) Continue to update new information, as it surfaces, with NCIC and DCJS.
  - (3) Continue to maintain contact with the person's family, keeping them abreast of new developments during the ongoing investigation.
- E. Should the missing person or child be found, the Detective assigned to the investigation shall attempt to determine the circumstances surrounding the disappearance or abduction, why the child may have run away and what happened during the disappearance.
- (1) The family should be provided with referral services such as Family Court, Department of Social Services or the Westchester Mediation Center should the missing person, child or family require counseling.
  - (2) The Detective Bureau shall advise the Missing Person/Children Register that the person or child has been found and shall have the Desk Officer cancel the File 6 with DCJS and NCIC by teletype.

**§ OP250-74. Procedure for custodial interference or parental abduction.**

- A. Incidents of parental abduction and custodial interference often originate as a civil matter which may escalate into a crime. Upon receiving a report of such an incident, the Desk Officer shall immediately notify the Tour Supervisor, the Detective Bureau Supervisor or the on-duty Detective, and shall dispatch a patrol officer to the scene or the home of the nonabducting parent to complete an Incident Report, entitled "Missing Person." The responding patrol officer shall:
- (1) Verify the nonabducting parent's custody decree with any visitation provisions for the other parent and obtain a copy of the court document.

- (2) Obtain a photograph and fingerprints of a child and a photograph of the abducting parent.
  - (3) Obtain information about the abducting parent, such as the name, address, description, employment, social security number, vehicle information and criminal history, if any.
  - (4) Advise the Desk Officer of the descriptions of the child and abducting parent, and all pertinent information in order that this information can be broadcast to other patrol units.
  - (5) Conduct a search of the surrounding area, checking with neighbors for potential witnesses to the abduction and for additional leads.
- B. While at the scene or at the child's home, the patrol officer shall complete a DF-28, Missing Person Report with information about the missing child.
- (1) Upon receipt of the completed DF-28, the Desk Officer shall immediately file a report by teletype to DCJS and NCIC via NYSPIN.
  - (2) Completed DF-28 forms shall be forwarded to the Detective Bureau.
- C. Detectives assigned to a follow-up investigation of a parental abduction or custodial interference incident shall:
- (1) Initiate a full investigation in order to locate and reunite the abducted child with the custodial parent.
  - (2) Request the nonabducting parent gather the missing child's records should they be needed during the investigation.
  - (3) Request the nonabducting parent secure a certified copy of the custodial decree containing the raised seal of the issuing court, which will be necessary should the child be taken to another state or country.
  - (4) Utilize the services of the Federal Parent Locate Service of the United States Department of Health and Human Services at (202) 619-0257.
  - (5) Notify the State Department in Washington, D.C., should the investigation reveal that the child may have been taken out of the country.
  - (6) Obtain a subpoena for the abducting parent's records (i.e., telephone bills, bank records and credit card charges).
  - (7) Obtain a search warrant for the abducting parent's residence and, if possible, an arrest warrant for the abducting parent.
  - (8) Refer the nonabducting parent to referral services or a support group.
  - (9) If the abducting parent and child are located, preplan the pickup of the child; a Family Court order may be necessary.
  - (10) Arrest the abducting parent out of the sight of the child, if possible.

- (11) Interview the abducted child to determine the circumstances of the abduction, checking for abuse and neglect.
  - (12) Update the DCJS Missing Children/Person Register with information regarding the return of the child and cancel the File 6 with DCJS/NCIC by teletype. See Contact Guide.
- D. Upon the initial stages of reintegration with the custodial parent, the child may go through a denial process and not wish to see the custodial parent. All personnel should be aware that at some point during the recovery phase, the child is likely to go through psychological dynamics such as crying, grief, anger, hysteria and other histrionics.
- (1) The accompaniment of a loved one may be helpful during this period of the investigation.
  - (2) If the age of the child is appropriate, a teddy bear should be given to the child.

**§ OP250-75. Abandoned or lost children.**

- A. Occasionally, abandoned or lost children are taken into custody by the police. Upon receipt of a report of a lost or abandoned child being found, the Desk Officer shall:
- (1) Immediately dispatch a patrol officer to the scene to complete an Incident Report.
  - (2) Advise the Tour Supervisor and Detective Bureau Supervisor of the incident.
- B. While at the scene, the Patrol Supervisor shall have neighboring homes canvassed, in an attempt to locate the child's guardian, parents or witnesses who may have information regarding the child's appearance.
- (1) Should attempts to locate the child's guardian fail and the child remains unidentified, the reporting officer shall complete a DF-28 form<sup>6</sup> with information about the unidentified person.
  - (2) The Desk Officer shall file a report by teletype to DCJS and NCIC via NYSPIN.
  - (3) Completed DF-28 forms shall be forwarded to the Detective Bureau.
  - (4) These DF-28 form shall also be used in the event an unidentified adult, such as one suffering from Alzheimer's or amnesia, is taken into custody by this Department or if an unidentified corpse is found within the confines of the Village of Mamaroneck.
- C. In the event a lost or abandoned child is found by a member of this Department or by a civilian in Mamaroneck, an Incident Report shall be completed and the Desk Officer shall make notification as listed below.

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6. See Form Guide.

- (1) Child Protective Services between 9:00 a.m. and 5:00 p.m., Monday through Friday, or evenings after 4:00 p.m., weekends and holidays. See Contact Guide for phone numbers.
- (2) The Children's Services Section of the Department of Social Services of Westchester County will respond to take custody of the child.

**ARTICLE XV**  
**Notifying Next of Kin**

**§ OP250-76. Purpose.**

The purpose of this article is:

- A. To ensure the prompt notification of next of kin in all cases where the deceased or seriously injured persons are handled by police personnel or when this Department is requested by another police agency to make this notification.
- B. To establish departmental procedure in making emergency notifications.

**§ OP250-77. Policy.**

It shall be the policy of this Department to notify the next of kin and deliver emergency messages pertaining to a death, serious illness or injury, when requested by another agency or when the deceased has been handled by police personnel.

**§ OP250-78. Procedure.**

- A. Every effort should be made to gather information regarding the deceased or injured party, such as name, date of birth (DOB), sex, race, address, social security number, names of survivors and the circumstances surrounding the incident.
- B. Locate and notify the nearest relative as soon as possible.
- C. If manpower permits, two officers should be present for the notification.
- D. Extreme tact and a direct approach should be exercised by the officer(s) when making notification.
- E. If the next of kin is alone at the time of notification, a relative, close friend, neighbor or clergy should be sought to stay with the survivor.
- F. Officers delivering emergency notifications shall tell citizens the source of information.
- G. Telephone notification will be utilized only when all other methods are not feasible and only when approved by the Tour Supervisor.
- H. No release of names will be made to the news media until proper notifications have been made.

- I. The Desk Officer's log shall document the notification, and an Incident Report number will be assigned.
- J. When requested by another agency to make notification, or when asking another agency to make notification for this Department, the teletype should be used for confirmation of the validity of the request.

**ARTICLE XVI**  
**Patrol Lieutenant**

**§ OP250-79. Supervisory responsibilities.**

The Patrol Lieutenant will have general supervisory responsibilities over all patrol-related functions. In addition he will assume additional responsibilities as directed by the Chief of Police. The Patrol Lieutenant will report directly to the Chief of Police.

**§ OP250-80. Specific duties and responsibilities. [Revised 4-8-2009]**

The specific duties and responsibilities of the Patrol Lieutenant are:

- A. Supervise, manage, plan, coordinate, organize and direct all police services for any special event in the Village of Mamaroneck. These include but are not limited to concerts, fairs, sporting events and parades.
- B. Conduct all Department inspections and complete all necessary reporting in accordance with Article VI, Department Inspections, of Chapter AD83 of this Manual of Procedure.
- C. Ensure compliance with all communications procedures, including radio tests phone policy and radio procedure in accordance with Article III, Communications, of Chapter AD164 of this Manual of Procedure.
- D. Ensure compliance with mobile video camera procedure including periodic inspection of officer stops. (Article VII, Video Car Recorders, of Chapter AD164). Bimonthly written reports should be submitted to the Chief of Police once every two months.
- E. Conduct an annual review of Article II, DWI Procedure, of Chapter OP290 and report findings to the Chief of Police.
- F. Supervise, manage, plan coordinate, organize and direct DWI roadblocks in accordance with Article III, DWI Roadblocks, of Chapter OP290 of this Manual of Procedure.
- G. Ensure compliance with post critical incident debriefing in accordance with Article IV, Post Critical Incident Debriefing, of Chapter AD112 of this Manual of Procedure.
- H. Perform all responsibilities related to Article I, Internal Affairs, of Chapter PI325 of this Manual of Procedure.
- I. Ensure that after-action reports are completed in compliance with Article I, After-Action Reports, of Chapter PI310 of this Manual of Procedure.

**ARTICLE XVIII**  
**Prisoner Transport**

**§ OP250-95. Purpose.**

The purpose of this article is to establish procedures that will promote the safety and welfare of prisoners and escorting officers during transportation to and from Headquarters and other facilities and to provide guidelines for the security of prisoners, police officers, and the public during court appearances.

**§ OP250-96. Background.**

Transportation by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest and when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility such as the county jail or the Department lockup to court.

**§ OP250-97. Policy.**

It shall be the policy of the Village of Mamaroneck Police Department to safely provide adequate and secure transportation and escorts of prisoners by Department personnel that will not endanger personnel, prisoners or the public.

**§ OP250-98. Prisoner searches.**

- A. Every prisoner, prior to being transported, will be searched for weapons and contraband by the transporting officer. This search will include, but is not limited to:
- (1) A pat down of all body and clothing surfaces.
  - (2) A search of all clothing pockets, shoes, purse, etc., where a weapon or contraband could be readily accessible or concealed.
  - (3) As a contemporaneous incident of a lawful custodial arrest of the occupant of a vehicle, the passenger compartment thereof shall be checked for any possible weapons or devices that can be used to assault or otherwise facilitate escape.
  - (4) Whenever assuming responsibility for a prisoner in the field, the receiving officer shall re-search the prisoner.
- B. Female searches by male officers can be accomplished by running a Kubaton or pen over the female suspect's clothing.
- (1) The search should be conducted:
    - (a) So as to avoid any appearance of impropriety;
    - (b) With the utmost regard to decency and privacy; and

- (c) In the presence of a superior and/or other witness, (if possible).
- (2) Under no circumstances should a male officer engage in a strip search or body cavity search of a female prisoner.
- C. Any weapon, dangerous article or contraband found will be immediately secured and the Patrol Supervisor notified. These articles will then be turned over to the Detective Bureau for safekeeping or as evidence. Other property of the prisoner will accompany him in a prisoner personal property envelope.
- D. 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.

**§ OP250-99. Restraining devices.**

- A. Officers shall handcuff (double lock) all prisoners with their hands behind their back and palms facing outward.
- B. The officer may handcuff the prisoner with his/her hands in front or utilize other appropriate restraining devices, such as belly chains or belts, where the prisoner:
  - (1) Is in an obvious state of pregnancy;
  - (2) Has a physical handicap; or
  - (3) Has injuries that could be aggravated by standard handcuffing procedures.
- C. The handcuffs shall be secured upon the wrists and adjusted so as to prevent the prisoner from slipping out but not so tight as to cause injury.
- D. A prisoner is not to be handcuffed to any part of the vehicle during transport.
- E. A handcuff belts are available behind the police desk for multiple prisoners, if required.

**§ OP250-100. Transport vehicles.**

- A. It shall be the responsibility of the transporting officer to see that the vehicle is inspected both before and after each transport to ensure that contraband and weapons are not present.
- B. Transport officers should ensure that the transport vehicle is operating properly and is mechanically fit for transporting prisoners. This vehicle check shall be completed at the beginning of each shift as part of the officer's vehicle inspection responsibility.
- C. When practicable the prisoner transport van shall be used to transport prisoners.
- D. When a patrol vehicle is utilized 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 prisoner's 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, he should sit in the front of the transport vehicle.

- E. When transporting prisoners in a vehicle without a cage, seat the prisoner in the rear seat on the passenger side, and the assisting officer shall sit in the rear seat behind the driver, the assisting officer shall secure his weapon to the opposite side of the prisoner.
- F. When transporting prisoners alone in a vehicle without a cage, seat the prisoner in the front passenger's seat, utilizing seat belt and harness.
- G. When transporting female prisoners, immediately notify Headquarters of that fact.
- H. Officers transporting female prisoners shall note the following information on the Arrest/Incident Report.
  - (1) Starting and arriving time checks.
  - (2) Starting and arriving odometer readings.
- I. Female prisoners shall be transported with a female officer or police matron present. If neither is available, two male officers shall transport.

**§ OP250-101. Extended prisoner transport.**

- A. In the event of a long transport (e.g., extradition, etc.), transporting officers may allow for meals. Selection of the type of meal and the location of the eating facility should be random to diminish the likelihood of escape.
- B. Prisoners shall be afforded the use of toilet facilities only after the officer is satisfied that adequate security can be maintained.
- C. Transporting officers shall maintain proper supervision of prisoners at all times and shall not lose sight of prisoners during transport.
- D. Interstate transports will require the escort officer to have in his possession a properly executed governor's warrant or a properly executed waiver.

**§ OP250-102. Escape of prisoners.**

- A. In the event of a prisoner escaping, the transporting officer shall immediately notify Headquarters of the incident and any other pertinent information that will assist in the recapture.
- B. Headquarters will notify the Patrol Supervisor who will coordinate efforts for recapture.
- C. Transporting officers will prepare a report of the incident and submit the completed report to the Chief of Police.
- D. If the escape occurs in another jurisdiction, the transporting officer will immediately notify Headquarters via radio to give all the particulars. The supervisor shall be notified and the Desk Officer shall immediately notify the law enforcement agency of that jurisdiction.

**§ OP250-103. Responding to police services during transport.**

A prisoner transport shall not be interrupted to render police services. Only in situations where there is grave and imminent danger to third parties, and assistance can be rendered with a minimum of danger to the prisoner, may an officer stop a transport to render police service.

**§ OP250-104. Special transport situations.**

- A. If a prisoner is physically or mentally handicapped and conventional means of transportation are insufficient, arrangements shall be made with EMS to provide nonambulatory transportation. This will include, but may not be limited to, ambulance transportation, wheel chairs, crutches, etc.
- B. During nonambulatory transportation, an officer shall accompany EMS personnel for security of the prisoner. If the prisoner is being transported to a detention facility prior notification to the facility should be made so that the special needs of the prisoner can be arranged by the facility.
- C. Sick or injured prisoners that require medical attention can be transported to United Hospital in a police transport vehicle or by EMS, depending on the medical needs of the prisoner.
  - (1) Prisoners that require medical attention will be attended to as soon as is practically possible.
  - (2) If a prisoner requires admission into the hospital, arrangements shall be made to provide daily security of the prisoner.
  - (3) If the offense for which the prisoner is in custody is a Class E felony, a misdemeanor, or a petty offense, a desk appearance ticket may be issued to the prisoner at the hospital.
- D. Violent or violent mentally disturbed prisoners that exhibit the potential for injury to themselves or others present special risks. If, in the officers judgement, handcuffs are not sufficient, arrangements shall be made with EMS for transportation with additional restraining devices (stretchers with restraints, etc.)
- E. In the absence of a judicial decree prisoners shall not be transported to visit a critically ill person, attend a funeral or attend the reading of a will.
- F. Excited delirium syndrome. It is essential that any person subjected to maximum forms of restraint, and particularly those who display any signs of drug use, be closely monitored by officers for signs of excited delirium. These include a rapid onset of paranoia followed by aggression toward objects (particularly glass.) Associated with this is a series of bizarre behaviors that include psychosis; violent behavior; extraordinary strength; hallucinations; undressing in public; hiding behind bushes, trees or cars; hearing voices; seizures; high pulse rate; thrashing after restraint; jumping into water; yelling and self-inflicted injuries. If a person exhibits signs of excited delirium and has been subjected to maximum forms of restraint, it is advisable for officers to transport that person to a hospital for medical evaluation.

**§ OP250-105. Procedure for transporting and escorting to and from court or other locations.**

- A. When transporting or escorting prisoners for court appearances or other locations, there shall be at least one officer for each prisoner. It is essential that officers verify that the right prisoner is being transported. This can be done by the use of mug shots, comparing physical characteristics as contained in Arrest Reports and/or verification of the prisoner's identity by a responsible person.
- B. Prisoners should be escorted into court through the courtroom offices, but only after those offices have been vacated by court personnel.
- C. When the prisoner is prepared to appear before the Judge, the prisoner shall remain handcuffed unless the Judge requests his/her removal. The escorting officer(s) shall remain armed and near the prisoner during the proceeding.
- D. Every effort should be made to prevent the mingling of prisoners with the general public or other unauthorized persons. At no time will a prisoner be left unattended. Attorney/prisoner conferences shall not take place during transportation.
- E. After the proceeding is over, the Judge will either release the prisoner on bail or remand him/her to the county jail. If the prisoner is remanded, the Judge will issue a securing order to commit the prisoner with a return date for a subsequent court appearance.
- F. Upon arrival at the county jail, the escorting officer shall secure his weapon as directed by Corrections Department personnel. The officer shall then present the original securing order to the jail attendant and release the prisoner to him along with any personal property of the prisoner, and any additional documentation pertaining to the prisoner. The prisoner's handcuffs will be removed by Corrections Department personnel once the prisoner has been secured in their holding area. The escorting officer shall obtain a signed receipt for the prisoner and have it added to the prisoner's arrest file.
- G. To obtain the release of a prisoner from the county jail for a court appearance, a securing order, previously filed with the county jail, or an order to produce, presented by the escorting officer is needed. The prisoner must also be positively identified as the person who is to be moved. If the escort officer is unfamiliar with the prisoner he is to pickup, he shall view the prisoners mug shot that may be obtained from the Detective Bureau prior to pickup.
- H. Once the prisoner is released to the escorting officer from the county jail, the prisoner shall be handcuffed and the previously described steps in Subsections B through F should be followed.

**ARTICLE XIX**  
**Strip Searches and Body Cavity Searches**

**§ OP250-106. Purpose.**

The purpose of this article is to provide guidelines for determining if and under what conditions the use of strip and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

**§ OP250-107. Policy.**

The Department recognizes that the use of strip 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 the Department's detention facilities. Recognizing the intrusiveness of these searches on individual privacy, it is the policy of the Department that such searches shall be conducted only with proper authorization and justification, with due recognition and deference for the human dignity of those being searched and in accordance with procedural guidelines for conducting such searches as set forth in this article.

**§ OP250-108. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BODY CAVITY** — The stomach or rectum of a person and the vagina of a female person.

**BODY CAVITY SEARCH** — The touching or probing of a person's cavity, whether or not there is actual penetration of the body cavity.

**STRIP SEARCH** — Having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

**§ OP250-109. Authorization.**

- A. The decision to conduct a strip or body cavity search shall be made by a Lieutenant or higher rank.
- B. Any decision to authorize a strip search must be based on reasonable and individualized suspicion that a weapon, evidence or contraband could be concealed on the person and could not be detected by a pat-down search.

**§ OP250-110. Considerations.**

The following considerations on the performance of strip and body cavity searches are based on United States Supreme Court rulings and shall be considered by Police Supervisors prior to the authorization of any such searches:

- A. The reasons why such a search was initiated; and
- B. The method (how) and manner in which the search, if deemed appropriate, is undertaken.

**§ OP250-111. Strip searches.**

- A. Individuals arrested or investigated for violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting or investigating officer has expressible, reasonable suspicion to believe that the individual is concealing weapons, evidence or contraband. Reasonable suspicion may be based upon, but is not limited to, one or more of the following criteria:
  - (1) The severity of the criminal charge being investigated which indicates the likelihood of a weapon, evidence or contraband (e.g., narcotics) being concealed on the person.
  - (2) The suspicious actions of a suspect or arrestee indicating the possibility that a weapon, evidence or contraband is being concealed on the person.
  - (3) The recent criminal history of a suspect or arrestee, irrespective of the current charge, indicating the likelihood that a weapon, evidence or contraband is being concealed on the person.
  - (4) Some reliable notification or personal observation that a weapon, evidence or contraband is being concealed on a suspect or arrestee.
  - (5) Detection of suspicious objects beneath the clothing of a suspect or arrestee during a field search.
- B. Field strip searches of suspects or arrestees shall be conducted only in the rarest of circumstances under urgent conditions where the life or safety of officers or others may be placed at risk and only with the explicit approval of a supervisory officer.
- C. In the event a supervisor authorizes a strip search, the following provisions must be followed:
  - (1) The strip search of a suspect or arrestee shall take place in a private area. This private area must eliminate the possibility of visual access by person(s) not involved in the search.
  - (2) The officer conducting the search shall be of the same sex as the person being searched. No person of the opposite sex shall be allowed to view the search.
  - (3) The person conducting the search shall avoid using unnecessary or demeaning language or remarks.
  - (4) The scope is governed by the principle that a search should not be more extensive than necessary to ascertain the existence of the type of weapon, evidence or contraband believed to be concealed on the suspect or arrestee.
- D. Officers shall adhere to the following guidelines when conducting strip searches.

- (1) Clothing should be searched both visually and by touch for evidence such as narcotic, weapons, or money.
  - (2) Articles should be scanned for bulges and signs of openings or freshly sewed areas. Linings should not be overlooked.
  - (3) Clothing should be examined by touch using a grasping, squeezing manner which crushes every part of the clothing.
  - (4) In incidents where trace evidence is likely to be discovered, such as in rape cases, clothing is to be carefully preserved for later examination by lab or other pertinent personnel.
- E. A full body check, including the inspection of covered wounds and body openings, requires the assistance of a physician; however, areas that can be searched by an officer alone include the hair, ears, and mouth of a suspect or arrestee.
- (1) Hair should be combed to bring out hidden items.
  - (2) Ear openings and areas behind the ear should be checked, the latter for items taped to the head.
  - (3) The mouth, teeth, and nasal openings should also be physically examined. If a suspect or arrestee has false teeth, he or she should be instructed to remove the plates and the teeth, and mouth should be examined.
- F. Following a strip search, the authorized officer performing the search shall include the following information in the appropriate arrest, incident or criminal report or if no such reports are made, in a memorandum to the Chief of Police:
- (1) Name and sex of person(s) subjected to the search.
  - (2) Name and sex of all persons conducting and assisting in the search.
  - (3) Time, date and place of the search.
  - (4) Justification for conducting the strip search.
  - (5) A list of all items recovered from the person searched.

**§ OP250-112. Body cavity searches.**

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that a suspect or arrestee is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:

- A. A body cavity search may be conducted only with a valid search warrant and by a licensed physician or a physician's assistant, licensed practical nurse, or a registered nurse acting under the direction of a physician. Under no circumstances shall Department personnel perform body cavity searches.

- B. Where there exists reasonable and appropriate cause to support a body cavity search, officers shall apply for a search warrant.
- C. If a search warrant is granted, the subject shall be taken to the nearest hospital or if deemed necessary the nearest medical facility or physician's office where the search will be conducted by a licensed physician or other medically qualified personnel.
- D. An officer of the same sex as the subject receiving the body cavity search shall be present to witness the search and to recover any weapons, evidence, or contraband.
- E. The authorized officer conducting the body cavity search shall include the following information in the appropriate arrest, incident or criminal report:
  - (1) Name and sex of the person searched.
  - (2) Name of the person who conducted the search.
  - (3) Time, date and place of the search.
  - (4) A list of all items recovered from the person searched.
  - (5) Name and sex of all Department members and employees present at the search.
  - (6) A copy of the search warrant, which shall be attached to the report.

ARTICLE XX  
Abandoned Vehicles  
[Added 12-1-2007]

**§ OP250-113. Purpose.**

The purpose of this order is to establish guidelines and procedures for abandoned vehicles.

**§ OP250-114. Policy.**

It shall be the policy of the Village of Mamaroneck Police Department to promptly investigate, log and remove abandoned vehicles from public property.

**§ OP250-115. Procedure.**

- A. When a call is received reporting a possible abandoned vehicle, as defined in Articles 1224 and 1600 of the Vehicle and Traffic Law or Chapter 322 of the Village Code of Mamaroneck:
  - (1) The Desk Officer shall check the Abandoned Vehicle Tracking Sheet to ascertain if the vehicle is currently being tracked.
  - (2) If the vehicle being reported is not found on the Abandoned Vehicle Tracking Sheet the Desk Officer shall assign an event number dispatch post car and enter vehicle into the abandoned vehicle tracking sheet.

- (3) The Desk Officer shall run a NYSPIN check of the vehicle.

B. Abandoned vehicles, registered.

- (1) The vehicle shall be tracked for a minimum of ~~21~~<sup>7</sup> consecutive days. If the aforesaid time has passed and the vehicle in question has not been moved, the post car shall affix an Abandoned Vehicle Warning Sticker to the vehicle. (Warning stickers shall not be affixed to any painted surfaces of the vehicle or any surface which could be damaged when removing sticker.) The officer shall enter the date and time the sticker was affixed, and include the assigned event number. The Desk Officer will update the Abandoned Vehicle Tracking Sheet by entering the date the sticker was affixed.
- (2) If the vehicle has not been removed 24 hours after the sticker has been affixed, the vehicle shall be towed, subject to all policy and procedures outlined in Chapter OP290, Article IV.

C. Abandoned vehicles, unregistered.

- (1) The responding officer shall immediately affix an Abandoned Vehicle Warning Sticker onto any unregistered abandoned vehicles. (Warning stickers shall not be affixed to any painted surfaces of the vehicle or any surface which could be damaged when removing sticker.) The officer shall enter the date and time the sticker was affixed, and include the assigned event number. The Desk Officer will update the Abandoned Vehicle Tracking Sheet by entering the date the sticker was affixed.
- (2) If the vehicle has not been removed 24 hours after the sticker has been affixed, the vehicle shall be towed, subject to all policy and procedures outlined in Chapter OP290, Article IV.

D. Abandoned vehicles on private property.

- (1) The Village of Mamaroneck Police Department will not remove abandoned vehicles from private property. If a call is received reporting a vehicle abandoned on private property, an officer shall be assigned to determine if the vehicle has been reported stolen.
- (2) A NYSPIN check shall be made in an attempt to locate the vehicle's owner.
- (3) If all attempts to contact the vehicle's owner have failed, the property owner or his designee may contact a private tow company for removal of the vehicle in question.

ARTICLE XXI  
Animal Control  
[Added 12-1-2007]

**§ OP250-116. Policy.**

If there has been an obvious infraction of Village ordinances pertaining to animal control, officers may use their discretion in whether to issue a ticket, write an incident report, give a verbal warning or defer the matter to an animal control agency or enterprise.

**§ OP250-117. Investigation of animal complaints.**

The following types of calls are the primary investigatory responsibility of Patrol:

- A. Vicious animals presently endangering someone;
- B. Theft of animals;
- C. Poisoning/shooting animals; and
- D. Animal bites.
  - (1) If there is a significant exposure to a human from a wild or stray animal and that animal can be unequivocally identified by the person, the responding officer should attempt to catch the animal or have an animal control officer catch the animal and hold it for rabies testing. Any attempt to capture the animal should be done without damaging its head.
  - (2) All animal bites are required by law to be reported to the local or county health officer as soon as possible (NYS Sanitary Code Chapter 1, and Westchester County Sanitary Code Article 17). The contact number for the Westchester County Department of Health is 914-813-5000 (24 hours/day, seven days/week).
  - (3) A bite or scratch from a dog, cat or ferret should be thoroughly investigated. An attempt should be made to capture the animal. The dog or cat may be held at an animal shelter for the ten-day confinement period.
  - (4) If a bite or scratch by an owned dog or ferret occurs, the owner of the offending animal shall be notified to confine the dog for 10 days. This may be done in the owner's home or at a veterinarian's office. At the end of the confinement period the owner must provide an animal affidavit, including information on the health and rabies vaccination history of the animal, to the Westchester County Department of Health. If the animal is still healthy after 10 days, there is no danger of rabies from that bite.
- E. Roaming dogs.
  - (1) A dog allowed to run at large is prohibited by Village ordinance (§ 156-1).
  - (2) Dogs and other animals under the custody of an individual are not permitted in any park or recreation area, with the following exception:

- (a) In Harbor Island Park, between May 1 and November 1, a person holding a valid mooring or municipal dock permit may escort his dog or other animal directly to and from his motor vehicle and boat, on a leash not exceeding six feet in length [§ 260-3F(1) of the Village Code].
- (b) Between December 1 and April 1, dogs shall be permitted in Harbor Island Park under the supervision of any person having custody or control of same [§ 260-3F(2) of the Village Code].

**§ OP250-118. Routing of paperwork.**

Officers shall fax animal bite and vicious animal reports to the Westchester County of Health to ensure timely follow-up and quarantine of the animal. Fax receipts will be forwarded to the Chief's Office.

**§ OP250-119. Resources.**

The New York State Fish and Wildlife Office will give advice and will offer referrals to the public concerning nuisance wildlife (e.g., raccoons, squirrels, etc.). The general phone number is (845) 256-3000.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

POLICY NAME: **Immigration Status Concerns**

DATE ISSUED: 04/21/2017

REVIEWED: Annually

OP 250:1 Article XXII

## I. Purpose.

To establish procedures to be followed by members of the Department when encountering persons who actually or are suspected to have entered or remained in the United States unlawfully.

## II. Policy.

Members of the Department shall not engage in enforcement activities solely for the purpose of enforcing federal immigration law, nor detain persons solely upon the suspicion that such persons have entered or remained in the United States unlawfully except as provided herein.

## III. Procedure.

### GENERAL

1. Except as otherwise provided herein, members of the Department shall not stop, question, interrogate, or arrest an individual based solely upon any of the following:
  - a. actual or suspected immigration or citizenship status; or
  - b. a civil immigration warrant, administrative warrant, or an immigration detainer (collectively: "Immigration Detainers") in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

**NOTE:** Immigration Detainers are not criminal warrants issued by a judge and may not provide sufficient basis to detain an individual or to prolong the detention of an individual detained for other reasons.

2. Members of the Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person seeking assistance unless necessary to investigate criminal activity committed by that individual.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

POLICY NAME: **Immigration Status Concerns**

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Page 2 of 2

## **ACTION UPON IMMIGRATION DETAINERS**

3. Individuals may be detained by the Department in response to an Immigration Detainer, for up to forty-eight (48) hours when:
  - a. the Immigration Detainer is accompanied by a judicial warrant; or
  - b. there is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return as defined by 8 U.S.C. section 1326 (see attached); or
  - c. there is probable cause to believe that the individual has or is engaged in terrorist activity.

### **Related Provisions:**

- 8 U.S. C. section 1326/ (2) pages attached

# 8 U. S. Code § 1326 - Reentry of removed aliens

Current through Pub. L. 114-38 (<http://www.gpo.gov/fdsys/pkg/PLAW-114publ38/html/PLAW-114publ38.htm>). (See Public Laws for the current Congress (<http://thomas.loc.gov/home/LegislativeData.php?n=PublicLaws>).

(a) IN GENERAL Subject to subsection (b), any alien who-

(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter

(2) enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act,

shall be fined under title 18, or imprisoned not more than 2 years, or both.

(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS Notwithstanding subsection (a), in the case of any alien described in such subsection-

(1) whose removal was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), such alien shall be fined under title 18, imprisoned not more than 10 years, or both;

(2) whose removal was subsequent to a conviction for commission of an aggravated felony, such alien shall be fined under such title, imprisoned not more than 20 years, or both;

(3) who has been excluded from the United States pursuant to section 1225(c) of this title ([/uscite/text/8/usc:1225:c](#)) because the alien was excludable under section 1162(a)(3)(B) of this title ([/uscite/text/8/usc:1162:a:3:B](#)) or who has been removed from the United States pursuant to the provisions of subchapter V, and who thereafter, without the permission of the Attorney General, enters the United States, or attempts to do so, shall be fined under title 18 and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence. [1] or

(4) who was removed from the United States pursuant to section 1231(a)(4)(B) of this title (/uscode/text/8/III:usc:t:8:s:1231:a:4:B) who thereafter, without the permission of the Attorney General, enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be fined under title 18, Imprisoned for not more than 10 years, or both.

For the purposes of this subsection, the term "removal" includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

(c) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT

Any alien deported pursuant to section 1252(h)(2) [2] of this title who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.

(d) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING DEPORTATION ORDER In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that-

- (1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;
- (2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and
- (3) the entry of the order was fundamentally unfair.

[1] So in Original. The period probably should be a semicolon.

[2] See References in Text note below.

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# VILLAGE of MAMARONECK POLICE DEPARTMENT

POLICY NAME: Administration and Maintenance of Intranasal Naloxone

DATE ISSUED: 4/20/15

REVIEWED: ANNUALLY

POLICY#: § OP 250  
Article XX III

## I. Purposed.

The purpose of this policy is to establish guidelines and regulations governing the utilization of naloxone by trained personnel within the department. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.

## II. Policy.

Law enforcement personnel and civilians may possess and administer naloxone so long as they have been trained consistent with New York State Public Health Law §3309 and the regulations in §80.138 of Title 10 of the New York Codes, Rules and Regulations. The New York State Division of Criminal Justice Services and the New York State Department of Health training curriculum meets this standard. New York State Public Health Law §3309 provides protection for non-medical individuals from liability when administering naloxone to reverse an opioid overdose.

## III. Definitions.

- A. **Opioid:** A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin® and Percocet®), and hydrocodone (Vicodin®).
- B. **Naloxone:** A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.
- C. **Overdose Rescue Kit:** At minimum should include the following:
  - 1 Narcan®/Naloxone dispense units without needles as prescribed by Westchester County Department of Health and New York DCJS, each containing the prescribed amount of NARCAN/Naloxone medication, and within their manufacturer assigned expiration dates.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

## IV. Procedures

### A. Deployment:

1. The department will identify an individual to be the department coordinator for the naloxone administration program:  
Responsibilities will include:
  - a. Maintaining training records for personnel;
  - b. Assuring the supply, integrity and expiration dates of the Overdose Rescue Kits and;
  - c. Assuring the maintenance of the administration records.
2. The department will ensure the officer(s) carrying or having access to the Overdose Rescue Kits are trained in the use of naloxone.
3. Refresher training should occur at minimum biennially and consist of familiarity with the assembly of the Overdose Rescue Kit and the effective administration and maintenance of naloxone.

### B. Naloxone Use:

- 1 The officer(s) will request an ambulance to respond to scene where the aided is in a potential overdose state.
- 2 The officer(s) should use universal precautions and protections from blood borne pathogens and communicable diseases when administering naloxone.
- 3 The officer(s) will determine need for treatment with naloxone by evaluating the aided: if the aided is unresponsive with decreased or absent respirations they should administer naloxone following the established training guidelines.
- 4 Naloxone is not a substitute for CPR and other first aid measures. If respirations and a pulse are not present after administration of the medication, CPR and other rescue measures are to be performed as per training guidelines.
- 5 Once the assessment of the aided is complete; which should include, but may not be limited to determining unresponsiveness and other indicators of opioid involved overdose, the officer(s) will administer the medication from the Overdose Rescue Kit following the established training guidelines, and will timestamp via radio that "Narcan was administered"

## VILLAGE of MAMARONECK POLICE DEPARTMENT

- 6 The officer(s) will use proper tactics when administering naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.
- 7 The officer(s) will remain with the aided until EMS personnel arrive.
- 8 The officer(s) will inform EMS personnel upon their arrival that naloxone has been administered.
- 9 The administering officer(s) will complete the New York State Public Safety Naloxone Quality Improvement Usage Report and forward it to the department coordinator for submission to the New York State Department of Health.

### **C. Maintenance/Replacement of Naloxone:**

1. Overdose Rescue Kits will be carried in a manner consistent with proper storage guidelines for temperature and sunlight exposure. Officers should carry the kit in his/her patrol bag or on their person.
2. Used, lost, damaged, or expired Overdose Rescue Kits will be reported to the department coordinator for replacement.
3. Expired naloxone will be:
  - a. Maintained by the agency for use in training; or
  - b. Properly disposed of by the department coordinator.

### **D. Documentation:**

- 1 Following naloxone administration, the department coordinator shall submit a New York State Public Safety Naloxone Quality Improvement Usage Report to the New York State Department of Health.
- 2 Appendix A contains the New York State Public Safety Naloxone Quality Improvement Usage Report.

**Appendix A**

**New York State Public Safety Naloxone Quality Improvement  
Usage Report**

Appendix A



# New York State Public Safety Naloxone Quality Improvement Usage Report

[Print Form](#)

Version: 05/23/2014

Date of Overdose:

/ / 

Arrival Time of Officer:

 :  AM  PM

Arrival Time of EMS:

 :  AM  PM

Agency Case #

Gender of the Person Who Overdosed: ☐ Female☐ Male☐ UnknownAge: 

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 BreathingPulse: ☐ Fast Pulse ☐ Slow Pulse ☐ No Pulse ☐ Did not check pulse**Aided Overdosed on What Drugs?** (Check all that apply)☐ Heroin ☐ Benzos/Barbiturates ☐ Cocaine/Crack ☐ Buprenorphine/Suboxone ☐ Pain Pills ☐ Unknown Pills☐ Unknown Injection ☐ Alcohol ☐ Methadone ☐ Don't Know ☐ Other: (specify)**Administration of Naloxone**

Number of 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)☐ None ☐ Dope Sick (e.g. nauseated, muscle aches, runny nose and/or watery eyes) ☐ Respiratory Distress☐ Seizure ☐ Vomiting ☐ Other: (specify)**What else was done by officer?** (check all that apply)☐ Yelled ☐ Shook Them ☐ Sternal Rub ☐ Recovery Position ☐ Bag Valve Mask ☐ Mouth to Mask ☐ Mouth to Mouth☐ Defibrillator: (If checked, indicate status of shock) ☐ Defibrillator - no shock ☐ Defibrillator - shock administered☐ Chest Compressions ☐ Oxygen ☐ Other: (specify)**Was naloxone administered by anyone else at the scene?** (check all that apply)☐ EMS ☐ Bystander ☐ Other: (specify)Disposition: (check one) ☐ Care transferred to EMS ☐ Other (specify)Did the person live? ☐ YES ☐ NO ☐ Do not know

Hospital Destination

Transporting Ambulance

Comments:

**Administering  
cer'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](mailto:oper@health.state.ny.us)

Fax: (518) 402-6813

Mail:

Shu-Yin John Leung  
OPER, AIDS Institute, NYSDOH  
Empire State Plaza CR342  
Albany, New York 12237

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- 6

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# VILLAGE of MAMARONECK POLICE DEPARTMENT

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VILLAGE of MAMARONECK POLICE DEPARTMENT

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**Appendix A**

**New York State Public Safety Naloxone Quality Improvement  
Usage Report**

Appendix A

## **Chapter OP265**

### **PRELIMINARY INVESTIGATIONS**

#### **ARTICLE I Child Abuse Investigations**

- § OP265-1. Purpose.**
- § OP265-2. Background.**
- § OP265-3. Policy.**
- § OP265-4. Definitions.**
- § OP265-5. Legal considerations.**
- § OP265-6. Procedure.**
- § OP265-7. Assigned member.**
- § OP265-8. Supervisor.**
- § OP265-9. Lead investigator.**
- § OP265-10. Reporting.**

#### **ARTICLE II Collection, Preservation and Control of Evidence**

- § OP265-11. Purpose.**
- § OP265-12. Background.**
- § OP265-13. Policy.**
- § OP265-14. General responsibilities at a  
crime scene.**
- § OP265-15. Processing evidence at the  
scene.**
- § OP265-16. Physical evidence records.**
- § OP265-17. Crime and accident scene  
processing training.**
- § OP265-18. Arson investigation.**

#### **ARTICLE III Confrontation Situations**

- § OP265-19. Purpose.**
- § OP265-20. Scope.**
- § OP265-21. Definitions.**
- § OP265-22. Procedure.**

#### **§ OP265-23. Appeal of final determination.**

#### **ARTICLE IV Criminal Investigations**

- § OP265-24. Purpose.**
- § OP265-25. Background.**
- § OP265-26. Policy.**
- § OP265-27. Preliminary phase of  
investigations.**
- § OP265-28. Follow-up investigations.**
- § OP265-29. Case management.**
- § OP265-30. Case assignment.**
- § OP265-31. Case review.**
- § OP265-32. Use of informants.**
- § OP265-33. Polygraph examinations.**

#### **ARTICLE V Evidence and Property Management**

- § OP265-34. Purpose.**
- § OP265-35. Background.**
- § OP265-36. Policy.**
- § OP265-37. Property classification.**
- § OP265-38. Responsibility.**
- § OP265-39. Inspections and audits.**
- § OP265-40. Access to property and  
evidence storage areas.**
- § OP265-41. Taking custody of and  
securing property/evidence.**
- § OP265-42. Release of evidence to police  
personnel.**
- § OP265-43. Transfer of evidence.**

§ OP265-44. Storage of  
property/evidence.

§ OP265-45. Destruction of drugs.

§ OP265-46. Guidelines for evidence and  
property identification.

§ OP265-47. Lost and found property.

§ OP265-53. Public inquiries.

§ OP265-54. Limitations.

§ OP265-55. Administrative review.

#### ARTICLE VII

##### Service for Intoxicated Persons

#### ARTICLE VI

##### Public and Internal Complaint Process

§ OP265-48. Policy.

§ OP265-49. Definitions.

§ OP265-50. Individual employee  
responsibilities.

§ OP265-51. Supervisory and command  
responsibilities.

§ OP265-52. Reporting complaints.

§ OP265-56. Policy.

§ OP265-57. Definitions.

§ OP265-58. Authority.

§ OP265-59. Procedure.

#### ARTICLE VIII

##### Firearms as Evidence

§ OP265-60. Policy.

§ OP265-61. Procedure.

#### ARTICLE I

##### Child Abuse Investigations

##### § OP265-1. Purpose.

The purpose of this article is to promote the coordination and team work needed to ensure an appropriate and timely response of professionals from law enforcement, Child Protective Services, medical and counseling to incidents of child abuse in Westchester County.

##### § OP265-2. Background.

- A. Research related to child abuse has increased dramatically over the past several decades. More information than ever before (in the areas of specialized child development issues, victim and offender dynamics, diagnostic imaging, traumatic memory, linguistics, forensic pathology and others) is available to help practitioners discover the truth of a report. Moreover, to meet the competing demands of child protection, due process and family preservation, laws have been repeatedly changed and refined in the areas of evidence, procedure and definitions related to abuse and neglect. The existence of such abundant yet diverse and technical data and legal requirements places significant demands upon professions who investigate and prosecute these increasingly difficult cases.
- B. No single profession or agency has the ability to respond adequately to any allegation of child maltreatment. Indeed, several professions and agencies are mandated to report or investigate suspicions of child abuse and neglect or to provide services to abused children or the perpetrators of abuse.

- C. It is now well accepted that the best response to the challenge of child abuse and neglect investigations is the formation of a Multidisciplinary Team.

**§ OP265-3. Policy.**

It is the policy of the Police Departments of Westchester County, whenever practicable, to coordinate and fully utilize the resources of the Multidisciplinary Team (hereinafter referred to as "MDT") personnel to investigate allegations of child abuse.

**§ OP265-4. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ABUSED CHILD** (§ 1012 Family Court Act) — A child less than 18 years of age whose parent or person legally responsible for his care: (a) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or (b) creates or allows to be created a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or (c) commits or allows to be committed a sex offense against such child as defined in the Penal Law; allows, permits or encourages such child to engage in any act described in §§ 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in § 230.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law; provided, however, that (a) the corroboration requirements contained in the Penal Law (b) the age requirement for the application of Article 263 of such law shall not apply to proceeding under this article.

**AFFECTED POLICE JURISDICTION** — Refers to the police agency having primary responsibility for investigating crimes occurring at the location(s) of the offense.

**CHILD ADVOCACY CENTER** — The Children's Advocacy Center (hereinafter referred to as "CAC") staffed by a forensic pediatrician, a trained nurse practitioner and other professions equipped to handle the forensic medical needs of children, 18 years or younger, who are the victims of sexual assault, sexual abuse or physical abuse. The CAC provides a nonthreatening location at which a child victim may receive a forensic medical examination and also be interviewed as part of the police investigation. Note: Westchester's Children's Advocacy Center is located at Westchester Institute of Human Development, Cedarwood Hall, Grasslands Campus, Valhalla, New York. Normal business hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. See Contact Guide.

**FAMILY/HOUSEHOLD** — As defined in the Family Court Act, includes persons who:

- A. Are legally married to one another;
- B. Are related by blood (consanguinity);
- C. Were formally legally married to one another;
- D. Are related by marriage (affinity);
- E. Have a child in common regardless of whether such persons have lived together at any time.

**FAMILY/HOUSEHOLD (expanded definition) —**

- A. Includes Subsections A through E in the definition of "family/household" above and persons who:
- (1) Are not legally married, but are currently living together in a family-type relationship;
  - (2) Are not legally married, but formerly lived together in a family-type relationship.
- B. **Note:** A family/household thus includes common-law marriages, same-sex couples, different generations of the same family, siblings and in-laws.

**LEAD INVESTIGATOR —** Refers to the individual as the lead police detective or police investigator assigned to any particular case and who will manage all facets of the criminal investigation. **Note:** The lead investigator will be designated by the affected police jurisdiction and in most instances from within its own ranks. However, should the affected police jurisdiction lack the resources to designate its own investigator, the commanding officer of the affected police jurisdiction may request a member of any of the following agencies be requested and designated as lead investigator:

- A. A member of the New York State Police.
- B. A member of the Westchester County District Attorney's Squad.
- C. A member of the Westchester County Department of Public Safety.
- D. A member of another Police Department in Westchester County.

**MALTREATED CHILD (§ 412 Social Services Law) —** Includes a child under 18 years of age:

- A. Defined as a neglected child by the Family Court Act;
- B. Who has had serious physical injury inflicted upon him by other than accidental means;  
or
- C. A child under the age of 18 years of age who is in residential care and whose custodian impairs, or places in imminent danger of becoming impaired, the child's physical, mental or emotional condition.

**MULTIDISCIPLINARY TEAM (MDT) —** A group of professionals who work together in a coordinated and collaborative manner to ensure an effective response to reports of child abuse and neglect.

**NEGLECTED CHILD (§ 1012 Family Court Act) —** A child less than 18 years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care: (a) in supplying the child with adequate food, clothing, shelter or education in accordance with provisions Part 1 of Article 65 of the Education Law, or medical, dental, optometric or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or (b) in providing the child with

proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent voluntarily and regularly participates in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child, in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired; (c) who has been abandoned, in accordance with the definition and other criteria set forth in Subdivision 5 of § 384-b of the Social Services Law, by his parents or other persons legally responsible for his care.

**PERSON LEGALLY RESPONSIBLE (§ 1012 Family Court Act)** — Includes the child's custodian, guardian or any other person responsible for the child's care at the relevant time. "Custodian" may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

**§ OP265-5. Legal considerations.**

A. New York Social Services Law § 423, Subdivision (6) [multidisciplinary team]: A social services district may establish a multidisciplinary investigative team or teams, at a local or regional level, for the purpose of investigating reports of suspected child abuse or maltreatment. The social services district shall have discretion with regard to the category or categories of suspected child abuse or maltreatment such team or teams may investigate, provided, however, the social services district shall place particular emphasis on cases involving the serious abuse of children. For the purposes of this section, a multidisciplinary investigative team may include, but is not limited to, representatives from the child protective service, office of the district attorney or local law enforcement, the medical profession, public health agencies, mental health agencies, schools and medical facilities, including hospitals or other appropriate agencies or institutions and personnel of any existing child advocacy centers. Notwithstanding any other provision of law to the contrary, members of a multidisciplinary investigative team may share with other team members client-identifiable information concerning the child or the child's family to facilitate the investigation of suspected child abuse or maltreatment . . . Each team shall develop a written protocol for investigation of child abuse and maltreatment cases and for interviewing child abuse and maltreatment victims. The social services district is encouraged to train each team member in risk assessment, indicators of child abuse and maltreatment and appropriate interview techniques.

B. Social Services Law § 413 (mandatory reporters):

- (1) This section lists those officials and persons who are required to report suspected cases of child abuse and maltreatment to the Child Protective Services.
- (2) This list of "mandated reporters" includes police officers, as well as physicians, medical examiners, registered nurses, school officials, district attorneys and certain other categories of professionals.

- (3) This section of law further states that mandated reporters are required to report a case to the Child Protective Services when they have reasonable cause to suspect that a child coming before them in their capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their official capacity and states, from personal knowledge, facts, conditions or circumstances that if correct, would render the child an abused or maltreated child.

C. Social Services Law § 415 (how to report):

- (1) Reports of child abuse or maltreatment, made by mandated reporters, are to be made immediately by telephone to the Statewide Central Registry at 800-635-1522, which is the phone number for mandated reporters only and is the one police officers should use.
- (2) Additionally, the investigating officer must complete Form LDSS 2221-A<sup>1</sup> and submit it through the chain of command for transmissions to CPS.

D. Social Services Law § 417 (emergency removal): A police officer, as well as a Child Protective Services worker, shall take all appropriate measures to protect a child's life and health, including, when appropriate, taking or keeping a child in protective custody without the consent of the parent or guardian, if such person has reasonable cause to believe that the circumstances or condition of the child are such that continuing in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person responsible for the child's case presents an imminent danger to the child's life or health.

E. Social Services Law § 419 (immunity):

- (1) Any person or official, including a police officer, participating in good faith in the making of a report, the taking of photographs or the removal or keeping of a child pursuant to this article, shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions.
- (2) For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse or maltreatment shall be presumed, provided such person or official was acting in the discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person or official.

F. Social Services Law § 420 (failure to report):

- (1) Any person or official, including a police officer, who is required by this title to report cases of child abuse or maltreatment and who willfully fails to do so shall be guilty of a Class A misdemeanor.

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1. See Form Guide.

- (2) Also, any such person or official who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.
- (3) In addition to the above mentioned penalties of § 420, any police officer violating any portion of and procedure may be subject to departmental charges.

**§ OP265-6. Procedure.**

Whenever a police jurisdiction within Westchester County receives information supporting a reasonable determination that a child has been abused, neglected or maltreated, patrol personnel will be dispatched to the scene to conduct a preliminary investigation. **Note:** The primary reason for police involvement in child abuse investigations is that the police service is widely available and is a child's first line of defense.

**§ OP265-7. Assigned member.**

- A. Upon making a determination that reasonable cause exists that a child is the victim of a physical or sexual assault, a supervisor will be notified.
- B. If probable cause exists that a child is the victim of a crime and the perpetrator is present, arrest the offender.

**§ OP265-8. Supervisor.**

- A. Any supervisor receiving a notification that a child is the victim of a physical or sexual assault will cause the notification and assignment of a lead investigator to the incident.
- B. The supervisor receiving a notification that a child less than 18 years of age has been the victim of a physical or sexual assault, he/she shall contact the coordinator of the Multidisciplinary Team. See Contact Guide.
- C. In the case of a child fatality or near fatality, the police should contact the Child Abuse Bureau of the District Attorney's during normal business hours and, after hours, should contact the on-duty child abuse homicide Assistant District Attorney who can be reached through the Westchester County Department of Public Safety.
- D. The Supervisor will make all notifications consistent with internal departmental guidelines.

**§ OP265-9. Lead investigator.**

The lead investigator shall:

- A. Respond directly to the scene unless the child has already been removed, in which case the investigator shall adjust his/her response accordingly.

- B. Conduct a preliminary interview of the victim to gather sufficient information to establish probable cause to arrest/apprehend the offender(s) or probable cause to search for evidence.
- C. Coordinate the forensic medical attention to the victim at the Children's Advocacy Center whenever practicable and consistent with the following guidelines:
  - (1) During the CAC's normal business hours, call to schedule an appointment for any child less than 18 years of age who may have been the victim of a sexual assault or physical abuse. (See Contact Guide.) If the child has a physical injury that requires immediate medical attention, the child should be transported to a hospital for emergency medical treatment.
  - (2) During the CAC's nonbusiness hours, if a child who is younger than 13 years of age reports having been the victim of a sexual assault that occurred within the past 72 hours, contact the CAC to arrange for the child to receive immediate forensic medical attention at the CAC. (See Contact Guide.)
  - (3) During the CAC's nonbusiness hours, if a child who is older than 13 years of age reports having been the victim of a sexual assault that occurred within the past 72 hours, the child should be taken to the emergency room for immediate forensic medical attention by a sexual assault nurse examiner.

#### § OP265-10. Reporting.

- A. When any member of the service (mandatory reporters) suspects child abuse, he/she shall make an immediate notification by phone to the New York State Child Abuse and Maltreatment Register at their toll free twenty-four-hour number. See Contact Guide.
- B. As soon as practicable, the assigned member shall prepare a Department of Social Services form titled: Report of Suspected Child Abuse or Maltreatment (LDSS 2221-A).<sup>2</sup> **Note:** Within 48 hours of making your report by phone to the Register, send the original and one copy of the report to your local child protective service, 112 East Post Road, White Plains, New York 10601.
- C. As soon as practicable, the assigned member shall prepare a New York State Domestic Incident Report (DCJS 3321) in all cases in which a member of the service responds to or is apprised of an offense, altercation, disturbance, conflict or dispute involving members of the same family/household, including any allegation of child abuse, neglect or maltreatment.

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2. See Form Guide.

**ARTICLE II**  
**Collection, Preservation and Control of Evidence**

**§ OP265-11. Purpose.**

The purpose of this article is to establish policies and procedures for the identification, collection and preservation of physical evidence at the scene of a crime, traffic accident or other major incident, and to establish the role and authority of the Crime Scene Processor in the investigation of a crime scene.

**§ OP265-12. Background.**

Physical evidence is extremely important to the prosecution and defense of criminal cases. In many instances, it is superior to other forms of evidence, particularly oral testimony, such as confessions, admissions, statements pertaining to eyewitness identifications, etc. The application of the guidelines established in this article can result in more firmly connecting a suspect to the crime or help eliminate a person wrongly suspected of committing the crime.

**§ OP265-13. Policy.**

It shall be the policy of this Department to search crime scenes; to identify, collect and preserve evidentiary items; and to maintain the chain of custody for presentation of the collected evidence in court.

**§ OP265-14. General responsibilities at a crime scene.****A. Initial responding officer(s) shall:**

- (1) Render first aid.
- (2) Protect the crime scene in order to prevent evidence from being contaminated, destroyed or removed.
- (3) Notify a supervisor if there is a need for a Detective/Crime Scene Processor. When photographs are not taken or where physical evidence is not recovered from the scene of a serious crime against person or property, the officer shall indicate the reasons why in the supplementary Incident Report.
- (4) Restrict access to a crime scene to those personnel who have an official investigatory interest in the incident.
- (5) Be responsible for maintaining the crime scene log.
- (6) Transfer command of the scene upon the arrival of the Detective/Crime Scene Processor. The initial responding officer shall promptly pass on to the Detective/Crime Scene Processor all pertinent information relating to the incident and complete all necessary written reports.

- (7) Continue to maintain security of the scene until otherwise directed by the Detective Bureau Supervisor or his designee.

**B. Detective/Crime Scene Processor shall:**

- (1) Respond promptly to the crime scene. Vehicles assigned to the Detective Bureau shall have the following equipment to be used for:
  - (a) Recovery of latent fingerprints.
  - (b) Photography.
  - (c) Sketch of the scene.
  - (d) Collection and preservation of physical evidence.
- (2) Be available on a twenty-four-hour basis. The Detective Bureau Supervisor shall ensure that a Detective/Crime Scene Processor will be available on call on a rotating basis.
- (3) Reconstruct the events by methodically searching, collecting, identifying, preserving and systematically recording the physical and biological evidence.
- (4) Prepare a report of the events that transpire at the scene to include:
  - (a) Date and time of arrival at scene.
  - (b) Location of the crime.
  - (c) Name of the victim(s), if known.
  - (d) Name of the suspect(s), if known.
  - (e) Action taken at scene, including the number of photographs taken, measurements taken (yes or no).
  - (f) A listing of physical evidence recovered.
  - (g) Case file reference number.

**§ OP265-15. Processing evidence at the scene.**

- A. Assigned Detectives shall process crime scenes according to procedures in the Manual for Police, Article 12, Physical Evidence Procedures, and knowledge obtained from specialized in-service training.
  - (1) If specialized crime scene processing is required, the Detective Bureau Supervisor, or his designee, shall request the services of a crime scene specialist (i.e., Westchester County Crime Scene Unit is available on a twenty-four-hour, on-call basis, for major crime scene evidence investigation). Preferably, the crime scene specialist(s) shall be notified within one hour of the arrival of the Detective Bureau

personnel. If practical, all crime scene processing should be suspended until the arrival of the crime scene specialist(s).

- (2) If crime scene specialist(s) are requested to assist this Department in processing a crime scene, the command of the scene remains with this Department; however, we will accept their help and will cooperate fully with their suggestions or directions for processing the scene.
- B. Detectives/Crime Scene Processors shall collect materials and substances from a known source, whenever available, for submission to the forensic laboratory for comparison with physical evidence collected.
- C. A crime scene sketch made pursuant to the collection and preservation of evidence shall include, at a minimum, the following:
- (1) Dimensions of the scene.
  - (2) Relation of the crime scene to other buildings, geographical features or roads.
  - (3) Address, floor or room number.
  - (4) Location of significant features of the scene, including the victim.
  - (5) Date and time of preparation.
  - (6) Names of the persons preparing the sketch.
  - (7) Direction of north.
  - (8) Location of items of physical evidence recovered.
- D. Photographs taken pursuant to the collection and preservation of evidence shall include, at a minimum, the following:
- (1) Exterior and interior perimeters of the crime scene. The exterior perimeter should physically show the address, approach and escape routes, and the scene in relation to other objects in the area.
  - (2) Date, time and person taking photographs.
  - (3) If a central point of the crime exists, such as a homicide victim, four photographs should be taken of the victim as a point of reference encompassing a complete three-hundred-sixty-degree circumference.
  - (4) All items of an evidentiary nature that will be collected shall be photographed in their natural state prior to being moved. Items of an evidentiary nature should be photographed from the same position and with the same lighting sources at close range, both with and without a reference scale inserted in the field of view.
  - (5) All photographs shall be recorded on the crime scene photo log. Negatives/photographs shall be included in the original case file.

- E. The Detective Bureau Supervisor, or his designee, shall authorize all requests for laboratory examinations of evidentiary items, and request that written results of laboratory examinations or analyses be forwarded back to the Detective Bureau Supervisor. These reports will become part of the investigative case file with a copy forwarded to the District Attorney responsible for the case.
- F. Items of an evidentiary nature that require forensic examination shall be submitted in a timely manner. Items of a perishable nature, such as fresh blood, blood-stained objects, other physiological stains and tissues, and biological materials shall be packaged in accordance with the Manual for Police, Article 12, Physical Evidence Procedures. Evidentiary items that are not submitted to a forensic laboratory shall be stored in an appropriate location in the Department's property storage area, pending the collection of comparison items. If there is a delay for any reason of items to be submitted to the forensic laboratory, a report shall be included in the original case file.
- G. Recovered stolen vehicles.
  - (1) Processing recovered stolen vehicles shall be authorized by the Detective Bureau Supervisor or his designee, if appropriate. The chain of evidence shall be maintained, and the vehicle and its contents shall be processed for items of evidentiary value. The following criteria may be used to determine if processing of the vehicle will produce substantive results:
    - (a) Location of vehicle.
    - (b) Length of time vehicle was reported stolen.
    - (c) Used in the commission of a violent felony.
    - (d) Upon request of another agency.
  - (2) The Patrol Supervisor shall ensure that the reporting agency, owner and other appropriate persons receive prompt notification of the recovered vehicle. Release of the vehicle shall be in accordance with Article V, Evidence and Property Management, of this Chapter OP265.

#### **§ OP265-16. Physical evidence records.**

- A. The collection of evidence shall be in a systematic, organized and recorded manner. Whenever practical, evidence found at a crime scene shall be properly processed (photographed, dusted for prints, etc.) before being moved.
  - (1) The scaling, marking or labeling of all evidence collected shall be in accordance with Article V, Evidence and Property Management, of this Chapter OP265.
  - (2) The initials of the officer collecting the evidence shall be used as the identifying mark on evidence collected, if appropriate.
  - (3) Evidence containers shall be properly tagged, sealed and stored in accordance with Article V, Evidence and Property Management, of this Chapter OP265. Each article of evidence shall be stored in a separate container to avoid contamination.

- B. A physical evidence log shall be prepared by the Detective/Crime Scene Processor and shall contain the following:
  - (1) Description of the item (including make, model number, and serial number, if any).
  - (2) Source (from whom or location which obtained).
  - (3) Name of person collecting the item(s).
- C. A physical evidence photo log shall be prepared by the Detective/Crime Scene Processor at the time evidentiary photographs are taken.

**§ OP265-17. Crime and accident scene processing training.**

In addition to basic crime and accident scene processing training provided by the Westchester County Police Academy for recruits, investigative personnel responsible for crime scene processing shall receive specialized training in the following skills:

- A. Interviewing and interrogation.
- B. Search warrants.
- C. Recovery of latent fingerprints and palm prints.
- D. Recovery of foot, tool and tire impressions.
- E. Photographing crime or accident scenes.
- F. Crime scene awareness/management.
- G. Preparing crime or accident scene sketches.
- H. Arson investigation/fire death.
- I. Collecting, preserving and transmitting physical evidence, including biological materials.

**§ OP265-18. Arson investigation.**

- A. In the event the Fire Officer in charge determines a fire is of a suspicious origin, the fire scene will be treated as a crime scene for investigative purposes.
- B. Notification of the Crime Scene Processor (Arson Investigator) and police investigative personnel will be conducted by the Fire Officer in charge, or his designee.
- C. The Crime Scene Processor will make a cause and determination as to the origin of the fire, and coordinate the collection and preservation of the physical evidence with police investigative personnel.

### ARTICLE III Confrontation Situations

#### § OP265-19. Purpose.

The purpose of this article is to safely resolve confrontations between members of the service, both on and off duty where the police officer's identity is not apparent.

#### § OP265-20. Scope.

The type and circumstances of encounters between members of the service, whether in uniform or civilian clothes, both on and off duty, are so varied the encounters defy all-encompassing guidelines. In such encounters, the actions of the members in the first few seconds are of vital importance. It must be absolutely clear in the minds of all members of the service that in any confrontation the burden of proving identity rests on the confronted officer, whether on or off duty. The challenging officer, however, also has a responsibility to use sound tactics and judgment in approaching the situation.

#### § OP265-21. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

**CHALLENGING OFFICER** — The sworn member of the service who comes upon the scene where an unidentified armed person is observed.

**CONFRONTED OFFICER** — The uniformed member of the service (usually civilian clothed) either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the challenging officer.

#### § OP265-22. Procedure.

When on-duty sworn personnel, whether uniformed or civilian clothed, respond to a scene and challenge an unidentified armed person, who may be an on-duty or off-duty sworn member of the service or an enforcement officer from an outside criminal justice agency, WCPD officers shall comport themselves in accordance with protocols contained herein.

##### A. Challenging officer.

- (1) Immediately take cover to the rear, not to the side, of the person being challenged, if possible. **Note:** A challenge from the rear allows more time for the challenging officer to evaluate the subject's reactions and also give the challenging officer a tactical advantage. A challenge from the side reduces response time. Utilize any cover available (car, garbage can, lamppost, mailbox, etc.). Any object is a form of protection, even though its value might be only of a concealment nature.
- (2) Identify self in a loud clear voice, stating "Police! Don't move." **Note:** Avoid using directives that are contradictory such as "Don't move and raise your hands." This will only confuse the person. Avoid using slang terms such as "Freeze" or "Hold it."

## B. Confronted officer.

- (1) Remain motionless even if it means a fleeing suspect may escape. Do not turn body, especially if holding a firearm.
- (2) Inform the challenging officer that he/she is a police officer and obey all directions from the officer making the challenge.

C. Challenging officer. Request person to give exact location of identification and to produce identification slowly, in a controlled manner, if person states he/she is a police officer. **Note:** Civilian-clothed sworn members of the service should make it a practice to carry their shields in a pocket opposite their shooting hands. Remember, the identification card is the primary form of identification and must always be carried, but the shield need not be carried when an officer is not armed.

## D. Confronted officer.

- (1) Inform challenging officer of exact location of identification before moving.
- (2) Produce identification slowly, in a controlled manner, without unnecessary movement.

## E. Challenging officer.

- (1) Examine credentials to ensure:
  - (a) Validity; and
  - (b) Photo or description (if any) fits individual.
- (2) Remain alert until you are completely satisfied as to the person's identity.
- (3) Return credentials, if satisfied with identification.
- (4) Make memorandum book entry.

## F. Challenging officer. Request patrol supervisor and supervisory officer of on-duty member to respond if there is concern about the manner in which the situation was handled.

## G. Responding supervisor. Have members involved report to Headquarters.

## H. Division Commander - challenging officer.

- (1) Determine duty status of members involved.
- (2) Confer with commanding officer of confronted member(s) involved and conduct an investigation.
- (3) Interview members involved.
- (4) Interview supervisory officers and witnesses, if appropriate.
- (5) Inform member involved of results of investigation and counsel member on weaknesses and corrective measures taken, if appropriate.

**§ OP265-23. Appeal of final determination.**

A member who is dissatisfied with the final determination of the Division Commander will appeal the matter to the appropriate chief inspector, who will review the Division Commander's investigation and make appropriate recommendations to the Commissioner-Sheriff.

**ARTICLE IV  
Criminal Investigations**

**§ OP265-24. Purpose.**

It is the fundamental premise in law enforcement that the patrol force in any police agency is responsible for initial response for all police functions. Specialized units are required to augment the patrol force. The coordination of the work of these two units is critical to the mission of the Village of Mamaroneck Police Department. The purpose of is to establish guidelines which will facilitate that coordination of effort.

**§ OP265-25. Background.**

The Detective Division is the investigative arm of the Department. Its mission is to initiate and pursue investigations, apprehend offenders, develop intelligence on criminal activity, cultivate informants, establish and maintain mutually cooperative relationships with other criminal justice agencies, act as a conduit for crime prevention and victim assistance information, locate missing persons and recover stolen property.

**§ OP265-26. Policy.**

It is the policy of the Village of Mamaroneck Police Department that every case which can be disposed of by the patrol force should be so handled. Exceptions to shall be limited to those cases where departmental efficiency demands specialized assistance, such as cases which require extensive investigation for their solution, or, necessitate investigation by personnel trained and assigned exclusively to criminal investigation.

**§ OP265-27. Preliminary phase of investigations.**

- A. The preliminary phase of an investigation begins with the discovery or report of a crime or other circumstances requiring police action.
- B. In most instances, patrol officers respond to and make preliminary investigations as far as it is possible up to and including arresting the offender. However, in some cases, the follow-through to the point of arrest will not be possible. It is at this stage of the investigation that the Detective Division will begin a follow-up.
- C. The Patrol Supervisor will be responsible for overseeing the preliminary investigation. Upon the arrival of a Detective, responsibility for the investigation will be under his authority.

D. Preliminary investigations will ordinarily include the following activities:

- (1) Initial detection of a crime or response to the scene of a reported incident.
- (2) Inquiry to determine if an offense has been committed and, if so, its nature and severity.
- (3) Assistance to injured, if any.
- (4) Searches for victims and perpetrators.
- (5) Furnish headquarters with descriptions, method of travel and direction of suspects and any other relevant information as may be necessary.
- (6) Analysis of the situation to determine what departmental resources will be required to address it properly.
- (7) Identification and marking of the perimeter of a crime scene.
- (8) Arrangements for securing and protecting the integrity of the crime scene.
- (9) Identification of witnesses, victims, and suspects.
- (10) Interviews or interrogations of any parties who witnessed or were involved in the incident.
- (11) The limitation of access to the crime scene to law enforcement officials with an authorized purpose for entering the scene.
- (12) Recording the identities, missions, and times of entry and exit for all persons who enter the crime scene.
- (13) A search for items of evidence.
- (14) The recovery of evidence if the officers at the scene possess sufficient expertise to properly recognize, preserve, recover, package, and store the evidentiary materials present.
- (15) The completion of required notifications.
- (16) The arrest of offenders.
- (17) The preparation of reports and prosecutorial information.

E. The preliminary investigation will end when the patrol officer has exhausted all police action at this immediate disposal. Considerations should be given to such factors as expertise (knowledge and skills), time (sufficient manpower available), and the degree of seriousness of the offense.

**§ OP265-28. Follow-up investigations.**

The second phase of the investigation will be the follow-up. This begins when specialized skills and equipment are needed to bring the case to a successful conclusion. The follow-up investigation shall include but not be limited to:

- A. Review and analyze all previous reports prepared during the preliminary investigation.
- B. Conduct additional interviews and/or interrogation of victims, witnesses or suspects.
- C. Review departmental and other such records for possible leads to the case.
- D. Seek additional information from other sources such as other officers or informants.
- E. Collect physical evidence.
- F. Identify and apprehend suspects.
- G. Determine involvement of suspect(s) in other crimes.
- H. Check suspect's criminal history.
- I. Prepare case for court presentation by consulting with the ADA, etc.
- J. Assist in the case preparation and testify in court.

**§ OP265-29. Case management. [Revised 4-8-2009]**

- A. A key component of the successful investigation of past crimes is case management. Investigative Supervisors should provide guidance and support for every case and monitor the investigative progress according to the schedule described in this procedure.
- B. Forms.
  - (1) In order to assist detectives to keep track of and organize the cases they are assigned to investigate, as well as to enhance the ability of Investigative Supervisors to manage investigations, the following forms associated with case management have been introduced.
    - (a) Investigation Assignment Index.
    - (b) Detective Individual Case Log.
    - (c) Investigation Case Folder.
    - (d) Investigation Management Plan.
  - (2) Specific directions regarding these forms are discussed below.
- C. Whenever a notification is received of an incident requiring further investigation or an incident report (IR) referring an incident for further investigation is received at the Investigation Division, the following procedure will be complied with. NOTE: An investigation can be assigned and given a Unit Tracking # (DD) prior to the actual

delivery of the IR. Delivery of the completed IR should not delay the investigator case assignment process.

**§ OP265-30. Case assignment. [Revised 4-8-2009]**

- A. The Investigative Supervisor shall immediately review all new incident reports and determine which incident reports require further investigation.
- B. Have incident reports requiring further investigation entered on Investigation Assignment Index, assigning a DD # starting at 1 at the beginning of each year. This will be the Investigation Unit Tracking Number. As soon as the assigned investigator is determined, his/her name should also be entered on the index. Only one detective will be listed as the case investigator for each case.
- C. Additional captions: IR#, Date Assigned, Date of Incident, Type of Crime (use name of crime, i.e.; burglary, robbery). Complainant's last name and location of occurrence should be entered when available.
- D. The assigned investigator, within five working days of being assigned to investigate a crime or other investigation assigned a Unit Tracking Number (DD), shall prepare and submit an Investigation Supplemental detailing the initial investigation steps taken.
- E. Investigation supplementals should be entered into the Detectives Narrative Tab in Total Enforcement. Upon completion of the investigation, the assigned investigator shall print a hard copy of the Investigation Supplemental and place it in the Investigation Case Folder.

**§ OP265-31. Case review. [Revised 4-8-2009]**

- A. Five-day review (five days from assignment).
  - (1) The Investigative Supervisor shall record review of new Investigative Supplementals by inserting a date/time stamp into the Detective Narrative and recording same on the submitting detective's Individual Case Log.
  - (2) Review progress of case in light of initial investigative steps and subsequent developments. If necessary, discuss strategy to be followed for ongoing investigation.
  - (3) If utilized, record instructions on the Investigation Management Plan.
  - (4) Investigative Supervisor should indicate review of Investigative Supplemental Report(s) as soon as possible.
  - (5) If case is closed at this time, make entry of how closed and the date closed on both the Investigation Assignment Index and the Detective Individual Case Log.
  - (6) If utilized, record instructions in Investigation Management Plan.
  - (7) File Investigation Case Folders as follows:

- (a) Open cases: in detective's individual rack located in designated location. Cases will be filed in the assigned detective's rack in chronological order by Detective Unit Tracking Number (DD).
- (b) Closed cases: clearly marked designated file drawer. All closed cases will be filed in chronological order of year and IR#.

B. Fifteen-day review (15 days from initial assignment).

- (1) The Investigative Supervisor shall record review of new Investigative Supplementals by inserting a date/time stamp into the Detective Narrative and recording same on the submitting detective's Individual Case Log. This is the date of second review, and minimum due date of second Investigative Supplemental updating investigative steps taken. Reports should be prepared in a timely manner as the investigation progresses. There may be many supplemental reports submitted as part of or prior to the second review.
- (2) Review progress of case in light of prior directions and subsequent developments.
- (3) Determine if case should remain open or closed and discuss strategy to be followed for ongoing investigation.
- (4) If utilized, record instructions in Investigation Management Plan.
- (5) Determine proposed time frame for closing of case (subject to change, depending on investigation). If case is closed at this time, make entry of how closed and date closed on both the Investigation Assignment Index and the Detective Individual Case Log.

C. Twenty-eight-day review (28 days from initial assignment).

- (1) The Investigative Supervisor shall record review of new Investigative Supplementals by inserting a date/time stamp into the Detective Narrative and recording same on the submitting detective's Individual Case Log.
- (2) Review progress of case in light of prior directions and subsequent developments.
- (3) Determine if case should remain open or closed and discuss strategy to be followed for ongoing investigation if case is to remain open.
- (4) If utilized, record instructions in Investigation Management Plan. Cases remaining open for more than 28 days should include an Investigation Management Plan. If case is closed at this time, make entry of how closed and date closed on both the Investigation Assignment Index and the Detective Individual Case Log.
- (5) Instruct investigator on specific time frame for closing of case (subject to change, depending on further developments).
- (6) After initial twenty-eight-day review, continuously monitor the progress of active investigations by reviewing Investigation Case Folders a minimum of once every 28 days.

- (7) Indicate these reviews in Investigation Management Plan and on Detective Individual Case Log.
- D. Chief of Police review.
- (1) Investigation Case Folders of cases that remain active three months from the date of original assignment must be personally reviewed by the Chief of Police.
  - (2) Notation of the Chief of Police review of these cases should be made on the Investigation Management Plan.
- E. Additional considerations.
- (1) Detective Individual Case Log.
    - (a) The Investigative Supervisor will prepare a Detective Individual Case Log for each detective that he/she supervises. All cases assigned to that investigator will be entered on the log.
    - (b) Record the dates that Investigative Supplemental Reports are submitted.
    - (c) Enter final disposition when appropriate.
    - (d) Detectives should maintain a copy of their Detective Individual Case Log to assist them in recording and tracking their active and closed cases.
  - (2) Investigative Supplemental Reports.
    - (a) Investigative Supplemental Reports will be prepared in a timely fashion to document significant investigative steps taken on an assigned case or on cases on which an investigator is assigned to assist.
    - (b) Detectives should visit location or occurrence as soon as possible and before the five-day review.
    - (c) The closing Investigative Supplemental Report should contain the reason for closing the case. This may involve a brief synopsis of the case but will not require repeating a detailed account of all investigative steps previously documented.
- F. Case closing dispositions. The following are the classifications that must be used to describe how cases are closed on the case closing Investigative Supplemental Report:
- (1) Arrest detective (arrest made by the assigned detective).
  - (2) Arrest other (arrest made by other than the assigned detective).
  - (3) Exceptional clearance (strict criteria is probable cause exists to arrest perpetrator but cannot be done for a valid reason, i.e., death of perpetrator, perpetrator in jail for extended period of time and State's Attorney determines additional prosecution not necessary; reason must be documented on closing supplemental).
  - (4) Unfounded (investigation determines the reported crime did not occur).

- (5) Closed - inactive (all reasonable investigative efforts have been exhausted; case is filed closed pending further or future developments).

G. The Investigative Supervisor is responsible for insuring that the detectives he/she supervises, including officers temporarily assigned in that capacity, know and follow the steps outlined above. The thorough investigation of designated Case Incident Reports and other incidents is the mandate of all Village of Mamaroneck Police Detectives. Successful investigations, especially those involving the arrest of pattern criminals, help us achieve our mission, i.e., the prevention and reduction of crime, and the improvement of the quality of life in our neighborhoods. This procedure is designed to assist supervisors and detectives to organize and direct their assignments and to be more effective in their work.

#### **§ OP265-32. Use of informants.**

The use of confidential informants is important to the satisfactory completion of many investigations. The following are procedures developed for a controlled system of the use of informants and to avoid situations involving their use which would adversely affect police operations.

A. The New York State Criminal Procedure Law specifies when informants can be used in the issuance of search warrants and when information from an informant may be used as "probable cause" in a criminal investigation.

- (1) One must show that the information is credible and reliable.
- (2) Reliability must be based on the previous use of the informant from whom the information came.

B. Confidential informants who are used on a continuing basis shall have their records maintained in a confidential file. In order to show credibility and reliability, it will be the responsibility of the Detective Supervisor to maintain an informant file and to cause such file to be updated whenever an informant is used. The file will be maintained in the Detective Bureau and kept in a locked file cabinet. Each informant file should contain but not be limited to the following:

- (1) Informant number.
- (2) Name.
- (3) Address.
- (4) Date of birth (DOB).
- (5) Case number.

D. Preliminary investigations will ordinarily include the following activities:

- (1) Initial detection of a crime or response to the scene of a reported incident.
- (2) Inquiry to determine if an offense has been committed and, if so, its nature and severity.
- (3) Assistance to injured, if any.
- (4) Searches for victims and perpetrators.
- (5) Furnish headquarters with descriptions, method of travel and direction of suspects and any other relevant information as may be necessary.
- (6) Analysis of the situation to determine what departmental resources will be required to address it properly.
- (7) Identification and marking of the perimeter of a crime scene.
- (8) Arrangements for securing and protecting the integrity of the crime scene.
- (9) Identification of witnesses, victims, and suspects.
- (10) Interviews or interrogations of any parties who witnessed or were involved in the incident.
- (11) The limitation of access to the crime scene to law enforcement officials with an authorized purpose for entering the scene.
- (12) Recording the identities, missions, and times of entry and exit for all persons who enter the crime scene.
- (13) A search for items of evidence.
- (14) The recovery of evidence if the officers at the scene possess sufficient expertise to properly recognize, preserve, recover, package, and store the evidentiary materials present.
- (15) The completion of required notifications.
- (16) The arrest of offenders.
- (17) The preparation of reports and prosecutorial information.

E. The preliminary investigation will end when the patrol officer has exhausted all police action at this immediate disposal. Considerations should be given to such factors as expertise (knowledge and skills), time (sufficient manpower available), and the degree of seriousness of the offense.

**§ OP265-28. Follow-up investigations.**

The second phase of the investigation will be the follow-up. This begins when specialized skills and equipment are needed to bring the case to a successful conclusion. The follow-up investigation shall include but not be limited to:

- A. Review and analyze all previous reports prepared during the preliminary investigation.
- B. Conduct additional interviews and/or interrogation of victims, witnesses or suspects.
- C. Review departmental and other such records for possible leads to the case.
- D. Seek additional information from other sources such as other officers or informants.
- E. Collect physical evidence.
- F. Identify and apprehend suspects.
- G. Determine involvement of suspect(s) in other crimes.
- H. Check suspect's criminal history.
- I. Prepare case for court presentation by consulting with the ADA, etc.
- J. Assist in the case preparation and testify in court.

**§ OP265-29. Case screening.**

- A. All preliminary reports forwarded to the Detective Division shall be reviewed and assigned by the Detective Sergeant. In cases requiring specialized skill, knowledge or ability, the Detective Sergeant shall assign the case to a Detective who has the particular skills needed, i.e., burglary, auto theft, etc.
- B. In order to assist in determining whether a follow-up investigation will be made, the supervisor will use a system of case screening. The system is based upon solvability factors in order to apply available manpower to those offenses that are most likely to be cleared.
- C. Primary factors (one required for follow-up):
  - (1) Suspect can be located.
  - (2) Suspect can be named.
  - (3) Witness to the crime.
  - (4) Suspect can be identified.
- D. Secondary factors (any two required for follow-up):
  - (1) Weapons were used and can be identified.
  - (2) Evidence collected.

- (3) Vehicle information.
  - (4) Property can be identified or located.
  - (5) MO information.
- E. In addition to the above, the supervisor may authorize a follow-up investigation despite the absence of sufficient solvability factors. The following guidelines shall be used:
- (1) When public safety is an issue.
  - (2) Related incidents.
  - (3) Same victim.
  - (4) Impact on the community.
  - (5) Seriousness of the crime.

**§ OP265-30. Case assignment.**

- A. The preliminary reports that are assigned for a follow-up will be recorded in the Detective case log book with the following information:
- (1) Case number.
  - (2) Date assigned.
  - (3) Complainants name and address.
  - (4) Defendant name.
  - (5) Category.
  - (6) Location.
  - (7) Detective assigned.
  - (8) Date closed.
  - (9) Closed by whom.
- B. The Detective assigned the case will be the primary investigator and is responsible for the development of an investigative plan and all reports and documents related to the case. An update on a supplement will be forwarded to the Detective Supervisor as the incident is being investigated.

**§ OP265-31. Case status.**

- A. The Detective Supervisor will determine the status or change in status of each case. The decision will be based on information provided in periodic progress reports by the investigating Detective. "Unfounded" indicates that the crime never occurred or is not

substantiated. "Open" indicates a case is assigned to a Detective and is actively being investigated. "Filed-Inactive" indicates that all leads have been exhausted after follow-up. Case remains open but inactive. "Closed" indicates a case has been satisfactorily concluded by one of the following:

- (1) Cleared by arrest: the offender has been identified and held for prosecution.
  - (2) Cleared by exception: the offender has been identified, and no prosecution is initiated.
  - (3) Unfounded: investigation has determined that no offense has occurred.
  - (4) Warrant issued.
  - (5) Complainant failed to pursue or withdrew complaint.
- B. When practical, crime victims will be notified as to any change in status in the designation of their case. Notification will be made as soon as possible either in writing or by verbal communications and such will be noted in the case.

**§ OP265-32. Use of informants.**

The use of confidential informants is important to the satisfactory completion of many investigations. The following are procedures developed for a controlled system of the use of informants and to avoid situations involving their use which would adversely affect police operations.

- A. The New York State Criminal Procedure Law specifies when informants can be used in the issuance of search warrants and when information from an informant may be used as "probable cause" in a criminal investigation.
- (1) One must show that the information is credible and reliable.
  - (2) Reliability must be based on the previous use of the informant from whom the information came.
- B. Confidential informants who are used on a continuing basis shall have their records maintained in a confidential file. In order to show credibility and reliability, it will be the responsibility of the Detective Supervisor to maintain an informant file and to cause such file to be updated whenever an informant is used. The file will be maintained in the Detective Bureau and kept in a locked file cabinet. Each informant file should contain but not be limited to the following:
- (1) Informant number.
  - (2) Name.
  - (3) Address.
  - (4) Date of birth (DOB).
  - (5) Case number.

- (6) Nickname.
  - (7) Area of expertise.
  - (8) Area of knowledge.
  - (9) Officer contact.
- C. No files or information shall be released without permission of the Chief of Police or a court order.
- D. Uniform members of the Department who develop confidential informants must notify the Detective Division Supervisor for further instructions.
- E. When reasonable or necessary, the conversation will be recorded between the officer and informant.
- F. All conversations with informants should be documented with the following information:
  - (1) Date.
  - (2) Time.
  - (3) Location.
  - (4) Reason for meeting.
  - (5) Information exchanged.
  - (6) Persons present.
- G. All such information will be forwarded to the Detective supervisor and placed in the CI file.
- H. Informants may be paid information they provide in specific cases when payment is approved by the Detective Supervisor and/or Chief of Police. The following should be considered when considering payment and the amount to be paid:
  - (1) Quality of information.
  - (2) Quantity of information.
  - (3) Risk factors involved.
  - (4) Seriousness of crime involved.
  - (5) Impact on the community as a whole.
- I. The Informant Fund will be maintained and secured by the Detective Supervisor in a secure, locked location. Each time money is removed from the fund, it will be recorded in the log book maintained for that purpose. A receipt will also be left indicating the amount taken, to whom, and date. The Detective Division Supervisor will be responsible for maintaining an accountability of the informant fund and will conduct periodic auditing of the money.

- J. When dealing with an informant of the opposite sex, when possible, it is advisable to arrange for all meetings to be held in a public location or be accompanied by a police officer of the same sex as the informant. This is to avoid putting either agency personnel or the informant in a compromising position.

**§ OP265-33. Polygraph examinations.**

The Village of Mamaroneck Police Department does not have a trained polygraph examiner on staff. If the need should arise in the course of an investigation, and upon approval of the Chief of Police, a New York State Police polygraph technician or an outside operator, trained by a recognized institution, shall be utilized to conduct a polygraph examination.

ARTICLE V  
**Evidence and Property Management**  
**[Revised 4-8-2009]**

**§ OP265-34. Purpose.**

The purpose of this article is to define the functions of the property management system and to ensure the continuity and consistency of the operation.

**§ OP265-35. Background.**

The consequences of the mismanagement of the property function can be unsuccessful prosecution of court cases, embarrassment to the agency, loss of public confidence, or the need to retrain employees. These consequences may be avoided through the exercise of proper supervisory and management attention and to the adherence to statutory requirements.

**§ OP265-36. Policy.**

It shall be the policy of this Department to provide for the proper and lawful management and control of found, recovered and evidentiary property and any other property in the custody of this Department. Procedures with respect to the handling, security and disposition of property will be strictly adhered to in conformance with local, state and federal regulations.

**§ OP265-37. Property classification.**

Property held by the Village of Mamaroneck Police Department will be classified as follows:

- A. Departmental property purchased by the Police Department for the operations and administrations of the Department.
- B. Property acquired by the Department through conversion of evidence and/or found property in accordance with state or federal law.

- C. Property held in evidence in criminal investigations either current or disposed, but retained in accordance with the statute of limitations, court directives or other stipulations.
- D. Property being held as found, pending identification of the legal owner or claimed by the finder or disposition by the Department through action or conversion in accordance with state law.
- E. Valueless property turned into a police officer or to the police desk.
- F. Property being held by the Department for safekeeping.
- G. Property received, seized or otherwise acquired by the Department through legal process.

**§ OP265-38. Responsibility.**

- A. All evidence and found property items, other than valueless found property, are the responsibility of the Support Services Division. The Lieutenant of this Division answers directly to the Chief of Police. Any property or evidence retained by the Department shall be retained by an authorized member of the Support Services Division. To ensure that all property stored by the Department is properly controlled, it must be stored in one of the following designated secure areas to maintain chain of custody:
  - (1) Property Room drop-off compartment: secure property and/or evidence.
  - (2) Property Room refrigerator drop-off compartment: secure property and/or evidence.
  - (3) Evidence storage shed: lower parking lot at HQ.
  - (4) Authorized impound lot: motor vehicles.
- B. Valueless property, such as keys, glasses and empty wallets, or other property having no value, will not go into the police property system, but will be handled as a lost and found and left at the police desk in the appropriate location. Items may be disposed of after 30 days if not claimed. In this circumstance, there is no need for an event entry, and no need for the item to be turned over to the Support Services Division.
- C. If a receipt is requested by a citizen who turns in valueless property, a general receipt may be issued.
- D. The Support Services Division Lieutenant will have the responsibility of maintaining all appropriate records which reflect the status of all property held, in order to prevent removal or record manipulation, and will be held accountable for control of all property accepted by or stored in the agency's storage area or areas.

**§ OP265-39. Inspections and audits.**

- A. On a monthly basis, the Chief of Police or his designee will conduct an inspection of the property storage sites to determine adherence to Department property management

procedures and to ensure that property is being protected from damage and being maintained in a clean and orderly fashion. A memo will be completed for each type of inspection and maintained in a file by the Chief of Police.

- B. The Chief of Police will designate supervisory personnel not directly involved in the security of evidence or found property to conduct an annual audit and to make an appropriate written report to the Chief of Police regarding the outcome of the audit. When a new Detective Lieutenant is designated, an inventory of property will be conducted jointly by the newly designated Detective Lieutenant and the outgoing Detective Lieutenant to ensure that records are current and properly annotated. The same process will be in place when a new Support Services Lieutenant is designated.

**§ OP265-40. Access to property and evidence storage areas.**

Access to evidence and property storage locations shall be limited to the following:

- A. Support Services Lieutenant: all locations. The Support Services Lieutenant will be required to sign in and out of the storage locations on the entry logs located at each location.
- B. Support Services Division property clerk: all locations. A designated officer of the Support Services Division will assist the Lieutenant with the management of property and evidence. This officer shall function as a property clerk. The property clerk will be required to sign in and out of the storage locations on the entry logs located at each location.
- C. Department Armorer: Department gun locker.
- D. Reporting officer, arresting officer, detective, or the on-duty supervisor: storage shed.
- E. Reporting officer, investigating officer, arresting officer, detective, or the on-duty supervisor: Department Impound Lot.

**§ OP265-41. Taking custody of and securing property/evidence.**

- A. All evidence, including motor vehicles, taken into custody by an employee, will be properly tagged, marked or sealed in evidence containers provided for that purpose, and a Property Invoice Form will be completed.
- B. Evidence will be marked with the officer's initials for future identification whenever possible. Marking will be done so as not to:
  - (1) Damage the evidence.
  - (2) Impair its processing by technicians.
  - (3) Allow the mark to be accidentally or readily removed.
- C. If marking would have a negative effect, an ultraviolet crayon may be used and/or the evidence will be secured in a sealed evidence container.

- D. The Property Room is the primary storage area to secure property and evidence.  
[Revised 4-8-2009]
- E. All drugs or money will be placed in evidence containers, separate from other evidence, and sealed with evidence tape by the employee turning in these items. The Support Services Lieutenant will not accept these items unless sealed.
- F. All narcotics and dangerous drugs will be field-tested prior to sealing, using the Department field-testing kits.
- G. All controlled substances, including capsules and pills, shall be counted and weighed by the reporting officer prior to sealing in evidence containers.
- H. All property or evidence removed from any towed or impounded vehicle will be recorded in the Impound Report and on a Property Invoice Form.
- I. During the hours when the Westchester County Forensic Unit is closed:
  - (1) Property/Evidence will be placed in a secure receptacle of the Property Room.
  - (2) Blood and urine samples or other perishable items which require refrigeration will be secured in a refrigerated receptacle of the Property Room.
  - (3) When extenuating circumstances exist (e.g., bulk items, large quantities, or critical evidence), the officer in charge at the time will decide if the Support Services Division Lieutenant or his designee will be recalled to duty to take custody of the property.

**§ OP265-42. Release of evidence to police personnel.**

- A. After being secured in the Property Room, items will be released to the employee listed on the Property Invoice Form as "reporting officer," with the following exceptions:
  - (1) The Detective Division Lieutenant or his designee may sign out evidence in conjunction with criminal investigations.
  - (2) Evidence that has been authorized for release to the victim by the officer of record, the court, and/or the prosecuting attorney or evidence that has been authorized by the DA for return to its rightful owner.
- B. When evidence is signed out of the Support Services Division, the employee must sign receipt of it. When evidence is checked out of the Property Room and the seal on the evidence container must be broken for any reason, the employee must:
  - (1) Complete a new evidence container.
  - (2) Secure the evidence and the old container in the new container.
  - (3) Seal the new container.

**§ OP265-43. Transfer of evidence.**

- A. When evidence is seized as a result of a crime, arrest, search warrant, etc., and a criminal prosecution is anticipated, the Detective Lieutenant or his designee will examine the evidence to determine whether forensic analysis is required. Evidence that requires analysis will be transferred to the Westchester County Forensic Unit as follows:
- (1) During normal business hours (Monday through Friday, from 0900 to 1700 hours), the evidence is to be prelogged with the Westchester County Forensic Unit to confirm the evidence will be accepted upon delivery. The delivery of any evidence to the Westchester County Forensic Unit will be in accordance with its policy and procedures. The Detective Lieutenant or his designee will sign the evidence out of the Investigations Division. The date and time will be documented. The evidence will then be immediately delivered to the Forensic Unit. Upon an employee transferring evidence to lab personnel, the employee is to obtain a Forensic Science Laboratory Evidence Receipt to document the chain of custody. The Evidence Receipt is to be delivered to the Detective Lieutenant for filing.
  - (2) Should evidence be delivered from the Support Services Division to any other facility by an officer, an official receipt is to be obtained to document the chain of custody. The evidence receipt from that facility is to be delivered to the Support Services Lieutenant for filing.
- B. When evidence is seized after normal business hours, the employee will secure the evidence in the appropriate evidence storage area. Refer to § OP265-38.
- C. Evidence will not be transported by an off-duty employee, except in critical situations and with the permission of his supervisor.
- D. The Westchester County Forensic Unit retains custody of the evidence after analysis until it is reclaimed by the Department. The Forensic Unit will notify the Department when the evidence analysis has been completed.
- E. If a blood sample is to be analyzed for drug content, it shall be delivered to the Forensic Unit, for testing, on the next business day.
- F. Evidence transferred to court.
- (1) When the seizing officer is subpoenaed to court on an arrest involving evidence, he will contact the DA regarding the need for the evidence in the court proceedings.
  - (2) If the DA so requests, obtain the evidence from the Support Services Division or the Forensic Unit and transfer same to the requesting DA.
  - (3) When leaving evidence with the DA or his/her property clerk, the officer will obtain a receipt indicating the transfer of evidence. The officer will then immediately deliver this receipt to the Department for filing as proof of transfer and may keep a copy for his own records.

**§ OP265-44. Storage of property/evidence.**

- A. The Support Services Lieutenant or the property clerk will receive and log evidence returned from the Westchester County Forensic Unit and the DA's Office in the evidence book. Each package or envelope will be checked to ensure that it is properly sealed and identified before acceptance.
- B. The Lieutenant or property clerk of the Support Services Division will secure all money, precious metals, jewelry, gem stones, narcotics and dangerous drugs in separately locked secure areas within the Property Room. The Support Services Lieutenant will secure all firearms in a secure locked area within the Property Room.
- C. Any firearm that is surrendered or voluntarily delivered to the Department pursuant to § 265.20 of the Penal Law will be disposed of in accordance with § 400.05, Subdivision 6, of the Penal Law.
- D. Vehicles seized as evidence, or which require processing by the Detective Bureau or other agencies, will be secured in the lower lot, unless otherwise directed by the Detective Supervisor.
- E. The Support Services Lieutenant will review all records pertaining to the items being stored to determine the proper time for destruction. The following will be checked:
  - (1) Police and court records.
  - (2) The DA's Office.
  - (3) The officer who confiscated the evidence/property.
  - (4) The Detective Bureau Supervisor regarding disposition and appeals of any drug evidence.
- F. Final disposition of evidentiary property will be accomplished within six months after legal requirements have been met.

**§ OP265-45. Destruction of drugs.**

- A. All substances identified for destruction will be boxed and sealed by the Support Services and Detective Lieutenant. The Lieutenants will coordinate obtaining an order of destruction from a County Court Judge for those items to be destroyed. The Support Services and Detective Lieutenant will deliver the items to the place of destination and ensure that they are completely destroyed.
- B. After the drugs are destroyed, the Support Services Lieutenant will return a copy of an affidavit of destruction, signed by himself, to the Judge who issued the destruction order and to the DA's Office. The original will be filed by the Records Clerk.

**§ OP265-46. Guidelines for evidence and property identification.**

Guidelines for evidence and property identification are as follows:

- A. A bar code label will be affixed to each item of evidence, excluding a motor vehicle.
- B. A property invoice form will be completed listing all submitted items of property and/or evidence.
- C. All reports involving a recovery of property or a seizure of evidence from a juvenile should be completed with all pertinent information, except that in place of the owner's name the word "juvenile" should be used.
- D. The investigating officer is responsible for ensuring all required information is completed.
- E. If the evidence is a vehicle, a red evidence tag will be affixed to the steering wheel.
- F. The investigating officer will keep the evidence solely in his custody during the above process to ensure a proper and complete chain of custody.
- G. Upon receipt of the evidence, the Support Services Lieutenant or the property clerk will secure the evidence in a properly secured location. The location is to be documented in accordance with Department policy.
- H. When property which has been received as evidence is no longer required for such purposes, it will be the responsibility of the Support Services Lieutenant to properly dispose of the evidence. This may be done in the following manner:
  - (1) By returning the evidence to its rightful owner.
  - (2) Destroyed at local level by only the Support Services Lieutenant and Detective Lieutenant.
  - (3) Firearms to the State Police laboratory.
  - (4) Fireworks destroyed locally under court order.
- I. After the disposal of evidence, the Department will maintain the evidence records for a period of five years.
- J. When any member secures evidence that is to be submitted to the New York State Police Laboratory for any type of analysis other than blood alcohol tests, he is required to submit, in addition to the property invoice form, a New York State Police Scientific Lab Evidence Submission Form (Lab 2), in duplicate, advising what type of analysis the member requires. The laboratory submission form will be completely filled out and submitted to the Detective Supervisor with the evidence.

**§ OP265-47. Lost and found property.**

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

FINDER — The person who first takes possession of lost property.

**INSTRUMENTS** — A check, draft, promissory note, bond, bill of lading, warehouse receipt, stock certificate or other paper document other than money, evidencing a right to property or a share of or interest in property or in an enterprise.

**LOST PROPERTY** — Includes lost or mislaid property. Abandoned property and other property that is found will be presumed to be lost property.

**OWNER** — Any person entitled to possession of the lost property as against the finder and against any other person who has made claim.

**PROPERTY** — Money, goods, chattels and tangible personal property, other than "instruments," as defined herein, animals, and wrecks governed by the provisions of the Navigation Law.

**TRANSPORTATION FACILITY** — A railroad car or coach, Pullman car, street surface railroad car, subway car, motor bus, motor coach, taxicab, aircraft or steamship, and any other vehicle or conveyance used for the carriage of persons, whether or not such use is in the course of a business for transporting persons.

**B. When lost/found property comes into possession of employees.**

- (1) Employees will accept and retain custody of found property or instruments deposited with them. The member accepting the property will complete an event entry along with a property invoice form. The lost/found property will then be secured as designated in § OP265-38A.
- (2) When extenuating circumstances exist (e.g., bulk items, large quantities) and the property must be stored in an alternate location, the Incident Report shall be forwarded to the Support Services Lieutenant and will indicate the location of the property.
- (3) The Support Services Lieutenant will retain the lost/found property file until such property has been disposed of as provided by law.
- (4) A receipt shall be made available upon request.
- (5) If the property was found in a place other than a street or highway, a copy of the lost/found event entry will be furnished to the occupant or person in charge of the premises where it was found.
- (6) If the property is of significant value, the reporting officer will ensure that an entry is made in the statewide police information system.

**C. Property with salvage value; property requiring special care; perishable property; valueless property.**

- (1) Property having salvage value only may be sold by the police in such manner as may be reasonable in the circumstances.
- (2) Property which requires special care may be kept by the police in public or private facilities that the police deem appropriate for the purpose of preserving it.

- (3) Perishable property will be sold by the police as soon as possible in such manner as may be reasonable in the circumstances.
- (4) Found property having no value may be destroyed by the police. Derelict automobiles having no value may be destroyed as limited by the requirements of § 1224 of the Vehicle and Traffic Law.
- (5) Any property may be sold by the police, at public auction, when the expenses reasonably incurred in dealing with it, including expenses of taking custody, transportation, storage, appraisal and any special expense attributable to administration of this article with respect to the particular property, amount to more than 1/2 the amount reasonably estimated as the net sum likely to be realized by sale at public auction.
- (6) If property is sold as provided in § 253, Subdivision 5(d), of the Personal Property Law, the proceeds remaining after deducting the amount of reasonable expenses of dealing with the property prior to the sale, including any items of expense mentioned above in Subsection C(5), shall be dealt with as lost property having the value of the property sold.
- (7) The destruction or sale of any such property described above will be handled by the Support Services Division.

D. Retention by the police.

- (1) Lost/Found property will be kept in the custody of this Department for the following periods, unless sooner delivered to the owner; however, final disposition of found/recovered property will be accomplished within six months after legal requirements have been met.
  - (a) Property valued at less than \$100 or proceeds of property having such value: three months.
  - (b) Property valued between \$100 and \$500 or proceeds of property having such value: six months.
  - (c) Property valued between \$500 and \$5,000 or proceeds thereof: one year.
  - (d) Property valued at \$5,000 or more or proceeds thereof: three years.
- (2) Three months before the expiration of the time period, if the property has not been delivered to the owner, the Support Services Lieutenant will give notice to:
  - (a) The owner, if known; and
  - (b) Any person who has an interest in the property; and
  - (c) All persons who have made a claim to the property; and
  - (d) The finder.
- (3) Property found in a place other than a public street or highway requires that the person in charge of such premises be notified. It will be the responsibility of the

Support Services Lieutenant to see that such notice is given. Such notice will be in writing and served personally or by certified mail to the last known address of the person to whom it is sent and will state in substance:

- (a) That if, within three months after the date of personal service or mailing of the notice, the owner does not claim the property and if, at the end of three months, no action is pending to determine rights to such property, written action of which notice was served upon the police having custody of the property, the property will be delivered to the finder or, if he established his right, to a person entitled to assert the right of the finder as provided in § 256 of the Personal Property Law.
  - (b) That if, at the expiration of three months and 10 days after the date of the personal service or mailing of the notice, the owner has not claimed the property and the finder, or person entitled to assert the right of the finder as provided in § 256 of the Personal Property Law, has not demanded delivery, and no action is pending to determine rights to such property, notice of which was served upon the police having custody of the property, it will be sold at public auction; and
  - (c) In case of property in the custody of the Chief of Police, that the proceeds of the sale will be deposited with the Village Clerk of the Village of Mamaroneck.
- (4) If, at any time, the police have reason to believe that a person has interest in found property, or in a found instrument in their possession, and reason to know his whereabouts, they shall give notice to such person of the finding and deposit and the location of the office to which the property or instrument is transmitted.
  - (5) When lost or found property is returned to the owner, his agent or to the finder, in accordance with § 254 of the Personal Property Law, the party to whom the property is turned over will sign the property invoice form on file.
  - (6) Inventories of properties to be disposed of will be submitted to the Chief of Police annually.

E. Disposition of instruments.

- (1) No instrument deposited with the Village of Mamaroneck Police will be destroyed or sold, except as provided in § 256 of the Personal Property Law.
- (2) No instrument shall be returned to the finder or his employer or the person upon whose premises it was found. It will be delivered to the person entitled thereto (§ 255 of the Personal Property Law).
- (3) The Detective Bureau Supervisor will give notice of the deposit to each person whose name and address appear on the instrument or whose name so appears and whose address is known to the Police Department.

F. Exceptions to claim of property.

- (1) If a finder takes possession of lost property while he is upon premises with respect to which his presence is a crime, the person in possession of the premises where the lost property was found will have the rights of the finder, as provided in § 254 of the Personal Property Law, if, before the property is delivered to the finder by the police, he files with the police having custody of the property a written notice asserting his rights.
- (2) If the finder is an officer or employee of the state or of a public corporation and takes possession of the property in the course of his official duty, the state or public corporation will be deemed to be the finder for the purposes of § 257 of the Personal Property Law; if, in any other case, the finder is an employee under a duty to deliver the lost property to his employer, the employee will have the rights of the finder as provided in § 254 of the Personal Property Law, if, before the property is delivered to the finder by the police having custody of the property, a written notice has been filed, ascertaining such rights.
- (3) A person who finds or comes into possession of property or an instrument while he is in or on a transportation facility while it is being operated as such will be subject to the provisions of this article. If he leaves the transportation facility at any place in the state, taking with him at the time of such departure property or an instrument found by him in or upon the transportation facility or found property or found instrument of which he acquired possession while in or upon the transportation facility, the place where he leaves the transportation facility will be deemed for the purpose of this article to be the place where the finding occurred or possession was acquired.
- (4) If, at any time, an action or proceeding has commenced to determine the right to found property or to an instrument, written notice of such action shall be served upon the police having custody of the property or instrument. The police shall not thereafter deliver the property or instrument to any person except pursuant to court order.
- (5) This article does not supersede or limit any other statute or rule of law governing custody or disposition of articles in the custody of police which constitute evidence of the commission of a crime or which may not be lawfully possessed without a license.

G. Title to lost property.

- (1) The title to lost property that has been deposited with the police shall vest in the finder, or other person entitled to assert the rights of the finder, as provided in § 256 of the Personal Property Law, when the property is delivered to him in accordance with § 254 of the Personal Property Law, and shall vest in the buyer, when the property is sold, as provided in § 253 or 254 of the Personal Property Law.
- (2) If the finder of lost property under the value of \$10 had made reasonable effort to find the owner and restore it to him, and has been unable to do so, the title of such property will vest in the finder at the end of one year after the finding.

H. Seizure of alcoholic beverages from persons under 21 years of age.

- (1) When alcoholic beverages are found in possession of persons under 21 years of age, the incident should be fully investigated to ascertain if there has been a violation of the Alcoholic Beverage Control (ABC) Law or the Penal Law. Members should keep in mind violations such as:
  - (a) Section 65, Subdivision 1, of the ABC Law: procuring alcoholic beverages for persons under the age of 21 years (violation).
  - (b) Section 65, Subdivision 1, of the ABC Law: purchasing an alcoholic beverage through fraudulent means (violation).
  - (c) Section 65, Subdivision 1, of the ABC Law: prohibited sales.
  - (d) Section 260.20 of the Penal Law: unlawfully dealing with a child (Class B misdemeanor).
  - (e) Section 260.10 of the Penal Law: endangering the welfare of a child (Class B misdemeanor).
  - (f) Section 312 of the Family Court Act: neglected child.
- (2) In addition, there are Mamaroneck Village Open Container Laws and Ordinances.
- (3) After a preliminary investigation is completed and there is reasonable cause to believe that violations of local ordinances or state laws have been committed, the following steps should be taken:
  - (a) After a member seizes beverages, if authorized, an attempt should be made to notify the parents or legal guardians. A suitable record of contacts or attempts should be made.
  - (b) A general property receipt will be completed, and the person who was found in possession will be given a copy. Ask the person who was found to be in possession to sign the line marked "Received From." If they refuse, indicate "Refused to Sign." A general property receipt book will be kept in the Patrol Supervisor's vehicle for this purpose.
  - (c) The alcoholic beverage should be placed into an evidence receptacle. Any large quantities of alcoholic beverages that cannot be placed in an evidence locker should be brought to the immediate attention of a supervisor.
  - (d) A member of the Detective Bureau will conduct a follow-up investigation with respect to these violations.
  - (e) For any items that are not reclaimed and must be destroyed, destruction will be done in compliance with existing Department procedures.
  - (f) All members should keep in mind that there is no provision in the law for the confiscation of personal property without due process, unless the property

confiscated is contraband. Unopened beverage containers are not contraband, per se.

I. Impounded motor vehicles.

- (1) Whenever a motor vehicle is brought or towed to either Police Headquarters, the Village yard, or a Department-approved impound lot (i.e., impounded, abandoned, etc.), the reporting officer will affix a blue impounded vehicle tag to the steering column of the vehicle and, in addition, will complete the following:
  - (a) Event entry and vehicle inventory report.
  - (b) Property Invoice Form listing any property found in the vehicle.
  - (c) Teletype inquiry to determine ownership and to see if there are any "wants" on the vehicle.
  - (d) Teletype entry (IENT) to prevent a stolen auto report from being made by the owner.
- (2) Impounded motor vehicles may only be cleared for release by the Support Services Lieutenant or property clerk during normal business hours (Monday through Friday, 0900 through 1700) unless prior approval has been received from the Support Services Lieutenant or the property clerk for release at times other than those listed. When a motor vehicle has been cleared for release, the following will be complied with:
  - (a) The owner of the vehicle must present proof of ownership, a current valid operator's license, and proof of insurance coverage on such vehicle if the vehicle is to be driven away. Proof of insurance is not required if the vehicle will be transported by a tow truck or another vehicle.
  - (b) The owner is to sign a "Receipt for Impounded Vehicle."
  - (c) The owner is to pay any and all charges due on the vehicle.
  - (d) The teletype entry is to be canceled.
- (3) If the motor vehicle is determined to be abandoned, pursuant to § 1224 of the Vehicle and Traffic Law, the impounding officer will document those findings on Department's Vehicle Impound Report. The Detective Supervisor or designee will:
  - (a) Notify the last registered owner of said vehicle via certified mail that the vehicle has been recovered as an abandoned vehicle.
  - (b) Complete the Salvage Certificate Form (MV-907A).
- (4) The Support Services Lieutenant will be responsible for the disposal of all license plates. All license plates will be removed and held for 30 days, after which such plates will be destroyed. This list will be submitted each month and will contain the name of the last registered owner of said license plates. All certificates of registration (post-1973 vehicles), if in the possession of the Support Services

Lieutenant, may simply be destroyed and so noted on the Abandoned Vehicle Checklist. All certificates of title (post-1973 vehicles), if in the possession of the Support Services Lieutenant, must be attached to the Salvage Certificate Form (MV-907A) and forwarded to the Department of Motor Vehicles at Department of Motor Vehicles Division of Data Preparation and Control, 12228 Empire State Plaza, Albany, New York 12228.

J. Safeguarding the property of a deceased person.

- (1) Article 12 of the Surrogate's Court Procedure Act, § 1212, places the responsibility of marshalling and identifying the assets that a deceased person possessed with the Office of the Public Administrator. To assist the Public Administrator with this responsibility, the Department, if present at a premises where there is a deceased person, will follow the guidelines listed below:
  - (a) If there are no known family or blood relatives, search the premises for a will. If a will is found, it should be handled as evidence. The attorney whose name would be on the back cover of the document should be called immediately. If found, the will shall be delivered forthwith to the Surrogate's Court.
  - (b) If no will is found, then all valuables such as jewelry, cash, bank books, and safe-deposit keys should be removed from the premises, and the premises should be secured, possibly with a padlock; or if it is an apartment building, the superintendent should be requested to change the tumbler (expenses incurred will be paid by the Office of the Public Administrator). The keys should then be secured by the reporting officer.
  - (c) Notify the Public Administrator's Office once the premises have been secured. (See Contact Guide.)
  - (d) Determine if the deceased had a motor vehicle. If there is a motor vehicle involved, it should be impounded.
- (2) All property taken from the premises will be:
  - (a) Properly labeled.
  - (b) Listed on a property invoice form.
  - (c) Secured in a sealed property/evidence bag(s) and properly secured in a designated departmental facility.
- (3) If a motor vehicle is involved, the directions in Subsection I of this § OP265-47 will be followed.
- (4) When extenuating circumstances exist (e.g., bulk items, large quantities), the officer in charge at the time will decide if the Support Services Lieutenant will be recalled to duty to take custody of the property.

- (5) The Investigations Division will forward copies of all reports to the Public Administrator's Office and make arrangements through the Detective Lieutenant for the release of the property involved.

**K. Property held for safekeeping.**

- (1) It is Department policy not to routinely accept personal property from the public for safekeeping. However, under certain circumstances, the Department is obligated to take possession and safeguard personal property of an individual.
- (2) When determined by a supervisor that the personal property of an individual is to be accepted by the Department for safekeeping, it will require the completion of an event entry and Property Invoice Form describing the circumstances if such circumstances have not already been detailed as part of another report.
- (3) All property accepted for safekeeping will be:
  - (a) Properly labeled.
  - (b) Secured in a sealed property/evidence bag and secured in an approved departmental facility.
- (4) If the property being accepted for safekeeping is a firearm, the reporting officer will ensure that an entry is made in the statewide police information system.
- (5) It is Department policy not to routinely accept firearms for safekeeping.
- (6) The Department is obligated to accept firearms for safekeeping when an individual surrenders a firearm for disposal, when an individual is awaiting a valid pistol permit or in any situation where, in a supervisor's judgment, not accepting a firearm would create a hazardous condition.
- (7) Upon obtaining a pistol permit, the person must present a valid pistol permit along with the attached coupon when claiming the firearm. The coupon will be removed and attached to a Property Invoice Form.

**ARTICLE VI**

**Public and Internal Complaint Process**

**§ OP265-48. Policy.**

- A. The following sets forth policy and procedure regarding the disciplinary process including investigation of allegations made by a citizen and internal complaints.
- B. A relationship of trust and confidence between the Department and the community is essential to effective law enforcement. Employees must be free to exercise their own judgment and take enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal. It is therefore important to establish a disciplinary process that enables the Department to initiate positive, corrective action for improper conduct. At the same time, employees must be protected from unwarranted criticism for properly

discharging their duties. It is the policy of this Department to provide a thorough, fair and expeditious disposition of complaints regarding conduct of Department members.

**§ OP265-49. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CITIZEN COMPLAINT** — An allegation of employee misconduct from any source outside the Department. Citizen complaints include, but are not necessarily limited to, allegations of violations of departmental policies, procedures, rules and regulations, and violations of federal, state or local laws.

**EMPLOYEE** — Any full-time, part-time, or temporary paid member of the Department; any individual acting under the authority of the Mamaroneck Village Police Department.

**INTERNAL COMPLAINT** — An allegation of misconduct against an employee from any source within the Department.

**§ OP265-50. Individual employee responsibilities.**

- A. All employees observing instances of serious misconduct or abuse shall intervene to stop the misconduct or abuse.
- B. Employees have a duty to assist any person who wishes to file a complaint by:
  - (1) Taking the complaint;
  - (2) Providing specific information to the complainant on where and how to file the complaint; or
  - (3) Immediately putting the complainant in contact with a supervisor or other individual who can assist them with filing their complaint.
- C. An employee who witnesses or becomes aware of misconduct or a complaint of misconduct shall, in all cases, take appropriate action to prevent aggravation of the incident or the loss of evidence that could prove or disprove misconduct.
- D. No employee shall interfere with, hinder, or obstruct a person from making a citizen or internal complaint.
- E. Each employee shall cooperate in a Department internal investigation of an allegation of misconduct when so directed by the Department, and shall truthfully answer questions and render complete, material and relevant statements, including all facts and circumstances surrounding the subject matter of the investigation, which may be known by the employee. Omissions of material fact shall be classified as failure to cooperate in an internal investigation.
- F. Whenever an employee submits a verbal or written statement as required by this Manual of Procedure, they should preface the statement with the following sentence: "This is a true and involuntary statement given by me in accordance with § \_\_\_\_\_ of the Mamaroneck Village Manual of Procedure."

G. All employees are required to immediately report to their supervisor any of the following occurrences in any jurisdiction:

- (1) When they, or any of their subordinates, are the subject of a criminal investigation, criminal traffic citation, arrest, conviction, order of protection, restraining order, no-contact order and/or antiharassment order pertaining or related to domestic violence; or
- (2) When there is any change to their New York driver's license status pertaining to expiration, revocation and/or suspension.

**§ OP265-51. Supervisory and command responsibilities.**

A. Supervisory employees shall themselves take corrective action within the scope of their authority when they witness or become aware of employee minor misconduct. Examples of minor misconduct include, but are not limited to:

- (1) Lateness.
- (2) Uniform and equipment violations.
- (3) Personal appearance violations.
- (4) Minor omissions in assigned duties.
- (5) Minor violations of Department regulations concerned with job performance, efficiency, or employee safety.

B. If misconduct or an internal complaint of misconduct is of a more serious nature or is repeated minor misconduct, the supervisor, shall report the matter by completing a Personnel Complaint Report. The Personnel Complaint Report and other related documents shall be forwarded to the Chief's Office.

C. A supervisor may relieve a subordinate employee from duty for up to 24 hours (excluding weekends and holidays) when it appears from an allegation of misconduct that immediate relief from duty appears necessary to protect the Department, the employee, or the public. A copy of the Personnel Complaint Report regarding the alleged misconduct that caused the relief from duty shall be immediately forwarded to the Chief of Police. Time sheets shall be marked "AL" to indicate administrative mandatory leave.

**§ OP265-52. Reporting complaints.**

A. The Department will accept complaints from any source including witnesses or other third parties, outside agencies, and anonymous sources. Complaints may be made in person, or by writing or phoning the Department.

B. When a nonsupervisory employee becomes aware of a complaint by a member of the public, they shall notify a supervisor and refer the complainant to the supervisor. When a supervisor is not immediately available, the employee shall be responsible for receiving and documenting complaints and providing the information to a supervisor before going

off duty. The following pertinent facts and information shall be recorded whenever a complaint is received:

- (1) Nature of the alleged incident.
  - (2) Date of the alleged incident.
  - (3) Place where the alleged incident occurred.
  - (4) Name of employee involved or their badge number and other description.
  - (5) Name, address, and telephone number of the complainant, aggrieved party, and all known witnesses.
  - (6) A detailed summary of the complaint.
- C. Supervisors shall document the complaint by completing a Personnel Complaint Report. If the supervisor is the subject of the complaint, the complaint shall be referred to another supervisor.
- D. Supervisors shall notify the Detective Lieutenant or the Chief of Police in cases where immediate investigative action by the Detective Division may be necessary. **[Revised 4-8-2009]**
- E. When alleged misconduct involves unnecessary or excessive use of force, a supervisor shall photograph (if possible) any alleged injuries and areas where injuries are alleged but are not visible. The supervisor shall also report their observations regarding the presence, absence, nature, and extent of any injuries, and whether medical attention was received or sought.
- F. The reporting supervisor shall forward the Personnel Complaint Report with any related reports and documents directly to the Chief of Police before going off duty.
- G. The Chief of Police shall review all new complaints and classify them for the purpose of investigation:
- (1) Contact log complaints are not assigned for investigations but are referred to the employee's supervisor for review. Complaints involving conduct that would not constitute misconduct are generally classified as contact logs.
  - (2) Supervisory referrals are complaints that, even if events occurred exactly as described, signify a training gap instead of misconduct on the part of the involved employee. The information on the complaint is referred to the appropriate supervisor for review, counseling and the provision of any necessary additional training.
  - (3) Line investigations are complaints of minor misconduct investigated by the officer's chain of command.
  - (4) Internal investigations are more complex and involve more serious allegations, including all use-of-force allegations.

- H. The Chief of Police or his designee shall appoint an investigator from another entity within the Department for complaints directed against members of the Detective Division.
- I. Every investigation into an allegation of misconduct shall include a conclusion of fact.
- J. Unless governed by specific labor contract language, investigations into allegations of employee misconduct will generally be completed within 180 days of the receipt of a complaint. Extensions to the 180 days shall be permitted in the event of criminal investigations or investigations that are very complex. Involved employees will be notified in writing of extensions. A written justification for the extension will be provided upon request.
- K. The Chief of Police shall maintain a record of all complaints against the Department or any of its employees. This record, and any investigative files related to these complaints, shall be secured within the Chief's Office.

**§ OP265-53. Public inquiries.**

A dispute regarding the factual support for an arrest, citation, or the appropriateness of an established Department policy or procedure will not ordinarily be considered a public complaint. Further, it will not be subject to the public complaint reporting requirements of this section. However, people with inquiries of this nature should be given explanation of the Department policy, procedure or issues involved. If further explanation appears necessary, the person should be referred to a supervisor or the Department unit generally responsible for the subject matter of the inquiry. Employees are encouraged to document constructive public inquiries and suggestions and forward them through their chain of command.

**§ OP265-54. Limitations.**

- A. In the course of an administrative internal investigation, employees shall not be compelled to:
  - (1) Participate in a lineup.
- B. Employees may for good cause be required to:
  - (1) Undergo a medical or laboratory examination.
  - (2) Submit financial disclosure statements.
  - (3) Be photographed.
  - (4) Take a polygraph or other lie-detection test.
- C. If an internal investigation becomes a criminal investigation, these tests or conditions may be utilized in accordance with legal requirements, as in any other criminal investigation.

**§ OP265-55. Administrative review.**

Any employee who has received three or more investigated complaints of misconduct within a one-year period or four or more investigated complaints of misconduct within a two-year period or two or more lawsuits within a three-year period shall be subject to an administrative review. The review may include all investigated complaints, all contact log inquiries, and all lawsuits filed against the Village or employee where the employee's job-related conduct is questioned. The review may also include productivity, sick leave use, off-duty work approval, accident records, and performance evaluations. Following the review, a written report shall be prepared, including recommendations, which shall be forwarded to the Chief of Police. The recommendations may include training, additional evaluation, counseling, and other nondisciplinary measures intended to improve the performance of the employee and may specifically include a referral to the EAP program. The employee shall be notified of the results of the administrative review. The administrative review process is not intended to limit the discretion of supervisors to review performance with employees or to provide counseling and direction to the employee. The review shall be conducted by a committee consisting of the police lieutenants.

**ARTICLE VII****Service for Intoxicated Persons****§ OP265-56. Policy.**

It is the policy of the Mamaroneck Village Police Department to conform with state law and attempt to humanely assist those who due to their condition, cannot assist themselves.

**§ OP265-57. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**HOSPITAL** — A general hospital as defined in Article 28 of the Public Health Law.

**INCAPACITATED** — A person, as a result of the use of alcohol and/or substances, is unconscious or has his or her judgment otherwise so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment.

**INTOXICATED OR IMPAIRED PERSON** — A person whose mental or physical functioning is substantially impaired as a result of the presence of alcohol and/or substances in his or her body.

**LIKELIHOOD TO RESULT IN HARM** —

- A. A substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself; or
- B. A substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

**§ OP265-58. Authority.**

- A. New York State Mental Hygiene Law, Title D, Alcohol and Substance Abuse Act, § 22.09, is the governing law.
- B. New York Penal Law § 240.40, Appearance in public intoxicated by a substance other than alcohol, is a violation.

**§ OP265-59. Procedure.**

- A. An intoxicated or impaired person may be taken home or to a hospital if he voluntarily requests emergency treatment. An intoxicated or impaired person may only be taken home if there is a family member, relative or person of responsibility willing to accept said person. An officer encountering an intoxicated or impaired person shall take every reasonable effort to protect the health and safety of said person. All actions are to be fully documented and reported.
- B. An officer encountering a person who appears 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 shall be taken to the hospital. Transportation shall be by ambulance. All actions are to be fully documented and reported.

ARTICLE VIII  
Firearms as Evidence  
[Added 12-1-2007]

**§ OP265-60. Policy.**

When officers recover firearms, they must determine whether they are of evidentiary value, and should be handled for fingerprints, testing or safekeeping. Firearms are fingerprinted by the Detective Division or the Westchester County Crime Lab unless otherwise directed by the Detective Bureau supervisor.

**§ OP265-61. Procedure.**

- A. If you are unfamiliar with the firearm to be recovered, request that an officer who is familiar with the type of weapon to be recovered respond and assist.
- B. Do not pick up a firearm before making sure that the muzzle is pointed in a safe direction.
  - (1) The best way to lift a pistol or revolver is to hold it with two fingers on the grip portion of the gun.
  - (2) Do not pick up the firearm until it is positively checked clear and rendered safe.
- C. Consider the firearm loaded until it is positively checked clear and rendered safe.
  - (1) When the firearm is unloaded, use the following procedure to render it safe:
    - (a) Pistols or semi-automatic handguns: Place a flex-cuff or similar device through the magazine port, and out the ejection port of the weapon, so that the slide will remain open.
    - (b) Revolvers: Place a flex cuff or similar device through the cartridge chamber to ensure that the cylinder will remain open.
    - (c) **Do not place a flex-cuff or similar device through the barrel of any firearm when rendering it safe, as it may destroy valuable evidence.**
  - (2) If there is any doubt whether the firearm is loaded or not, or if it is not possible to unload the firearm without destroying evidentiary value:
    - (a) Contact a detective for further instruction. Depending on the evidentiary value of the firearm, it may be placed in evidence and processed as a loaded firearm.
  - (3) Do not pull the trigger of a firearm to determine if the firearm is unloaded or to clear the chamber. Open the chamber and conduct both a visual and physical inspection.

## **Chapter OP280**

### **SPECIAL UNITS**

#### **ARTICLE I Commercial Vehicles**

- § OP280-1. Policy.**
- § OP280-2. Commercial vehicle safety inspections.**
- § OP280-3. Issuance of citations.**
- § OP280-4. Out-of-service violations.**
- § OP280-5. Hazardous material violations.**
- § OP280-6. Dismissal or reduction of certain violations prohibited.**
- § OP280-7. Scales.**
- § OP280-8. Bridges.**

#### **ARTICLE II K-9 Operations**

- § OP280-9. Purpose.**
- § OP280-10. Policy.**
- § OP280-11. Requirements for K-9 Handlers.**
- § OP280-12. Training.**
- § OP280-13. Use-of-force documentation.**
- § OP280-14. Reporting requirements.**
- § OP280-15. Canine control.**
- § OP280-16. K-9 Unit assignment.**
- § OP280-17. Call-out procedure.**
- § OP280-18. Misdemeanor offense.**
- § OP280-19. Felony offense.**
- § OP280-20. Building searches.**
- § OP280-21. Area searches.**
- § OP280-22. Locating suspect while dog on lead.**
- § OP280-23. Narcotics searches.**
- § OP280-24. Explosive searches.**

- § OP280-25. K-9 vehicle.**
- § OP280-26. General regulations.**
- § OP280-27. Canine maintenance.**

#### **ARTICLE III Marine Unit**

- § OP280-28. Purpose.**
- § OP280-29. Background.**
- § OP280-30. Policy.**
- § OP280-31. Minimum qualifications for hiring.**
- § OP280-32. Training.**
- § OP280-33. Officer authority and responsibility.**
- § OP280-34. Sea-tow service for impounded vessels.**
- § OP280-35. Equipment.**

#### **ARTICLE IV Motorcycle Use**

- § OP280-36. Purpose.**
- § OP280-37. Policy.**
- § OP280-38. Objectives.**
- § OP280-39. Appointment of officers to unit.**
- § OP280-40. Selection process.**
- § OP280-41. Persons authorized to operate motorcycles.**
- § OP280-42. Equipment.**
- § OP280-43. Uniforms.**
- § OP280-44. Patrol procedures.**
- § OP280-45. Service and warranty; towing.**

**§ OP280-46. Protection from harmful elements.****ARTICLE VI  
Sound Shore SWAT****§ OP280-47. Police escort.****ARTICLE V  
Policing by Bicycle****§ OP280-48. Policy.****§ OP280-49. Training and qualifications.****§ OP280-50. Objectives of operation.****§ OP280-51. Health and fitness.****§ OP280-52. Maintenance.****§ OP280-53. Equipment.****§ OP280-54. Purpose.****§ OP280-55. Policy.****§ OP280-56. Critical incidents.****§ OP280-57. Directives.****§ OP280-58. Procedure for activating the team.****§ OP280-59. Command responsibilities.****§ OP280-60. Use of force.****ARTICLE I  
Commercial Vehicles****§ OP280-1. Policy.**

The Village of Mamaroneck Police Department Traffic Unit (Traffic Unit) shall be responsible for commercial vehicle enforcement within the Village of Mamaroneck.

**§ OP280-2. Commercial vehicle safety inspections.**

- A. The Traffic Unit, in conjunction with the New York State Department of Transportation (NYS DOT), will conduct weekly commercial vehicle safety inspections, depending on weather, available personnel and resources.
- B. The Traffic Unit may conduct joint commercial vehicle inspections with the New York State Police Commercial Vehicle Enforcement Unit (NYSP CVE).
- C. The "stacking" of tickets as described in Article VII, Traffic Enforcement, of Chapter OP290 of this Manual of Procedure shall not apply to traffic officers assigned to commercial vehicle safety inspections. Due to the serious safety violations encountered, the issuance of multiple citations is common.

**§ OP280-3. Issuance of citations.**

- A. Officers may elect to issue citations pertaining to safety and equipment violations on commercial vehicles to the registered owner of said commercial vehicle, provided that said vehicle is registered to a company or corporation. In the event said vehicle is registered to a person, the citation must be issued to the operator.
- B. Any violation directly related to the operation of a commercial vehicle or the responsibility of the operator, i.e., medical card, pretrip inspections, etc., must be issued to the operator.

- C. Officers will forward a copy of the vehicle inspection report completed by a NYS DOT or NYSP CVE inspector to the Village of Mamaroneck Court with all citations issued.

**§ OP280-4. Out-of-service violations.**

- A. Any violations found which qualify as an out-of-service violation, as described in 49 CFR, are not eligible for dismissal, and may not be reduced to a lesser violation.
- B. Traffic Unit officers shall issue a commercial vehicle lighting and equipment correction form with citations issued for violations eligible as correctable offenses, as described in 49 CFR.

**§ OP280-5. Hazardous material violations.**

Any violations encountered, as described in 49 CFR, i.e., unsecured fuel container, etc., are out-of-service violations. Refer to § OP280-4B.

**§ OP280-6. Dismissal or reduction of certain violations prohibited.**

Any citation issued for highway use tax permit or IFTA permit, § 1815 of the New York State Tax Law, violations are not eligible for dismissal, and may not be reduced to a lesser violation.

**§ OP280-7. Scales.**

- A. Officers assigned to the Traffic Unit shall strictly enforce all federal, state and local regulations in regards to commercial vehicle weight and dimensions. Officers will utilize three sets of Department-provided portable truck scales and tape measurer.
- B. Officers assigned to the Traffic Unit will be responsible for the safe use, operation and transportation of Department portable truck scales. The scales will be certified biannually by the New York State Department of Weights and Measures. Any damage to the scales will be reported to the Traffic Sergeant immediately.

**§ OP280-8. Bridges.**

- A. Formula. Traffic Officers will use the federal bridge formula or the New York State bridge formula, whichever applicable, when calculating vehicle weight.
- B. Bridge height and weight limits. Officers will strictly enforce all height and weight limits of bridges located within the Village of Mamaroneck. Officers will use the vehicle's gross vehicle weight rating (GVWR) when determining overweight violations. Federal regulations provide that any bridge not clearly posted with a height limit sign shall be deemed to have a minimum of 13 feet of clearance. Officers must be sure proper signage is in place prior to issuance of a height violation citation.

**ARTICLE II**  
**K-9 Operations**

**§ OP280-9. Purpose.**

The purpose of this article is to specify the circumstances in which the canine team may be used. Additionally, the order will provide a general overview of the canine program for the benefit of the personnel not assigned to the program.

**§ OP280-10. Policy.**

The K-9 Unit will be utilized when the dog's greater sense of smell, hearing, and sight are needed to successfully conduct building searches, field searches, tracking, narcotics detection, explosives detection, and/or evidence recovery.

**§ OP280-11. Requirements for K-9 Handlers.**

- A. K-9 Handlers shall receive tetanus shots once every 10 years.
- B. All police dogs shall remain the sole property of the Village of Mamaroneck until such time as other disposition of the animal is authorized by the Chief of Police.
- C. K-9 Handler applicants will request a written statement from neighbors living to the rear and both sides of his residence stating whether or not they would oppose the applicant keeping a police dog at his residence.

**§ OP280-12. Training.**

Each K-9 Handler shall receive K-9 certification. Recertification will be conducted annually by a recognized certifying organization for performance of police K-9 duties. This training shall include the use of the dog and the K-9 vehicle.

**§ OP280-13. Use-of-force documentation.**

- A. When the police dog bites anyone (except during the course of training), the incident will be fully documented in the written police report. The on-duty shift supervisor will be notified immediately, and a copy of the report will be forwarded to the Chief's Office.
- B. A dog bite form will be completed, and the dog will be placed under "working quarantine" for 10 days.
- C. Photographs of the bite will be taken whenever possible. The photographs will be taken at the hospital after the medical staff has had the opportunity to clean the wounds but prior to the wounds being dressed or bandaged. The photographs will be retained in the case file or the evidence depository.

**§ OP280-14. Reporting requirements.**

- A. A utilization report will be documented by the handler and reviewed by the Patrol Lieutenant.
- B. The handler will be responsible for the documentation of in-service training of the K-9 Unit. All training and utilization records will be kept by the Department's Training Officer.
- C. The Patrol Lieutenant will review the K-9 Unit's utilization and training records on a regular basis.

**§ OP280-15. Canine control.**

Only the assigned K-9 Handler shall control his dog. Only in emergency situations shall any other person control a police dog.

**§ OP280-16. K-9 Unit assignment.**

- A. The K-9 Unit will normally be assigned as a backup unit.
- B. The K-9 Unit may be dispatched as a primary unit; however, they will be primarily used as a backup unit where their utilization as a K-9 Unit is maximized.
- C. When not answering calls for service, the K-9 Unit will be responsible for security checks of commercial, industrial, and construction sites as well as regular patrol.

**§ OP280-17. Call-out procedure.**

The K-9 Unit is subject to call-out with a supervisor's approval. The K-9 Unit may be assigned to assist another agency on a case-by-case basis with the approval of the Patrol Lieutenant or the Chief of Police.

**§ OP280-18. Misdemeanor offense.**

- A. A dog without a muzzle should not be released on a fleeing suspect if the only known offense involved is a misdemeanor.
- B. When the dog is on lead and a search for a misdemeanor suspect is conducted, every effort will be made to effect the arrest without injury to the suspect.

**§ OP280-19. Felony offense.**

Handlers will make every effort to restrict dog bites. The following are examples of situations that would justify release of the dog; however, good judgment and discretion must prevail. **Note:** Prior to release of the dog, the handler must have sufficient information based on such sources as radio transmissions, statements by victims, witnesses, and/or officers to reasonably

establish that a felony crime has actually occurred or is occurring and the subject is the proper suspect.

- A. The suspect, before submission, acts in a furtive manner sufficient to arouse reasonable suspicion of possession of a weapon.
- B. The suspect runs from the handler and/or the dog; he refuses to stop, and apprehension by the handler alone is not consistent with good judgment.
- C. Protection of the dog and/or his handler is involved.
- D. The dog is protecting police officers or other persons from injury or death.

**§ OP280-20. Building searches.**

- A. In buildings to be searched, personnel will secure the scene, refrain from entering the building, and stay clear of the point of entry or exit.
- B. When a building is to be searched, and whenever practical, handlers or a designated officer should provide a warning of the impending use of the police dog. One warning will be read in English and in Spanish, from the warning card issued to each handler. This warning will not be given in those situations when the handler feels such warning would endanger the safety of departmental employees or citizens. The wording is as follows:
  - 1. This is the Mamaroneck Village Police Department Dog Unit. You must come out immediately. If you do not come out immediately, a police dog will be sent in to find you, and he will bite you.
  - 2. Este es el Departamento de Policia de Mamaroneck Unidad de Perros. Salga inmediatamente. Si no sale, mandare un perro policiaco para buscarle y le mordera.
- C. After a reasonable time lapse without response of acknowledgement, the police dog may be deployed after it has been reasonably determined that others are not legally within the building who may be reached by a police dog. The handler has the option of providing more than one warning in situations where the environment or other conditions exist where the subject may not reasonably be expected to hear the initial warning.

**§ OP280-21. Area searches.**

- A. If the suspect has fled and is to be tracked, all personnel will stay clear of the area in which the suspect was last seen. The area shall be secured until the arrival of the K-9 Unit.
- B. While the dog is being utilized, all personnel, except those assigned to assist the K-9 Handler, will stay away from the handler and the dog. Nothing is to be done to distract the dog, such as loud talking, flashing a light, etc.

**§ OP280-22. Locating suspect while dog on lead.**

If the suspect is located during a building/area search while the police dog is on lead, the suspect would be called out given commands to comply with other officers on the scene.

**§ OP280-23. Narcotics searches.**

- A. The narcotic-certified K-9 is able to detect marijuana, cocaine, heroin, and methamphetamine.
- B. When an officer requests the assistance of a K-9 for a narcotics sniff, it is the responsibility of the K-9 Handler to ensure the search is conducted safely.
- C. The K-9 officer will complete a supplemental report detailing the K-9's training and experience when an operation is completed.

**§ OP280-24. Explosive searches.**

- A. The purpose of the explosive-certified K-9 is to detect explosives. The K-9 Handler is not a bomb technician and cannot disarm or dispose of any explosive.
- B. In the event of a bomb threat, the procedures outlined in Article VI, Bomb Threat Response, of Chapter OP250 will be followed. The explosive-detection K-9 may be used to assist in searching for a device.
- C. In the event an officer or citizen finds a device that is obviously an explosive, a bomb disposal unit will be called. There is no need to call for the explosive-detection K-9 to confirm what is already known.

**§ OP280-25. K-9 vehicle.**

- A. The K-9 Handler will be assigned a marked police vehicle equipped to accommodate the dog. The handler will be responsible for the cleanliness and mechanical upkeep of the vehicle. Mechanical maintenance will be performed by the Department's assigned vendor.
- B. Each K-9 vehicle will be clearly marked in the following manner:
  - (1) "K-9 Unit" printed on the side of each front fender and the rear trunk lid or rear door in no less than four-inch-high letters.
  - (2) Both rear windows will be clearly marked "CAUTION K-9" in no less than three-inch-high letters.
- C. Each K-9 vehicle will be specially equipped as follows:
  - (1) Rear seat removed and replaced by a platform covered with indoor/outdoor carpet.
  - (2) Metal skirts on both rear door panels.
  - (3) Removable, washable canvas seat cover on front seat (if needed).

- (4) Heat alarm.
  - (5) Equipment necessary to control the dog.
  - (6) Automatic door openers.
  - (7) Other accessories or modifications as required and approved by the Patrol Lieutenant.
- D. The K-9 Handler will be authorized to keep the vehicle at his residence. The vehicle shall be used for official business only. The officer shall contact the desk anytime the vehicle is put into service.
- E. Only the K-9 Handler is authorized to operate the vehicle unless an emergency occurs. All Department officers will receive training on how to handle the dog in case the handler is unable to handle it. The K-9 Handler shall provide this training when needed. If necessary, and when the dog is out of the vehicle, the handler may authorize any other officer to operate the vehicle.
- F. The K-9 vehicle shall not be used to transport prisoners.

**§ OP280-26. General regulations.**

- A. Because the police dog is trained to protect itself, its handler, and the vehicle, either by command or without command upon provocation, no Department employee will approach or agitate the dog in any manner without the handler's permission.
- B. Handlers will not allow any person to agitate his dog unless it is a part of training.
- C. No officer in uniform shall at any time agitate a police dog.
- D. Horseplay or other such antics will not be tolerated at any time in the presence of the police dog.
- E. Police dogs in the Police Department building will be muzzled and will not be left unattended.
- F. When leaving the dog unattended in the vehicle, windows may be left open slightly, but no more than three inches. If the rear windows are screened, the window may be left open more than three inches.
- G. The handler will always have his dog under control when taking him from the vehicle. An exception is when the dog is called to assist and the handler cannot return to the vehicle because of the urgency at hand.

**§ OP280-27. Canine maintenance.**

- A. The K-9 Handler shall be permitted to walk the police dog for at least 1/2 hour each tour of duty.
- B. The K-9 Handler will keep fresh water in the K-9 vehicle.

- C. Items such as tick bath, deodorant, food, medical supplies, etc., will be issued as needed.
- D. The police dog shall receive his series of shots and other checkups at the discretion of the Department's veterinarian.
- E. The handler will notify the Patrol Lieutenant as soon as practical if the dog is taken to the veterinarian for any reason other than routine physical exams.
- F. The handler may make appointments with the Department's veterinarian for routine checkups while on duty.
- G. The police dog will be fed once or twice a day and furnished adequate water at all times.
- H. The dog will be brushed every day and ears cleaned once a week. The nails will be cut as needed.
- I. Handler's residence should have a fenced yard or a kennel run. Any gate should be secured by locking.

### ARTICLE III Marine Unit

#### **§ OP280-28. Purpose.**

The purpose of this article is to establish a standard operating procedure and define policies and guidelines for use by the Bay Constables of the Village of Mamaroneck Police Marine Division and to familiarize members of the Police Department with the resources and restrictions of the Marine Division.

#### **§ OP280-29. Background.**

The Village of Mamaroneck has 9 1/2 miles of waterfront coastline on Long Island Sound. Found on the coastline are private homes, beach and yacht clubs, private marinas, shipbuilders and Harbor Island Marina. Harbor Island Marina is the second largest natural small-boat harbor on the east coast, used by recreational boaters as well as commercial fisherman. Ensuring the safety of all boaters in and around the Village of Mamaroneck is the primary function of the Marine Division.

#### **§ OP280-30. Policy.**

The Village of Mamaroneck Police Department shall maintain a Marine Division staffed by Bay Constables, designated as peace officers in the Criminal Procedure Law § 2.10, Subdivision 18. The Marine Division will have the responsibility of patrolling the navigable waters of Long Island Sound in and around the Village of Mamaroneck to ensure a safe environment for boaters using the waterways and to protect the natural surroundings of the water and coastline for the residents of the Village and its wildlife. The unit, having a fleet of two vessels, will patrol daily during the boating season and at other times as required for emergencies, special events and seasonal extensions.

**§ OP280-31. Minimum qualifications for hiring.**

- A. The position of Bay Constable of the Village of Mamaroneck is a part time, seasonal appointment not subject to civil service testing.
- B. A candidate for Bay Constable must be a minimum of 20 years of age.
- C. A successful candidate will have completed the Metropolitan Police Training Council Basic Peace Officer Training Course prior to being hired and be trained and licensed to carry a firearm.
- D. Knowledge and skills in boating operation and a working knowledge of the navigable waters of the Village of Mamaroneck is a requirement for appointment.
- E. Before appointment, a candidate must pass a medical exam and background investigation.

**§ OP280-32. Training.**

- A. A newly appointed Bay Constable will receive a minimum of 40 hours of in-service training while assigned with a field training officer. The field training will introduce the new employee to the standard operating procedures of the Marine Division, the vessel equipment, geographical jurisdiction, and the laws to be enforced.
- B. Newly hired Bay Constables will be certified in first aid, CPR, automatic external defibrillation, oleoresin capsicum spray and the collapsible baton, and all members of the unit will be recertified annually.
- C. Members shall receive training from the Police Department Firearms Instructor and must qualify in the use of the firearm prior to assignment to the Unit and as dictated by Police Department policy. The members of the Unit will requalify and be guided by Department firearms policies.
- D. Officers appointed after 1990 shall attend the forty-hour New York State Marine Law Enforcement Basic Course within two years of appointment.
- E. Additional training shall be at the discretion of the Chief of Police and the Lieutenant in charge of the Unit. [Revised 4-8-2009]

**§ OP280-33. Officer authority and responsibility. [Revised 4-8-2009]**

The Chief of Police is the chief administrator of the Village of Mamaroneck Police Department. The Marine Division is a subdivision of the Police Department. The Marine Division consists of Bay Constables, including several supervisors appointed by the Chief of Police.

- A. The Patrol Lieutenant is accountable to the Chief of Police and/or the on-duty supervisor of the Police Department. His duties include but are not limited to:

- (1) Scheduling and supervising of personnel and evaluating job performance.
  - (2) With the Chief of Police, formulating and directing implementation of rules, regulations, policies and procedures of the Marine Unit.
  - (3) Responding to all major incidents involving the Marine Unit, including but not limited to serious boating accidents, criminal arrests, civilian complaints against a Bay Constable and other incidents as requested by the Tour Supervisor.
  - (4) Reviewing all reports written by the Bay Constables and police officers involving incidents occurring on or about Long Island Sound and conducting follow-up investigations as necessary.
  - (5) With the Chief of Police, screening applicants for the position of Bay Constable.
  - (6) Conducting annual employee performance evaluations for Bay Constable Sergeants and reviewing all Bay Constable evaluations.
- B. The Bay Constables report to the Bay Constable Supervisor and to the Tour Supervisor of the Police Department. Their duties include but are not limited to:
- (1) Equipment and vessel maintenance, including maintaining service logs.
  - (2) Supervising and training the Bay Constables.
  - (3) Reviewing all reports written by the Bay Constables.
  - (4) Conducting follow-up investigations as necessary.
  - (5) Conducting annual employee performance evaluations on Bay Constables.
  - (6) Performing the above duties in addition to his duties as a Bay Constable.
- C. The Bay Constables report to the Bay Constable Sergeant and to the Tour Supervisor of the Police Department. His duties include but are not limited to:
- (1) Patrol Harbor Island Marina and the waters surrounding the Village of Mamaroneck.
  - (2) Enforce the Navigation Law, Environmental Conservation Law, the Vehicle and Traffic Law as it applies to vessels, Penal Law and other federal, state and local laws as needed.
  - (3) Respond on calls for service for aid, crime reporting and other incidents as detailed by the police desk.
  - (4) Enter Incident Reports into records management computer system.
  - (5) Assist the Coast Guard and neighboring Marine Units when mutual aid is requested.
  - (6) Promote marine safety to the residents and visitors using the waters in and around the Village of Mamaroneck.

**§ OP280-34. Sea-tow service for impounded vessels.**

In the event of a vessel impound (i.e. evidence, disabled, or arrest), an authorized sea-tow service shall be used. A private vessel shall not be towed or operated by a Bay Constable except under an extreme emergency. The impounded vessel will be tagged and inventoried according to Department policy and secured at the police dock or a secure marina.

**§ OP280-35. Equipment.**

- A. The Marine Unit has a fleet of two vessels. Harbor 321 is a twenty-six-foot Seahawk with an engine of 250 horsepower. It is an all-purpose vessel suitable for use in the harbor and in open waters. Harbor 321 is the primary vessel for use by the Marine Unit. Harbor 327 is a twenty-foot Seahawk with an engine of 150 horsepower. It is suitable for use in the inner harbor and as a backup vessel.
- B. A vessel inspection shall be conducted at the beginning of each tour of duty. A Vessel Inspection Form is found on the back of the Marine Division daily activity report. The following equipment and supplies shall be checked:

Engine oil	Batteries
Oil level	Bilge pump
Gauges	Fuel-level lights
Screws tightened	Emergency light bar
Hull condition	Interior
Marine radio	Hailer
Police radio	Depth finder
Radar	Portable UHF radio
Portable police radio	Fire extinguisher
Life Saving Device	First Aid Kit
Resuscitator	AED
Motor(s)	Shotgun
Drive train	Steering

- C. Optional equipment. Bay Constables with proper certification are authorized to carry the following equipment on board and use as required:
- (1) SCUBA equipment by certified rescue divers.
  - (2) Alco-sensor by BWI-certified personnel.
- D. Any problems noted during the daily vessel check shall be brought to the attention of a Bay Constable Sergeant or Lieutenant and noted on the vessel inspection sheet. Emergency vessel maintenance and/or repair must be authorized by a Bay Constable Supervisor.

**ARTICLE IV**  
**Motorcycle Use**  
**[Revised 12-1-2007]**

**§ OP280-36. Purpose.**

The purpose of this article is to establish departmental policy and procedure for the use of police motorcycles and general duties of personnel assigned to the Motorcycle Unit.

**§ OP280-37. Policy.**

It is the policy of the Village of Mamaroneck Police Department to maintain the highest level of integrity in its selection, training, and operation of motorcycle personnel. This policy serves to provide procedures, guidelines and requirements which regulate the operation of Village of Mamaroneck Police Department motorcycles.

**§ OP280-38. Objectives.**

The objectives of the Motorcycle Unit are:

- A. To ensure the safety of the public.
- B. To allow for an orderly and expeditious flow of traffic.
- C. To promote maneuverability through traffic congestion when responding to emergencies.
- D. To aid in the reduction of auto accidents.
- E. To enforce the vehicle and traffic laws of the State of New York and the ordinances of the Village of Mamaroneck.

**§ OP280-39. Appointment of officers to unit; responsibilities.**

- A. Authority to appoint an officer to the Motorcycle Unit shall be at the discretion of the Chief of Police.
- B. Responsibilities. Members assigned to the Motorcycle Unit shall report to the Patrol Lieutenant or Tour Supervisor. **[Added 4-8-2009]**

**§ OP280-40. Selection process.**

The selection process shall be as follows:

- A. Vacancies shall be posted on the day sheet.
- B. Interested members should possess a valid New York State operator's license with motorcycle endorsement at time of appointment to the Motorcycle Unit. In addition any member whose most recent performance evaluation report was below standards may not be considered for the Motorcycle Unit.

- C. Interested members shall submit a memo to the Chief of Police along with a photo copy of a their valid New York State driver's license with motorcycle endorsement.
- D. Interested members must be in a physical condition that will allow for the safe operation of Village of Mamaroneck Police Department motorcycles. Interested members may be required to be examined by a Department-approved physician at the discretion of the Chief of Police.
- E. The Chief of Police shall make final selection of any members assigned to the Motorcycle Unit.

**§ OP280-41. Persons authorized to operate motorcycles.**

Only the following are authorized to operate Village of Mamaroneck Police Department motorcycles:

- A. Those officers selected for the Motorcycle Unit who have successfully completed an approved motorcycle operation training course.
- B. Those officers who have been selected for the Motorcycle Unit while participating in the prescribed training course.
- C. A certified mechanic while conducting a test drive.

**§ OP280-42. Equipment.**

- A. All equipment for officers assigned to the Motorcycle Unit, including uniforms, shall be authorized by the Chief of Police. Any exceptions must be authorized in writing by the Chief of Police.
- B. Motorcycles and all accompanying equipment shall be distinctly marked.
- C. No unauthorized equipment or personal modifications shall be permitted on the motorcycles. This includes decals, stickers, and tags except with permission of the Chief of Police.
- D. Small first-aid kits will be carried.
- E. Inspections may be performed by the Chief of Police or his delegate.
- F. Daily preventive maintenance and safety checks of the motorcycle shall be performed in accordance with manufacturer's specifications.
- G. Helmets shall be worn at all times the motorcycle is in motion. Only DOT-approved helmets shall be worn. Helmets shall be replaced every three years or as required by manufacturer's specifications.

**§ OP280-43. Uniforms.**

Only uniforms authorized by the Chief of Police shall be worn.

**§ OP280-44. Patrol procedures.**

- A. When an officer has effected a traffic stop and has determined that both vehicles have been positioned in a safe location, the engine shall be turned off to prevent overheating. Upon completion of the traffic stop, the officer shall maintain visual contact with the violator's vehicle until it has safely departed the officer's immediate presence.
- B. Officers assigned to the Motorcycle Unit who make an arrest requiring prisoner transport will request that a marked patrol vehicle respond to the scene for that purpose.
- C. Pursuits, as defined in the manual of procedure (Article I, Pursuits, of Chapter OP295), are strictly prohibited due to the hazards which greatly increase the potential for serious injury to the motorcycle officer.
- D. During periods of inclement weather when operation of a motorcycle is impractical, the officer shall deploy in a designated traffic enforcement vehicle. Should inclement weather occur during an officer's tour of duty, he/she may await the passage of the inclement weather not to exceed 30 minutes.
  - (1) If it is apparent such inclement weather will not abate within 30 minutes or less, the officer will secure a designated traffic enforcement vehicle and continue his/her tour of duty.
  - (2) If the inclement weather abates within 30 minutes or less, the officer must determine if the roadway surface is safe for motorcycle operation prior to returning to duty.
- E. Officers assigned to the Motorcycle Unit may be utilized to make public relations appearances, i.e., assist D.A.R.E. officers, Village functions, etc.
- F. Motorcycle officers, due to their mobility, may be dispatched to areas which may not be easily accessible by patrol vehicles, such as parks, trails, heavily congested roadways, etc.

**§ OP280-45. Service and warranty; towing.**

- A. All warranty and nonwarranty repair work on motorcycles shall be completed at an authorized dealership approved by the Chief of Police.
- B. Towing shall be made by an authorized company that has the capability of towing a motorcycle without causing damage to the motorcycle during the process.

**§ OP280-46. Protection from harmful elements.**

- A. It will be the responsibility of the officer to provide security and shelter for his/her motorcycle.
- B. When not in use, motorcycles will be left inside the Motorcycle Unit garage to avoid unnecessary exposure to the outside elements.

**§ OP280-47. Police escort.**

Officers assigned to the Motorcycle Unit may provide escorts at the discretion of the Chief of Police.

**ARTICLE V**  
**Policing by Bicycle**

**§ OP280-48. Policy.**

The Department will utilize bicycle patrols throughout the Village and ensure that all officers assigned to the Bicycle Units are trained in proper bicycle operation, bicycle maintenance, and the special tactical considerations unique to policing by bike.

**§ OP280-49. Training and qualifications.**

- A. An officer will be qualified to ride a mountain bike while on patrol after having successfully completed the Department's mountain bike training class.
- B. The Bicycle Unit Commander will ensure that officers assigned to the Bicycle Unit keep their skills current with on-going in-service training and may designate training days to work on specific skills.
- C. A list of officers who are qualified and trained to ride a police mountain bike will be maintained by the Training Section.

**§ OP280-50. Objectives of operation.**

- A. Bicycle patrols can be applied in many police functions. Bicycle patrols can work in high-crime areas, city parks, assist undercover operations in a surveillance or arrest team capacity, work crowd control, provide parade or demonstration escorts, respond to unusual occurrences, work at special events, and in any area that is not accessible to other vehicles. The Bicycle Unit Commander and the officers assigned to the unit will determine when the use of the bicycle patrol is appropriate and safe.
- B. Due to the ability of an officer on a mountain bike to move quickly and efficiently through various terrains, the police bike makes an effective proactive tool. The bicycle officer can also be highly visible and more approachable to the public, promoting community policing.
- C. The bicycle patrol will operate year-round. It is at the discretion of the Unit Commander and officers to determine if weather conditions make it unsafe or impractical for bicycle operation.
- D. The Bicycle Unit Commander and the officers assigned to the Bicycle Unit will determine the limitations of policing by bicycle.
- E. Bike officers will usually not be dispatched to calls, but will respond to calls when they are available and it is practical to respond.

**§ OP280-51. Health and fitness.**

- A. Riding a mountain bike while on duty is physically demanding. Officers should consider their general health and physical fitness prior to an assignment in the Bicycle Unit. Officers are encouraged to get a medical checkup prior to starting an assignment in the Bicycle Unit. Once assigned to the Bicycle Unit, the officer should maintain the physical fitness level required for the safe and effective performance of the job.
- B. Officers will practice the injury-prevention techniques taught in the Department mountain bike training class. Through training and safe bicycling practices, the Department will make every effort to minimize the injuries related to cycling.

**§ OP280-52. Maintenance.**

Officers will perform the basic maintenance and safety checks on their bicycles, as taught in the mountain bike training class. Officers may perform more advanced maintenance and repair on their bicycles based on individual training and experience. Maintenance and repairs that are beyond the officer's training or ability will be conducted by a Department-approved bicycle shop.

**§ OP280-53. Equipment.**

- A. Each bicycle officer will be equipped with Department-approved cycling clothing and gear, to include.

- (1) Cycling helmet, gloves, shoes, and shorts.
  - (2) Safety glasses.
  - (3) Rain gear.
  - (4) Regular duty gear required for uniform patrol.
  - (5) Whistle.
- B. The bicycles used by the Department will be compliant with New York State law concerning lamps and reflectors on bicycles.
- C. Police bicycles will be equipped based on the generally accepted standard for police bicycles. Additional equipment may be added to the bicycle as approved by the Unit Commander.
- D. Bicycles will be transported in a carrier designed for this purpose or in such a manner as not to damage the bicycle or the vehicle transporting the bicycle.
- E. Any damage to a bicycle will be reported to the Unit Commander.

## **Chapter OP290**

### **TRAFFIC**

#### **ARTICLE I Accident Reporting**

- § OP290-1. Purpose.
- § OP290-2. Definition.
- § OP290-3. Policy.
- § OP290-4. General procedures.
- § OP290-5. Serious injuries or fatal accidents.
- § OP290-6. Fire hazards.
- § OP290-7. Driving while intoxicated or impaired by drugs or alcohol.
- § OP290-8. Hazardous materials.
- § OP290-9. Accidents involving Village property.
- § OP290-10. Hit-and-run accidents.

#### **ARTICLE II DWI Procedure**

- § OP290-11. Purpose.
- § OP290-12. Policy.
- § OP290-13. Procedure.
- § OP290-14. Psychomotor testing for DWI arrests.
- § OP290-15. Alco-Sensors.

#### **ARTICLE III DWI Roadblocks**

- § OP290-16. Purpose.
- § OP290-17. Background.
- § OP290-18. Policy.
- § OP290-19. Location of selected checkpoints.
- § OP290-20. On-site procedures.

#### **ARTICLE IV Impounds**

- § OP290-21. Purpose.
- § OP290-22. Background.
- § OP290-23. Policy.
- § OP290-24. Types of vehicles which may be impounded.
- § OP290-25. Inventory search.
- § OP290-26. Notification requirements.

#### **ARTICLE V Stopping Violators**

- § OP290-27. Purpose.
- § OP290-28. Background.
- § OP290-29. Policy.
- § OP290-30. Procedure.
- § OP290-31. Felony stops.

#### **ARTICLE VI Traffic Direction and Control**

- § OP290-32. Taking charge.
- § OP290-33. Rules for directing traffic.

#### **ARTICLE VII Traffic Enforcement**

- § OP290-34. Policy.
- § OP290-35. Violator contact.
- § OP290-36. Enforcement policy.
- § OP290-37. Warnings.
- § OP290-38. Tickets.
- § OP290-39. Arrests.
- § OP290-40. Assisting motorists.

**§ OP290-41. Referral of drivers recommended for reexamination.**

**§ OP290-42. Commercial vehicle enforcement.**

**§ OP290-43. Analysis and report of enforcement activities.**

**ARTICLE I  
Accident Reporting**

**§ OP290-1. Purpose.**

The purpose of this article is to ensure that motor vehicle accidents that occur in the Village of Mamaroneck are thoroughly investigated and consistently documented.

**§ OP290-2. Definition.**

As used in this article, the following terms shall have the meanings indicated:

**MOTOR VEHICLE ACCIDENT** — Any incident in which injury and/or property damage is caused unintentionally, by the movement of a motor vehicle.

**§ OP290-3. Policy.**

It is the policy of the Village of Village of Mamaroneck Police Department that:

- A. All members be familiar with and abide by the Vehicle and Traffic Law, Article 22 (§ 600 et seq.).
- B. Members of the Police Department will complete an accident investigation report whenever summoned to the scene of a motor vehicle accident (MVA), including a hit and run, that occurs in the Village. The report will be completed on an MV-104A Form and should be as thorough as possible prior to submission for approval. In certain cases where damage is minor, the drivers may request to exchange relevant information in lieu of a police accident report. All parties involved in the accident will be advised to report the accident to their respective insurance companies and submit a MV-104 within 10 days of the accident to the Department of Motor Vehicles in accordance with § 605 of the Vehicle and Traffic Law. Officers will assist all persons in obtaining the information necessary to complete the MV-104.
- C. Police accident report forms, MV-104A, will be completed in accordance with the directions set forth in the Department of Motor Vehicles Police Accident Manual.

**§ OP290-4. General procedures.**

- A. Upon arrival at any motor vehicle accident, officers should safeguard the scene and care for the injured.
- B. The Fire Department, ambulance, and/or tow company will be requested when needed.

- C. All drivers will be interviewed, and the identification and statements of witnesses will be obtained, if appropriate.
- D. The MV-104A report shall be completed and data will be entered into SJS.
- E. Necessary enforcement action shall be taken when traffic violations have occurred. The issuance of a summons must be based on a thorough investigation and requires a working knowledge of the Vehicle and Traffic Law and the Criminal Procedure Law.
- F. The supervisor will review the MV-104A report for accuracy and completeness.

**§ OP290-5. Serious injuries or fatal accidents.**

- A. The Tour Supervisor will respond to all fatal accidents and accidents with serious injuries.
- B. Appropriate technical documentation will be completed including scene diagrams. In all fatal accidents, the Westchester County Accident Investigation Team will be requested to respond.
- C. The on-call Detective will be notified immediately in the event of any fatal accident.
- D. Personal notification of the victim's next of kin shall be arranged when appropriate.
- E. The Assistant District Attorney will be notified.

**§ OP290-6. Fire hazards.**

When an officer is detailed to the scene of an MVA where the potential for a fire is readily apparent, the Fire Department will be notified and requested to respond.

**§ OP290-7. Driving while intoxicated or impaired by drugs or alcohol.**

Whenever an officer suspects that the ability of a driver involved in an accident has been impaired by alcohol or drugs, he/she will follow Department procedures concerning alcohol related offenses.

**§ OP290-8. Hazardous materials.**

- A. Whenever an MVA involves a vehicle transporting hazardous material, the investigating officer will take all necessary steps to ensure the safety of all persons at or near the scene. Initial responders should remain upwind from the suspected hazardous material and utilize the DOT Emergency Response Guide in making a preliminary assessment of the situation.
- B. The driver of the vehicle should be interviewed to determine the nature of the material and to determine if the appropriate placards are displayed on the vehicle.

- C. The Fire Department will be summoned to provide assistance and other agencies (for example, DEC, HAZMAT) will be notified as necessary.

**§ OP290-9. Accidents involving Village property.**

- A. All accidents involving police vehicles or police officers (including off-duty accidents in the Village) will be investigated by the Tour Supervisor. Any other accidents involving Village-owned vehicles or property will be investigated to the officer assigned.
- B. An MV-104A Form will be completed in accidents involving Village-owned vehicles. A Damage to Village Property Form will also be completed. Copies of the reports will be forwarded to the Village Manager's office.

**§ OP290-10. Hit-and-run accidents.**

- A. The initial responding officer will be responsible for the primary hit-and-run investigation.
- B. An MV-104A shall be completed and entry made into SJS.
- C. A description of the wanted vehicle should be transmitted to all units and to other jurisdictions, if appropriate.
- D. In the case of serious injury or death, all necessary support teams should be notified (Supervisor, Detective, ADA, Accident Investigation Team).
- E. If the accident just occurred and there is a description of the vehicle and/or operator who left the scene, and the accident involved serious injury or a fatality, the available information should be broadcast over the Westchester County Hotline System.
- F. If the hit-and-run involves a fatality or serious injury, a File 4 will be sent through NYSPIN if there is a vehicle description.
- G. Statements should be taken from all witnesses.
- H. To prepare the MV-104A for a hit-and-run auto accident, the report will be completed with as much information as is available. Be sure to note any possible vehicle description and damage to the fleeing vehicle, if known.

**ARTICLE II  
DWI Procedure**

**§ OP290-11. Purpose.**

The purpose of this article is to establish uniformity, ensure compliance with all applicable laws and to provide awareness where applicable evidence may be gathered and submitted to support the prosecution of DWI defendants.

**§ OP290-12. Policy.**

The Department's enforcement emphasis is to detect, apprehend, and successfully prosecute the impaired or intoxicated motor vehicle operator. The Department's goal is to reduce accidents and violations involving the impaired or intoxicated motorist. Police officers have no discretion when dealing with DWI offenses.

**§ OP290-13. Procedure.**

- A. If a breath test operator is not on duty when an arrest takes place, neighboring Departments may be polled for availability. If there are no operators on duty in neighboring Departments, then an off-duty officer will be called in to perform the breath test.
- B. Most forms for arrests are included in the records management system. Those forms that are to be completed by hand are located in the forms cabinet. Blood test and urine test kits are located behind the desk in the key and gun locker cabinet. Chemical tests shall be administered in accordance with the rules and regulations governing chemical tests for evidence of intoxication as per the provisions of § 1194 of the Vehicle and Traffic Law and Chapter 897 of the Laws of the State of New York (1972) and promulgated in Part 59 of the Administrative Rules and Regulations, Subchapter D of Chapter 2, Title 10 (Health), of the Official Compilation of Codes, Rules, and Regulations of the State of New York.
- C. The chemical tests for intoxication used by this Department are breath test, blood test, and urine test, depending upon the situation. To comply with the provisions of the law, the following procedure shall be followed:
  - (1) The officer must have reasonable cause to believe the person has been driving in an intoxicated condition. The arresting officer shall make a preliminary investigation at the scene (after stopping the subject for the reason which brought the situation to his attention) to ascertain if reasonable cause for the subsequent arrest for driving while intoxicated or driving while impaired exists.
    - (a) The officer will advise headquarters of the situation and request assistance.
    - (b) The officer may request the subject to submit to psychomotor testing as described in § OP290-14 of this chapter. Officers who are trained as standardized field sobriety test administrators should be called to the scene to administer these tests if they are on duty.
    - (c) The officer may request the subject to submit to a breath screening test as prescribed by Article 31, § 1194, Subdivision 1(b), of the Vehicle and Traffic Law of the State of New York. If the subject refuses to submit to the breath screening test, he may be issued a uniform traffic summons under said section.
    - (d) The subject shall be placed under arrest and advised of his rights (DWI and Miranda).

- (e) The officer will advise headquarters and request that arrangements for a breath test operator (and a matron if the subject is female) be made. He will then transport the subject to Headquarters and make provisions to have the defendant's vehicle towed if there is not a competent, licensed driver present at the scene or if it will be impounded as evidence.
- (2) At the scene of the incident or at Police Headquarters, the arresting officer shall:
- (a) Arrange for the inventory of the subject's vehicle, if towed. Complete a vehicle impoundment and inventory according to Department procedures.
  - (b) "Book" the subject, complete Alcohol Influence Report and bring the subject before the breath test operator. The arresting officer shall remain with the subject during the breath test and act as the witness, observing such facts as indicated on the Breath Test Operational Check List. If a breath test is not practical in this situation, the officer may request a blood test or urine test.
  - (c) If the subject refuses to submit to a chemical test after the proper warnings have been given, the arresting officer shall notify the Commissioner of Motor Vehicles of said refusal on the proper forms. The defendant's driver's license must be attached to the refusal form for submission to court.
  - (d) A checklist to ensure that all reports and forms are completed and reviewed will be attached to the front of the paperwork to be sent to the Detective Bureau in all DWI arrests.
  - (e) Check driver safety record for prior conviction of the charge. Teletype check shall be made to ascertain if the subject may be wanted by other agencies. Upon completion, the subject will be processed (fingerprinted and photographed). If subject is unable to be processed at this time, the court is to be advised.
- (3) After processing, depending upon the particular circumstances present at the time, the subject shall:
- (a). Be released to a competent authority (responsible adult) on an appearance ticket.
  - (b) Be placed in a cell pending release, arraignment or transportation to the county jail or medical facility.
- (4) Breath test operators shall be familiar with Part 59, Subchapter 2, Title 10 (Health), of the Official Compilation of Codes, Rules and Regulation of the State of New York. Breath test operators will maintain the appropriate test logs in accordance with the above procedure, maintaining a record of all tests and arrest records for the instrument.
- (5) On blood and urine tests, the arresting officer will seal, tag, and secure the samples as evidence. The sample will be delivered to the Westchester County Lab in Valhalla, during normal hours of operation, according to standard evidence procedures. The laboratory will issue a receipt for the evidence submitted. Records

of continuity of processing of said evidence shall be maintained. All records shall be maintained on Department forms with times, dates, and personnel involved.

**§ OP290-14. Psychomotor testing for DWI arrests.**

**A. General information.**

- (1) Psychomotor tests are designed to test an individual for motor responses and muscle control. These tests may take on a formal structure such as specific tasks for a person to perform.
- (2) An important part of these tests is determining the individual's ability to follow instructions. Directions for the tests to be performed should be specific, clear, easy to follow and reasonable. The officer should explain each test more than once and demonstrate its proper execution at least once.
- (3) An officer should never ask a person to perform a test that he himself cannot correctly perform, because he may find it necessary to demonstrate the test during legal proceedings.
  - (a) During the course of testing and especially when demonstrating the tests, the officer shall keep safety foremost in his mind.
  - (b) Conduct the tests in a location that is safe for all parties included.
  - (c) The officer should never put himself in an unsafe position with regard to the person being tested. This includes the position of firearms, flashlights, baton, OC spray and the proximity to the flow of traffic.
- (4) An officer's observations of an individual during this period of testing may contribute to his probable cause for an arrest for a violation of § 1192, Subdivision 3, of the Vehicle and Traffic Law based on the person's ability to properly follow directions such as balance and walk, their ability to remember simple data, etc.

**B. Tests not requiring advanced training.**

- (1) The following are examples of psychomotor testing that can be incorporated during DWI arrests that do not require advanced training skills:
  - (a) Balance: having a person stand on a specified leg.
    - [1] Method: person stands on a specified leg while raising the other with both knees straight.
    - [2] Purpose: to determine ability to balance.
    - [3] Indication of intoxication: Inability to balance and standing on wrong leg.
  - (b) Finger-to-nose test.

- [1] Method: having a person touch his/her nose in the prescribed manner with eyes shut. Do this a certain number of times with each hand.
- [2] Purpose: to determine muscle and motor coordination.
- [3] Indication of intoxication: inability to consistently touch nose and using wrong hand or wrong number of tries.

(c) Romberg balance test.

- [1] Method: individual closes his/her eyes and leans his/her head back.
- [2] Purpose: to determine person's ability to balance.
- [3] Indication of intoxication: inability to stand up and weaving motion while standing.

- (2) With all balance tests, especially Romberg, the officer should be concerned with keeping the person being tested from falling and becoming injured.

C. Other psychomotor tests.

- (1) Pupil reaction to light: By repeatedly shining light in a person's eyes while they are counting enables the officer to determine the person's ability to count and also to check the dilation of the pupils. Indications of intoxication shall be determined by the individuals inability to count and the slow reaction of dilated pupils.
- (2) Walking: Walk from the car to a safe area to conduct further tests and observe the person's ability to walk normally without support. All walking and standing tests should be conducted on flat, level, solid surfaces. Have the person walk a certain number of steps in one direction, then turn in a certain direction and walk a certain number of steps back. (Strict heel to toe walking is not recommended because it is an unnatural way to walk.) Indications of intoxication shall be determined by the person's inability to walk the number of steps requested in either direction, their inability to walk a straight line normally, turning the wrong way or stumbling backwards after turning.
- (3) Balance swing: Have the person stand stiff-legged and swing a specified leg with knee straight. This is to test the person's inability to balance. The inability to balance or swinging the wrong leg shall be an indication of intoxication.
- (4) These tests do not include all available tests of this type but do represent a comprehensive cross section of examples.

D. Legality. Based on the case of *Schmerber v California*, 384 U.S. 757, 16L ED, ad 908 at 914, a person has no constitutional right not to perform psychomotor-type tests.

§ OP290-15. Alco-Sensors.

- A. Section 1194, Subdivision 1(b), of the New York State Vehicle and Traffic Law (breath tests for operators of certain motor vehicles): "Every person operating a motor vehicle

which has been involved in an accident or which is operated in violation of any of the provisions of this chapter shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may require such operator to submit to a chemical test in a manner set forth in sub-division two of this section."

- (1) When a police officer at the accident scene has some indication of alcohol involvement or when a vehicle is stopped for any vehicle and traffic violation, the Patrol Supervisor shall be notified, and the Alco-Sensor test may be administered. If the test indicates that such operator has consumed alcohol, the police may require such operator to submit to a chemical test in the manner set forth in § 1194 of the New York State Vehicle and Traffic Law.
  - (2) Drivers that refuse to submit to the Alco-Sensor can be issued a uniform traffic ticket for § 1194, Subdivision 1(b), of the New York State Vehicle and Traffic Law whether or not there is probable cause for arrest under § 1192 of the New York State Vehicle and Traffic Law.
  - (3) The Alco-Sensor will be used following manufacturer's guidelines.
- B. Compulsory chemical blood test orders (§ 1194, Subdivision 3, of the Vehicle and Traffic Law).
- (1) On October 13, 1983, the Vehicle and Traffic Law was amended to provide that an operator of a motor vehicle who refuses to submit to a chemical test for intoxication may be compelled to submit to a chemical test, provided that a court order is obtained. In order for a police officer to apply for this article, the operator of the motor vehicle must have caused the death or serious physical injury to a person other than the operator.
  - (2) The statute requires that the application must be made to a County, Supreme or District Court Judge in the judicial district in which the incident occurred.
  - (3) In the event a situation arises where such an order is feasible and a death or serious physical injury has occurred (as defined in § 10.00 of the Penal Law), the on-duty Assistant District Attorney and the on-call Lieutenant shall be notified.

### ARTICLE III DWI Roadblocks

#### § OP290-16. Purpose.

The purpose of this article is to establish uniform guidelines when conducting sobriety checkpoint operations.

#### § OP290-17. Background.

Under normal circumstances, an operator of a motor vehicle cannot be stopped by the police in New York State unless, at the very least, some traffic infraction has occurred. An officer on

patrol who seeks to enforce the DWI laws can only respond to what he observes in the way of weaving and/or similar type dangerous driving maneuvers. The Supreme Court of the United States, however, has indicated that the police may utilize roadblocks for the purpose of traffic checks in order to determine driver licensing and car registration status; to check individuals in the immediate area of a crime scene or criminal incident; and to ascertain the conditions of a vehicle (safety) or its driver (sobriety). The key is that officers are not acting in an arbitrary or capricious manner. Hence, checkpoints must be rigidly controlled so as not to violate the mandates of the Constitution, as interpreted by the Court.

#### **§ OP290-18. Policy.**

Sobriety checkpoints will be undertaken periodically by the Department as part of our overall effort to deter driving while impaired under the influence of alcohol or drugs. Sobriety checkpoint procedures will always be carried out with the utmost regard for the safety of motorists and the officers involved. All constitutional requirements and guarantees will be adhered to, as delineated by this article. Only the Chief of Police may authorize a sobriety road check or the participation of Department personnel assisting in a similar operation being conducted by another police agency.

#### **§ OP290-19. Location of selected checkpoints.**

Sobriety checkpoints will be conducted on selected roadways based on standard, selective enforcement criteria considering the time of day, day of week, location, and the accident frequency. The exact site of the roadblock will be selected considering its relative safety for motorists and Department personnel.

#### **§ OP290-20. On-site procedures.**

The following procedures will be strictly adhered to, consistent with good judgment, before and during the conducting of sobriety checkpoints:

- A. At least one ranking officer will be assigned to each sobriety checkpoint detail to directly supervise the operation.
- B. Each site will be manned by a sufficient number of uniformed officers to maintain a safe and effective operation. Officers assigned will wear Department reflectorized vests while on checkpoint assignments. Flares and/or reflectors shall be used to illuminate the site. Warning signs shall be erected to give conspicuous advance notice of the impending stop ahead and its nature. Barricades will not be used to block oncoming traffic.
- C. All traffic approaching the checkpoint will be stopped. Traffic backups will be continuously monitored for safety. If the traffic backup reaches the maximum safe distance, predesignated by the road check supervisor, cars in the line will be waved through the checkpoint to neutralize the dangerous condition.
- D. All motorists must be treated in a uniform, courteous, and nondiscriminating manner. The officer will approach each motorist and state, "Good evening. I am Police Officer \_\_\_\_\_ of the Village of Mamaroneck Police Department. This

sobriety checkpoint has been set up to identify and remove drunk drivers." If there is no immediate evidence of intoxication or other apparent violation, the motorist will be given the necessary assistance to safely proceed.

- E. During the brief stop, the officer will look for facts that can be articulated, such as an odor of alcoholic beverage, slurred speech, the general appearance and/or other behavior normally associated with the DWI violator. A combination of these factors may give sufficient reasonable grounds to believe the person is driving while intoxicated, while ability is impaired, or under the influence of drugs.
- F. If reasonable and articulable grounds exist that a motorist is operating under the influence, the observing officer shall:
  - (1) Cause the vehicle to be moved out of line, either by himself and another officer, to a safe area for secondary screening.
  - (2) Ask for and take the operator's license and the registration certificate.
  - (3) Conduct an Alco-Sensor test and/or psychomotor coordination test, as necessary, to determine sobriety.

If sufficient evidence of intoxication is discovered, the driver will be arrested and processed in accordance with all established procedures.

- G. A sobriety checkpoint will be maintained for a designated period unless dangerous traffic congestion occurs at that location or circumstances arise that would warrant cancellation of the remainder of the detail, as determined by the officer in charge.
- H. The location of scheduled checkpoints will be kept confidential. The date of the activity may be revealed, only under the authorization of the Chief of Police, to be widely publicized so as to serve as a deterrent to potential drunk drivers.
- I. No action shall be taken toward a motorist solely upon the basis of a refusal to answer a question or if the motorist legally turns around or turns off the roadway before the checkpoint. Officers should, however, carefully observe such vehicles to determine if they are being operated competently.
- J. The supervisor in charge of each checkpoint will submit a report indicating:
  - (1) Traffic volume through the checkpoint.
  - (2) Vehicles stopped for secondary screening.
  - (3) Number of Alco-Sensor tests conducted.
  - (4) Number of persons charged with DWI or DWAI.
  - (5) Number of persons charged with other offenses.
  - (6) Number of potential DWAI subjects sent home via taxi or with sober, licensed drivers.

**ARTICLE IV**  
**Impounds**

**§ OP290-21. Purpose.**

The purpose of this article is to establish guidelines for the impoundment of motor vehicles and the execution of inventory searches of these vehicles.

**§ OP290-22. Background.**

Police have an obligation and responsibility under the New York State Vehicle and Traffic Law and the Mamaroneck Village Code to impound vehicles when public safety, public convenience or the free flow of traffic may be affected. Impounded property must be protected against loss or damage. Police may inventory-search impounded motor vehicles for the purpose of protecting the owner's property, the Police Department and its officers from claims of lost or stolen property, and the police and public from the potential danger from items or substances that may be contained within a vehicle.

**§ OP290-23. Policy.**

It shall be the policy of the Mamaroneck Village Police Department to promptly conduct and record all inventory searches of impounded motor vehicles.

**§ OP290-24. Types of vehicles which may be impounded.**

Members of this Department shall impound the following motor vehicles:

- A. All recovered stolen vehicles;
- B. All abandoned vehicles as defined in Article 1224 and 1600 of the Vehicle and Traffic Law or Chapter 322 of the Mamaroneck Village Code;
- C. Any vehicle involved in a crime where the vehicle is seized as a crime scene, as evidence, or for processing in connection with a criminal investigation or accident investigation;
- D. Any vehicle involved in the transportation, sale, or possession of a controlled substance that constitutes a felony, as defined in Article 220 of the New York State Penal Law; such a vehicle shall be inspected by the Detective Bureau Supervisor, or his designee, to determine if the vehicle should be released, or forfeited and held under United States Code 881;
- E. Any vehicle where the operator is removed subsequent to an accident, aided case or an arrest, and no other person present can lawfully assume control of the vehicle, or it cannot be parked legally with reasonable safety at the scene. When such a vehicle is released by the owner to another person for removal or for parking at the scene, it shall be noted on the appropriate Mamaroneck Village Police Department report form;

- F. Any vehicle involved in a Vehicle and Traffic Law violation where the elements of the violation charged preclude the legal, safe operation or parking of the vehicle, or when the operator/owner refuses or cannot afford to tow the vehicle away; or
- G. Any vehicle which is unregistered or which has an expired, revoked, or suspended registration for being a scofflaw in the Village of Mamaroneck.

#### **§ OP290-25. Inventory search.**

An inventory search is not a search for evidence or contraband; it is a search to safeguard property. Inventory searches shall be conducted in accordance with current United States Supreme Court and New York State Court of Appeals decisions which shall be reviewed on a regular basis utilizing available legal resources. The Detective Bureau Supervisor, or his designee, shall be responsible for this review process and shall make appropriate arrangements for training, as circumstances dictate. Inventory searches shall be conducted by members of this Department on all impounded vehicles, as follows:

- A. The officer conducting any inventory search shall, where possible, be an officer other than the arresting officer or officer ordering the impoundment.
- B. The inventory search of a vehicle constitutes a full search of the entire vehicle and all containers, closed or otherwise.
- C. Closed containers may not be more than slightly damaged to open same, unless the Department has the consent of the owner, or there exists exigent circumstances necessitating the opening of the package. Owners giving consent are to complete a Consent to Search Form.<sup>1</sup>
- D. Any vehicle impounded for evidentiary purposes shall be inventoried immediately after processing by Detective Bureau personnel or upon completion of the execution of a search warrant involving the vehicle. Personnel impounding a vehicle for evidentiary purposes shall be guided by Article IV, Criminal Investigations, of Chapter OP265, and shall properly secure the vehicle until the arrival of Investigation Section personnel.

#### **§ OP290-26. Notification requirements.**

Whenever a member of this Department encounters an abandoned motor vehicle, pursuant to § OP290-24B of this article, every reasonable effort should be made to determine ownership of the vehicle and, if successful, attempt to notify such owner to remove the vehicle before impounding same. All personnel shall complete the appropriate DF forms for all inventoried property pursuant to Article V, Evidence and Property Management, of Chapter OP265.

- A. A blue impound tag is to be attached to the steering wheel of impounded vehicles. A property card and vehicle inventory sheet are to be completed. Property cards will be returned to the designated impound officer.

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1. See Form Guide.

- B. A red evidence tag will be placed on the steering wheel of all seized vehicles along with an evidence card and inventory sheet. Evidence cards should be returned to the Detective Bureau.
- C. A copy of the vehicle inventory sheet shall be placed in the impound book at the police desk. For seized vehicles, the original will go to the Detective Bureau; for impounds, the original will go to the designated impound officer.

**ARTICLE VI**  
**Traffic Direction and Control**

**§ OP290-32. Taking charge.**

Officers may take personal charge of traffic control and direct traffic depending on the needs of the incident.

**§ OP290-33. Rules for directing traffic.**

When directing traffic, the following rules will be observed.

- A. Officers will ensure that they are visible by utilizing flashlights, reflective clothing and flares, especially during hours of darkness or adverse weather conditions.
- B. Officers will utilize the police whistle or voice commands depending on the situation.
- C. Officers will use uniform hand signals and gestures for manual traffic direction and control. It is important that officers position themselves so that their hand signals can be seen for a long distance. Two basic hand signals should be used. Officers should use an open hand, palm out sign to indicate "STOP." To start traffic from a stopped position, officers should point towards the first stopped vehicle. Once the driver's attention is gained, use the other hand to motion the driver to proceed.
- D. When utilizing flares and cones, set them far enough from the collision scene to give sufficient warning to approaching traffic.
- E. Traffic officers will have the responsibility of manually overriding traffic control devices when there is excessive amount of traffic congestion (for example, special events).
- F. Officers should be prepared to stop traffic and give priority to other vehicles that may also be responding to the scene (for example, Fire Department or tow companies).
- G. Officers assisting at a fire or rescue scene shall ensure that civilian traffic does not interfere with the respective operation. In no case should vehicles be allowed to drive over a fire hose, unless specifically directed by Fire Department personnel on the scene.

**ARTICLE VII**  
**Traffic Enforcement**

**§ OP290-34. Policy.**

The Department must enforce traffic laws, investigate traffic accidents, and direct traffic to facilitate the safe and expeditious movement of vehicular and pedestrian traffic. To enforce compliance with traffic laws and to develop driver awareness of the causes of traffic accidents, the Department appropriately warns, cites, or arrests traffic violators. Because traffic enforcement is a discretionary function, the decision as to which of these options

should be applied rests with the individual officer; however, any decision must be objective and justifiable.

**§ OP290-35. Violator contact.**

- A. Officer safety is the primary consideration in every traffic stop. Officers should minimize hazards by placing their vehicles and themselves in an advantageous position. The officer should approach the car with caution and work to minimize potential dangers from traffic and the area surrounding the vehicle as well as from within the vehicle.
- B. The officer's demeanor with the violator shall be polite and decisive. An officer should be courteous in behavior, language and tone of voice. The officer should avoid any language designed to bait, ridicule or embarrass. Derogatory language or attempts to verbally bait the officer by the violator shall be ignored except that any such verbal harassment should be noted in the officer's narrative on the reverse side of the citation.
- C. Officers shall follow the contact protocol in Article XV, Social Contacts, Terry Stops, and Arrests, of Chapter AD105.
- D. The officer must appropriately warn, cite or arrest the violator. The officer will proceed in a positive, firm, and businesslike manner. When issuing citations or notices of infraction, officers will explain the options available to the violator for disposing of the citation or infraction with the court and will identify to the violator the phone number to call to ask additional questions or make other arrangements with the court.

**§ OP290-36. Enforcement policy.**

- A. Officers shall give primary attention to hazardous, rules-of-the-road-type violations.
- B. Equipment requirements shall be enforced with the goal of correction of defect.
- C. Officers may issue as many citations as are required to handle multiple violations by an individual. Officers should consider addressing the most serious violations to avoid the appearance of "stacking" citations. Generally, if enforcement action is taken as a result of the traffic stop, a citation for the original violation should be issued.
- D. When determining the appropriate level of enforcement, officer may consider the violator's understanding of a newly enacted statute.
- E. Except at the direction of the Traffic Sergeant, officers will not normally engage in roadside safety checks as an enforcement tool.

**§ OP290-37. Warnings.**

- A. Warnings are an important component of the overall traffic enforcement program. Officers have the discretion to issue written warnings. Rather than imposing sanctions or ignoring a minor violation, officers should consider stopping the driver and calling his/her attention to the violation by issuing a Traffic Contact Report.

- B. This procedure increases the total number of officer/violator contacts and contributes to the overall accident prevention program. The Traffic Contact Report shall be used in all officer-initiated traffic stops when no citation is issued.
- C. The issuing officer shall complete all information required on the Traffic Contact Report at the time of the issuance and shall turn in all Traffic Contact Reports by the end of the shift on the day that they are issued.

**§ OP290-38. Tickets.**

The officer shall not cite unless the identity of the violator is certain.

**§ OP290-39. Arrests.**

When making a physical arrest for a traffic crime:

- A. Issue a citation.
- B. Complete necessary arrest and Incident Reports.

**§ OP290-40. Assisting motorists.**

When an officer observes a motorist who obviously is in need of assistance, the officer should stop and assist, if safe and practical to do so. The officer should take reasonable steps to ensure the safety of any persons or vehicles in the area.

**§ OP290-41. Referral of drivers recommended for reexamination.**

All officers shall, upon suspecting a violator/licensed driver suffers from incompetency, physical or mental disability, disease, or other condition which might prevent a person from exercising reasonable or normal care in the operation of a motor vehicle, submit the subject's name for driver license reexamination to the Department of Motor Vehicle's on the appropriate form.

**§ OP290-42. Commercial vehicle enforcement.**

See Article I, Commercial Vehicles, of Chapter OP280, of this Manual of Procedure.

**§ OP290-43. Analysis and report of enforcement activities.**

In order to facilitate the effective allocation of resources to traffic enforcement, the Traffic Sergeant will conduct an annual analysis of traffic collisions and traffic enforcement activities, as well as an evaluation of the effectiveness of selective enforcement activities. This report will be provided to the Chief of Police and the Patrol Lieutenant by January 30 of each year.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

POLICY NAME: Drug Recognition Expert (DRE)

DATE ISSUED: 3/12/2019

REVIEWED: ANNUALLY

OP 290 Article VIII

*Accreditation Standard 47.5*

## I. Purpose:

The purpose of this policy is to establish policy and procedure regarding the utilization and deployment of a DRE.

## II. Policy:

It is the policy of the Village of Mamaroneck Police Department to utilize a DRE when a suspect presents signs that are inconsistent with alcohol impairment or the results of the PBT or Datamaster and the Tour Sergeant or Patrol Lieutenant determines it necessary. Further, when another jurisdiction contacts this Department requesting a DRE, the Desk Officer will contact the Tour Sergeant or Patrol Lieutenant to make that determination. Should a DRE be utilized or deployed, an on-duty DRE will be given preference and then an off-duty DRE will be called out by seniority. Anytime a DRE is utilized or deployed, a "DRE call out" Blotter Entry will be generated by the Desk Officer.

## III. Definitions:

***Drug Evaluation and Classification (DEC) Program:*** An internationally recognized and regulated drug influence training program.

***Drug Recognition Expert (DRE):*** An individual who has successfully completed all phases of training requirements for certification established by the International Association of Chiefs of Police (IACP) and the National Highway Traffic Safety Administration (NHTSA).

***Standardized Field Sobriety Test (SFST):*** The Standardized Field Sobriety Tests as developed and validated by NHTSA. Tests will include Horizontal Gaze Nystagmus (HGN); Walk and Turn (WAT); One Leg Stand (OLS) as prescribed during training for certification.

***Blood Alcohol Concentration (BAC):*** The concentration of alcohol in a person as measured by blood or breath.

***Drug*** (As defined by NHTSA in regard to the DEC program): Any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.

# VILLAGE of MAMARONECK POLICE DEPARTMENT

**Rule-Out:** A determination made by a DRE that an individual's impairment is other than drug related (i.e. medical).

**State Coordinator:** In each of the states in which the Drug Evaluation and Classification (DEC) Program has been implemented under the auspices of the National Highway Traffic Safety Administration (NHTSA), an individual has been designated to act as the statewide coordinator.

## **IV. Procedure:**

### **A. DRE Utilization by this Department:**

1. Ordinarily, before a DRE is called out, members will have:
  - a. Arrested an individual(s) for DWI or DWAI/Drugs;
  - b. Completed his/her entire SFST battery and witnessed signs of impairment;
  - c. Administered a PBT and/or Datamaster test to determine the individual's blood alcohol content (BAC). *DRE may request Datamaster test be completed prior to making determination on responding;*
  - d. Determined that the subject has a BAC under .15
2. If the individual refuses any tests listed above, and the arresting officer believes drugs may be involved, the Tour Sergeant or Patrol Lieutenant will be notified and may consult with a DRE.
3. For any motor vehicle accidents involving serious physical injury or a fatality, the Tour Sergeant or Patrol Lieutenant will be notified to determine if a DRE will be called out.
4. If the arresting officer suspects an individual is under the influence of drugs, the proper chemical test to be administered is a urine or a blood test.  
NOTE: it is important to remember that when a urine sample is to be collected, it should be done so at the earliest moment practical after the arrest.
5. Urine tests, like blood and breath tests, should be performed within two hours after the time of the arrest or within two hours after a breath test is administered. Exceptions may be made under exigent circumstances.

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# VILLAGE of MAMARONECK POLICE DEPARTMENT

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6. Breath, urine and blood will be collected as per OP 290 Art II.

## **B. Deployment of a DRE by this Department:**

- 1 Should this Department be contacted by another jurisdiction requesting the deployment of a DRE, the Desk Officer will:
  - a. Obtain the contacting officer's department, name and call back number.
  - b. Obtain pertinent information, including the information provided by Section IV A-1 of this Policy.
- 2 The Desk Officer will then call the Tour Sergeant or Patrol Lieutenant to determine if a department DRE will be dispatched. *Man-power must be considered when deploying an on-duty DRE.*
- 3 An off-duty DRE trained officer may respond directly to the requesting jurisdiction from their current location. The officer will notify the Desk Officer upon his/her arrival at the requesting jurisdiction and when the detail is complete.
- 4 On the next regular scheduled tour of duty, the responding DRE officer will complete a Supplemental Report documenting the details of the requested response.

## **C. Test Procedures.**

1. Drug evaluations will be conducted by a certified DRE. The DRE will be in charge of the evaluation and may direct another officer to record information related to the Drug Evaluation Checklist.

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## VILLAGE of MAMARONECK POLICE DEPARTMENT

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2. Generally, drug evaluations must be performed in a controlled, well-lit area without foot traffic; however, a portion of the test must be performed in total darkness. This may cause the evaluation to be performed in multiple areas. During the "darkness" phase of the evaluation a second officer must be present to assist the DRE.
3. DRE will provide his/her report to the arresting officer in a timely manner. The DRE must follow current applicable procedure for submission of applicable reports to the State Coordinator.
4. DRE will follow applicable and up to date guidelines for the evaluation procedure to maintain the program's integrity.

**D. DRE Certification:**

Village of Mamaroneck Police Department DREs will maintain their DRE certification as specified in guidelines formulated by NHTSA and the IACP. It is the responsibility of the DRE to notify the Training Supervisor and his/her Supervisor of upcoming training seminars required to maintain certification.

**E. DRE Equipment:**

Each DRE will keep their equipment available and in good condition at all times.

## **Chapter OP295**

### **VEHICLES**

#### **ARTICLE I Pursuits**

- § OP295-1. Purpose.**
- § OP295-2. Policy.**
- § OP295-3. Definitions.**
- § OP295-4. Decision to pursue.**
- § OP295-5. Initiating officer responsibilities.**
- § OP295-6. Dispatch responsibilities.**
- § OP295-7. Secondary officer responsibilities.**
- § OP295-8. Supervisor responsibility.**
- § OP295-9. General pursuit guidelines.**
- § OP295-10. Pursuit report.**
- § OP295-11. Pursuit review.**

#### **ARTICLE II Seatbelts**

- § OP295-12. Purpose.**
- § OP295-13. Background.**
- § OP295-14. Procedure.**

#### **ARTICLE III Use of Vehicles**

- § OP295-15. Purpose.**
- § OP295-16. Policy.**
- § OP295-17. Operation and parking of vehicles.**
- § OP295-18. Use of authorized emergency equipment on police vehicles.**
- § OP295-19. List of vehicles.**

#### **ARTICLE I Pursuits**

##### **§ OP295-1. Purpose.**

##### **A. The purpose of this article is to:**

- (1) Provide guidelines and establish responsibility for safe operation of police vehicles during a pursuit;
- (2) Provide guidelines and establish responsibility for initiating or terminating pursuits;
- (3) Outline the responsibility of the initiating officer, the supervisor, and any other involved personnel; and
- (4) Provide guidance concerning balancing the necessity for pursuit and immediate apprehension against the risks involved with the pursuit (i.e., property damage, injury, or death).

- B. In fulfilling our objectives, we occasionally encounter dangerous suspects who attempt to avoid capture by fleeing in motor vehicles. In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a vehicle pursuit from occurring. If tactics to prevent a vehicle pursuit from occurring fail, tactics should be utilized to minimize the duration of the pursuit and, if possible, to influence the suspect vehicle direction in ways**

that reduce risk of harm to others. Once initiated, pursuits must be monitored and assessed to ensure that the need to pursue outweighs the risk and dangers of the pursuit.

**§ OP295-2. Policy.**

- A. All pursuits will be reviewed for compliance with the provisions of this article, New York State law, and the Department's mission and values. Legal parameters for the operation of emergency vehicles are defined in the Vehicle and Traffic Law § 1104. All personnel who operate emergency vehicles will be familiar with the provisions of the Vehicle and Traffic Law section and with this article.
- B. Section 1104 of the Vehicle and Traffic Law does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
- C. In initiating a pursuit the officer(s) must carefully consider the facts, seriousness of the offense, the possible consequences, and safety of citizens.

**§ OP295-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BARRICADE/ROADBLOCK** — The intentional blocking of a roadway, by any means, to stop a vehicle being pursued.

**BOXING IN** — The placement of a police vehicle into the path or potential path of a vehicle with the intent of slowing and stopping the vehicle or keeping the vehicle stopped.

**CANALIZATION** — A technique where objects or vehicles are positioned in a manner intended to direct or redirect the path of a fleeing vehicle. The path provided must be clearly identifiable and unobstructed.

**PARALLELING** — Driving police vehicles parallel to the pursuit with the intent to keep up with or cut off the fleeing vehicle.

**PATROL VEHICLE** — A vehicle being operated by a police officer equipped with a siren, an overhead flashing or rotating light bar, and markings or decals identifying the vehicle as a Mamaroneck Village Police Department vehicle.

**PURSUIT DRIVING** — An active attempt by a police officer operating a motor vehicle to apprehend one or more occupants of another moving vehicle, when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing the vehicle speed, ignoring the officer or attempting to elude the officer while driving at speeds in excess of the legal designated speed limit.

- A. No member of the Mamaroneck Village Police Department will follow a fleeing driver without the use of police vehicle emergency equipment activated as outlined above (audible and visual signals).

- B. When a police officer follows a fleeing driver (maintaining the same speed as the fleeing vehicle or exceeding the posted speed to keep a visual on the suspect vehicle) without all of the police vehicle's emergency equipment activated, it will be considered a pursuit.

**PURSUIT INTERVENTION STRATEGY** — Strategy used to shorten or end a pursuit.

**RAMMING** — Deliberately using a police vehicle to purposely cause forceful contact with another vehicle in order to bring that vehicle to a stop, where the use of deadly force is justified.

**SLACK PURSUIT** — Technique by which the pursuing officer reduces his/her speed to provide the fleeing driver an opportunity to slow down or stop. Officers must maintain visual contact on the suspect vehicle while engaging in this technique.

**SPECIALTY VEHICLE** — Four-wheel drive vehicle, light truck, ~~or SUV.~~

**SUPERVISOR** — Any ranking officer with supervisory authority including a patrol officer in charge of a shift.

**§ OP295-4. Decision to pursue.**

An officer's decision to pursue is revocable at any time by the officer with or without the knowledge or consent of the officer's supervisor. The Mamaroneck Village Police Department respects an officer's judgment to not engage in a pursuit or to discontinue a pursuit.

- A. Pursuit driving criteria. Vehicular pursuits are recognized as a hazardous activity, both to the public and the officers involved. As such, criteria for pursuits must be stringent and be strictly enforced.
- (1) Justification for a pursuit must be that the actions of the suspects are a direct threat to life or that the officer reasonably believes that delayed apprehension of the suspects represents a clear and present danger to the public and/or the officer, and that danger outweighs the inherent risk associated with a pursuit.
  - (2) In all cases, officers involved in a pursuit must continuously evaluate and use tactics (listed below) during the pursuit in an effort to slow and stop the vehicle.
- B. Considerations. An officer may pursue a vehicle if the officer reasonably believes that the driver is a direct threat to the public and/or officer and that the need to immediately stop the vehicle outweighs the risk of death, bodily injury, and property damage that may be a result of the pursuit. Officers will not pursue a vehicle when the only reason the pursuit is initiated is due to a property crime, violation or infraction. In evaluating this risk, the following criteria must be continually assessed before initiating and while continuing the pursuit:
- (1) Nature of charges. Pursuits of persons suspected of felony person crimes are viewed as more justifiable.
  - (2) Time of day. Pursuits occurring during a time of day when there is a high level of business, school, or other activity are deemed more hazardous than those occurring during periods of low activity.

- (3) Presence or potential presence of pedestrians. Pursuits occurring during periods of heavy pedestrian presence are deemed more hazardous.
- (4) Volume of vehicular traffic. Pursuits occurring during periods of heavy traffic are deemed more hazardous than those occurring at other times.
- (5) Location of pursuit. Pursuits through residential areas or on a street near or adjacent to schools or populated business areas are viewed as more hazardous than those in lower-populated areas.
- (6) Weather conditions. Pursuits during inclement weather such as rain or snow are considered more hazardous than those occurring when such conditions are not present.
- (7) Road conditions. Pursuits on gravel roads, roads under construction, and roads which are slippery due to rain or snow are considered more hazardous than those on roads where these conditions are not present.
- (8) Speeds involved. Pursuits at higher speed carry a higher risk of loss of vehicle control and subsequent injury and/or damage.
- (9) Performance capabilities. Performance capabilities of both the pursuer and the pursued should be continually assessed. Pursuits in vehicles with mechanical problems or equipment problems, or a pursued vehicle with a known mechanical problem of some nature are considered more hazardous than pursuits where those conditions are not present.
- (10) Physical and mental alertness. Officers who are involved in a pursuit must constantly evaluate their physical and mental ability as it relates to the pursuit.
- (11) Pursuit evaluation. Officers and supervisors must evaluate all considerations continually as they progress through a pursuit.
- (12) Driver abilities. Officers must assess the suspect's driving ability, such as the juvenile who has limited ability due to experience (i.e., juvenile who takes his/her parents' car for a joy ride).

#### **§ OP295-5. Initiating officer responsibilities.**

The initiating officer must:

- A. Consider the totality of the circumstances reasonably believed to exist in order to evaluate whether the suspect is a direct threat to the public and/or officer and the need for immediate apprehension outweighs the risk of engaging in a vehicular pursuit, and constantly assess and evaluate the pursuit while engaged.
- B. Terminate the pursuit if the officer or a supervisor determines that the risk of death, bodily injury, and property damage associated with the pursuit outweighs the need to immediately stop the vehicle.
- C. Immediately activate and continuously use the emergency lights and siren.

D. Advise the dispatcher of the pursuit. Provide the following information.

- (1) Unit identifier and the fact that they are in pursuit.
- (2) Location and direction of travel.
- (3) License number (if possible) and description of the suspect vehicle.
- (4) Number of occupants in suspect vehicle, if possible.
- (5) Reason for the pursuit.
- (6) Continuous updates on the speed and direction of travel of both the pursued and pursuing vehicles.
- (7) Request supervisor be notified.
- (8) Driving behavior of pursued vehicle.
- (9) Any other pertinent information.

**§ OP295-6. Dispatch responsibilities.**

A. The duties and responsibilities of dispatch include but are not limited to:

- (1) Declaring clearance on the radio frequency for the pursuing units.
- (2) Record and relay relevant pursuit information.
- (3) Confirm that the pursuing agency's supervisor is aware of the pursuit.
- (4) Coordinate units to assist the pursuing officer.
- (5) Notify adjoining agencies of the pursuit.

B. Upon the termination of the pursuit the officer (or backup officer) shall give the location of termination, under what circumstances the pursuit was terminated (motor vehicle accident, voluntarily stopped, etc.), and what the status is at the scene of the termination (situation is okay, more assistance needed, etc.).

**§ OP295-7. Secondary officer responsibilities.**

It is the responsibility of the second police vehicle in the pursuit to handle radio communication with dispatch and other police vehicles. This allows the primary officer in the pursuit to concentrate on his/her driving and to continually evaluate the pursuit.

**§ OP295-8. Supervisor responsibility.**

The supervisor must:

- A. Upon being notified or becoming aware of a pursuit, the field supervisor of the agency initiating the pursuit shall become responsible for the pursuit and has the discretion to

order specific units into or out of the pursuit and request assistance from other agencies when appropriate.

- B. Continually monitor the pursuit, including the officer's demeanor, to determine whether to continue or terminate the pursuit. Suggest slack pursuit in an effort to minimize the speed of the pursuit by having the officer reduce his/her speed to encourage the suspect to slow down.
- C. Attempt to ensure that the pursuit has a safe passage by coordinating the blocking of intersections and to control traffic in and around the pursuit.
- D. Terminate the pursuit if it is determined that the suspect is not a direct threat to the public or officers or the risk of death, bodily injury, and property damage associated with the pursuit outweighs the need to immediately stop the vehicle.
- E. Terminate the pursuit when the pursuing officers are not adequately broadcasting location, speed, and direction such that the supervisor determines that he or she has inadequate information to evaluate.
- F. Assign the pursuing officer's responsibilities and approve or disallow the use of pursuit intervention strategies.

#### § OP295-9. General pursuit guidelines.

The following are general guidelines concerning a vehicle pursuit:

- A. Unless otherwise directed by a supervisor, no more than three vehicles, regardless of agency, shall become actively involved in a pursuit. Other officers should be alert to the pursuit progress and locations.
- B. In-car video camera systems will be used when available.
- C. No police unit involved in a pursuit will pass another police unit, unless it is reasonably safe, the officer has communicated his/her intentions, and there is a legitimate purpose.
- D. Paralleling of a pursuit is not permitted; however other agency vehicles in the immediate vicinity of a pursuit may proceed using routine response to designated positions to assist in apprehending the fleeing driver, unless otherwise directed by a supervisor.
- E. Unless specifically authorized by a supervisor, pursuing officers will not drive along side, ram, force off the road or box in the suspect vehicle.
- F. No member of this Department may participate in a pursuit when an arrested person, suspect, complainant, witness or civilian observer is present in the police vehicle.
- G. When a pursuit initiated by this agency enters another jurisdiction, the Mamaroneck Village Police Department will request assistance from the agency with primary jurisdiction.
- H. ~~MVPD~~ will terminate the pursuit if the agency with jurisdiction so requests.

**VMPD**

- I. Officers operating unmarked vehicles equipped with emergency lights and siren may engage in pursuits only when the fleeing vehicle represents an immediate and direct threat to life. Whenever a marked vehicle becomes available to assume the pursuit initiated by an officer in an unmarked vehicle, the unmarked vehicle shall not maintain the lead position.
- J. Officers shall not pursue suspects the wrong way on any interstate, controlled access highway, or divided roadway. When a vehicle enters an interstate, controlled access highway, or divided roadway the wrong way, Mamaroneck Village police officers will make attempts to do the following:
  - (1) Parallel the vehicle in the correct lane of travel.
  - (2) Notify dispatch of a wrong way driver.
  - (3) Request assistance from outside agencies to shut down vehicular traffic on the highway.
- K. Discharge of a firearm from a moving vehicle is prohibited, except in extreme circumstances.
- L. Roadblocks are to be used as a last resort in extreme circumstances when the use of deadly force is authorized and when a supervisor has directed this tactic at a particular location to terminate the pursuit. Whenever it will be effective to do so, the supervisor should preapprove the use of channeling through a clearly identifiable and unobstructed path for the vehicle to take.
- M. Officers shall use extreme care when disobeying traffic control devices, even where the statutes specifically permit such conduct. Officers shall make continuous use of all available warning devices to alert other motorists and pedestrians and drive with their windows up. State law also requires the officer to exercise "due regard for the safety of all other persons."
- N. If a mechanical or emergency equipment failure is experienced by a police vehicle involved in a pursuit at any time, the operator of the vehicle shall notify the field supervisor or communications and must immediately terminate her/his involvement in the pursuit.
- O. Terminating a pursuit.
  - (1) Any officer involved in a pursuit must terminate the pursuit under any of the following conditions:
    - (a) When ordered by a Police Department supervisor or any other higher-ranking member of the Department.
    - (b) When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
    - (c) When the suspect's identity has been established to the point where later apprehension can be accomplished, and there is no longer any need for immediate apprehension.

- (d) When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance must be given. If there is only the primary pursuing vehicle, then this vehicle must stop to provide assistance.
- (e) When the pursued vehicle's location is no longer known.
- (2) The officer will notify the dispatcher that the pursuit is being terminated.

**§ OP295-10. Pursuit report.**

A. At the conclusion of the pursuit, all officers directly involved will submit a report detailing their involvement unless death, severe injury, or extenuating circumstances prevent the officer from doing so. This report should include but is not limited to:

- (1) Prior behavior and every factor upon which the officer relied in deciding that a pursuit was justified under this article;
- (2) Reason for the stop;
- (3) Tactics used to avoid the pursuit, if any;
- (4) Tactics used during the pursuit;
- (5) Reason for termination;
- (6) Road and traffic conditions; and
- (7) Results of the pursuit.

B. In the event of a pursuit-related collision, it will be investigated by the Traffic Unit *as directed by the Chief of Police*  
~~Accident Investigation Team~~

**§ OP295-11. Pursuit review.**

It is the policy of this Department to review every pursuit for compliance with this article. The pursuit will be reviewed by a committee consisting of, at a minimum, the Chief of Police, the Command Staff and the Training Officer.

## ARTICLE II

### Seatbelts

**§ OP295-12. Purpose.**

The purpose of this article is to reduce to a minimum the possibility of injury or death to Department personnel as the result of a motor vehicle collision.

**§ OP295-13. Background.**

There is sufficient available evidence indicating that the use of seat belts can have a significant effect in reducing the number of deaths, and the severity of injuries resulting from traffic accidents and can assist officers in maintaining proper control of their vehicles when in pursuit and/or during emergency high-speed operations.

**§ OP295-14. Procedure.**

- A. All Department personnel or passengers in a moving departmental vehicle shall wear seat belts when they are on regular patrol or in pursuit and/or emergency high-speed operations.
- B. Supervisors may grant exceptions to this procedure for specific situations in which they deem efficiency of operations outweighs the safety benefit.
- C. Personnel who present a medical note exempting them from wearing a seat belt will not be required to comply with this article during the time the exemption is in effect.

**ARTICLE III  
Use of Vehicles**

**§ OP295-15. Purpose.**

The purpose of this article is to prescribe standards of operation for police vehicles and to provide guidelines for the use of emergency equipment.

**§ OP295-16. Policy.**

- A. The driver of an authorized emergency vehicle, and only when involved in an emergency operation, may exercise the privileges set forth in § 1104 of the New York State Vehicle and Traffic Law. New York State law does not relieve the operator of an emergency vehicle from the responsibility for driving with due regard for the safety of all persons.
- B. In an emergency response, the primary concern of the operator of the emergency vehicle must be the safety of other motorists, pedestrians and fellow members. Under no circumstances is the member protected from the consequences of failing to exercise reasonable care and diligence despite the operation of emergency equipment.

**§ OP295-17. Operation and parking of vehicles.**

- A. Department vehicles will be operated in the following manner:
  - (1) All state and local traffic laws and regulations will be observed at all times unless there is an emergency. A police vehicle, when it is not in emergency operation, is legally required to observe all traffic laws and regulations. Careless or illegal operation by those whose responsibility it is to uphold the law will not be tolerated.

- (2) Where an extreme emergency exists and high-speed driving is necessary, the siren and roof/grill lights will be used as required by safety considerations. When responding in an emergency mode, members of the Department are required to use extreme caution when approaching an intersection and are not authorized to proceed through an intersection until cross traffic has yielded the right-of-way.
- (3) All high-speed travel will be conducted in a prudent manner with the safety of life and property of innocent bystanders remaining paramount.
- (4) Police vehicles will not be used for private business.
- (5) Police vehicles will be operated in a manner consistent with road and weather conditions. Excessive strain on any mechanical components is to be avoided.
- (6) Members may be held financially responsible for negligent operation of a police vehicle.
- (7) Members are prohibited from operating a Department vehicle outside of the Village of Mamaroneck except while on official police business.
- (8) Members are prohibited from pulling, pushing, towing or jump-starting any vehicle with a Department vehicle except as authorized by the Chief of Police or a superior officer or in an extreme emergency.
- (9) All members must be aware of their responsibility, at all times, when operating an emergency vehicle as set forth in § 1144, Subdivision (b), of the New York State Vehicle and Traffic Law: This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with reasonable care for all persons using the highway.

**B. While parked:**

- (1) Vehicles will not be parked in a way which will obstruct or detract from the normal course of private business except in an emergency situation.
- (2) Vehicles parked at the scene of an incident will be parked in such a manner as to protect the site and warn others that the area is temporarily blocked off. The roof and/or grill lights will be utilized.
- (3) The security of the parked vehicle will be paramount. Doors should be locked, and an unoccupied vehicle should be completely secured.
- (4) All parking regulations and vehicle and traffic laws will be obeyed whenever possible.

**§ OP295-18. Use of authorized emergency equipment on police vehicles.**

**A. Emergency lights (red/white) will be utilized:**

- (1) When attempting to stop a suspect or violator.
- (2) When responding to an emergency call:

- (a) Possible life-threatening situations.
  - (b) Serious crime in progress (as required).
  - (c) Unusual incident requiring immediate response; i.e., officer needs assistance, etc.
  - (d) Emergency police escort.
- (3) When securing a scene:
  - (a) Accident, fire, disaster, etc.
  - (b) Crime scene (as necessary).
  - (c) Vehicle stops.
- B. Sirens will be utilized:
  - (1) When attempting to stop a suspect or violator.
  - (2) When responding to an emergency call:
    - (a) Possible life-threatening situations.
    - (b) Serious in-progress crime as required.
    - (c) Unusual incident requiring immediate response; i.e., officer needs assistance, etc.
    - (d) Emergency police escort.
- C. Four-way hazardous warning lights will be utilized as needed.
- D. Public address system will be utilized:
  - (1) To order a suspect from a vehicle, building, etc.
  - (2) In order to make contact with subject, suspect, etc.
  - (3) For crowd dispersal, as needed.
  - (4) Emergency announcement to the public.
  - (5) As required, for other unusual incidents.
- E. Alley lights will be utilized only to check buildings, subjects, etc. They will not be used while driving as they can be distracting and blinding to others.
- F. Operation of a police vehicle in an emergency mode is not authorized when responding to calls for service of a routine nature. These shall include but are not limited to:
  - (1) Reports of past crimes.
  - (2) Auto accidents without injuries.

- (3) Medical transportation requests.
- (4) Quality of life infractions (noise, parking violations, etc.).
- (5) Routine burglar alarm activations. *(excluding Panic or Distress)*
- (6) Other calls as dispatched by the Desk Officer as being of a nonemergency nature.

**§ OP295-19. List of vehicles.**

A list of all Department vehicles consisting of description, car designation and assignment will be maintained in the Office of the Chief of Police.

**PART III  
PRELIMINARY  
INVESTIGATIONS**

## **Chapter PI310**

### **ADMINISTRATION**

#### **ARTICLE I** **After-Action Reports**

**§ PI310-1. Policy.**

**§ PI310-2. After-action reports.**

**§ PI310-3. Report format.**

**§ PI310-4. Distribution.**

#### **ARTICLE II** **Informant Management**

**§ PI310-5. Purpose.**

**§ PI310-6. Definitions.**

**§ PI310-7. Exceptions.**

**§ PI310-8. Units and officers authorized to use informants.**

**§ PI310-9. General responsibilities for use of informants.**

**§ PI310-10. Establishing informants.**

**§ PI310-11. Unreliable informants.**

**§ PI310-12. Use of informants for warrants and investigations in other jurisdictions.**

**§ PI310-13. Payments to informants and informant development expenses.**

**§ PI310-14. Consideration relating to prosecution.**

**§ PI310-15. Procedures.**

#### **ARTICLE I** **After-Action Reports**

**§ PI310-1. Policy.**

An after-action report shall be completed every time there is an arrest that requires implementation of the Incident Command System. An after-action report may be completed after any incident when, in the supervisor's opinion, it would be beneficial to the chain of command. The after-action report will be written on a Department memorandum. All after-action reports will be routed to the Chief of Police via the chain of command.

**§ PI310-2. After-action reports.**

- A. An after-action report provides the chain of command with a synopsis of a critical incident or major event. After-action reports shall be completed within 24 hours after the conclusion of an event.
- B. The Incident Commander is responsible for completing the after-action report.
- C. The after-action report shall be written on Department memorandum, addressed to the Chief of Police, via the chain of command.
- D. If there are multiple supervisors at an event or incident, each supervisor may be required to complete a separate after-action report at the discretion of the Incident Commander.

- E. The report shall be thorough and provide a chronological summary of events occurring during the incident, problems encountered and recommendations to improve the Department's response to future events.
- F. If an operations order was written for a planned event it shall be attached to the after-action report.
- G. Whenever possible, all involved personnel should participate in a debriefing immediately following an event. All supervisors shall conduct a debriefing with the Incident Commander following the event.

**§ PI310-3. Report format.**

- A. Situation. This is the first section of the after-action report. The location, time, and incident classification shall be documented first. A brief description of the incident and circumstances leading up to the event will be recorded.
- B. Operations section. This is the main body of the after-action report and will provide the following information:
  - (1) The sworn employee who was assigned as the Incident Commander.
  - (2) A chronological summary of the event and significant actions taken.
  - (3) Mission objectives, what resources were initially deployed, and whether they were redeployed to a new location.
  - (4) Significant incidents.
  - (5) Application of force. Reference generally whether any force was necessary to effect the mission. Details of the use of force should be documented.
  - (6) Document any arrests. Include the reason for the arrest and the corresponding case numbers.
  - (7) List which forms of communication were used.
- C. Intelligence.
  - (1) Identify any contingency plans that were developed or implemented. If the plan is in writing attach it to the after-action report as an appendix. It is not necessary to rewrite the report in this section.
  - (2) Identify any technical specialist used during operations.
  - (3) List personnel in the order they were relieved.
  - (4) Detail any transportation provided for personnel.
  - (5) Include relevant maps, floor plans, etc.
- D. Logistics.

- (1) Name of person assigned to coordinate the logistics for the incident.
- (2) Identify equipment, vehicles and supplies used for the event.
- (3) Whether a relief and rotation schedule was used and how it was implemented.
- (4) Description of food service provided to personnel.
- (5) Method used to restock supplies.

E. Personnel.

- (1) Number of assigned personnel.
- (2) Arrival times.
- (3) Demobilization time.
- (4) Number of officers injured and the general nature of the injuries.
- (5) Amount of overtime for the event.
- (6) Note steps taken to ensure all personnel were accounted for after the event.
- (7) List outside agencies that assisted in the operation, their supervisor's identifying information and number of personnel.

F. At the end of each after-action report a critique of the event shall be included. The purpose of the critique is to identify any deficiencies in training, equipment, or planning and to recognize those actions that proved effective. Recommendations to improve the Department's response to future events shall also be included in the critique.

**§ PI310-4. Distribution.**

After-action reports shall be routed through the chain of command to the Chief of Police.

## **Chapter PI325**

### **INVESTIGATIONS**

#### **ARTICLE I** **Internal Affairs**

- § PI325-1. Purpose.**
- § PI325-2. Background.**
- § PI325-3. Policy.**
- § PI325-4. Definitions.**
- § PI325-5. Administration and accountability.**
- § PI325-6. Duties of supervisory and command personnel.**
- § PI325-7. Duty of Department personnel to report violations.**
- § PI325-8. Reporting procedures.**
- § PI325-9. Sergeant's responsibilities.**
- § PI325-10. Lieutenant's responsibility.**
- § PI325-11. Responsibilities of Chief of Police.**
- § PI325-12. Internal Affairs investigative procedures.**

#### **ARTICLE II** **Massage Parlors**

- § PI325-13. Policy.**
- § PI325-14. Procedure.**

#### **ARTICLE III** **Organized Crime and Vice and Gang Investigations**

- § PI325-15. Purpose.**
- § PI325-16. Background.**
- § PI325-17. Policy.**
- § PI325-18. Procedure.**

#### **ARTICLE IV** **Police Officer Involved in Domestic Abuse**

- § PI325-19. Purpose.**
- § PI325-20. Policy.**
- § PI325-21. Definitions.**
- § PI325-22. General mandates of law.**
- § PI325-23. Priorities.**
- § PI325-24. Prevention and training.**
- § PI325-25. Early warning and intervention.**
- § PI325-26. Incident response protocols.**
- § PI325-27. Victim safety and protection.**
- § PI325-28. Post-incident administrative and criminal decisions.**

#### **ARTICLE I** **Internal Affairs**

- § PI325-1. Purpose.**

The purpose of this article is to provide guidelines and procedures for the receipt, prompt recording, investigation and disposition of complaints and allegations of misconduct made against Police Department personnel.

**§ PI325-2. Background.**

The Internal Affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the Internal Affairs function in responding to allegations of misconduct by the agency or its employees.

**§ PI325-3. Policy.**

It is the policy of the Village of Village of Mamaroneck Police Department to courteously receive and investigate all complaints related to internal discipline in a manner that will assure the community prompt corrective action when Police Department personnel conduct themselves improperly, while also protecting Police Department personnel from unwarranted criticism or false accusations, pursuant to the discharge of official duties.

**§ PI325-4. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**COMPLAINT** — An act of expressed dissatisfaction which relates to Department operations, personnel conduct or unlawful acts. Generally, complaints are based on allegations of misconduct or violations of procedure. The complaint may be filed either internally by a Department member who wishes to report infractions or violations by another member or externally when a citizen lodges a complaint against a member of the Department.

**NONDISCIPLINARY INCIDENTS OR COMPLAINTS** — Complaints or allegations which do not involve violation of law, rules, regulations, general orders or procedures of the Police Department.

**NONPUNITIVE INCIDENTS OR VIOLATIONS** — Incidents or complaints alleging violations of rules, general orders or procedures by Police Department personnel for which the usual appropriate disciplinary action is limited to counseling and/or corrective interviews.

**PUNITIVE INCIDENTS OR VIOLATIONS** — Incidents or complaints alleging violations of law, rules, general orders or procedures by Police Department personnel for which the appropriate disciplinary response consists of criminal prosecution or punitive action pursuant to Chapter AD69, Article II, Disciplinary Procedures, of this Manual of Procedure.

**§ PI325-5. Administration and accountability.**

- A. The Internal Affairs component shall be placed with the Detective Bureau Supervisor.
- B. The Detective Supervisor shall be responsible and accountable for the Internal Affairs function of the Police Department. They shall report directly to the Chief of Police concerning the progress and findings of such investigations.
- C. The Chief of Police may assign investigations of Internal Affairs cases to a Lieutenant or to the Detective Bureau Supervisor if it is in the best interest of the Department.

- D. For the purpose of notification and/or legal advice or assistance in case preparation, the District Attorney's Office will be notified by the Chief of Police when an internal investigation concerns violations of criminal law.

**§ PI325-6. Duties of supervisory and command personnel.**

- A. Each supervisor will perform the duties and assume the obligations of their rank in the investigation of complaints or allegations of misconduct against members of the Department and will cooperate fully during the investigation of the complaint against the member or employees of the Department pursuant to this article and the Rules and Regulations of the Village of Mamaroneck Police Department.
- B. Supervisory and command personnel will initiate an investigation when the subject of the complaint is within the scope of their authority. Pursuant to the rules and regulations of the Department, superior officers have the authority to suspend or relieve from duty, with pay, any employee who is unfit for duty. Notification to the Chief of Police or his designee shall be made as soon after this action as possible.

**§ PI325-7. Duty of Department personnel to report violations.**

It shall be the duty of all Department personnel to report the violation of laws, ordinances, rules, regulations, policies, procedures or orders by any other Department member.

**§ PI325-8. Reporting procedures.**

- A. A written record of all complaints against the Police Department or its members shall be maintained. If the complaint or incident warrants it, an Internal Affairs investigation may be ordered by the Chief of Police.
- B. When citizens or Department members wish to initiate a complaint against a member of the Department a DF-102, Personnel Complaint Report, will be utilized.
- (1) If additional space is needed a DF-102A, Personnel Complaint Supplementary Report, shall be used.
  - (2) A copy of the DF-102, Personnel Complaint Report, will be provided to the complainant and the accused officer(s) as soon as practical consistent with the integrity of any necessary investigations.
  - (3) The completed DF-102 will be forwarded the Lieutenant on duty or in the event there is no Lieutenant working, to the Lieutenant next on duty.
- C. If a letter of complaint is received, signed or anonymous, the Lieutenant assigned to investigate the case will contact the complainant, if possible, and request that he/she fill out a DF-102. If they refuse, or it is impractical to do so, the letter will be attached to the Personnel Complaint Report, and the form will be filled out by the assigned Lieutenant. A copy of the DF-102 will be sent to the complainant as a receipt and to the accused officer(s) for notification purposes.

- D. If a telephone call is received by the Department from a citizen who wishes to make a complaint against a member of the Department, the citizen shall be requested to fill out a Personnel Complaint Report or submit a letter in order for the Department to initiate a proper investigation based on a definitive written statement by the complainant.
- (1) If the complainant elects not to fill out the Personnel Complaint Report, or write a letter, and still wishes to make a complaint, the Desk Officer/call taker shall fill out a DF-102, Personnel Complaint Report, and submit the report to a Lieutenant for review and action, if warranted.
  - (2) A copy of the DF-102 will be sent to the complainant, and the accused employee will be provided a copy for notification purposes.

**§ PI325-9. Sergeant's responsibilities.**

- A. Sergeant's responsibilities shall be to:
- (1) Conduct a preliminary examination of the complaint or allegation and review it for clarity with the complainant.
  - (2) Ensure that the complainant understands the state statutes concerning false statements.
  - (3) Forward all reports to the Lieutenant on duty before the completion of his tour of duty, or as soon as possible thereafter.
- B. If the complaint or allegation is minor and falls within the category of a nondisciplinary incident and is within the scope of the supervisor's authority, the supervisor may resolve the complaint at his level indicating same and submit a report of his findings on a DF-103 to the Lieutenant for review and action if warranted.
- C. If there is a clear indication that the officer or employee did nothing improper, indicate same and forward both the DF-102, Personnel Complaint Report, and the DF-103, Supervisor's Complaint Report, to the Lieutenant on duty for review and action, if warranted.
- D. If it appears that the officer or employee may have committed an illegal or improper act, indicate same and forward both forms to the Lieutenant as soon as possible for review and action.

**§ PI325-10. Lieutenant's responsibility.**

- A. All Supervisor's Reports and Personnel Complaint Reports will be reviewed and approved by the Lieutenant prior to being forwarded to the Chief of Police.
- (1) Upon receipt of a complaint requiring investigation by a Lieutenant, the accused member shall be advised of the complaint, as soon as possible, and that an investigation has been initiated.

- (2) The investigating Lieutenant shall contact the complainant within seven days of receiving the complaint and inform the complainant of receipt of the Personnel Complaint Report and status of the complaint.
- B. When it is necessary for the investigating Lieutenant to continue the inquiry or investigation, he will also submit a Supervisor's Report to the Chief of Police indicating the proper disposition category as follows:
- (1) Unfounded: the investigation indicates that the alleged act(s) did not occur or failed to involve police personnel.
  - (2) Exonerated: acts did occur but were justified, lawful and proper.
  - (3) Not sustained: investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
  - (4) Policy failure: investigation reveals the alleged acts did occur; however, the officer was acting in accordance with established Department policy.
  - (5) Sustained: the investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

#### **§ PI325-11. Responsibilities of Chief of Police.**

The Chief of Police will review all citizen complaints and take the following appropriate action:

- A. Approve the findings of the investigating Lieutenant and determine appropriate disciplinary action if necessary, pursuant to Chapter AD69, Article II, Disciplinary Procedures, of this Manual of Procedure.
- B. Refer the case to the Detective Supervisor as the Internal Affairs Officer for his action and report when necessary. An Internal Affairs Complaint Investigation Report will be completed within 30 days of receipt of the initial complaint. An extension may be granted by the Chief of Police when extenuating circumstances exist. Status reports on complaints shall be submitted to the Chief of Police every seven days to assist him in this determination.
- C. Notify the officers involved on an DF-104, Internal Complaint Case Disposition Report.
- D. Make notifications to the complainant by mail.
- E. Maintain all records in the confidential Internal Affairs file located in the Chief's Office.

#### **§ PI325-12. Internal Affairs investigative procedures.**

- A. Cases will be assigned to the Detective Supervisor, acting as the Internal Affairs Officer, by the Chief of Police when there are allegations of:

- (1) Corruption;
  - (2) Brutality;
  - (3) Misuse of force;
  - (4) Breach of civil rights;
  - (5) Criminal misconduct; or
  - (6) Serious violations of the rules, regulations and general orders that warrant the involvement of the Internal Affairs function.
- B. In the event the Internal Affairs Officer receives a Personnel Complaint Report from the Chief of Police, he shall assign a separate Internal Affairs case number to the complaint. This number shall be indicated on the DF-102, Personnel Complaint Report, the DF-103, Supervisor's Complaint Report, and the Internal Investigation Report, DF-104A. The numbering system will be sequential, prefaced by the year, i.e., I.A. 2007-001, I.A. 2007-002.
- C. When reasonable suspicion exists the Chief of Police may require, at Department expense, an employee to submit to a medical or laboratory examination, to be photographed, to submit financial statements or to participate in a lineup. These actions may be taken when such information or actions are specifically, directly and narrowly related to a particular Internal Affairs investigation.
- (1) Failure to follow a direct order of this nature shall constitute a separate violation and may result in termination.
  - (2) If an Internal Affairs investigation is of a criminal nature, employees will not be denied their legal or constitutional rights.
- D. An employee under investigation cannot be compelled to submit to any instrument designed to detect deception.
- E. The Internal Affairs Officer shall conduct the investigation fairly and impartially for both the complainant and police personnel.
- (1) He shall conduct all interviews deemed necessary to gather all necessary evidence and facts pertaining to the complaint.
  - (2) Interviews shall be recorded mechanically or by a stenographer.
  - (3) Department personnel will be informed of the nature of the investigation before any questioning begins and whether they are being questioned as witnesses or as accused parties.
  - (4) If the investigation is to be noncriminal in nature, the accused member shall be given the appropriate administrative warnings.
- F. In the event the complaint against a member of the Department is criminal in nature, and the investigation of said complaint indicates criminal conduct exists, the Internal Affairs

Officer will contact the District Attorney's Office immediately to coordinate the investigation.

- G. Upon completion of the Internal Affairs investigation, the Internal Affairs Officer shall submit all reports and records pertaining to this case to the Chief of Police, including the Internal Investigation Report, DF-104.
- H. The Chief of Police shall review the Internal Affairs Officer's report, the disciplinary history of the accused and the recommendations from the superior officer in charge of the accused.
  - (1) Upon completion of the review, appropriate disciplinary action will be initiated pursuant to Article II, Disciplinary Procedures, of Chapter AD69.
  - (2) The accused member will be notified of the results of the Internal Affairs investigation on an Internal Complaint Disposition Report, DF-104A.

## ARTICLE II Massage Parlors

### § PI325-13. Policy.

Local Law § 342-42.1 of Chapter 342 of the Code of the Village of Mamaroneck regulates massage establishments.

### § PI325-14. Procedure.

- A. The Criminal Investigations Supervisor shall ensure that all massage establishments covered under this chapter shall be inspected annually (at a minimum) to ensure compliance with the law at any time it is occupied or open for business.
- B. All inspections shall be documented and all documentation shall be kept on file in the Criminal Investigations Division.
- C. Summonses shall be issued for violations. Copies of any inspection shall be forwarded to other appropriate departments such as the Fire Department or Building Department as determined by the Criminal Investigations Supervisor.
- D. Copies of all inspection reports shall be forwarded to the Chief of Police.

## ARTICLE III Organized Crime and Vice and Gang Investigations

### § PI325-15. Purpose.

The purpose of this general order is to guide Department personnel who receive information or are assigned to investigate a report of vice activity or organized crime activity.

**§ PI325-16. Background.**

Criminal activity commonly referred to as "vice," (i.e., prostitution, gambling, etc.) or "organized crime," (i.e., prostitution, gambling, loan sharking, narcotics, etc.) can occur in any community. This form of criminal activity is often difficult to detect, investigate and prosecute; therefore, knowledge of an ongoing investigation related to vice or organized crime should be limited to as few people as possible, on a need-to-know basis. Further, investigations into vice or organized crime activity need to be carefully monitored to ensure the integrity of the investigations and safety of those involved.

**§ PI325-17. Policy.**

It is the policy of the Department to investigate all known activity believed to be related to vice or organized crime. All such investigations will be coordinated through the Detective Division Supervisor. The Detective Sergeant will carefully monitor the progress of the investigation with a view toward ensuring the safety of anyone involved in the investigation, as well as protecting the integrity of the investigation.

**§ PI325-18. Procedure.**

- A. Upon receipt of information indicating vice or organized criminal activity, the Department member receiving the information will prepare an Incident Report titled according to the appropriate criminal activity, i.e., prostitution, gambling, etc.
- B. The Incident Report should contain a minimum amount of information. The date or dates of occurrence, the incident number, the type of crime should be included on the Incident Report. Any further information should be forwarded to the Detective Bureau on a supplementary report.
- C. Should the circumstances of the investigation require immediate action, the Tour Supervisor should notify the Detective Supervisor.
- D. Upon receipt of the incident and supplementary reports, the Detective Sergeant shall review the case and assign the investigation to a Detective for a follow-up investigation. All investigative reports prepared during the follow-up shall be forwarded directly to the Detective Sergeant.
- E. The copy of the Incident Report and the original supplementary reports shall be maintained by the Detective Supervisor in a confidential investigation folder. Information in the confidential investigation folder may only be released to another investigator from this Department or another agency participating in the investigation, or to the Chief of Police, except as directed by a court order.
- F. The Detective Sergeant shall review all follow-up reports promptly, evaluate the progress of the investigation and direct the activities of the investigation in order to ensure:
  - (1) A thorough and appropriate investigation;
  - (2) The confidentiality of the investigation;

- (3) The safety of those involved in the investigation; and
- (4) The reputation of the Department or any of its members is not damaged as a result of the investigation.

**ARTICLE IV**  
**Police Officer Involved in Domestic Abuse**

**§ PI325-19. Purpose.**

The purpose of this article is to establish procedures for handling acts of domestic abuse committed by police officers and for implementing prevention strategies. This article will provide all departmental employees guidance in addressing incidents where one or more parties to a reported domestic abuse incident is an employee of the Mamaroneck Village Police Department or a law enforcement officer for another department.

**§ PI325-20. Policy.**

- A. The Mamaroneck Village Police Department takes a position of zero tolerance towards police officer domestic abuse. This article seeks to educate and prevent domestic abuse situations.
- B. Where incidents of domestic abuse are alleged to have occurred, the Department will act quickly to protect the victim, arrest the perpetrator, and conduct an administrative and criminal investigation.
- C. An officer of the Mamaroneck Village Police Department convicted of a domestic-abuse-related crime or found to be in violation of this article is subject to departmental intervention which may include but is not limited to the following:
  - (1) Referral to counseling services.
  - (2) Remedial training.
  - (3) Discipline up to and including termination.
- D. Federal law prohibits anyone convicted of a qualifying misdemeanor domestic abuse crime from possessing firearms.

**§ PI325-21. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DOMESTIC ABUSE** — Any of the following engaged in by an adult or married minor person against his or her spouse, former spouse, adults residing together, formerly residing together, or an adult with whom the person has a child in common, but not limited to:

- A. Bodily injury or threat of imminent bodily injury.
- B. Sexual battery.

- C. Physical restraint.
- D. Property crime directed at the victim.
- E. Violation of a court order of protection or similar injunction.
- F. Death perpetrated by a police officer (on or off duty) or any Police Department employee upon his or her partner.

**§ PI325-22. General mandates of law.**

See domestic violence/family offenses Article IX, Domestic Violence, of Chapter OP250.

**§ PI325-23. Priorities.**

While prioritizing the safety of victims, this article is designed to address and/or provide the following:

- A. Prevention through hiring and training practices.
- B. Direction to supervisors for intervention when warning signs of domestic abuse are evident.
- C. A structured response to reported incidents of domestic abuse involving officers.
- D. Direction for conducting the subsequent administrative and criminal investigations.

**§ PI325-24. Prevention and training.**

- A. The Department will adhere to a zero-tolerance policy towards police officer domestic abuse, and violations of this article will not be tolerated. The Department will provide training to officers on domestic abuse and this zero-tolerance policy throughout all phases of their career.
- B. Additional training will be provided to supervisors and administrative personnel related to domestic abuse to include but not be limited to:
  - (1) Department legal considerations and liability.
  - (2) Media and public relations.
  - (3) Conducting criminal investigations in incidents of domestic abuse when one or more persons involved is a police officer.
- C. The Department will establish ongoing relationships with local victim advocacy organizations to assist in prevention, training and intervention in regard to domestic abuse issues.

**§ PI325-25. Early warning and intervention.**

- A. Prehire screening. The Mamaroneck Village Police Department shall include within its background investigations of all potential new employees an inquiry as to whether domestic abuse issues or tendencies exist.
- B. Department responsibilities.
  - (1) The Department shall, either in response to observed warning signs or at the request of an officer or other family member, provide nonpunitive avenues of assistance before an act of domestic abuse occurs. This may include but is not limited to referral to the Employee Assistance Program. The Department shall inform officers of the procedure for seeking confidential referrals to confidential counseling services.
  - (2) Officers have a moral, ethical and professional obligation to provide assistance to their fellow officers. With this in mind the Department has an expectation that any officer who has knowledge of a domestic abuse incident involving a fellow officer will report that incident, fulfilling his/her obligation to the fellow officer of the Mamaroneck Village Police Department. A disclosure on the part of any officer, intimate partner or family member to any member of the Department that an officer, intimate partner or family member has engaged in domestic abuse will be treated as an admission or report of a crime and shall be investigated.
- C. Supervisor responsibilities.
  - (1) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic abuse including but not limited to the following.
    - (a) Inappropriately aggressive behavior:
      - [1] Excessive and/or increased use of force on the job.
      - [2] Unusually high incidences of physical altercations and verbal disputes.
      - [3] Citizen and fellow officer complaints of unwarranted aggression and/or verbal abuse.
    - (b) Domestic-abuse-related issues:
      - [1] Monitoring and controlling any family member or intimate partner through such means as excessive phone calling or stalking.
      - [2] Discrediting and/or disparaging an intimate partner.
    - (c) Deteriorating work performance:
      - [1] Tardiness.
      - [2] Excessive absences.
      - [3] Substance abuse.

- (2) When the supervisor notes a pattern of problematic behavior, the supervisor shall:
  - (a) Address the behaviors through a review or other contact with the officer and document all contacts.
  - (b) Forward documented problematic behavior to the Chief of Police through the chain of command in a timely manner.
  - (c) If problematic behavior is observed that rises to a level where it is affecting the officer's ability to perform his/her duties as a police officer, the supervisor will prepare and submit a written report to the shift commander and the Chief of Police requesting administrative intervention.

D. Mamaroneck Village police officer responsibilities.

- (1) Officers are encouraged to take personal responsibility to seek confidential assistance from the Department and/or the Employee Assistance Program to prevent a problem from escalating to the level of criminal conduct.
- (2) Officer who engage in any of the following will be subject to administrative and criminal investigation:
  - (a) Failure to cooperate with the investigation of a police officer domestic abuse incident.
  - (b) Interference with cases involving themselves or fellow officers.
  - (c) Intimidation/coercion of witnesses or victims.
- (3) Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately notify their supervisor and provide copies of notice of the court date and time, appearances and proceedings.
- (4) Officers who learn they are the subject of a protective order, regardless of jurisdiction, shall immediately notify their supervisor and provide the Department of a copy of the order.

**§ PI325-26. Incident response protocols.**

A. Departmental response:

- (1) All reports of possible criminal activity implicating police officers in domestic abuse shall be documented in accordance with state statute and the policies governing the handling of any domestic abuse situation.
- (2) A copy of the report detailing the possible criminal activity implicating an officer in domestic abuse shall be directed to that officer's supervisor and the Chief of Police.

B. Patrol response:

- (1) Upon arrival on the scene of a domestic abuse incident involving a police officer, the arriving officers shall, as soon as practical, request that a supervisor be sent to the scene, regardless of whether the involved officer is a member of the Mamaroneck Village Police Department or another law enforcement agency.
- (2) The responding officers shall perform the following:
  - (a) Request medical assistance, if needed;
  - (b) Address the immediate safety of all parties, including children;
  - (c) Secure the scene and preserve evidence;
  - (d) Note all excited utterances, admissions and/or incriminating statements;
  - (e) Make an arrest if probable cause exists.

C. On-scene supervisor response:

- (1) A supervisor shall report to the scene of all police officer domestic abuse situations, regardless of the involved officer's jurisdiction.
- (2) The supervisor shall complete a report as to the circumstances of the incident.
- (3) The on-scene supervisor shall assume command ensuring that the crime scene is secured, that statements are obtained from victims and witnesses, that all evidence is collected and that a thorough investigation is conducted. Photographic documentation of the parties involved and the scene shall be recorded.
- (4) In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
- (5) The supervisor shall see to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed and those interviews should be separate from other parties.
- (6) If the offender, the victim or both have left the scene, the supervisor shall attempt to locate them and follow through on the investigation.
- (7) When a Mamaroneck Village police officer is arrested, the supervisor shall relieve the accused officer of his/her service weapon.
- (8) In all instances of police officer domestic abuse where a decision not to arrest, based on a lack of probable cause, has been made, the on-scene supervisor shall complete a detailed written Incident Report.
- (9) The on-scene supervisor should consider the relationship of the officers conducting the investigation to the officer involved in the domestic abuse incident. In order to prevent any conflict of interest the on-scene supervisor may wish to have other officers and/or supervisors assist with the initial investigation.

- (10) The on-scene supervisor shall as soon as practical notify the involved officer's shift commander and the Chief of Police of the incident.
- (11) The on-scene supervisor shall ensure the victim is informed of or provided the following:
  - (a) The availability of an on-scene advocate.
  - (b) Confidential transportation to a shelter or any other location that ensures victim safety.
  - (c) Procedures for obtaining restraining and/or protective orders.
  - (d) Judicial process and victim rights.
  - (e) Information on community resources and local domestic violence victim advocacy organizations.
  - (f) All other notifications as required by law.

D. Additional considerations:

- (1) When responding to a domestic abuse incident involving a police officer from another jurisdiction, the same procedures as those set out in Subsections A, B and C of this article shall be followed. The on-scene supervisor shall notify the highest ranking member of the accused officer's Department or their designee. All notifications and attempts to notify shall be fully documented.
- (2) In the event that the reportable domestic abuse incident involves the Chief of Police of the Mamaroneck Village Police Department, the supervisor shall notify the Westchester County District Attorney's Office and the Mayor of the Village of Mamaroneck.
- (3) In responding to domestic abuse situations where the victim is a police officer, standard domestic abuse response and investigation procedures should be followed.
- (4) In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and primary physical aggressor are determined, an arrest should be made.

E. Department follow-up:

- (1) Given the circumstances of the incident and to prevent the appearance of a conflict of interest, the investigation may be turned over to an outside agency. This decision will be made by the Chief of Police or designee.
- (2) In a timely manner the Chief will ensure that officers who responded to a police officer domestic abuse call are debriefed. The debriefing shall include the following:

- (a) A review of Department confidentiality guidelines.
- (b) A direct order prohibiting discussion of the incident outside of the official inquiry.
- (c) A clear delineation of assignments.
- (3) If an arrest warrant charging a Mamaroneck Village police officer with a domestic-abuse-related crime or a civil protective order is issued at a later time and is to be served by the Mamaroneck Village Police Department, it shall be served by no fewer than two officers with at least one being a supervisor of the rank of Sergeant or above the rank of the officer being served.
- (4) On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.

**§ PI325-27. Victim safety and protection.**

- A. The Department shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
- B. The Chief of Police or designee shall designate a principal contact for the victim. That departmental contact shall within the confines of departmental policy and open records laws assist the victim throughout the investigation.
- C. All officers shall be aware of the possibility of victim/witness intimidation or coercion and the potential of increased danger to the victim when they leave an abusive partner.
- D. If an officer has any information that intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report and immediately deliver it to his/her supervisor. The supervisor shall forward the report to the investigator in charge of the case and the Chief of Police. Given the possibility that a victim may recant or choose not to participate in court proceedings, supplemental evidence should be sought out and preserved.

**§ PI325-28. Post-incident administrative and criminal decisions.**

The Department shall conduct separate administrative and criminal investigations of alleged incidents of police officer domestic abuse in a manner that maintains the integrity of both investigations and promotes zero tolerance. If the facts of the case indicate that domestic abuse has occurred or any departmental policies have been violated, administrative action may be taken separately and distinct from any criminal proceedings. The Department will adhere to all necessary protocols to ensure an accused officer's departmental, labor association and legal rights are upheld during the administrative and criminal investigations. Pending the administrative and criminal investigations for alleged acts of domestic abuse and/or violation of departmental policies, the Department may assign the accused officer to administrative duties.

A. Administrative investigation and decisions:

- (1) The responsibility to complete the administrative investigation of a police officer domestic abuse incident shall rest with the Criminal Investigations Division of the Department. The Chief may ask an outside law enforcement agency to conduct the administrative investigation.
- (2) When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the Department or engaged in actions intended to interfere with the investigation, the Department shall investigate those officers.

B. Criminal investigations and decisions: The Chief of Police may request an independent agency conduct the criminal investigation. If the investigation will be conducted by the Mamaroneck Village Police Department the responsibility shall rest with the Criminal Investigations Division.

- (1) If additional criminal activity is found to have occurred it shall be documented separately, assigned a case number, and investigated thoroughly.
- (2) The Department shall completely investigate the charges and where warranted seek prosecution even if the victim recants.

C. Disciplinary procedures:

- (1) If there is just cause to discipline an officer, the Chief of Police will do so in accordance with departmental practice and state law.
- (2) Federal law prohibits anyone convicted of a qualifying misdemeanor domestic abuse crime from possessing firearms. The Department shall ensure compliance with federal law.

## **Chapter A401**

### **RULES AND REGULATIONS**

#### **Governing the Police Department of the Village of Mamaroneck, New York**

For the government, discipline, administration and disposition of the Police Department of the Village of Mamaroneck, New York, promulgated and made effective on this the 25th day of January, 1999.

Pursuant to authority under the laws of the State of New York, the Board of Trustees has drafted the following rules and regulations and at a regular Village Board meeting held January 25th, 1999, has adopted the same to become effective immediately. These rules and regulations are to be enforced by the Chief of Police of said Village.

It is the duty of all members of the Police Department to become familiar with the material herein contained, that there may be no misunderstanding as to their responsibilities and to obey these rules and regulations as governing the Village of Mamaroneck Police Department.

#### ***Police Commission***

Mayor Joseph Lanza

Trustee Walter Rogers

Trustee Martha McCarty

Trustee Michael Sudano

Trustee Phillip Trifiletti

Chief of Police Edward Flynn

Village Attorney James Nolletti

## VOMPD MANUAL OF PROCEDURE

### ARTICLE I Definitions

- 1-1. Board of Trustees. The Mayor and the Trustees of the Village of Mamaroneck shall constitute the Board of Trustees thereof.
- 1-2. The Board of Trustees acting as Police Commissioners may make, adopt and enforce rules, orders and regulation for the government, discipline, administration and disposition of the Police Department of such Village, and the members thereof (Section 199-q Village Law).
- 1-3. Department. The term "Police Department" or "Department" means the Department of Police of the Incorporated Village of Mamaroneck, Westchester County, New York and such term includes the term "police force."
- 1-4. Force. The term "police force" or "force" includes all members of the Police Department who have taken the oath of office and who possess the police power of arrest.
- 1-5. Member. Any employee of the Police Department of the Village of Mamaroneck, including the Secretarial Staff and the Marine Unit Bay Constables.
- 1-6. Pronouns. All pronouns include the masculine and feminine gender unless otherwise specified.
- 1-7. Superior officer or supervisory officer. The term shall apply to any Lieutenant, Sergeant, or other person designated as being in a supervisory capacity, and/or charged with authority or supervision.
- 1-8. On duty. Hours specifically assigned to a member or any time involved serving during a police emergency even though a member was not specifically assigned.
- 1-9. Laws and ordinances. Those laws, ordinances and regulations which are federal, state, county or local, the enforcement of which is the responsibility of the Department.
- 1-10. Post. Shall be designated as patrol, traffic or special post; patrol posts include all posts patrolled by foot, bicycle, motor vehicle or boat.

### Rules to be Enforced

- 1-11. It is the duty of a superior officer to recommend that reports of charges be prepared against a subordinate for violations of anyone or more of these rules and regulations.
- 1-12. Charges shall be prepared as required by law, ordinance, and appropriate orders by the Chief of Police and submitted to the Board of Trustees.
- 1-13. The Rules and Regulations of the Mamaroneck Police Department shall apply to all members of the Department.
- 1-14. Penalties for violations of these rules shall be determined as authorized by law, ordinance, and as the Board of Trustees may direct.

## **RULES AND REGULATIONS**

### **ARTICLE II Organization**

- 2-1. The Chief of Police shall be the Chief Executive Officer of the Police Department. He shall be subject to the orders of the Board of Trustees of the Village of Mamaroneck and is subject to its direction and approval, and regulation of operations and practices. He shall be responsible for the prevention of crime and the preservation of order within the Village, and for the enforcement of all laws and ordinances within his jurisdiction. He shall have direct supervision over the entire Police Department and shall have power to issue such orders to his subordinates as he may deem proper. He shall be responsible for the good order, training, efficiency and discipline of the police force under his command and for the enforcement of these rules.
- 2-2. Executive Officer will be designated by the Chief of Police to assist the Chief of Police in the daily operation of the Police Department and shall have assignments by and report directly to the Chief of Police. He shall be the superior officer in charge of the Police Department, when the Chief of Police is not present, except where the Chief of Police orders otherwise.
- 2-3. Each Lieutenant shall be directly under the Executive Officer in the chain of command. Each Lieutenant will have both administrative and patrol duties and responsibilities as designated by the Chief of Police. Each Lieutenant shall ensure that all directives, policies, commands, rules and regulations, and General Orders are understood, obeyed, and achieved by their subordinates. Each Lieutenant shall ensure that each member of the Department is properly fit for duty, trained and carrying out his duties to the best of his ability. Each Lieutenant shall ensure that all sergeants are properly supervising their subordinates and that each Sergeant efficiently performs all of the tasks required during his tour of duty. Each Lieutenant shall enforce obedience and discipline, and shall report promptly in writing to the Chief of Police any violation of these rules and regulations or any other dereliction on the part of any member of the force. Each Lieutenant shall set an example of sobriety, discretion, industry, neatness and promptness to the personnel under his command.
- 2-4. Each Sergeant shall ensure that all directives, policies, commands, rules and regulations and General Orders are understood, obeyed, and achieved by his subordinates. Each Sergeant shall ensure that all members of his command are properly fit for duty and carrying out his duties to the best of his ability. Each Sergeant shall set an example of sobriety, discretion, industry, neatness, and promptness to the personnel under his command. He shall promptly and completely, in writing, through channels, to the Chief of Police, report any violation of these rules and regulations and other dereliction on the part of any member or the force.
- 2-5. The senior officer on duty shall be the superior officer in charge unless other assignment is made.

## VOMPD MANUAL OF PROCEDURE

- 2-6. Seniority shall be determined, first by rank and second by continuous service in that rank in the Village of Mamaroneck Police Department. The order of rank of the members of the Police Department shall be as follows:

Chief of Police

Executive Officer

Lieutenants

Sergeants

Officers

## **RULES AND REGULATIONS**

### **ARTICLE III Administration and Control**

#### **3-1. The Chief of Police:**

- 3-1.1. Shall manage and control the Police Department, its officers and members, in accordance with the rules of the Department, laws of the nation, laws of the state, laws of the county, Village ordinances and orders of the Board of Trustees.
- 3-1.2. Shall be kept informed of the affairs of his Department, and be assured that the duties of his subordinates are properly discharged.
- 3-1.3. Shall make such recommendations to the Board of Trustees for the appointment, promotion, retention, discipline, and removal of members of the Department, as are required by the Board of Trustees, by law, or by these rules and regulations.
- 3-1.4. Shall submit such reports and in such form as the Board of Trustees may direct.
- 3-1.5. Shall be answerable for such management of the Department that the purposes for which the Police Force is maintained are realized in the greatest measure consistent with the factors involved.
- 3-1.6. Shall establish such posts, patrols, and assignments as will most adequately perform the police function with the personnel and equipment available.
- 3-1.7. Shall be responsible for the protection and maintenance in good condition of all offices, buildings, equipment, books, records and other property belonging or assigned to the Police Department. He shall take such steps and issue such orders as are necessary to fulfill this responsibility.
- 3-1.8. Shall forward to the Board of Trustees a written report of any disciplinary charges, violations of these rules and regulations, or any case of misconduct by any member of his command.
- 3-1.9. The Chief of Police may excuse for one tour of patrol duty a member of the Department who performs any exceptional act or deed of particular merit, which in his opinion deserves recognition.
- 3-1.10. The Chief of Police may, in his discretion, suspend from duty with or without pay, and report to the Board of Trustees, any member or employee of the Department for any violation of the rules and regulations or for any insubordination.

#### **3-2. Superior officers:**

- 3-2.1. Shall exercise such administrative and command authority, and supervise such Department work, as their superior may assign from time to time.
- 3-2.2. Shall superintend the activities of all subordinates, and confer with immediate subordinates daily when possible.
- 3-2.3. Shall require from subordinates a proper attitude of respect and obedience.

## VOMPD MANUAL OF PROCEDURE

- 3-2.4. Whenever it appears that a subordinate is ignorant of his duties, is performing them improperly, or if the subordinate is mentally or physically incompetent or unfit for police duty, superior officers shall report the facts in writing to the Chief of Police.
- 3-2.5. Shall make such personal inspections as will be sufficient to keep him thoroughly informed of conditions and to determine whether all men of his command are efficiently performing their duties; and shall take suitable action to correct any violation of orders, rules, procedures, regulations or derelictions of duty he may observe. Superior officers shall note all noncompliance with the laws and ordinances, and all other matters requiring the attention of the police.
- 3-2.6. Shall, in the absence of his superior, unless otherwise provided, perform all the duties of the superior as the exigencies of the police service require, subject to the same rules and orders of the superior.
- 3-2.7. Shall report in writing, through channels, to the Chief of Police, cases of misconduct, insubordination, neglect of duty, unfitness for duty, or violations of the rules, orders or laws.
- 3-2.8. Shall assure themselves that property recovered or held by the police, or taken from prisoners, is properly handled in accordance with the Manual of Procedure.
- 3-2.9. Shall ensure that all subordinates under their command perform all required duties properly, effectively, and efficiently and in accordance with all laws, rules, regulations and procedures.
- 3-2.10. Shall promptly take action on any violation of rules orders or procedures, failure in performance of duty, or breach of discipline by members under their command, and shall report through channels to the Chief of Police any violations of the above and any complaints lodged against a member by a citizen. Said superior shall ensure that all civilian complaints are handled strictly according to the Manual of Procedure and with the utmost sensitivity to the complainant.
- 3-2.11. Shall, under the general direction and supervision of the Chief of Police, assume duties as officer in charge of a tour when designated by schedule, or assignment by the Chief of Police. If no assignment is made the senior officer shall be the officer in charge.
- 3-2.12. Shall, as officer in charge, be responsible for conduct of and observance of rules and regulations by all members working on his tour; shall relieve from duty or suspend any member or employee unfit for duty on his tour and report his action as soon as practicable to the Chief of Police.
- 3-2.13. Shall, when acting in the absence of or for the Chief or superior, carry out the orders and policies of the Chief or superior, and shall not countermand or revise such orders except in an emergency. A full report shall be prepared for each order countermanded or revised, for submission to the Chief or superior officer at the earliest opportunity.
- 3-2.14. Shall, as officer in charge, have authority to assign any member to duty or task requiring attention on his tour if in his opinion such action is necessary.

## RULES AND REGULATIONS

- 3-2.15. Shall, as officer in charge, call all pertinent information requiring further information developed on his tour to be transmitted to appropriate Department personnel as soon as practicable consistent with the seriousness of the incident.
- 3-2.16. Shall receive from the officer in charge relieved and pass on to the officer in charge relieving him any information concerning special assignments or duties, or any case to be worked on, or any other information which might assist in the proper function of the Department.

### **3-3. Executive Officer:**

- 3-3.1. Shall assist the Chief of Police in the management and control of the Department, its officers and members, in accordance with the rules of the Department, laws of the nation, laws of the state, laws of the county, Village ordinances and orders of the Board of Trustees.
- 3-3.2. Shall be kept informed of the affairs of the Department, and be assured that the duties of his subordinates are properly discharged.
- 3-3.3. Shall in the absence of the Chief of Police assume command of the Police Department unless otherwise directed by the Chief of Police. While in command of the Department he shall actively communicate with the Chief of Police about unusual occurrences, disciplinary matters, or any other matter of importance.
- 3-3.4. Shall perform administrative and patrol responsibilities as assigned by the Chief of Police.
- 3-3.5. Shall submit reports and in such form as the Chief of Police may direct.

### **3-4. Police Lieutenant:**

- 3-4.1. Shall be held responsible for the preservation of peace, the prevention and detection of crime and the enforcement of federal, state and county laws, and Village ordinances in the Village during his tour of duty.
- 3-4.2. Shall have general supervision and direction of all members on duty.
- 3-4.3. Shall perform administrative and patrol responsibilities as assigned by the Chief of Police.
- 3-4.4. Shall be responsible for the training of all Police Department members. This shall include at a minimum an annual training plan, the maintenance of training records of all Department members, the maintenance of lesson plans and the reporting to the Chief of Police of recommended training improvements. Shall report to the Chief of Police any member who has not successfully passed a required training regimen. Shall ensure that any member who has not successfully passed a required firearms training session not be permitted to carry a firearm until such member has been successfully trained and qualified. Shall ensure that a cadre of certified instructors are continuously maintained and that the certifications of all instructors are kept current.
- 3-4.5. Shall prepare all reports in Department form as required by the Chief of Police.

## VOMPD MANUAL OF PROCEDURE

- 3-4.6. Shall not permit members, on duty or off, or citizens to congregate unnecessarily in Headquarters. Shall not permit members or citizens in the desk area or other rooms except those regularly assigned. Shall not permit unnecessary congregating.
- 3-4.7. Shall render all necessary or desirable assistance to the members of all other bureaus.
- 3-4.8. Shall actively engage in supervising and controlling subordinate personnel.
- 3-4.9. Shall be constantly alert for evidence of subordinates shirking their duties and responsibilities. Shall ensure all orders, policies and procedures are being adhered to.
- 3-4.10. Shall make inspections at irregular hours of all parts of the Village to observe conditions, and the manner in which patrol is being performed.
- 3-4.11. Shall notify the Chief of Police of any unusual occurrence, grave crime, major fire or catastrophe or civil disturbance.

### **3-5. Officer in Charge of Detective Bureau:**

- 3-5.1. Shall be charged with the supervision of all subordinate members of the Detective Bureau and will be responsible for their general appearance, discipline, and efficiency.
- 3-5.2. Shall be responsible for the proper investigation of all cases assigned to him/her.
- 3-5.3. Shall keep a booking file, which shall contain a record of each prisoner arrested on the charge of having committed a fingerprintable offense.
- 3-5.4. Shall see that any person who is arrested on a charge of having committed a fingerprintable offense is fingerprinted, that copies of the fingerprints are sent to the FBI at the appropriate location and to the Division of Criminal Justice Services in Albany NY; that a copy thereof is provided to be filed at Headquarters.
- 3-5.5. Shall secure and preserve the evidence necessary for a successful prosecution of each case, wherever possible.
- 3-5.6. Shall dress in civilian clothes and keep himself neat and clean and his general appearance shall be business-like and presentable at all times when in public, except when specific police work requires relaxation of this procedure. This applies to all members of his command.
- 3-5.7. Shall report directly to and be under the direction of the Chief of Police. Shall keep the Chief of Police informed of all pending investigations. Shall not execute a search warrant without first advising the Chief of Police or acting Chief of Police of its pending execution. Shall inform the Chief of Police of any outside agency conducting an investigation within Mamaroneck Village jurisdiction. Shall be particularly charged with the investigation of criminal cases in the Village. Shall be responsible to the officer in charge for conduct, observance of rules and regulations, assignment when deemed necessary, and for exchange of pertinent information between divisions within the Department.
- 3-5.8. Shall prepare such reports in such form as designated by the Chief of Police.

## RULES AND REGULATIONS

- 3-5.9. Shall be responsible for the efficient operation of the system of records assigned to him, and for the proper and accurate care and keeping of all such records.
- 3-5.10. Shall keep the Chief of Police informed of any trends in criminal activity.
- 3-5.11. Shall when on vacation, personal leave, or when unavailable for any reason assign a member of the Detective Bureau to be in charge during his absence.
- 3-5.12. Shall permit no member of the Department to search any of the files of the Detective Bureau except such members assigned thereto; and other information, pictures or data on file in the Detective Bureau shall be obtained through the members or employees assigned thereto.
- 3-5.13. Shall treat as strictly confidential any internal investigation conducted under the authority of the Chief of Police.
- 3-5.14. Shall continually appraise the methods and routines employed in the processing of records and information, and forward suggestions to his commanding officer for the improvement and adjustment in the routing that will expedite the process of records.
- 3-5.15. Shall be responsible for the proper filing of all records assigned to him/her, and shall respond promptly to requests by members of the Department for information contained in the system; or to any other agency having the right to obtain such information.
- 3-5.16. Shall not divulge any information that may impede any investigation, nor shall any information be released that is protected because privacy, age, status, or in violation of any individuals civil rights.
- 3-5.17. Shall stay apprised of the current status of the law and insure that his subordinates are so apprised.
- 3-5.18. Shall prepare such daily, weekly, monthly, and annual reports as required by the Chief of Police, and the FBI and New York State reporting systems.
- 3-5.19. Shall be responsible for the issuing of all permits and licenses of which the Department takes cognizance.

### **3-6. Youth Officer:**

- 3-6.1. Shall be assigned by the Chief of Police and shall be under the direct supervision of the Detective Bureau Commander and is particularly charged with the appropriate handling of youth cases. Shall be responsible to the officer in charge of the tour for conduct, observance of rules and regulations, assignment when deemed necessary, and for exchange of pertinent information as required to effect the smooth efficient workflow of the Department.
- 3-6.2. Shall plan, organize and direct activities designed to reduce and prevent youth offenses and crimes.
- 3-6.3. Shall communicate regularly with personnel of school, religious, social service agencies and other civic groups, as well as Police Departments in neighboring communities, regarding youth matters.

## VOMPD MANUAL OF PROCEDURE

- 3-6.4. Shall handle all cases involving juveniles and present such reports as may be required by the Chief of Police.
- 3-6.5. Shall cooperate with the Detectives and uniformed force members in cases involving youths.
- 3-6.6. Shall perform such other duties as may be directed by the Chief of Police.
- 3-6.7. Shall be responsible for maintaining records and files pertaining to work of this office.

### **3-7. Police Sergeant:**

- 3-7.1. Shall promptly and properly execute all orders, rules and regulations; and act upon own initiative in matters not covered by rules or procedure.
- 3-7.2. Shall make available to the members of his command special duties, regulations and orders.
- 3-7.3. Shall see that members under his command comply with all rules and orders, and perform the duties required of them.
- 3-7.4. Shall see that proper care is given the Department equipment through periodic inspection.
- 3-7.5. Shall ensure that all reports filed during his tour of duty are properly completed, signed and filed. Shall ensure that all Desk Officer duties are properly executed during the tour of duty; that entries are correctly and accurately maintained and that communications are handled properly. Shall ensure that all required computer entries are made.
- 3-7.6. Shall properly inform the officer in charge of the next tour coming on duty of all relevant and important information and issues. Shall also advise the officer in charge of the next tour coming on duty of any major significant problems that may have occurred during his tour of duty.
- 3-7.7. Shall promptly respond in a courteous manner and according to the Manual of Procedure to all civilian complaints.
- 3-7.8. Shall instruct his subordinates in their duties and in the proper method of investigation and reporting. Shall assist subordinates when necessary.
- 3-7.9. Shall give particular attention to the member in charge of a post on which an unusually large number of complaints and reports of offenses are received with a view to determine whether or not the member is properly performing his duty.
- 3-7.10. Shall generally patrol the Village, except in the event of an emergency or as otherwise ordered by his commanding officer or the Chief of Police.
- 3-7.11. Shall take charge until relieved by a superior officer at all fires, riots and major crime scenes, and other facets of police incidents, and take such action as the situation requires.

## RULES AND REGULATIONS

- 3-7.12 Shall carefully study and thoroughly understand the Rules and Regulations of the Department and the Manual of Procedure of the Department and it shall be the duty of the Sergeant to report through proper channels to the Chief of Police every violation of the rules and regulations and/or the Manual of Procedure, or any improper conduct of any member of the Department which may come to his attention.
- 3-7.13 Shall constantly keep apprised of the work performance of his subordinates and shall insure subordinates work does not fall below an acceptable standard.
- 3-7.14. Shall ensure that his commanding officer is notified of any grave crime, unusual occurrence or disaster that may occur during his tour of duty.
- 3-7.15. Shall inspect the members of his detail each day, with special reference to neatness, cleanliness of attire and person, fitness for duty, regularity of uniform and equipment, and particular attention to condition of equipment.
- 3-7.16. Shall read, or have read, the daily police blotter, day sheet, and all other relevant and related information, to all members of his detail, calling attention to special problems, special orders that each individual post officer should be aware of.
- 3-7.17. Shall investigate the circumstances of each arrest made by the members of his detail and he will determine that such action is justifiable, before permitting such person to be jailed shall require a report to be made on every matter on which any action is taken by the Department during his tour of duty.
- 3-7.18. Shall be responsible for the safekeeping of all prisoners, and the treatment accorded them during his tour of duty in accordance with the guideline set forth in the Manual of Procedure.
- 3-7.19. Shall render all necessary or desirable assistance to the members of other bureaus.

### **3-8. Police Detective:**

- 3-8.1. Shall be under the direct supervision of the officer in charge of the Detective Bureau.
- 3-8.2. Shall investigate the previous records of any prisoner on any of their cases.
- 3-8.3. Shall continue the investigation on all felonies and misdemeanors referred to them, except those types of offenses that are assigned by departmental orders or regulations to other units.
- 3-8.4. Shall interrogate suspects in custody, recover stolen property, and assure the meaningful preparation of cases.
- 3-8.5. Shall conduct correspondence with other departments and use every specialized means in determining the identity of criminals.
- 3-8.6. Shall participate in the initial investigation, in those cases where he receives immediate notice that a crime has been committed, to the extent the seriousness of the crime and his own availability warrant.

## VOMPD MANUAL OF PROCEDURE

- 3-8.7. Shall perform other duties as assigned by the officer in charge of the Detective Bureau or the Chief of Police or the officer in charge of a tour may prescribe.
- 3-8.8. Each member of the Detective Bureau in making an investigation or inquiry shall be careful not to endanger unnecessarily the reputation of any person who may be the subject thereof or connected therewith.
- 3-8.9. Shall, in the absence of the officer in charge of the Detective Bureau, be responsible to the officer in charge of the tour for conduct, observance of rules and regulations, assignment when deemed necessary, and for exchange of pertinent information with other divisions of the Department.

### **3-9. Desk Officer:**

- 3-9.1. Shall assume post without delay and upon arrival shall inspect radio equipment, telephone equipment, all desk computer systems, and any other relevant equipment for proper operation. Shall immediately report failure of any radio equipment, telephone equipment, any desk computer system and/or any other relevant equipment to the officer in charge of the tour.
- 3-9.2. Shall ensure that all reports, data, computer entries, memo's and messages, logs and all other relevant information is properly checked, filed, and handled according to Department policy and procedure at the end of each tour of duty.
- 3-9.3. Shall ensure that all members of the Department reporting for work are recorded on the sign-in log as to starting time and that any member leaving duty is recorded as to sign-off time.
- 3-9.4. Shall make prompt, accurate and necessary entries of official business on the proper forms and in other departmental records in the manner prescribed for making and keeping such records.
- 3-9.5. Shall courteously interview all complainants appearing at Headquarters and/or contacting the Department by telephone.
- 3-9.6. Shall enter on forms provided, completely and accurately, all cases of sick leave by members of the Department reported to him, and forward same to the duty Lieutenant and the Office of the Chief of Police.
- 3-9.7. Each Desk Officer below the rank of Sergeant shall have, during his assignment, the full power and authority of an Acting Sergeant and shall be governed by the regulations and orders affecting that rank.
- 3-9.8. The Desk Officer's post is at his desk. He shall not leave it during his tour of duty except for personal necessity or urgent police business, and then only when he has placed a competent member of the force in charge during his absence. At the close of his tour, he shall not leave the desk until his relief has arrived and taken charge. The desk, telephone and radio must be manned continuously, night and day, without interruption.
- 3-9.9. Shall supervise the operation of any assistants.

## RULES AND REGULATIONS

- 3-9.10. His appearance shall always be neat and clean. Shall require that the desk area be kept in a neat and orderly manner at all times.
- 3-9.11. Shall during his tour of duty be equipped with either a Department-issued firearm or a Department-approved off-duty firearm, and handcuffs, and wear such equipment on his person in order to meet any emergency.
- 3-9.12. Shall not allow persons to congregate unnecessarily in Headquarters. Shall not permit any persons other than superior officers, proper Village officials, the District Attorney or his assistants, the Medical Examiner or his assistants, a radio repairman or a person assigned to clean Headquarters to enter the desk enclosure, or to use the police telephone, unless authorized to do so by a superior officer.
- 3-9.13. Shall report promptly and completely in writing to the Chief of Police, through channels, any violation of these regulations and any other dereliction on the part of any member of the force.
- 3-9.14. Shall during his tour of duty be responsible for the receipt and forwarding of all telephone and other messages and their proper entry into the record.
- 3-9.15. Shall bring to the attention of the Superior officer all matters of importance, such as unusual occurrences and important messages or conditions requiring his attention.
- 3-9.16. Shall adhere to proper maintenance, care and supervision of all prisoners according to the requirements as set forth in the Manual of Procedure.
- 3-9.17. Shall not permit anyone to personally interview a prisoner, except as prescribed by the Manual of Procedure, and shall enter a record of such interview in the arrest record under remarks giving the date, time, title, and rank or names and addresses of the persons interviewing prisoners.
- 3-9.18. A Desk Officer shall not permit confinement in a cell of a female prisoner with a nursing baby. He shall deliver her into the custody of a matron and the child to a family member. If the child cannot be turned over to a responsible member of the family, Child Protective Services or another appropriate social agency shall be notified.
- 3-9.19. Shall be responsible for the safekeeping and disposition of property taken from a prisoner. Said property shall be inventoried on the proper Department form and vouchered by arrest case number.
- 3-9.20. All monies and valuables delivered to the custody at a member of the force or to other persons authorized to receive the same, or to be conveyed to the Court or elsewhere, shall be receipted for on the proper form. A Desk Officer shall be responsible for the proper disposition of such property and the receipt thereof.
- 3-9.21. Shall turn video monitor on and shall visit the cellblock in accordance with the guideline set by the Manual of Procedure when there is a prisoner confined therein for the purpose of ascertaining that no physical harm has been inflicted by the prisoner upon himself. Officer shall avail himself of any suicidal tendencies of a prisoner, if so, he is to have special attention. (See Manual of Procedure.) All articles of clothing which may be used to inflict bodily injury shall be removed from the prisoner before he is confined to the lockup and placed with other personal property seized, if any. All

## VOMPD MANUAL OF PROCEDURE

records required by the Manual of Procedure for cellblock procedure shall be strictly adhered to.

- 3-9.22. When circumstances permit, not more than one prisoner shall be confined to a single cell.
- 3-9.23. It shall be the duty of the Desk Officer to notify as soon as possible a member of the Detective Bureau of an important case reported and requiring the services of a member of the Bureau.
- 3-9.24. Shall be under the direct control of the superior officer working that tour of duty.
- 3-9.25. Shall operate the police telephone, the fire alarm equipment, the police radio transmitter, computers and teletype in an efficient and professional manner. He is responsible for prompt, efficient, and courteous performance of all tasks. Shall dispatch immediately, without waiting for specific instructions, such officers, ambulances, patrol vehicles, and other equipment as may be needed to deal with all complaints and requests for police assistance that ordinarily require this action.
- 3-9.26. When in doubt as to the procedure to follow in dealing with a call, he shall consult the officer in charge.
- 3-9.27. Shall answer promptly all calls on the telephone in a pleasant and courteous manner, stating his name, rank, and the name of the Department.
- 3-9.28. In the event the complainant reports that criminals are in operation, he shall keep the complainant on the line while dispatching officers, obtaining all details that may be helpful in deploying officers to the scene. Shall inform the complainant that officers are on the way.
- 3-9.29. Shall notify dispatched officers of such information relating to the nature of the crime or incident, as to enable them to take suitable precautions. Shall so advise the officers when such information is not available.
- 3-9.30. Shall record all requests for assistance on which officers are to be sent, and assign proper case numbers as required by Department policy and procedure.
- 3-9.31. Shall transfer the calls to the office charged with providing the service or information requested.
- 3-9.32. Shall notify the proper authorities when any repair or maintenance service is needed.
- 3-9.33. Shall, as Desk Officer, call all pertinent information requiring further information developed on his tour to be transmitted to appropriate department personnel as soon as practicable consistent with the seriousness of the incident. Shall receive from the Desk Officer relieved and pass on to the Desk Officer relieving him, any information concerning special assignments or duties, or any case to be worked on, or any other information which might assist in the proper function of the Department.

## RULES AND REGULATIONS

### 3-10. A police officer:

- 3-10.1. Every police officer in carrying out the mission of the Police Department shall constantly direct his best efforts to accomplish that end, intelligently and efficiently; shall hold himself in readiness at all times to answer the calls, and obey the orders of his superiors. Shall be held accountable for the good order of the post to which he may be assigned to duty.
- 3-10.2. Shall be present at the daily roll call punctually at the specified time and place, properly uniformed and equipped, and shall give careful attention to dispatches, orders and instructions read or issued by his superior officer, unless otherwise directed.
- 3-10.3. Shall, when directed to take his post, proceed without delay and not loiter around the station. Shall remain on post during his tour of duty and not leave, except by direction, permission, or other police business. Shall return to his post as soon as practical. Shall not leave his post before the time set by his superior and upon arrival at the station, shall file all reports required of him/her.
- 3-10.4. Shall patrol his post as directed while on duty. When required to interrupt his regular patrol to give attention to any complaint, call for assistance, arrest of an offender or other police emergency, he shall attend to such duty with business-like dispatch and without unnecessary delay or loss of time, and shall resume the traversing of his post in the regular manner.
- 3-10.5. Shall not refuse to give attention or assistance for the protection of persons or property near his post if called for in any case requiring immediate attention, but shall return to his post as soon as possible.
- 3-10.6. Shall exercise vigilance on his post, investigating all suspicious circumstances, which present themselves.
- 3-10.7. If any window or door is found open at night and during the time that a place of business is closed, he shall report immediately to his superior officer or Desk Officer and be guided by departmental procedures governing the same.
- 3-10.8. Shall acquaint himself with all public vehicles and drivers thereof, permitted to stand on his post. Shall note and investigate, especially during the nighttime, all vehicles, the drivers or occupants of which in any manner may excite suspicion. Shall pay particular attention to motor vehicles of all kinds, observing the numbers and constantly watch and maintain the orderly flow of vehicles at his post with due regard for the safety of pedestrians, and compliance of the drivers thereof with the laws and regulations pertaining to traffic.
- 3-10.9. Shall strictly note the conduct of all suspicious persons, and all persons of known bad character, and make such observations as will enable recognition of them at any time. Shall particularly note their movements, habits, associations, and the premises they enter or frequent. Shall learn the names, residences, occupations of suspicious persons observed by him/her.
- 3-10.10. Shall observe all places and persons known to be, or suspected of, trafficking in illicit liquor, narcotics, or any other form of vice, and in the event he cannot, himself,

## VOMPD MANUAL OF PROCEDURE

furnish sufficient reason to take proper action, he shall report such information promptly to his superior officer.

- 3-10.11. Shall take particular notice of all places and persons on his post engaged in any business or activity which requires a license, and shall report to his superior officer all such unlicensed places or persons and all cases where the provisions of a license are not complied with. He will be prepared to give information to his superior officer relative to the nature of all businesses being conducted on his post.
- 3-10.12. Shall furnish such information or render such aid to all persons when requested as is consistent with his duties.
- 3-10.13. Shall, at all times, when in uniform, keep his badge and name tag in sight and give his name and badge number in a respectful manner when requested.
- 3-10.14. If required to be absent from his post, he shall notify the Desk Officer of his absence. When returning to his post after having been required to leave it temporarily for any purpose, shall immediately notify the Desk Officer of his return and inspect his post with great care to ascertain whether any crime or depredation has been committed during his absence.
- 3-10.15. Shall make himself thoroughly familiar with the Village of Mamaroneck, including routes of buses, the location of streets, public buildings, and places, courts, transportation depots, highways, boundaries and such other knowledge pertaining to the government of the Village of Mamaroneck, and the institutions thereof as will enable him to render intelligent and helpful information and assistance when requested.
- 3-10.16. Shall report before roll call, in time sufficient to gather all pertinent material and information to properly perform his duties and shall read or listen to all the dispatches and bulletins taking proper notice of persons wanted and their descriptions, descriptions of stolen property, stolen cars, and other information in connection with the performance of his duty.
- 3-10.17. Prior to completion of his tour of duty a police officer shall submit any reports that are required by his superior officer and all other reports required as the result of assignments directed to him during his tour of duty. No report shall be considered complete or properly submitted until reviewed and approved by a superior officer.
- 3-10.18. A police officer assigned to a traffic post or street intersection for the purpose of regulating traffic is especially charged with attempting.
- 3-10.19. Shall not use uncivil or angry remarks, and reprimanding of traffic violators in an abusive and spectacular manner will not be tolerated.
- 3-10.20. A police officer assigned to a traffic post shall not leave his post during his hours of duty without permission, except in cases of emergency, or when properly relieved by another officer, or in case of personal necessity; and when so leaving shall notify the Desk Officer, if practicable. A police officer assigned to a traffic post shall actively engage in traffic control and not stand on the side of the street, remain in a vehicle or otherwise perform in a passive manner. In addition a police officer shall wear his uniform hat while engaging in traffic control.

## RULES AND REGULATIONS

- 3-10.21. No member of the force on foot patrol or bicycle patrol shall patrol in a car or other conveyance, except in an emergency, or as otherwise directed by a superior officer. No member on motorized patrol shall permit an officer on foot patrol or bicycle patrol to ride or sit in their vehicle except for authorized law enforcement function. No member of the force shall permit any unauthorized person to sit or ride in a police vehicle except for legitimate, authorized law enforcement function.
- 3-10.22. Shall write summonses in ink; shall, at the end of the tour of duty in which any summons is issued, file information as required.
- 3-10.23. Shall, when assigned to a school crossing, church crossing or any other related pedestrian crossing detail, be responsible for the safety of the school children and any other pedestrians at his assigned crossing, as well as the smooth flow of traffic. for such as having been stolen or which have been used in the commission of a crime, or are not properly licensed or legally equipped.

## VOMPD MANUAL OF PROCEDURE

### ARTICLE IV General Duties and Orders

- 4-1. Each member shall have a thorough understanding of the rules and regulations, policies, Manual of Procedure, daily orders, commands, and mission of the Police Department. Each member shall perform the daily tasks required in an efficient and effective manner and in accordance with the guidelines of the Police Department.
- 4-2. Each member of the force shall, at all times of the day and night, protect life and property, prevent and detect crimes, arrest offenders, preserve the public peace, enforce all laws and ordinances over which the force has jurisdiction, and render such service to the public as is consistent with good police practice.
- 4-3. Shall cooperate with the Chief of Police, superior officers, and other member of the Department in the prevention and detection of crime, and for the arrest of criminals. In order to secure such cooperation and unity of action in the Police Department, each member shall report in writing through proper channels to the Chief such information as he may possess or obtain relative to suspicious persons and places, or any occurrences or circumstances in any way bearing upon any crime that may have been committed, or that may be of any assistance to the Department leading to the arrest of any criminal. Any member of the force intentionally keeping back such information or failing to report the same through proper channels to the Chief in writing shall be deemed negligent in his duty; and upon conviction after trial, be liable to dismissal or such other punishment as the Board of Trustees may inflict. Departmental recognition within the scope of the Department will be offered for valuable information received.
- 4-4. Each member shall check the official bulletin board and day sheet for orders before each tour of duty. On any tour of duty he shall be responsible for obeying all orders posted before that tour begins.
- 4-5. Each member of the Department shall perform the tours of duty prescribed by the Chief of Police. Duty rosters and notices to report have the force of orders.
- 4-6. An order of a court having proper jurisdictional authority directed to any officer of the Department shall be obeyed and have the force of an order.
- 4-7. Conduct of members, whether on or off duty, shall be such as to merit the confidence and respect of the public.
- 4-8. All members shall report all crimes which may come their attention to their superior officer, and shall record them as the Chief of Police shall direct.
- 4-9. A police officer shall promptly obey an order from a superior officer which is not in conflict with the law, ordinance, department rule or order. He may request that the order be directed to him in writing. Such request shall not impede, interfere with or otherwise prejudice the work of the Police Department.
- 4-10. A proper order by a superior officer, though transmitted by a subordinate, shall yet be obeyed.

## RULES AND REGULATIONS

- 4-11. All members of the force shall preserve the peace and secure good order within the Village of Mamaroneck and to that end shall enforce and require subordinates to enforce all laws, ordinances, orders of the Board of Trustees and the Chief of Police.
- 4-12. A member of the Department shall not sleep while on duty.
- 4-13. A member of the Department shall not drink intoxicating liquors while on duty or in uniform.
- 4-14. No member of the Department shall use dangerous drugs or narcotics as defined in the Public Health Law, except as directed by a duly authorized physician.
- 4-15. No member of the Department shall record or tape any communication, conversation, telephone call or any other communication of another member of the Department without his knowledge, unless such taping or recording has been authorized by the Chief of Police. Any violation of this section will be considered a serious offense and be dealt with accordingly. No member shall listen to, record from, retrieve or transfer to a third party any communication recorded on the Department's recording system unless authorized to do so as per the guideline set forth by the Manual of Procedure.
- 4-16. Each member of the Department shall refer to superior officers by their titles, i.e., Chief, Lieutenant, Sergeant.
- 4-17. Members of the Department shall report for duty not later than 15 minutes before the hour of the tour they are scheduled to work.
- 4-18. A member of the Department will be fit for and subject to duty at all times, except when on sick report.
- 4-19. A member of the Department shall obey the laws and ordinances which he is obliged to enforce.
- 4-20. A member of the Department shall promptly mark for future identification and, if necessary, secure against tampering all articles of value as evidence that are obtained in connection with a case, and deposit same with the Desk Officer who will be responsible for its safekeeping and turned over to the Records Bureau (Detective Bureau) in accordance with the Manual of Procedure.
- 4-21. A member of the Department shall not smoke in any police vehicle or any police facility.
- 4-22. A member of the Department shall not wear, carry or use any article of uniform or equipment unless it conforms strictly to the specifications thereof as prescribed by the Chief.
- 4-23. A member at the Department on duty shall be completely and properly uniformed and equipped according to his rank and the service or duty to which he is subject or assigned, except when engaged in special duty, a member of the force may be permitted, with the approval of the Chief, to wear civilian clothing.
- 4-24. A member of the Department is personally responsible for the proper and authorized use of his uniform and equipment.

## VOMPD MANUAL OF PROCEDURE

- 4-25. A member of the Department shall when reporting for duty be neat in appearance. Uniforms shall be kept cleaned and pressed and shall conform with Department rules and regulations and the Manual of Procedure regarding regulation of uniforms and equipment. Shoes shall be kept shined. Uniforms shall be worn securely buttoned and zippered when on patrol and in view of the public.
- 4-26. A member of the Department shall be clean shaven. A mustache may be worn, but shall be neatly trimmed and may not extend below the corners of the mouth.
- 4-27. A member of the Department on patrol shall be equipped with the following regulation equipment:
- A. Note pad or book;
  - B. Pen;
  - C. Baton;
  - D. Firearm of Department specifications fully loaded;
  - E. Extra cartridges;
  - F. Police whistle;
  - G. Handcuffs and key for same;
  - H. Moving violation summons, parking summonses, and Village ordinance violation summonses;
  - I. Holster with belt;
  - J. Key to traffic light;
  - K. A reliable watch;
  - L. Flashlight;
  - M. Name plate;
  - N. Badge;
  - O. OC spray;
  - P. Portable radio in an issued case;
  - Q. Issued protective body armor; and any other related equipment as prescribed by the Manual of Procedure.
- 4-28. A member of the Department shall carry his shield at all times. When in uniform he shall display it on his outermost garment over the left breast and similarly if at any other time it is necessary for him to establish his official identity. Members of the Detective Bureau assigned to special duty on a public street or highway shall wear his shield on his outermost garment.

## RULES AND REGULATIONS

- 4-29. A member of the Department shall neither wear, use, display, or have in his possession a police shield or other similar authority except that to which he is entitled.
- 4-30. The police equipment of each officer shall be inspected by the superior officer on a regular basis.
- 4-31. The Board of Trustees shall furnish the officers and members of the force such articles of uniform and equipment as are prescribed for his rank and for the service or duty to which he is subjected or assigned.
- 4-32. Each member of the Department will be furnished with a copy of the rules and regulations and the Manual of Procedure of the Department and have them readily available for reference.
- 4-33. Except when necessary in the performance of police duty, members of the force shall not carry packages, bundles, canes, or like impediments, while in uniform.
- 4-34. A member of the Department, whether on or off duty, shall assist a fellow officer, citizen or other person on request or on apparent need in any criminal matter.
- 4-35. A member of the Department shall immediately report to the Chief of Police, the loss of, damage to or unserviceable condition of police equipment through proper channels and on proper Department forms.
- 4-36. At the start of each tour of duty a member of the Department shall inspect for damage and serviceability any police vehicle and any equipment assigned to him/her and complete a proper Department inspection form and shall, prior to use, report any such damage or unserviceability to the Chief of Police or his superior officer as soon as practicable on proper Department forms.
- 4-37. A member of the Department will operate a Department vehicle to which he is assigned in such manner as to avoid injury to person, damage to the vehicle he is operating, and other personal property, in accordance with the Manual of Procedure.
- 4-38. A member shall register with the Department on proper forms all personal firearms capable of being concealed on person. If loss or theft of any such weapon occurs, immediate reports will be made to the Department.
- 4-39. A member shall not carry any rifle, shotgun, machine gun or substitute for the regulation service firearm; nor shall he carry any weapon not authorized by the Chief of Police.
- 4-40. A member of the Department shall not unlawfully or unnecessarily use or display a weapon.
- 4-41. A member of the Department shall not be permitted to possess any pistol permits for any firearms he may own.
- 4-42. A member of the Department, on or off duty, shall report as soon as practicable the discharge of a weapon by himself or another: A. Orally and immediately to a superior officer; B. In writing to the Chief of Police without unnecessary delay, except in the case of authorized training, pistol matches, target shooting or hunting under the

## VOMPD MANUAL OF PROCEDURE

provisions of the New York State laws and in accordance with the provisions set forth in the Manual of Procedure.

- 4-43. Complaints against members of the Department shall be reported forthwith by the receiver through channels to the Chief of Police, and in accordance with the provisions set forth in the Manual of Procedure.
- 4-44. No member of the Department shall, without authorization of a superior officer, remove any order, record, information or communication from the day sheet. No member of the Department shall remove, alter or delete any order, record, information, communication, or data from any computer information system without the express permission of a superior officer. No member shall make any unauthorized entry or shall in any way interfere with the Department's computer information system which would impair its efficiency or which is not intended to further a legitimate law enforcement function.
- 4-45. A member of the Department shall report to the officer in charge any violation of the rules and procedures which he observes, or of which he has knowledge. A member of the Department found guilty of any violation of the rules and procedures or convicted of a crime will be disciplined in accordance with § 199-r and related sections of the Village Law and/or state Law.
- 4-46. A member of the Department reporting any violation of the rules and procedures which he oversees, or of which he has knowledge, shall be prepared to sustain such charges. The willful making of false or unsubstantiated charges will be considered a violation of the rules and regulations. Failure to report any violation of the rules and regulations or a departmental order will be considered a violation of the rules and regulations.
- 4-47. Any member making a correction on any handwritten record shall draw a neat line through or across the matter to be corrected and substitute the correction, writing his signature and noting his rank in connection therewith.
- 4-48. No member shall knowingly make an entry of any false statement or any irrelevant note on any police record.
- 4-49. No record of the Department shall be removed from Headquarters except for use in authorized legal proceedings or for use by proper Village officials.
- 4-50. All unusual occurrences, streetlights out, obstructions, doors found open, broken windows, hazardous conditions noted by a member while on duty shall reported to the Desk Officer forthwith and recorded via proper Department form or report.
- 4-51. A member of the Department shall not give to another member information of an official nature known to the giver to be false or misleading.
- 4-52. No member of the Department shall make any communication about or concerning any other member of the Department or about or concerning the Department itself, which may in effect disrupt the workplace or which might have a negative impact on the efficiency of the Department. This rule/regulation is in no way intended to inhibit a member from engaging in the free exercise of communication on matters of public concern, where the "public concern" element of the communication outweighs the detrimental effect the message may have on the Department.

## RULES AND REGULATIONS

- 4-53. Members of the Department shall observe the strictest economy in the use of equipment and supplies and shall be responsible for the prudent and economical use of all expendable property used by the Department. Shall determine that such property belonging to the Village of Mamaroneck is not damaged or used for private purposes.
- 4-54. No member shall sign or attach his name to any communication which directly or indirectly pertains to police business, except with the consent of the Chief at Police.
- 4-55. A member of the Department, excepting in transacting personal affairs, shall not recommend or suggest the employment or purchase of any particular professional or commercial service or product.
- 4-56. A member of the Department shall not incur a liability chargeable to the Village of Mamaroneck without the knowledge and consent of the Chief of Police.
- 4-57. A member of the Department shall not use his office to incur liabilities which he is not able to discharge.
- 4-58. A member of the Department shall not directly or indirectly solicit any intercession to affect his duties or promotions.
- 4-59. No member shall contact the members of the Board of Trustees on any matters affecting the Department or any employee thereof, except through regular channels or in these cases where routine business of the Department requires.
- 4-60. No member shall directly or indirectly intercede with a member of the Board of Trustees for or against any member whose hearing is pending or being heard, except as provided by law.
- 4-61. The Chief of Police may permit members performing similar duty to exchange tours voluntarily when there is no interference with police service. The names of the members and particulars shall be entered on a sign-on entry at the beginning of each tour of duty and shall be subject to the approval of the superior officers on the tours affected.
- 4-62. Each member required to attend any legal proceeding shall present himself at the proper time and place with records and other evidence required for the case. Before attending any legal proceeding for any purpose whatsoever, each member shall report to the police desk either in person or by phone and shall in general explain the nature and circumstances surrounding the proceeding.
- 4-63. Any member required to attend any court proceedings shall be neatly and appropriately attired for such appearance. He shall display his shield on his outermost garment.
- 4-64. No member shall withdraw any complaint without the permission of the Chief of Police.
- 4-65. No member, either on or off duty while in uniform, shall enter any place where alcoholic beverage is sold for consumption on the premises, except in the line of duty.
- 4-66. Each member shall be allowed 30 minutes for meals on each tour of duty. He shall receive permission from the Desk Officer to leave for each meal. He shall notify the Desk Officer when he returns to duty.

## VOMPD MANUAL OF PROCEDURE

- 4-67. Members on duty shall maintain a continuous monitor of the police radios. Radio patrol units shall not be left unattended without notifying the Desk of the location of and reason of same.
- 4-68. A member of the Department shall not bring intoxicants into a Department building, vehicle or room to be consumed in said building or except as evidence, without permission of the Chief of Police.
- 4-69. No member is to transport, in the course of his employment, any prisoner outside the geographic limits of the Village of Mamaroneck without the prior express permission of the superior officer.
- 4-70. No member, shall, in the course of his employment serve a subpoena or court order or other lawful process upon a witness or party to a court action or proceeding, outside the Village of Mamaroneck, without first having obtained the consent and permission of his superior officer.
- 4-71. No member, shall, in the course of his employment, exercise any authority as a police officer of the Village of Mamaroneck beyond the boundaries of such Village, except as hereinabove authorized, unless specific authority is granted to such member by his superior officer or by New York State law.
- 4-72. However, the above rules shall not prohibit a police officer of the Village of Mamaroneck from:
  - 1. Exercising authority as a police officer of the Village of Mamaroneck while a felony is committed or attempted in his presence;
  - 2. Arresting a person who has committed a felony, although not in his presence.
- 4-73. Each member of the Department, excluding the Chief of Police, shall use police vehicles only for police work. He shall not take any police vehicle outside the limits of the Village or cause it to be used in the transportation of passengers other than prisoners, injured or sick persons, police officers in the line of duty, or Village officials, except on order of the superior officer.
- 4-74. A member of the Department shall keep departmental vehicles in public view while assigned to general patrol duty, except when authorized by a superior officer.
- 4-75. A member of the Department shall not pull, push, jump start or tow any vehicle with a departmental vehicle except as authorized by a superior officer or Chief of Police.
- 4-76. A member of the Department shall not alter Department equipment in any way except as authorized by the Chief of Police.
- 4-77. A member of the Department shall tender his resignation at least two weeks before the effective date thereof.
- 4-78. A member shall give at least thirty days' notice of his intention to retire.
- 4-79. Whenever a member of the Department is injured in the line of duty through negligence of a third party and contemplates civil action for damages or the signing of any release

## RULES AND REGULATIONS

from liability, the injured member shall consult the Chief of Police, who is responsible for the interests of the Village in such matters.

- 4-80. A member of the Department shall upon being served with a written notice to do so, file with the Board of Trustees of the Village, within 5 days, a complete financial statement listing his assets, liabilities, statements of revenues and expenses. Upon its appearing to the Board of Trustees of the Village of Mamaroneck that an officer is not willing or is unable to meet his just obligations he may be subject to discipline as provided by the Rules and Regulations of the Mamaroneck Police Department.
- 4-81. Any member of the Department on leaving the Department must return to the Chief all property given by the Village, before he shall receive final compensation.
- 4-82. During the period of suspension a member shall not wear a police uniform, and shall return his badge and firearm to the Chief of Police or superior officer on the date of the suspension notice.
- 4-83. A member of the Department on suspension shall report in person at headquarters once daily, unless otherwise directed by the Chief of Police.
- 4-84. A member of the Department shall submit a written report to the Chief of Police if he is under investigation by any other law enforcement agency, within 24 hours of becoming aware of such investigation.
- 4-85. A member of the Department, who upon being called before a Grand Jury to testify concerning his conduct as a police officer, or his conduct in any public office held by him within five years prior to such Grand Jury call to testify, or the performance of his official duties in any such present or prior office shall, upon appropriate request therefor, sign a waiver of immunity against subsequent criminal prosecution and shall answer any relevant question concerning such matters before such Grand Jury. In the event of the refusal to sign a waiver of immunity or to give testimony as requested above, such member of the Department shall be disqualified from holding any other public office or public employment for a period of five years from the date of such refusal to sign a waiver of immunity or to answer any relevant questions concerning such matters before such Grand Jury, and such member of the Department shall be removed from his present office by the Board of Trustees.
- 4-86. A member of the Department awaiting trial on disciplinary charges shall not be permitted to resign or apply for retirement without the prior approval of the Chief of Police.
- 4-87. No member shall do any shopping while in uniform, unless it relates to Department business or ordered by a superior officer necessary for the Police Department.
- 4-88. All members shall notify the Office of the Chief of Police immediately of any change of address or telephone number.
- 4-89. In the event the Department is in a standby alert, where an anticipated emergency situation may require a full complement of men, each member shall record with the Desk Officer a telephone number where he can be reached. Before absenting himself from the Village or his home, he shall record with the Desk Officer a telephone number and address where he can be reached while away.

## VOMPD MANUAL OF PROCEDURE

- 4-90. Each member shall report for all training at the time set by the Chief of Police or his designee.
- 4-91. A police matron shall have charge of female prisoners, and be responsible for their safekeeping while confined at the station house and arraigned in court. She shall, without unnecessary delay after her arrival at the station house, search female prisoner, and report their physical and mental condition to the superior officer on proper Department forms and in accordance with the provisions set forth in the Manual of Procedure.
- 4-92. A member of the Department shall not visit the matron's or females' prisoner's quarters when occupied by a female prisoner without permission from the Desk Officer in charge, or except in case of emergency.
- 4-93. A member of the Department shall search all male prisoners before placing them in a cell in accordance with the Manual of Procedure.
- 4-94. The loss or misplacement of badge, ID card, service or off-duty firearm shall be considered negligent on the part of a police officer and will be held strictly accountable.
- 4-95. All members of the Department are to cooperate and assist other Village departments, bureaus, agencies, committees, etc., when requested, also to be included: Mamaroneck Fire Department, Emergency Medical Services and neighboring Police Departments.

## **RULES AND REGULATIONS**

### **ARTICLE V Revealing Information**

#### **Restrictions on Revealing Information**

- 5-1. Members shall treat as confidential the official business of the Department.
- 5-2. They shall not make known to any person, including all members of the Department, any order or information they may have received unless it is required by the nature of the order.
- 5-3. Members shall not communicate information which may delay arrest or aid a person to escape, destroy evidence, or remove stolen or embezzled goods. They shall not communicate information regarding an arrest made by them or a case to which they are assigned, or may have knowledge of, except with the consent of their superior officer.
- 5-4. Members shall not communicate information relating to proposed or actual arrests or cases investigated or to be investigated, except through channels or when requested by the District Attorney or his assistant.
- 5-5. Members shall not give any information regarding Police Department business or refer any case to an outside department or agency except through official channels.
- 5-6. Members shall not deliver any address, lecture, speech as an official representative of the Police Department, on any occasion, without the approval of the Chief of Police. Requests for such approval shall be forwarded through official channels.
- 5-7. No member shall act as a correspondent to a newspaper or periodical, nor shall he discuss, publicly or for publication, matters pertaining to police personnel, procedures, or policies without the written authority and approval of the Chief of Police and in accordance with the provisions set forth in the Manual of Procedure.
- 5-8. Members of the Department shall not give statements to the press, radio, or television, relating to cases handled by the Department, except that information which is listed in the official reports of the Department and made available to the press. Statements relating to an investigative nature or policies and procedures of the Department shall not be related to the above agencies without the express permission of the Chief of Police and in accordance with the provisions set forth in the Manual of Procedure.

## VOMPD MANUAL OF PROCEDURE

### ARTICLE VI Restriction on Activities

- 6-1. Members shall not join any organization:
  - A. That is subversive.
  - B. That attempts to interfere with the administration of the police force.
  - C. That might in any way exact prior consideration and thus interfere with efficient and effective operations of the Police Department.
- 6-2. Members shall not solicit funds from the public in behalf of, or in the name of, the Village, The police force, or any organization related to the force without the prior approval of the Chief of Police.
- 6-3. Members shall not use their official position to solicit special privileges for themselves or others such as free admission to places of amusement, discounts on purchases, or other favors. They shall not solicit or accept free meals, refreshments, gifts, or other considerations. An officer may use his badge to obtain admission to any public gathering in the furtherance of his official duty.
- 6-4. Members shall not receive any article whatsoever, whether as a gift or as a result of purchase or trade, from suspects, prisoners, persons recently arrested, or known gamblers, prostitutes, or other persons of bad character or ill repute, or other persons whose vocations may profit from information obtained from the police.
- 6-5. A member of the Department shall not affiliate with any organization, political or otherwise, or become a member of any organization, if such affiliation or membership would in any way interfere with, or prevent him from performing police duty, i.e. Volunteer Fire Department or Emergency Medical Service.
- 6-6. No member of the Department shall accept any outside employment, unless the following requirements are met:
  - A. Application shall be made on forms provided by and turned into the Chief of Police by May 31 each year.
  - B. The application must be approved by the Chief of Police.
- 6-7. Members of the Department shall recognize the provisions of the Code of Ethics of the Village of Mamaroneck Appendix B.<sup>1</sup>
- 6-8. A member of the Department shall not, in his official capacity, authorize the use of his photograph for any advertisement of any commercial enterprise or commodity. He shall not in his official capacity endorse or subscribe such advertisement.

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<sup>1</sup> Editor's Note: Appendix B (the Village of Mamaroneck Code of Ethics) is on file in the Police Department and can also be found in Chapter 21 (Ethics, Code of) of the Code of the Village of Mamaroneck, which is on file in the Village Clerk's office or available online at [www.village.mamaroneck.ny.us](http://www.village.mamaroneck.ny.us).

## RULES AND REGULATIONS

- 6-9. A member of the Department shall not engage directly or indirectly in the forbidden ownership, maintenance or operation of a taxicab, tavern, or retail liquor establishment.
- 6-10. No member of the Department shall be a committeeman, delegate or representative to any political party or convention, or take any active part in any movement for the nomination or election of candidates to public office. Upon days of election of public offices, held under the laws of the state, he shall, whether especially assigned to attend the polls or otherwise, do all within his power to preserve the peace, protect the integrity of the ballot box, enforce the rights of lawful voters, and prevent illegal and fraudulent voting.
- 6-11. Members shall recognize contractual agreements, agreed on by the Village of Mamaroneck Board of Trustees, that specifically refer to amendments to the rules and regulations. They so shall be included.

## VOMPD MANUAL OF PROCEDURE

### ARTICLE VII Sick Leave

- 7-1. Police Department members shall report to the Desk as soon as practicable any on-duty accident or injury to themselves stating the cause of the same and the extent of the injury, no matter whether slight or serious.
- 7-2. A member of the Department shall report sick only when suffering from an illness or injury which would prevent the proper performance of duty. He shall not feign sickness or disability, nor deceive or attempt to deceive a physician or superior officer concerning his physical or medical condition.
- 7-3. When it is necessary to report sick, a member of the force shall do so by telephoning the Desk Officer, if the member is off duty, at least one hour before his tour of duty begins, if at all possible and in accordance with the provisions set forth in the Manual of Procedure.
- 7-4. The Chief of Police or superior officer may, at his discretion, obtain a physician to investigate promptly and report upon the sickness or disability of any member of the force.
- 7-5. A member of the Department reporting sick from outside of the Village shall do so by telephone or telegraph to the Police Chief or other Tour Supervisor. He shall give his location, telephone number, the nature of the disability and the name of his attending physician and his address and the date of his probable return to duty and any other information required by Department sick report forms and in accordance with the provisions set forth by the Manual of Procedure.
- 7-6. A member on sick leave shall not engage in any other form of employment.
- 7-7. When on sick leave a member shall not leave his place of confinement or residence except by permission of the Chief of Police except as required for medical aid, treatment, voting, and religious observances during his scheduled working tour. He shall notify the Desk Officer as to the time he will be away from his place of confinement and the telephone number where he/she can be reached, as well as the location where he is going. He shall notify the Desk Officer of his return to his place of confinement.
- 7-8. A member on sick leave who can engage in limited work, or light duty, shall make this known to the Chief of Police for light-duty assignment.
- 7-9. A member, shall on his return to duty, submit to the Chief of Police in writing on forms provided, an account of sickness or injury.

## **RULES AND REGULATIONS**

### **ARTICLE VIII**

#### **Leave of Absence Without Pay**

- 8-1. The Police Chief may, if deemed by the Police Chief to be in the best interest of the Village and/or the employee, recommend to the Police Commissioners that a leave of absence be granted to a Police Department employee without pay for a period not to exceed one calendar year. Examples of reasons for such leave are educational leave, maternity leave, child rearing leave, child adoption leave, family matters, etc.
- 8-2. All leaves of absence without pay are to be requested in writing as far in advance as possible stating the reason for the leave and the amount of time requested. A reply granting or denying the request shall be given by the Chief of Police within 20 days.
- 8-3. Each request for leave shall be considered separately, not setting any precedent for subsequent requests.
- 8-4. During the period of absence the employee shall not engage in gainful employment. An employee who fails to comply with this provision shall be deemed to have resigned from his employment.
- 8-5. Seniority shall be retained but shall not accrue during such leave. Time on leave shall not be counted in computing service for vacation.
- 8-6. If the employee wishes to continue to be covered for health insurance, life insurance, dental insurance, and optical insurance during his leave of absence, said employee may do so by paying full premiums. Employees must make suitable arrangements with the Clerk-Treasurer's office, and PBA for these payments, if any, before the leave.
- 8-7. Failure to return from leave of absence without pay shall be regarded as resignation from employment.